

ADDRESS: POST-WAR CRIMINAL JUSTICE IN IRAQ[†]

*Captain Travis Hall**

This is indeed quite an honor to be here and talk to you today. The panelists we have heard from so far are great resources of information and they have provided objective comments as to the optimal standards with regards to my area of specialty in Baghdad: the reconstitution of the Iraqi criminal courts. It is humbling, quite frankly, to speak after the former Chief of Staff of the Army, General Eric Shinseki. I only hope that the information I am about to provide you is not a lull in the day, but rather a continuation of the momentum that I have been handed by the panelists and General Shinseki.

I also want to encourage each and every single one of you who is interested in practicing internationally. It is a very rewarding field regardless of what area you pursue, whether it is as a JAG officer, a public international attorney with the federal government, a member of Human Rights Watch, or whether you decide to work in the private sector. You will be richly rewarded in whatever commodity you seek, whether it is materialistic or altruistic. More importantly, our nation, at this time especially, needs its best and brightest to be engaged in these international endeavors.

In order to talk intelligently about what it was really like on the ground in Baghdad in April 2003, you have to talk about the legal context and how Iraqi law works on a theoretical level. When I initially deployed to Kuwait in February 2003, I was on the international law team for V Corps, which was the U.S. land component command for land forces engaged in Operation Iraqi Freedom. Part of the JAG responsibility was planning. At the Corps level, we were strenuously working with issues relevant to post-major combat operations, especially the legal obligations that are triggered upon military

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occupation.¹ That is not to say that we had all the information we wanted or needed, the amount of support we would have preferred, or the required amount of time to get a perfectly coherent and detailed plan together. Nevertheless, the Hague Regulations, in Article 43, states "The authority of the legitimate power having in fact passed into hands of the occupant, the latter should take all the measures in his power to restore and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."²

In modern terminology, we strove for a "safe and secure environment."³ Part of a safe and secure environment requires that we create the mechanism by which the laws of the country can remain in force and the officials of that country can govern their own citizens. The Iraqis know their customs and their laws a lot better than we do. There are going to be persons, groups, and officials that we rely upon, within the parameters of human rights and international law, to carry out the normal functions they had in the previous regime, or as they might under a non-oppressive government. The Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Article 64, says that penal laws shall remain in force and the tribunals of occupied territories shall remain functional.⁴

Obviously, we had a lot to learn about the Iraqi criminal system. Thankfully, a fair amount of open-source work had accumulated prior to 1991.

¹ "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised." Convention (IV) Respecting the Laws and Customs of War on Land and its Annex, Regulators Respecting the Laws and Customs of War of Land, Oct. 18, 1907, art. 42, 36 Stat. 2277, 2306 [hereinafter Hague Regulations]. "Military occupation is a question of fact," and it "must be both actual and effective." THE LAW OF LAND WARFARE, DEPARTMENT OF THE ARMY FIELD MANUAL 27-10, at 139 (1956).

² Hague Regulations, *supra* note 1, art. 43.

³ The term "safe and secure environment" can be a legal standard or a military objective. See, e.g., The General Framework Agreement for Peace in Bosnia and Herzegovina, Dec. 14, 1995, Bosn. & Herz.-Croat.-Yugo., Annex 11, art. I(1), 35 I.L.M. 149, 150 (providing a legal standard for "safe and secure environment" in Bosnia and Herzegovina); News Release, United States Central Command, Coalition and Iraqi Police Work to Make Iraq Secure (May 18, 2003), http://www.centcom.mili/CENTCOMNews_Release.asp?NewsRelease=20030562.txt (describing the Coalition's efforts to create a secure environment in Iraq). Once Coalition forces "occupied" belligerent territory in Iraq, the term "safe and secure environment" most accurately denotes a binding military objective vis-à-vis the body of international obligations that attach upon "occupation."

⁴ Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, art. 64, 6 U.S.T. 3516, 75 U.N.T.S. 287.

