

The Impact of Political and Tribal Matters on the Iraq Police

Service in South-East Iraq

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Parts of this document have been retyped by the Inquiry as the available copy was indistinct. No words have been added, removed or changed.

Introduction

1. This report seeks to provide an insight into the extent of the impact of political parties and tribes on the Iraqi Police Service (IPS). Its content and conclusions are based on the assessments of the Police Advisory Team (PAT), through the experience and observations of its International Advisers. It is also informed by Multi-National Forces (MNF) and Iraqi Intelligence officers.
2. Whilst we are confident in the accuracy of this report, by the very nature of the subject matter alluded to it is extremely difficult to produce statistics or the high standards of proof expected by law enforcement agencies in the United Kingdom.
3. This document does not contain in depth analysis of the doctrine, ideology or intentions of the parties or tribes and the examples described herein are intended to illustrate the daily challenges that conscientious IPS officers must overcome.

Summary

4. Immediately post-April 2003, the relationship between the IPS and the political parties and their militia was largely opportunistic: it was based on the affiliation and sympathies of individual members who were joining. (This is not the case in other parts of the security forces.) However, more recently, political parties and militia have been exploiting the lack of transparent recruitment, vetting and central oversight to deliberately place their supporters within the IPS.
5. It is assessed that the majority of IPS officers are associated with a political party and/or tribe with whom their allegiance is stronger than their allegiance to the IPS. The extent of these ties and the degree to which they undermine the efficiency of the police to support rule of law is significant. It is now likely that if called upon to take action against them, the IPS would support their party's militia or tribe. The larger parties have well-armed and well-organised militias, but the paramilitary capabilities of the tribes vary.
6. Tribal allegiances and structures predate the formation of Iraq as a modern state. The effectiveness of the IPS is compromised by a conflict of interest between tribal loyalties and routine police work and with the inability to deal effectively with some of the larger, more violent tribes. However, given the key role tribes play in society, particularly outside the large towns, it would be impractical and unjust to regulate against "members of tribes" joining the police. Therefore we assess that dealing with infiltration of the IPS by party militia is the more serious short- and medium-term priority, though tighter judicial safeguards need to be in place to minimise tribal intimidation.
7. Often, political party and tribal allegiances of one or both heavily influence the dynamics of the relations between the Chiefs of Police and Provincial Governors. The potential of the parties to use the IPS to effect political, social and religious influence is a serious concern. By using affiliated IPS officers to carry out "de-Ba'athification", the political parties are able to create vacancies in influential

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Positions within the IPS for their own members. There are also signs that Islamic fundamentalism is increasing within IPS ranks.

8. Funding is a complex issue. On one hand, low wages and lack of prompt pay tempt members of the IPS towards corruption and undertaking party tasks rather than IPS work. On the other hand, there is evidence that party funds are being used to pay for repairs to vehicles and police stations.
9. It is clear that the judiciary in the South is subject to interference either direct or indirect from tribes, political parties, militia and IPS intimidation. Subsequently, they are not the rule of law bulwark that they should be or that they need to be in order to address tribal, religious or political party influence.
10. Little is known about extra-judicial justice but it is a crucial area in terms of understanding the issues facing the criminal justice system and in terms of developing strategies for supporting Iraqi justice sector reform. Details are in Annex B.
11. Further details and examples of problems within the IPS are in Annex A.

Worst Case Scenario

12. It is probable that if called upon to enforce the law on certain sections of the community the IPS would act against their authorities and behave as a militia for the parties
13. In Basra there is evidence that well armed elements of the IPS have already taken this path. They are organised to a degree and unless mechanisms are introduced that render some of their criminal activity ineffective, there is potential to discredit the whole IPS.
14. The majority of policemen are now affiliated to the parties and it would require a substantial effort to operate against them. PAT has assessed that the eradication of criminal practices is unachievable.
15. There is also concern that "fundamentalism" will now be the dominant culture within the policing environment. The exclusion of women from one station and the failure of any CoP to even consider developing a role for female police officers is most concerning.
16. Attacks that have religious overtones such as assaults on women in Basra for failing to wear the correct clothing or the murder of Steven Vincent are on the increase. If the parties are allowed to use the IPS as a religious enforcer and thereby increase their influence on the population, the IPS may lose any semblance of being a neutral law enforcement mechanism.

Remedial action currently being undertaken

17. The following activities are currently in hand to mitigate against the worst case scenario.

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- Constant lobbying of Governor and CoP

18. PAT inform the CoP in each Province when they receive reports concerning the tribal and political issues impacting on the IPS and emphasise that there is a responsibility to address these issues. Senior members of the FCO also approach local Governors where appropriate.

