

## **Senate Democratic Policy Committee Hearing**

### **“An Oversight Hearing on the Planning and Conduct of the War in Iraq: When Will Iraqi Security Forces Be Able to ‘Stand Up,’ So American Troops Can Begin to ‘Stand Down’?”**

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Good morning and thank you for the opportunity to speak today. My name is Gerald Burke. A full *curriculum vitae* has been provided to your staff for your review. In May 2003, I was a member of a six-person team of police executives sent to Baghdad, Iraq, by the International Criminal Investigative Training Assistance Program of the U.S. Department of Justice (ICITAP) and the Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL). The police team was part of a larger criminal justice team including corrections and legal executives. My assignment in Iraq would last until June 2004. Initially, our team conducted a Needs Assessment of the Iraqi Police Service for DoJ and the State Department.

In March 2005, I returned to Baghdad with the Iraq Reconstruction Management Office as a National Security Advisor to the Iraq Ministry of Interior. That assignment lasted until February 2006. My total time in Baghdad was about 25 months.

During my time in Baghdad I worked closely with the United States and British military, particularly the Military Police, the Office of Reconstruction and Humanitarian Assistance, the Coalition Provisional Authority, and the Iraq Reconstruction Management Office. More importantly, I worked very closely, virtually everyday, with the Iraqi Police Service (IPS).

I could, and have in other situations, spend hours, perhaps days, speaking about my experiences with the American military, American civilians, Iraqi Police, Iraqi civilians, working the streets of Baghdad, of violence and bombings across Baghdad and of life in the Green Zone. I would prefer to talk about some of the observations and conclusions I have made from my experience in Baghdad.

First, and foremost, I have nothing but praise for the military. Their war-making capabilities are simply awesome. In particular, I want to compliment the 18<sup>th</sup> Military Police Brigade and its commanding officer at the time, Colonel Teddy Spain. The 18<sup>th</sup>

MP Brigade was the quickest to recognize the transition from war-fighters to stability and reconstruction operations. I will talk more about the U.S. Military later.

Second, and perhaps most obvious and undisputed, is the complete failure and embarrassment of the Coalition Provisional Authority (CPA). By almost all accounts, military, civilian, the media and even our Coalition partners, CPA was a disaster. CPA was never able to get ahead of the curve of events. CPA's mistakes have been well-documented, from the broad de-Ba'athification process to the disbanding of the Iraqi Army.

Next, was our – the U.S. Government's – failure to recognize the importance of security in the immediate post conflict environment, in particular, our failure to support the civilian rule of law.

Our original team developed a recommendation for 6,000 international civilian police trainers and advisors. While this recommendation was quickly reduced to 1,500 by powers-that-be above our pay grade, it took six months before the first 24 civilian trainers and advisors arrived from the U.S. A year after our report was submitted, there still were fewer than 100 civilian police trainers and advisors in Iraq.

Normally, the State Department through its International Narcotics and Law Enforcement Division would fund and deploy the civilian police advisors. In Iraq, however, the DoJ through its International Criminal Investigative Training Assistance Program would deploy the civilian police trainers with funding provided by INL.

In Iraq, the funding for civilian police trainers and advisors was not available until after October 2003 — eight months after the start of the war. In fact, funding was even scarce for our advance team: I worked under five or six contracts during my first tour as funds were transferred to keep us in country.

As the insurgent activity increased in the fall of 2003, with attacks on embassies, the United Nations, the Red Cross, Iraqi police stations, and even our hotel, there was widespread recognition that the recruiting, training and deploying of the Iraqi Police was failing. The failure to deploy civilian police trainers and advisors delayed the recruitment, training, equipping and deployment of a civilian Iraq law enforcement agency.

The U.S. Military was directed to help with the process. By sheer number of personnel, the U.S. Military began to dominate the process and to accomplish the task. In December 2003, the first class of IPS recruits was sent to the Jordan International Police Training Center operated by INL. The first IPS recruit class entered the Baghdad Academy in January 2004.

By March 2004, the U.S. Government recognized that only the U.S. Military had the 'boots on the ground' and the logistical and transportation assets, in particular, to accelerate the process. The Civilian Police Assistance Training Team (CPATT), under

the command of a two star Major General, was created to recruit, train, equip and sustain the IPS.<sup>1</sup>

Across Iraq, American soldiers were pressed into service to be police trainers and advisors. These soldiers occasionally came from Military Police units but more often than not they were artillerymen, transportation corps, quartermasters or any other available units.

One unfortunate side effect of the militarization of the police training mission was that the soldiers and Marines trained best at what they knew best: military skills and tactics. Issues such as the rule of law, human rights and treatment of suspects and prisoners, the concept of probable cause under Iraqi Law and policing in a democracy received less emphasis.

A second side effect of the militarization of the police-training mission was the militarization of the Iraqi Police Service. In early 2004, partly due to the inability of the Iraqi Police Service to respond to insurgent activity, the Iraq Ministry of Interior and the U.S. Military organized “third force” Public Order Battalions, such as the Special Police Commandos. These Battalions have now grown to Division-level strength and have been recruited en masse from former Republican Guard units and the Islamic fundamentalist Badr Brigade.