However, after 1991, the contemporary information about the Iraqi criminal system was a vine of knowledge that withered until there was no more transparency and very little reliability in the information. So we only knew how it ought to have run. We had very little information about how, in fact, it was running. For example, we knew the jurisdictional outlay of the courts of the country. We knew Baghdad had two appellate courts, divided by the Tigris River into a west jurisdiction and an east jurisdiction. There were five felony courts. We knew how judges were assigned. We knew how prosecutors were assigned to their posts. We knew that defense counsel was supposed to play a role. But we did not know in fact what role defense counsel were playing. We also did not know what records were kept. Would they have records on normal felony courts? Would there be records of the infamous security courts or military courts, those secret courts that were held *in camera* against people for political crimes? Would Coalition forces be able to go into a prison suspected of holding political prisoners and discern from the records who were political prisoners or who were felons? This became extremely complicated and somewhat of a moot point as Saddam released 38,000 people under general amnesty on October 21, 2002.⁵

As far as the criminal justice system in Iraq, in March 2003 we knew it was supposed to run according to a civil law system based upon a French model as codified by the Iraqi Penal Code of 1969 and that criminal procedure was pursuant to the Criminal Procedure Code of 1972. What we did not know was how these laws were in fact followed.

So, when a person was arrested during Saddam's regime, what role did the police have? How was evidence collected? Under Iraqi procedure, investigative judges monitor, almost like a grand jury, the investigation and the progress of the case. A criminal investigator is assigned by the investigative judge to question the accused. The judge subsequently conducts an investigative hearing to review the evidence and, if warranted, questions the accused.

However, under Iraqi law the accused does not have a right to remain silent or a right to an attorney during the investigation phase as those accused of criminal misconduct under U.S. law would. Does this mean Iraqi practice violates international norms of due process? If not, would Iraqi adherence to

⁵ In March 2003 it was still not generally known how many prisoners in fact were released and whether any of the detention centers still held political prisoners. Later news sources cited the number of released prisoners at close to 100,000. See, e.g., Scheherezade Faramarzi, *Saddam's Amnesty Blamed for Iraq's Crime*, ASSOCIATED PRESS ONLINE, May 16, 2003, 2003 WL 55372506. Later, Coalition Provisional Authority Ministry of Justice personnel revised the number to 38,000.

traditional practice violate American norms and principles, therefore potentially exposing U.S. civilian and military leaders administering the affairs of Iraq to domestic liability? Remember, some of the Coalition nations are civil law systems that themselves may not recognize the right against self-incrimination.

This issue was subsequently resolved in June 2003 when Ambassador Paul Bremer, Administrator of the Coalition Provisional Authority (CPA), issued CPA Order Number 7 that, among other things, suspended political crimes and at the same time gave additional due process rights to the accused.⁶ As a consequence, Iraqis were given the right to an attorney at the investigative phase. This order also gave them the right against self-incrimination. This is a clash between something we brought in and what their historic law said. As a matter of practice, the investigator, under the guidance of an investigative judge, would interview the accused and if the accused did not cooperate, that could be considered by the judge in sentencing or as a matter of guilt or innocence.

When those kinds of changes are brought into a system (and I am not saying they are wrong), there are ripple effects. For example, what is the legal consequence if an accused does not have an attorney assigned upon questioning by an investigator? Due to the situation in Baghdad for most of 2003, access to defense counsel was sporadic during the investigation phase except for the most serious offenses. Iraqi criminal procedure does not have evidence motion practice like American jurisprudence. From the date of the investigation hearing until the case referral to the criminal court judge, there is no pre-trial conference for the prosecution and defense to appear in front of the judge. Thus, the accused have no opportunity to petition to suppress confessions based upon a theory of lack of adequate legal representation.

Do the CPA orders create this motion practice? If not, how does the respective appellate court rule on a conviction when there has been an investigative interview without a notice of a right to representation? Of course, this presumes the lack of notice was documented to begin with. What do the appellate courts consider since their appellate system is a documentary review of the case and does not have oral arguments? The appeals court reviews are legal reviews and not a review of the facts. Since there is not a *de*

⁶ *Penal Code*, Ord. No. 7, Coalition Provisional Authority, CPA/ORD/9 June 2003/07 (2003). An order for amendments to the Iraqi Criminal Procedure Code was issued contemporaneously. See *Criminal Procedures*, Mem. No. 3 (revised), Coalition Provisional Authority, CPA/MEM/27 June 2004/03 (2004).

novo review of the facts, does the lack of representation during an investigative hearing automatically mean that the case is remanded, or can the appeals court consider the fact in order to reduce punishment?

As Professor Brooks mentioned, the Iraqis are extremely proud of their legal system.⁷ At our first meeting with Iraqi judicial officials, at Al-Bayaa' Civil Court in late April 2003, their top priority was to reinforce the idea that Iraq had a good legal structure that was based on a system prior to the rise of Saddam Hussein and that it was the same model, more or less, as practiced by civil law countries in Europe. So while most of the legal profession agreed with the suspension of political offenses, they were resistant to any change in their procedural law.

