

Iraq Detainee Brief

31 March 2004

Overall Briefing Classification:

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For 6 April X

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Who We Are Holding & Why - 8,928 as of 30 March

- Criminal Detainees 1,402
- Security Internees 7,422
- High Value Detainees (HVD) 92
 - (EPWs or Security Internees)
- Treatment and disposition of Security Internees is primary challenge
 - Criminals will be turned over to Iraqis
 - Only 12 non-HVD EPWs remain

Numbers do not include
3,843 MEK

Numbers include 122
non-Iraqi detainees

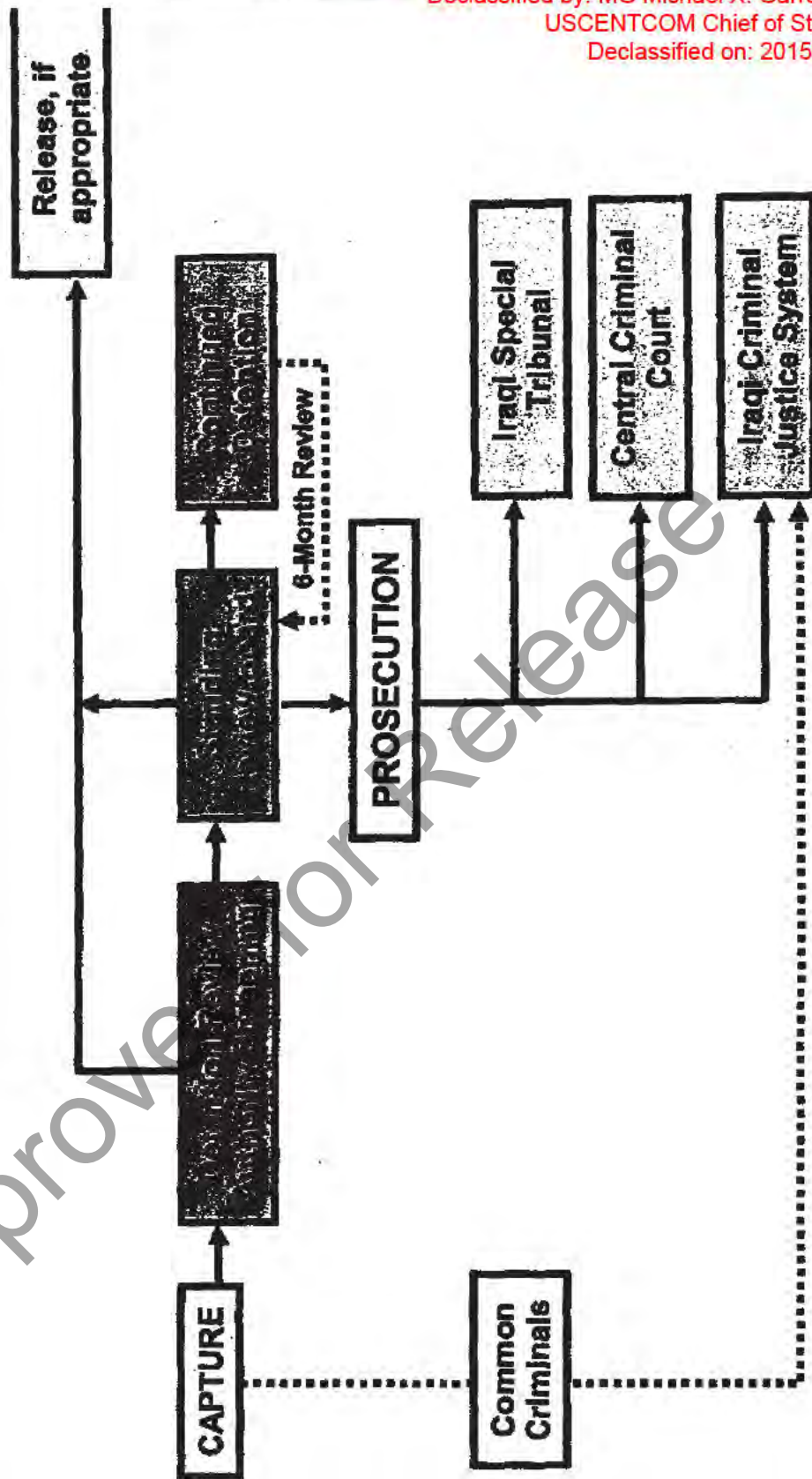
Desired End-State

- Desired End-State (July 1 and beyond):
 - Detention policies accepted by Iraqi population
 - Significant number of detainee cases handled through judicial process
 - Post-occupation authority to continue detention and to apprehend insurgents/terrorists
 - Certain detainees remain under Coalition control
- Key Actors in Current Process
 - CENTCOM/CJTF^{1.4a}
 - Detaining/Interning/Release Authority (non-Black list)
 - Police (personnel, training, equipment)
 - CPA
 - Courts (security, legal and judicial training)
 - Police (plans, leadership, supervision)
 - Intel Community (Iraq Survey Group/Task Force^{1.4a})
 - Determines intel requirements
 - OSD Policy – SO/LIC
 - Release procedures for HVDs (Black and Grey lists)

