



Department of Justice

STATEMENT OF

**BRUCE C. SWARTZ
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION
UNITED STATES DEPARTMENT OF JUSTICE**

BEFORE THE

**SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HOUSE COMMITTEE ON ARMED SERVICES
U.S. HOUSE OF REPRESENTATIVES**

CONCERNING

**MAJOR AREAS IN WHICH CONTRACTS HAVE BEEN UTILIZED TO SUPPORT THE
TRAINING, EQUIPPING, AND SUSTAINMENT OF THE IRAQI SECURITY FORCES, AND
CHALLENGES THAT HAVE BEEN ENCOUNTERED IN INTERAGENCY COORDINATION,
CONTRACT MANAGEMENT, AND OVERSIGHT**

PRESENTED

APRIL 25, 2006

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Mr. Chairman and members of the committee, I am pleased to appear before you today to discuss the role of the Department of Justice's International Criminal Investigative Training Assistance Program in the training, equipping, and sustainment of the Iraq Security Forces.

I. OVERVIEW OF ICITAP

Created in 1986, DOJ's International Criminal Investigative Training Assistance Program (ICITAP) has become a leader in law enforcement development worldwide, with active programs in 48 countries around the globe. ICITAP's mission is to help achieve U.S. criminal

justice and foreign policy goals by assisting in developing sustainable foreign law enforcement institutions that promote democratic principles, instill respect for human rights and human dignity, and reduce the threat of transnational crime and terrorism.

ICITAP's activities encompass three principal types of assistance projects: (1) enhancing capabilities of existing law enforcement institutions in emerging democracies (e.g., Balkans, Eurasia, Sub-Sahara Africa); (2) assisting nations on the frontlines of the war on terrorism (e.g., Pakistan, Indonesia, Philippines); and (3) developing law enforcement institutions in the context of post-conflict reconstruction or international peacekeeping operations (e.g., Bosnia, Kosovo, Iraq).

In all of its assistance projects, ICITAP seeks to avoid piecemeal training efforts, and to instead focus on the comprehensive, long-term development of police forces and corrections institutions. Further, and whenever possible, ICITAP and its sister agency— DOJ's Office of Overseas Prosecutorial Development, Assistance, and Training— seek to integrate their assistance programs, and to work with other Federal law enforcement agencies, in order to simultaneously develop all three pillars of the criminal justice system: police, courts, and corrections.

Currently, ICITAP has programs in 48 different countries. We have deployed 18 Federal ICITAP senior law enforcement advisors (SLEAs) overseas, who are usually attached to the U.S. embassy or mission, and who oversee the management and delivery of the police development programs in-country. Programs that are too small to support an in-country SLEA are managed by Federal ICITAP headquarters (HQ) staff in Washington. ICITAP currently utilizes a contract with MPRI for the procurement of personnel, goods and services for ICITAP programs worldwide, to include Iraq. The current ICITAP contract with MPRI is an indefinite

delivery/indefinite quantity (IDIQ) contract covering a base-year with five option periods, and having a ceiling of \$400 million over the entire term of the contract. Under the terms of this contract MPRI provides advisors, logistics, and administrative support for ICITAP law enforcement programs around the world. But while ICITAP uses its contract with MPRI to obtain these personnel and services, ICITAP at all times, develops, manages, and evaluates all of its programs.

The contract design, bid, and award process, as well as the day-to-day administration, are managed by the department's Justice Management Division's (JMD's) procurement services staff. JMD has assigned and imbedded a senior contracting officer whose sole responsibility is to provide oversight and guidance on all ICITAP contract-related matters.

Finally, it should be noted that ICITAP's budget comes almost exclusively from project-specific funding provided by outside agencies – primarily the Department of State (DOS), the U.S. Agency for International Development (USAID), and, recently, the Millennium Challenge Corporation. This means, then, that ICITAP looks to other U.S. Government agencies with regard to both the selection and funding of overseas law enforcement development projects.

II. ICITAP IRAQ PROGRAMS

In May 2003, after the U.S. military secured Baghdad, the Criminal Division of the Department of Justice, with funding provided by the DOS's Bureau for International Narcotics and Law Enforcement Affairs (INL), deployed a select team of 25 career senior justice practitioners into Iraq to assess the state of law enforcement and justice sector institutions. This team produced three comprehensive assessments, which were provided to the Coalition

Provisional Authority (CPA) leadership, on the state of the police service, the judiciary, and the correctional system.

The ICITAP component of the assessment team remained on the ground in Iraq to help to stand up the key components of the Ministry of Interior and the Ministry of Justice: the Iraqi Police Service (IPS), the Department of Border Enforcement (DBE), and the Iraq Correctional Service (ICS). Today, almost four years later, ICITAP continues to provide support in three vital program areas: the Iraq Police and Border Services, the Iraq Correctional Service, and the Commission on Public Integrity.