However, when talking about an endeavor the magnitude of the reconstruction of courts in a city of five million inhabitants on the brink of a power vacuum due to a collapse of its government, it takes time to get through the details and to come up with a plan that is based on fact and not necessarily based on your perception of what the system is like. In the meantime, there is an obligation to provide a safe and secure environment, which also means protecting the individual rights of those accused of criminal acts to the extent practical under the circumstances. Therefore, instituting an order guaranteeing the individual rights for a defendant, if nothing else, places Iraqi judicial authorities on notice of raised procedural expectations, even if the details and consequences have to be resolved at a later time.

From March until April 2003, the Coalition wrestled with these tensions: theory and practice; speculation and fact; assumptions and knowledge. What I have not talked about yet is the unknown or unforeseeable, such as the situation the Coalition inherited in Baghdad in April of 2003. While looting and lawlessness is a foreseeable consequence of a collapsing totalitarian government, the magnitude of the wholesale looting and mass destruction of governmental property is incomprehensible until one sees the nature of the damage firsthand. Ninety percent of the criminal courts in Iraq suffered damage to some extent or another.⁸ In Baghdad, most criminal courts suffered catastrophic destruction.

Within the first forty-eight hours that we were in Baghdad, Colonel Marc Warren reorganized his legal staff into a team tasked with assisting in the

⁷ Scott Carlson, Rosa Ehrenreich Brooks & Mariam Nawabi, *Panel 1: Establishing the Rule of Law*, 33 GA. J. INT'L & COMP. L. 119, 130 (2004).

⁸ This statistic was determined by Coalition Provisional Authority Ministry of Justice staff after reviewing court assessments from different judicial assessment teams throughout Iraq.

reconstruction of the criminal courts in Baghdad. This team was called the Judicial Reconstruction Assistance Team, or JRAT.⁹ Our legal team immediately went to see firsthand the damage of the Al-Karkh court complex, which was at the time still smoldering. The records had been torn out of the cabinets, thrown on the floor in big heaps, and burned. Exposed to the elements in the courtyard, there were felony case files that were still somewhat preserved. All of the furniture was stolen. All the wiring for the fixtures, from the walls to the sockets, was looted. There was nothing left but a concrete shell. Unfortunately, many of the governmental buildings suffered similarly.

However, there were two criminal courts that were saved due to quick action by some of the residents of the district where the courts were located: Al-Bayaa' and Ad-Adhamiya. The residents personally secured the buildings and protected them from the mobs. In one court, the senior judge had bricked up the entrance in March 2003, when it was apparent to him that the court would not be opening again until after the war.

These two courts were of incalculable importance, allowing the Coalition to get the criminal justice system restarted in May 2003. The first meeting between senior CPA personnel, the JRAT, and Iraqi judicial officials occurred in late April 2003 at the Al-Bayaa' civil court complex.¹⁰ The purpose of the meeting was to conduct a firsthand inspection of a court that survived looting and destruction. Word spread that Coalition personnel were going to visit the court, so the Coalition was received by approximately 150 Iraqis standing outside the court wanting to know when the courts were going to get back up and running again. The crowd consisted of Iraqi Ministry of Justice employees, as well as members of the community. On that particular day, the Al-

⁹ The JRAT is a non-doctrinal legal team organized to assist the civilian authorities in the CPA with the reconstruction of the criminal courts in Baghdad. In June 2003, the CPA Ministry of Justice delegated all responsibilities for managing the Baghdad criminal court to the JRAT while retaining oversight. The original JRAT consisted of Colonel Marc Warren, Lieutenant Colonel Jeffery Nance, Captain Travis Hall, Captain Ryan Dowdy, Specialist Mark Abueg, and Specialist Anthony LaVine. In June 2003, the JRAT was reorganized into a four-person team: Major Craig Jacobsen, Captain Travis Hall, Specialist Jimmy Kang, and Specialist Anthony LaVine. From August 2003 to December 2003, Major Juan Pyfrom replaced Major Jacobsen until the JRAT dissolved on December 31, 2003.

¹⁰ As a point of clarification, there are two Al-Bayaa' court complexes and both were preserved. One is the civil courthouse and the second is the criminal courthouse. Due to security reasons, most Coalition-Iraqi meetings as well as the earliest criminal proceedings occurred at the civil court, and not at the criminal court. In July 2003, the Al-Bayaa' Criminal Court resumed operations.