- Development of the Criminal Intelligence Unit (CIU)

19. The development of an intelligence capability within the MOI that is compatible with IPS needs is a key strategic priority for PAT activity in Iraq, both in Baghdad and Basra.

20. The UK has been prominent since 2003 in the development of this capability and PAT have the lead on the Intelligence Project within the MOI, liaising with MNF and Civilian Police Assistance Training Team (CPATT) in producing a plan.

21. Since resources are limited PAT have come to an understanding with our partners that we would concentrate on an area where we could use our expertise and knowledge that is, the development and implementation of a Criminal Intelligence Unit at Provincial level, linking up to a Baghdad Bureau.

22. The current plans to develop the CIU concept are focussed on Basra and the initiative appeals to the Iraqi MOI for a number of reasons:

a) A CIU already exists in Basra and there is potential to enhance the department if the correct officers are recruited. Both the Minister and Deputy Minister (Intelligence) Hussein Kamal, are critical of the time (over 1 year) spent discussing the CIU with no visible results;

b) The plan appeals to the Ministers concept of a single Intelligence Agency in the MOI;

c) The US (particularly military) will resource it.

23. It is envisaged that the CIU will remove the need for the IPS to gather intelligence. However, setting up a rival to the IPS may cause friction and weaken existing police intelligence structures. The short-term benefit of this is to undermine the grip of political parties on the activities of the current IPS agencies that are causing so much destruction in Basra. In addition, it is envisaged that the CIU will be strong enough to direct operations against crooked policemen.

24. Discussions with both Minister and Deputy Minister Hussein Kamal have focused on problems with the local intelligence gathering agencies in Basra particularly at al-Jameat and the ability of any new initiative to cope. However, PAT have already detected moves by local parties to manoeuvre their police officers into key positions of authority to counter these latest developments.

25. The proposed system is similar to the US FBI and will filter off intelligence about organised crime and terrorism. CIU will not deal with community and purely

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provincial crimes such as sexual offences, vehicle thefts and burglary. This fundamental change will have major implications for the IPS and local Provincial policing and PAT are organising a working party consisting of representatives from MNF(I), legal advisors and CPATT to ensure that solid foundations are laid and that any lessons from the past have been learnt.

- Interviews with IPS officers who Supervise Offenders
26. PAT are aware of the identity of IPS officers who supervise policemen who are currently committing criminal acts and confront them whenever possible to establish why they tolerate or condone this behaviour. However, PAT has yet to receive an admission of guilt or detect positive response by way of a change in attitude.
- Reporting of High Profile Criminals to the CoP, Governor and Mol.
27. As PAT become aware of criminal activity, the alleged offenders are highlighted to the relevant Iraqi authorities and options are continually being identified and offered to them. PAT are providing the names of alleged offenders to the Iraqi "qualifying committee" in Baghdad whose sole purpose is to remove undesirables from within the ranks of the IPS.
- Constant Supervision of High Profile Cases
28. In a number of important cases have come to the attention of PAT including the murder of Steven Vincent (2nd August 2005) in which there is reason to suspect IPS involvement to some degree. In these circumstances a team of International Police Advisors is attached to oversee the investigation of the case. Regular progress reports are supplied and brought to the attention of the Mol and CoP.
29. Additional cases under supervision include:
- Abbass Allawi Ghaten - beaten to death at Jameat Police Station on 10th April 2005 whilst in the custody of the Investigation Support (aka PIU) department.
 - Ali Khalaf Lafta - body found on 3rd April 2005 after being arrested by officers from the Department of Internal Affairs (DIA)
 - Abdil Salam Alwan - body discovered on 19th June 2005 after he had been arrested by males wearing IPS uniforms. He had been tortured and shot in the head.
30. Only through pressure exerted from PAT and others have the IPS have agreed to set up "IPS teams" to investigate these offences. Although some limited progress has been made, there are concerns as to whether the IPS have the capability or will to investigate serious crimes committed by police officers within their organisation.
31. Some Investigation Teams have been prepared to make arrests in circumstances where suspects have been quickly identified but such investigations are not given the level of support and direction, from senior officers, that they deserve. A reluctance to suspend IPS officers has been noted and on some occasions senior officers have

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Actually tried to pervert the course of justice by interfering in the investigation in a negative way.

32. In particular, since the IPS suspects involved in the "Allawi" case have strong tribal links, the investigators have been reluctant to make arrests and PAT is not optimistic that the offenders will be brought to justice.

- Re structuring of the Investigation Support and Department of Internal Affairs (DIA)

33. As a result of pressure applied to the Mol by PAT and international partners on the 28th June 2005 action was taken to address the Investigation Support department from al-Jameat police station.

