

~~SITREP 9 CPA GENERAL COUNSEL'S OFFICE - AS LEGAL OFFICER
COVERING PERIOD 30 JUN - 6 JUL 03~~

~~1. Following on the meeting with Amnesty International concerning the judicial reforms and processes of detention Amnesty produced a press release on 30 Jun which highlighted specific allegations against the coalition. This press release is attached. As a consequence of the press release the Officer was required to do another press conference to answer the Amnesty allegations and questions from the media concerning this and related matters. A dot point summary of the key responses is attached. The conference appears to have substantially hosed down the media although a number of journalists have asked for follow up interviews in relation to the other side of the story concerning the challenges of reconstructing justice in Iraq and how the CPA is going about it. Notwithstanding our response there are in fact about six cases of maltreatment of detainees being investigated at this time, three of them allegations involving MPs.~~

2. During the course of the week significant progress was made in relation to the detention and prisons problem. The policy decision was finally made to allow for the rehabilitation of Abu Ghraib. This was assisted by the Officer circulating a copy if the Amnesty press release to highlight the increasing difficulty we would face if something was not done soon on the issue. Within a week will now have 400 cells ready to go and in about 90 days there will be 3100 cells. Information about this decision will be withheld while a media plan is put in place which will include the plan for a memorial at Abu Ghraib (AG). The 800th MP brigade will be able to have the IF up and running within the walls of AG within 3 weeks. LTGEN Sanchez has stepped up pressure for the resolution of all detention problems and has indicated that whatever resources are required they will be given. The 800th has put forward a wish list that adds up to USD14m that will enable the IF to cope with 4,000 detainees if required. The IF will be called Camp Ganci (named after a NY fire brigade member killed in 9/11).

3. It has also been decided that Ken Bani Saad (KBS) will be rebuilt and the 1500 squatters removed. This will give the Iraqis the eventual option of closing down AG if they so desire at a later date. KBS will have a capacity of 3,000. Juveniles and females will be detained at Al Saaliya for now with the juveniles to be moved to a facility near the police academy which has the potential for class rooms and exercise facilities. There are about only 50-56 juveniles currently in custody. Family visits are already happening two days a week at Tas Ferat (TF) prison. Current detention numbers are: Cropper = 585; Vigilant = 400; TF = 200 and about 97 HVDs at BIAP. One issue that has emerged in transferring prisoners for trial has been the requirement of the judges to have supporting statements. It is not possible to get soldiers to come to court to give live evidence so that judges have required at least two sworn statements to be tendered instead. This requirement is now being promulgated in a new FRAGO which will supplement the new detainee details recently spelled out in CJTF FRAGO 209. A number of other matters along these lines were resolved at a major meeting of prisons, MP, JAG, Justice Ministry and OGC personnel on 3 Jul. A key element involves "red flagging" security related

internees on induction who will require a dual key system for release involving the Divisional SJA and the G2:

4.

Section 22
Irrelevant

Section 22
Irrelevant

Section 22
Irrelevant

13. The officer attended an Article Five tribunal conducted by US JAGs at Camp Cropper on 4 Jul. The JAGs have conducted fifteen hearings to date out of the 97 HVDs at Cropper. The Article Five Tribunal determines whether the detainee is entitled to PW status. Most of the HVDs have attempted to avoid being determined as PW. This is probably because they fear that the consequences may be similar to the fate of the Iranian PW from the Gulf War in the 80s or that they may be put on trial under command responsibility principles for acts committed during this or past wars. The hearing observed on 4 Jul involved a former IA Major General named "Saleh" who was involved in the Alfyah campaign against the Kurds during the 80s and played a leading part in the chemical attacks on and mass executions of around 182,000 Kurds during that period. He retired from the IA in 1998 and played no active role in the recent conflict and so was determined not to be a PW but will continue to be held as security internee as the Iraqis will no doubt be interested in this person from the point of view of possible future prosecution. The HVDs will continue to be held at Cropper for the foreseeable future and a number of improvements are steadily being made to the facilities there for the long haul.

14. A follow up meeting was held with the ICRC on 5 Jul covering all the issues raised at the previous meeting and indicating what action we had taken to address their concerns. The delegates were happy with the feedback and we talked through further solutions to the problem of communication of the details of detainees to families. They will be resuming their visits to detention facilities starting next week. We indicated we believed the remaining detention issues should be resolved within three weeks and we undertook to get a full list of detainee details to them by 7 Jul.

15. All Regulations, Orders, Implementing Memoranda and Public Notices can now be seen on the CPA web site which is at www.cpa-iraq.org.