Bayaa' district courthouse was a very sentimental and symbolic image for the people.

They wanted to see the court up and running again because Iraqis wanted what anyone would under similar circumstances—they wanted to have some semblance of a return to normalcy. People that worked at the court wanted income. They had not been paid since February so they expected us to give them their jobs back so they could have salaries with which they could buy food, cooking gas, and other necessities. They wanted their neighborhoods safe and they wanted criminals off the streets. We had the same experience with residents several days later on the east side of the river at the Ad-Adhamiya court

The Iraqi Ministry of Justice officials and the judiciary from the two appellate jurisdictions wanted to immediately remove the criminal elements from the streets. Not only were they professionally concerned for the safety of their fellow citizens and property, but they also were personally concerned about their own safety since many of the criminals were people they convicted previously that had been released under Saddam's general amnesty. To these ends, the Iraqi officials had a hierarchy of needs: they wanted salaries and to be paid retroactively; they wanted supplies; they wanted surviving buildings to be protected continuously by Coalition troops; they wanted an investment of funds to rebuild the other courts; and they wanted their court police officials to be issued Kalashnikovs and themselves to be issued handguns. These were all demands placed on the senior CPA-Ministry of Justice representatives during the first week of daily meetings in both appellate jurisdictions.

On May 7, 2003, the Al-Bayaa' and Ad-Adhamiya courts officially opened for business and held the first criminal investigation hearings in post-Saddam Baghdad.¹¹ The next day, the JRAT team dispersed funds from the CPA Minister of Justice to the Iraqi Ministry of Justice employees in Baghdad for emergency payments until their salaries could be repaid. This was only two weeks from the date that our team arrived in Baghdad, and a scant ten days from the arrival of CPA officials. I assert that this was a very short window of time. Thus, I disagree with those that say there was a missed window of opportunity. To the contrary, Colonel Marc Warren and Clint Williamson¹² of

¹¹ Louis Meixler, *Iraqi Courts Get Back to Work*, ASSOCIATED PRESS ONLINE, May 9, 2003, 2003 WL 20008859.

¹² John C. "Clint" Williamson of the National Security Council acted as Senior Advisor to the Ministry of Justice from April 2003 to June 2003. John C. Williamson, *Establishing Rule of Law in Post-War Iraq: Rebuilding the Justice System*, 33 GA. J. INT'L & COMP. L. 229, 229 (2004).

the CPA Ministry of Justice jumped right in and got things running with amazing speed and energy.

One of the aspects of this that I have glossed over is that criminal courts never operate in a vacuum. A criminal justice system needs a police force that is willing to make arrests, investigate crimes, collect evidence, and transport prisoners. There must be pre-trial detention facilities to hold those accused of serious offenses and there must be confinement facilities to place prisoners in if they are convicted. Those are the basics.

The same day the JRAT visited the smoldering Al-Karkh court complex in west Baghdad, we also went across the Tigris to visit the Baghdad Police Academy. At the time it was the only known operating police precinct in Baghdad. Overseeing the precinct's operations was a U.S. Army Civil Affairs officer and roughly a dozen Iraqi police officers that had returned voluntarily to help protect the Police Academy compound from destruction. Upon arriving at the Academy, we learned the Iraqi police were holding a small number of persons suspected of criminal misconduct during the fall of Baghdad to Coalition forces. We reported this information to Mr. Williamson.

Prior to May 7, 2003 and the opening of the courts, the JRAT escorted Mr. Williamson to the Baghdad Police Academy in order to talk to Lieutenant General Ameer of the Baghdad Police in an effort to coordinate Iraqi police and judicial assets for the presentation of preliminary cases to the Iraqi investigative courts at Al-Bayaa' and Ad-Adhamiya. General Ameer had preliminary case files on some of the detainees so these persons were earmarked to be transferred by the Iraqi police to the respective open courts to appear for investigative hearings.

At this time, it was the understanding of the Coalition that the Iraqi Ministry of Justice and the Iraqi Ministry of Interior, to which the Iraqi police belong administratively, would be working closely together in order to start transporting prisoners, to preserve evidence, and to help establish the rule of law in the city. In retrospect, that was premature. As it turned out, the system stalled because we were not actively, on a daily basis, engaging with these courts and specifically making sure that they had momentum. On May 27, 2003 the *Baltimore Sun* quoted Chief Judge Kasim Ayosh of Ad-Adhamiya as saying, "There are terrible crimes being committed out there, and the city is insecure. Yet the courtrooms are empty."¹³

¹³ Peter Hermann, *Semblance of Justice Returning to Baghdad*, BALT. SUN, May 27, 2003, at A1.