Achieving End-State

- Major General Miller to deploy to Iraq to manage detainee processes
 - Report directly to CJTF-149
 - Serve as Deputy Commander for Detainee Operations
 - Manage key actors in theater
- Mission Tasks:
 - Ensure expeditious detainee throughput (i.e., screening, transfer, prosecution, and release)
 - Exercise oversight of Coalition detention operations, to include facilities, organization, and processes
 - Coordinate and interface with CPA, NGOs, OGAs, Iraqi authorities, and the Iraqi people
 - Facilitate integration, synchronization, and fusion of intelligence obtained from detainees
 - Relationship with ISG will need to be determined

Detainee Process

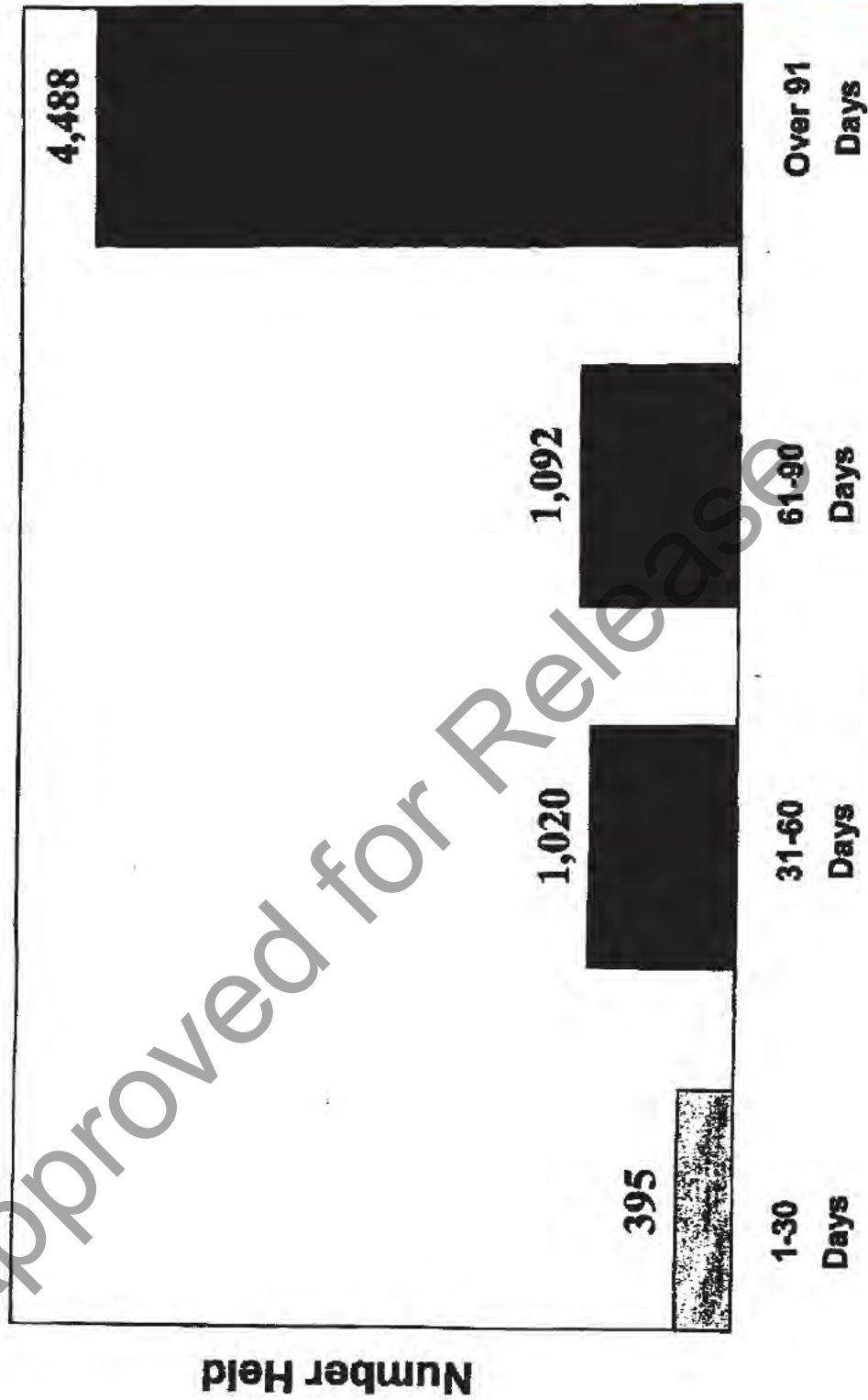


Security Internee Review Process

- February 17, 2004 CJTF-1.4a adjustments improved processing capability
 - 1,376 cases reviewed in first 14 days by new review board
 - Release: 1,123
 - "Rebuttable Presumption:" 114
 - Referred for Prosecution (CCCI and Iraqi criminal courts): 66
 - Continued Internment: 83
- Daily Snapshot (7 March):
 - 126 Security Internees released
 - 2 transferred to TF1.4a
 - 76 new captures
 - Net Loss: 50 Security Internees