34. The entire department is now on temporary transfer outside of the IPS and action is being taken to terminate the employment of the worst offenders. This may bring the Iraq authorities into conflict with JAM in particular and has to be handled with sensitivity.

- Support to Mol Inspectors sent to drive reforms

35. PAT has supported attempts by the Mol to deal with criminal policemen and reform their departments.

36. On 11th June 2005 PAT spoke with Brigadier Dhia Noori Ali Jadoca, a representative from the Inspector General's Office in Baghdad. PAT asked him in his opinion was there a co-ordinated attempt by the Mol to deal with the problems of the Department of Internal Affairs and Investigation Support in al-Jameat? He replied, "there was a realisation that something has to be done". PAT then asked him what would become of Investigation Support? He replied, "Baghdad will try to disband them but the Governor supports them".

- Letters to Mol

37. PAT have been central to the preparation of letters that were delivered to the Mol in June 2005. These documents identify 3 police officers whom we believe are "ring-leaders" and on whom MNF have reliable intelligence. The purpose of these letters was to clearly demonstrate that the poor behaviour of certain police officers is not going unnoticed and remind the Iraqi authorities that there is an expectation on them to address these difficult issues.

- Attention to Custody Issues

38. An audit of the custody facilities has been conducted and a number of police stations have been identified as having the potential to expand their current detention facilities. Statements of Requirement (SOR) have been prepared and submitted to MNF for consideration however there are financial constraints on what can realistically be achieved. A training course for custody officers has also been developed, which can be delivered from AZ Training Academy.

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39. Two custody records have been produced which are suitable to run as pilot schemes and with a little support the necessary documents could be printed. It is recommended that a version of a custody record be introduced in Muthanna to address immediate concerns concerning the handling of detained persons and their record of detention. Alternatively a more comprehensive persons detained register could be introduced.

40. The judiciary has been consulted and as a result lawyers are gaining greater access to their clients. However, there remains confusion amongst the judiciary as to the exact meaning of the "24-hour rule" (especially with regard to terrorist prisoners) and interpretations vary between judges. Until this is resolved, clear guidelines cannot be given to IPS officers

- Demolition of Unsuitable Cells

41. There were concerns about the condition of the cells used by the Serious Crime Unit in al-Samawah. These cells were completely unsuitable for use and there was obvious difficulties since they would appear to be a new build. The closure and demolition of these cells was essential. Lack of funding is identified as a concern for a proposed custody suite.

- Support for Ministry of Human Rights Monitors

42. Through negotiations with the Ministry of Human Rights a Detention Centre Monitoring Scheme has been introduced in SE Iraq. During 27th - 30th June 2005 training was provided to nine Iraqi lawyers to assist them to carry out a role which involves visiting prisons and police stations to ensure that the rights of detainees are protected and that the conditions of detention are adequate. Each Province will have two monitors who will visit every establishment in their Province on a weekly basis.

43. Support will continue for MHR monitors and training already provided will be supplemented and be built upon.

- Station Visits and the Inspection of Detained Persons

44. The abuse of prisoners through the misuse of blindfolds, particularly those viewed by the IPS of the Iraqi Army as high risk, is being addressed and guidelines on the appropriate action to take when encountering the problem have been issued to PAT

- Establishment of a Prisoner Escort Unit

45. A working group to take the issue of the transportation of prisoners forward has met on several occasions and upon delivery of suitable vehicles (SOR already submitted) the "Prisoner Escort Unit" can commence work from al-Mina Remand Centre. Suitable trainers have been identified from within the current establishment of International Prison Advisors.

- Development of a Code of Ethics and a satisfactory Complaints System

46. Regular meetings have been conducted with Col. Satar, Head of Law and Discipline within the IPS, Basra. At an early stage it was established that the current complaint

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system was governed by a combination of old military and civilian legislation. It was recognised that the procedural framework being applied was to some degree effective but in need of amendment.

47. As a result a draft document embracing a new approach was prepared and delivered to Col. Satar via the FCO and MNF legal advisors. The document contained the following elements:

- * Dealing with complaints against the IPS
- * Guidance on standardising complaint procedures and matters arising and persons to which investigations should apply.
- * Strategy for combating police corruption

48. In addition, a draft code of conduct and policing ethics was provided to the CoP, Basra.

Recommendations for future action

49. In addition to the actions above, the following, listed in order of priority, are recommended to strengthen the rule of law in the South. Much of this should be raised at a political level with the Minister of Interior, Bayan Jabr in Baghdad:

➤ Improvements to the IPS:

- Conditions Based Transition Commission (CBTC)

50. Militia (and tribal) influence in the IPS should be raised in this forum as a priority issue because it is integral to the transition process.