What we learned, as Colonel Marc Warren would often illustrate, is that criminal justice is a three-legged stool comprised of the courts, the police, and the prisons. Too much stress on any one of the legs would collapse the entire system.

Therefore, the JRAT and CPA could not focus on reconstituting the courts without worrying about the impact of police or prisons. As I mentioned, in April the Police Academy was the only known functioning police precinct. There are nearly fifty-five police precincts in Baghdad, and most suffered the same level of destruction as the criminal courts. Even though police officers began to report back to work in small numbers, of those, few had uniforms, weapons, or radios.¹⁴

Yet, despite the flurry in May 2003 to place returning police on patrols and to hire even more police, it is one thing to say you should put police back in the streets—it is something different to drive around in the capital of a country you were just at war with to face four thousand Iraqi police with Kalashnikovs on the street corners. Since the police are carrying weapons, they all have to be recognizable from a distance because you do not want nineteen or twenty-year-old infantry soldiers to have to determine if somebody running toward them is a hostile person or a police officer.

You are also not sure how well-trained the police are. You are not sure if they are hostile. You are not sure if they are corrupt. You are not sure if they are part of the problem in the community: perhaps they are actually the muscle hiding behind legitimacy that allows criminal gangs to operate freely. Also, it takes time to build up those relationships you need with people. It takes awhile for the residents to believe that they have a safe and secure environment, that the security provided is in their best interest, and that the police are not an extension of an occupational force.

Just as the police stations and courts were not operational in April, the one modern prison in Baghdad had been destroyed as well. The prison was the infamous political prison that was symbolic of the tyrannical nature of the regime: Abu Ghraib. However, due to the location of Abu Ghraib and the amount of structure still intact in April 2003, it remained the most ideal prison to be reconstructed. The prison occupies an ideal piece of real estate because it is a huge complex in a wide-open area. Something that size, with the requisite setbacks to protect the structure, cannot fit in highly dense Baghdad. Understandably, there is a symbolic consideration. Should the Coalition or

¹⁴ Niko Price, *Police Return to Work in Baghdad*, ASSOCIATED PRESS ONLINE, May 4, 2003, 2003 WL 20006977.

new Iraqi government imprison people in the same facility that was known to be a location of torture and summary executions? If the prison authorities did not decide to rebuild Abu Ghraib, where were they going to detain the prisoners in the meantime? There were no other large structures in which to detain prisoners in April 2003. As it was, military police had to build temporary detention facilities with tents until contractors could finish the first phase of reconstruction of Abu Ghraib, repair smaller pre-trial jails within Baghdad, and replace holding cells in the police precincts.

In May, the average temperature is 120 degrees Fahrenheit. Air conditioning was a luxury that few in Baghdad enjoyed during the summer of 2003. So when the Coalition builds these interim camps for holding people in difficult circumstances, it makes sense to use what permanent structures were presently available to improve the conditions for the detainees, even if by a small amount.

That was the situation in May 2003. Two courts were operating at minimal capacity, there were limited police functions, and prison facilities needed drastic improvements. Nevertheless, all three legs of the criminal justice stool were holding up. So in June 2003, the JRAT started into its second phase: support and interoperability. We wanted to open more courts, increase the capacity of the system, and move criminal justice towards an Iraqi-managed system rather than a Coalition-dependent operation.

In June 2003, the criminal courts, police, and prisons could not operate independent of direct Coalition assistance. More criminal suspects were being arrested than could be processed through the two courts. The temporary solution for simple misdemeanor crimes was that the military police would hold suspects in this class no longer than twenty-one days and then release them. For felony cases, the JRAT would try to push them to the Iraqi investigative courts.

However, you need to consider all the little details that come into play when you are trying to marry two completely different systems and cultures. Take, for example, an instance when military police are in a sector conducting a patrol and they encounter a crime in progress whereupon they make an arrest. First of all, only a negligible few military police speak Arabic. Personally, I have never met an MP that spoke Arabic. While most military police stations in Baghdad had translators at the precincts, the military police would ideally want to gather witness statements. For the military police it was not easy to even document the name of the witness. If the military police sergeant conveys to the witness that he wants the witness to write his or her name down, the witness most certainly is going to write it in Arabic. At best, the witness

may attempt to transliterate the name into English, which is often very flawed and incomprehensible. In the former Yugoslav republics, military police could at least count on Croatian and Bosnian residents to write their name down in letters that were recognizable to the soldiers. Even if the witness was Serbian, Serbians are familiar enough with Latin letters to accurately transliterate their names from Cyrillic. The soldier, in fact, probably would not be able to pronounce Serbo-Croatian names any better than Arabic names, but at the very least, could type the names into a computer database.