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Length of Detention of Security Internees



Duration

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Accelerating the Process - Release

- CJTF-^{1.4a} adjustments in screening capacity took effect February 17
 - Empowers initial reviewing magistrate to order release
 - Establishes a standing review board to increase throughput of appeals
 - Goal is to review 100 detention appeals per day
 - Board is meeting goals (1,376 reviewed in first 14 days)
- CJTF-^{1.4a} hopes to reduce number of security internees, but unable to counteract inflow of new security internees
- Further Acceleration
 - Current modifications keeping pace with intake, but not yet cutting significantly into backlog
 - A second standing review board, with administrative support, may increase throughput

How Will Detainees Be Prosecuted?

- Iraqi Special Tribunal (IST)
 - Senior regime officials accused of genocide, crimes against humanity and war crimes
- Central Criminal Court of Iraq (CCCI)
 - Those involved in attacks against Coalition Forces and select major crimes under Iraqi law
- Iraqi Criminal Courts
 - All other criminals
- No plan to use military commissions at this time

Accelerating the Process - Courts

- IST:
 - DOJ Regime Crimes Advisor preparing to deploy support mission for IST
 - Investigations will take time
 - Best case is indictments by July 1, 2004 and first trial by end of year
 - Limitations on the ability to accelerate prosecutions require a media plan to highlight the positive steps being taken before trial
- CCCI:
 - Additional legal and investigative support to deploy imminently
 - This will enable more vigorous investigations of attacks on Coalition forces as they occur
 - CPA has added additional investigative judges to increase investigative throughput
 - A media plan highlighting CCCI activity could satisfy Iraqi concerns for justice while IST investigations progress

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Accelerating the Process – Courts (Cont.)

- Iraqi Criminal Courts:
 - Ability to try serious crimes hampered by lack of judicial and courthouse security
 - CPA Ministry of Justice implementing plans to provide for both through funding in IRRF
 - Investigative ability still lacking in Iraqi system
- Increased security will increase judicial throughput
 - Criminal Judges in Baghdad now have PSDs
 - Better security already increasing number of active investigations
 - Will ultimately increase number of trials

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Iraqi Prison System Today

- Desired end-state:

- Safe, secure, and humane correctional facilities
- Initial estimated requirement: 38,000 beds by December, 2005
- Actual requirements may be less than 38,000 estimated

- Facilities:

- Current capacity: 5,000 beds
- Expect 10,000 beds open by July 1, 2004

- Staffing and Management:

- MPs out of all prisons except Abu Ghayb
- Approximately 50 civilian experts currently in Iraq (Baghdad only), another 50 should arrive during next month
- Prisons currently guarded by Iraqi correctional officers
- Basic training academy graduating 600 officers per month
- Little effective leadership below strong Iraqi Director General

Iraqi Prison System Today

- **Facilities:**

- Construction or renovation of several major facilities is planned using IRRF and Iraqi funds.
- 27,500 beds by Dec 2005 (shortfall if 38,000 estimate is accurate)

- **Staffing and Management:**

- Civilian experts to perform field training functions, design curriculum
- CPA planning to expand basic academy from 2 weeks to 8 weeks
- Developing national office administrative and logistical support
- Middle management; training to begin by May 04

CPA projects Iraqi prisons will not be able to stand alone until 9/06

Way Ahead for Detainees After June 30

- Redline for Combatant Commander is continued detainee operations
- Legal authority for continued detainee operations:
 - Continuation of authorities under UN Security Council Resolution 1511 (2003)
 - Resolution 1511 “authorizes a multinational force under unified command to take *all necessary measures* to contribute to the maintenance of security and stability in Iraq”
 - Capture, arrest, and detention authorized under Resolution 1511 to the extent that such measures are necessary for multinational force to fulfill mandate of contributing to international peace and security

Way Ahead for Detainees After June 30 (Cont.)

- EPWs and HVD Security Internees *may* continue to be held for prosecution
- A security agreement and/or follow-on UNSC resolution would provide additional authorities for continued detainee operations
- Issue: What to do with foreign jihadists?
 - Transfer out of Iraq
 - Military Commissions (GTMO or Iraq)
 - CCCI