- Independence of Criminal Investigation Unit and Tactical Support Unit

51. We need to weigh in in Baghdad to ensure that there is rigorous vetting of those who are to be members of the Criminal Investigation Unit and that local political pressures to keep or add corrupt or partisan police to this unit are resisted. The CIU has been infiltrated by members of assassination squads and it is vital that these are purged. The unit must retain a centralised degree of independence separate from the CoP and other personalities of each governorate.

52. Similarly, Tactical Support Units must be developed as apolitical forces beyond political/militia patronage

- National Development Strategy (NDS)

53. Chapter 7 of the NDS "enshrines the rule of law as a priority area of Iraq" development". We should use this opportunity to underline the importance of militia (and tribal) influence in the IPS, as a break on development.

- Judicial Complaints Committee

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54. Details of an initiative known as the Judicial Complaints Committee (JCC) were forwarded to Judge Medhit al-Mahmud, President of the Higher Judicial Council, Baghdad for consideration on 28th July 2005. The proposal outlines a course of action which could be taken to introduce more judicial oversight and public accountability into the way in which high profile complaints against the IPS are handled. The content of the document was widely discussed with the Basra Provincial Council and other influential groups prior to its submission. Following this up to ensure that a judicial mechanism monitoring the police is put in place is essential.

- Code of conduct

55. A code conduct setting out guidelines for unacceptable behaviour for the police -- criminal activity, acceptance of parallel funding; absence from duty etc. -- with contravention of these rules a sackable offence, could make weeding out the most corrupt elements easier. This would need some form of independent tribunal to ensure that the guidelines were applied fairly.

- Prompt pay

56. Many of the CIU have not been paid since March. Streamlining the bureaucracy to ensure that police are paid properly could reduce reliance on bribes, funding from parties and militias and illegal activity.

- Severance pay

57. We are currently awaiting news on a system of severance pay to encourage those implicated in illegal or partisan activity to leave. However, this is unlikely to be a panacea: many of those working in police stations are not officially "on the books" and decisions on staffing are being constantly overturned because of political pressures.

- Dialogue

58. A dialogue should be commenced involving tribal leaders, Sheikhs, Imams, political party leaders and the judiciary with a view to improving compliance with the Law on Criminal Proceedings and addressing interference with the judiciary.

- Human Rights and Treatment of Detainees

59. Support should continue for the Ministry for Human Rights Detention Centre Monitoring Programme and assessments made in due course for its expansion.

60. In co-operation and co-ordination with UNAMI/UNHCHR, support should be given to build the capacity of the Human Rights Directorate of the MOI. This department should be responsible for ensuring continued professional development training for Iraqi police officers.

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61. If the "custody suite" project is to be successfully delivered then the profile needs to be raised and the CoPs and potential financial donors need to be convinced of its worth.
62. The closing down of al-Jameat as a holding facility (which has been used to process all terrorist prisoners) will send a clear message that the IPS is serious about delivering a professional service and that ill-treatment of detainees is unacceptable.

• Judicial support

• Empowering of Local Judges

63. Court security and personal security for judges to be assessed and improved in order to insulate the judiciary from violence and interference.
64. The Chief Justice to be engaged and issues relating to tribal and political violence and extra-judicial criminal case resolution should be addressed at the highest judicial level.
65. Judicial training in independence and impartiality should be continued and additional training provided in-country whenever possible to help them address extra-judicial legal and illegal procedures.
66. Efforts to be continued to improve relations between the judiciary and IPS and the level of co-operation by the IPS to the judiciary.

• Research Into Extra-Judicial Justice

67. A better understanding of extra-judicial justice is required. Regard should be given to experiences elsewhere in the Region, including Jordan (see Annex B). This issue should be thoroughly addressed in the legislative reform stage and efforts should be made to ensure that the experiences of the South, where these influences are notoriously strongest, are input into the process of reform of relevant criminal and civil legislation.

• Support to the Civil Justice sector

68. The civil justice system plays a crucial role in upholding the rule of law and maintaining security by providing a forum for non-tribal and non-violent resolution of disputes. International efforts have, to date, focused on the criminal justice system and it is not clear the extent to which the civil justice system provides an efficient, effective and accessible remedy for the Iraqi public in civil disputes. It is recommended that a comprehensive assessment of Iraq's civil courts, including the Personal Affairs Court and the appellate courts and procedures, be completed with recommendations as to areas requiring further support.

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Annex A - The extent of the problem

Annex B - The judiciary and extra-judicial "justice"

Annex C - The political parties and militia

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