How does a military police soldier type an Arabic name into a computer? How do you enter an Arabic name that, when written in Arabic, omits the short vowels? It is not common knowledge that most Arabic scripts omit the markings for short vowels. So take, for example, the very common name *Muhammad*. In Arabic, the name is scribed with symbols represented in Latin as *M, H, M, D*.

So even if a soldier was industrious enough to learn the Arabic script while not speaking Arabic, the military police sergeant reading that piece of paper would be able to decipher the letters, but would not be able to accurately infer the proper vowels. And to imply the vowels by sound is not obvious either because of local dialects and inflections, which is why in English a reader can often see *Muhammad* or *Mohammad*. *Mohammad* is an easy name: not only is it familiar but the consonants are familiar in sound. However, there are Arabic consonants that do not have corresponding sounds in English and are very "foreign." For the military police clerk inputting several hundred names a day into a computer database, I assert that the margin of error for typing transliteration of consonants, familiar and unfamiliar, with the rather larger combinations of short and long vowels, is rather high.

To add to the degree of potential error, most Iraqis have four names as well as a fifth tribal name. If the detainee is cooperative, they may provide the in-processing sergeant their complete and accurate name. Many times the detainee would provide the wrong name or only part of their name. For someone with a name like *Mohammad Abdul Aziz Al-Chaid*, the person searching the database is forced to best guess at how the in-processing sergeant spelled this detainee's name. The potential different combinations for a search query are impressive. In addition, the searcher presumes the detainee gave the right name.

These are but a few examples of how, in June 2003, the JRAT was concerned about interoperability. Detainees could be tracked internally by their number; evidence and files held by the Coalition were tagged by number and not by name. But Iraqis would often not know the detention number. Iraqi

police and courts often could only provide a name so it became important for the JRAT to work through these issues so the military police, Iraqi police, courts, and prisons could all communicate and share information.¹⁵

The process was far from smooth in the beginning, and I certainly do not state that it was perfect by the time I left Iraq in December 2003. In fact, my opinion is that many of these issues cannot be resolved until the Iraqis themselves assume all administrative functions involving all three aspects of the criminal justice system since the potential for miscommunication is always prevalent.

Those are just the facts and I will let future generations decide on the reasonableness of these hurdles. There are so many challenges to endure when attempting to bring two completely different systems into harmony in an operating environment immediately after the total collapse of a former government and way of life. There were some tense moments with the Iraqi judges that we worked with where we had some strong disagreements about things. However, that does not mean that we had a bad relationship. On the contrary, we all had the same goal. It took a lot of listening on both sides to understand what was important to each of us. That is why it was so important to bring the Iraqis into the process early and to work together to reach common agreements and plans about how to solve these problems.

Despite the obstacles and mutual frustrations, all the courts in Baghdad were operating largely independent of Coalition assistance by the time I left in December 2003. There were significant improvements to the quality of the cases. Most of the cases in April 2003 were documented on one page with generic information. Through the summer, Coalition soldiers were much better at providing detailed information. Each month, more cases were being investigated by Iraqi investigators. The case files were thick, supported by evidence, and detailed with the names and location of witnesses. Defense attorneys had access to their clients. Military police turned control of the police precincts back to the Iraqis and only retained periodic oversight of the Iraqi operations.

My role from June until December 2003 was to assist the Iraqi judges and investigators in running their own courts by providing Coalition support as

¹⁵ The JRAT routinely visited all courts to discuss problems and shortfalls with the Iraqi judges and investigators. In August 2004, the JRAT also held weekly meetings with the Chief Judges of the Courts of Appeal to identify issues, set goals, and report progress since the previous meeting. Additionally, the JRAT placed bilingual Iraqi court liaison officers in each of the courts to facilitate communication between the courts, military police, and Iraqi police, and to include translations of court orders.

requested. I feel confident that despite the challenges and obstacles we had, the Iraqi judicial system is going to be one of the strong pillars of a democratic Iraqi government, one that guarantees a safe and secure environment for its own citizens.