These Special Police, recently renamed the National Police, receive training only from the U.S. Military and not civilian police trainers and advisors. There have been numerous allegations from Iraqis and non-government organizations that these Special (National) Police are functioning as death squads committing human rights abuses such as murder, torture and kidnapping. Some American military and police advisors sarcastically refer to these Special Police as our “*Salvadorian Option*.” Some refer to them simply as death squads.

I want to be careful that my comments — my criticism — of the militarization of the police training mission is not construed as a criticism of the U.S. Military. The U.S. Military was simply doing its best — while undermanned and under-equipped for its primary mission — to fill a void left by other U.S. Government agencies.

I also want to make the distinction between the career Iraq Police Service and the *ad hoc* Special Police. As I mentioned, the IPS pre-dated Saddam and were created in 1920 by the British. Saddam did not particularly trust the IPS and, over the years, created a number of secret police and *muhabarat* organizations that usurped much of the authority of the IPS.

Candidates for the IPS Officer Corps were generally well-educated and not necessarily well-connected to the regime. Many families sought to get their sons into the police to avoid them getting drafted into the army. This was particularly true during the Iran-Iraq War in the 1980s and the Gulf War. Individual officers prided themselves on

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<sup>1</sup> See the United States Institute for Peace, Special Report 137.

their higher education. Many of the commanders had attended college outside of Iraq, particularly before the sanctions.

While the curriculum at the Officers College included Ba'ath Party indoctrination, it also included translated copies of old issues of the FBI's monthly *Law Enforcement Bulletin*.

Corruption, particularly in the last years of regime, was widespread across government service and the IPS was no exception. Much of the corruption in the IPS was in the form of embezzlement of government funds and property, payroll fraud (nepotism, cronyism, ghost employees, etc.), and accepting or soliciting bribes and gratuities.

Public employees were generally so underpaid that bribes and gratuities were common and expected. A teacher or policeman might be paid \$20 a month but would need \$100 a month to support their families. A teacher might accept a 'tip' to provide special attention to your child. A policeman might accept a tip to handle your complaint expeditiously.

It appeared to be a matter of personal honor for officers not to be too aggressive in pursuing bribes or gratuities. Stealing from the regime was more acceptable if done discretely. In many ways, there was a code of honor among the thieves trying to survive under Saddam.

It appeared that most of the human rights abuses such as mass murders and ethnic cleansing were conducted by secret police and *muhabarat* organizations. In the last years of the regime the IPS worked in fear of crossing these other organizations. The IPS developed a firehouse mentality where they would not leave the police stations for proactive patrols but instead would wait for a call from a regime official or an investigative judge.

In my opinion, the United States missed a brief window of opportunity in the late spring/early summer 2003 to provide a more secure environment for the reconstruction effort. The failure to aggressively pursue former regime elements into Al Anbar Province and the Sunni Triangle gave them time to regroup and rearm. I recognize that even if the IPS had been quickly reconstituted into an effective police service, they may not have been able to have a significant impact on the insurgency, but combined with a reconstituted Iraqi Army, they may have been better able to secure weapons and ammunition depots and the borders with Iran and Syria.

If I may be so bold as to make recommendations based on my observations:

Fighting an insurgency by any definition, and most especially the insurgency in Iraq, is unconventional warfare. Conventional combat arms leaders in the U.S. Military have demonstrated an inability to understand and adapt to the unconventional methods of the insurgency. Command of the military response to the insurgency in Iraq should be transferred to counterinsurgency experts in the military.

Our Army is too small and fully committed in Iraq and elsewhere for the war on terror and other missions. We have a 10-Division Army (excluding Reserves and Guard units) and we need at least a 12-, if not a 14-, Division Army. Peacekeeping, post-conflict and failed-state environments will be constants in the future. Additionally, at least one of these Divisions should be specially designed as a “Peacekeeping Division.” Such a Peacekeeping Division would be strong in civil affairs, judge advocate, medical, transportation, logistics, engineer, and military police units.

The State Department needs to develop plans for large-scale, multidiscipline, rapid responses to failed state and post-conflict environments. Among the disciplines needed are justice experts, public utility experts, public health experts, primary and secondary education experts, labor relations experts, public transportation infrastructure experts and political systems experts. The State Department needs to have its own personnel, logistics and transportation assets outside of the U.S. Military. Some of these experts may come from other U.S. agencies, such as the Department of Justice.

Finally, the situation in Iraq is extremely fragile. Thousands of patriotic Iraqis have voluntarily come forward to work with Americans toward a better Iraq. Many of these Iraqis risk their lives every day to continue to work with Americans. Many of these Iraqis, including several friends of mine, have been assassinated for working with the Americans. While it is very unlikely that we may have to evacuate the Embassy and the Green Zone, if we do evacuate we must not leave these people banging on the gates of our Embassy — again.