In each of these programs – police, corrections, and public integrity -- ICITAP has helped develop and implement institutional development strategies. ICITAP also has developed training curriculum, delivered basic and advanced instruction programs, and operationalized and managed training academies. Those academies have educated tens of thousands of Iraqi civilian law enforcement professionals throughout Iraq.

At present, ICITAP's in-country staffing levels supporting these three programs consist of four authorized Federal senior management personnel positions and approximately 307 contractor personnel. Funding to support these three program efforts has totaled approximately \$285.7 million to date and has been provided by DOS/INL via inter-agency agreements. This funding is used almost exclusively to manage program efforts and fund the salaries of instructors and advisors. All life support elements (e.g., logistics, security, equipment) for all ICITAP personnel working in Iraq are provided by INL's contractor.

As I noted earlier in my testimony, ICITAP currently utilizes a prime contract with MPRI, managed by the Department of Justice's Justice Management Division, to procure the services of the 307 senior police and corrections instructors and advisors to support its mission in

Iraq. While retaining all program control and development responsibilities, ICITAP works closely with MPRI to ensure recruitment, selection, and deployment of the highest caliber personnel possible. Let me turn to each of the programs in greater detail.

POLICE PROGRAM

Within six months of deploying into Baghdad in May 2003, a small ICITAP team of experts, working with coalition partners, assisted in the development of a comprehensive police assessment, helped to reconstitute the Ministry of Interior and stand up the Iraqi Police Service in Baghdad, designed the Iraqi Department of Border Enforcement, developed the basic skills police curriculum, and helped to establish the Jordan International Police Training Center. ICITAP's efforts in these first critical months helped to launch what is arguably the largest international police development and training program ever undertaken.

In early 2004, ICITAP contributed to the establishment of what is now known as the Multinational Security Transition Command's Civilian Police Assistance Training Team (CPATT). From 2004 to 2006, ICITAP's Federal senior law enforcement advisor in Iraq served as the deputy of CPATT and as the senior civilian advisor to each of the three preceding CPATT commanding generals.

Funding for ICITAP's Iraqi policing initiatives totals more than \$213.5 million to date. ICITAP currently has authorization for two Federal civilian managers on the ground in Iraq to work with CPATT in the police training mission, along with 191 subcontracted senior police trainers and advisors, known as international police trainers (IPTs). IPTs are primarily engaged in training Iraqi Police Service personnel and Iraqi Police Service trainers at police academies.

Under the CPATT mission, to date, more than 155,000 Iraqi police have graduated from courses developed and/or delivered by ICITAP and/or ICITAP-trained Iraqi police instructors. ICITAP helped to establish, and currently advises Iraqi Police Service personnel at the Baghdad Police College, the Irbil Police College, and seven regional basic training facilities throughout Iraq (i.e., Basrah, Hillah, Kut, Mosul, Najaf, Sulaymaniyah, and Hammam Al Alil).

ICITAP also has successfully developed curricula for 25 distinct specialized and advanced courses. To date, more than 18,000 Iraqi police have completed these advanced courses, to include Basic and Advanced Criminal Investigations, Interviews and Interrogations, Critical Incident Management, and Violent Crime Investigations. With its coalition partners, ICITAP developed and delivered the Transition and Integration Program, which is aimed at introducing human rights doctrine and application, use of force concepts, and other modern policing practices, to the Iraqi Police Service officers who served under the former regime. More than 46,000 Iraqi police have completed the Transition and Integration Program to date.

Additionally, ICITAP has provided assistance to CPATT to help establish a functional and sustainable border security department in Iraq that is capable of preventing violence, narcotics, and human trafficking, and of preserving the human rights and dignity of all who cross the Iraqi borders. ICITAP has been asked to provide up to 20 subcontractor border security instructors and advisors to provide basic skills and advanced training at the regional DBE training academies throughout Iraq. To date, ICITAP has assisted with the training of 11,976 Iraqis in basic border security; advanced and specialized training started this month.

CORRECTIONS PROGRAM

Since May 2003, ICITAP has led the USG's efforts to reconstitute an Iraqi corrections system based on the United Nations Standards for Ethical Treatment of Prisoners. A multinational team, consisting of three ICITAP subcontractor senior corrections advisors, as well as three experts from Great Britain and Canada, produced a final report on the state of the Iraqi corrections system that was issued on June 15, 2003. The assessment report made 15 specific recommendations for the re-establishment of a professional, secure, and humane correctional system to support the Iraqi criminal justice system. These recommendations became the basis for the development of a strategic plan to establish a new Iraq Corrections Service (ICS). Within the first three months, ICITAP trainers reinstated operations of prison facilities in the Baghdad region and stood up an initial guard force to begin intake of criminal detainees.

Today ICITAP remains the primary USG entity charged with implementing prison reform initiatives. The program is headed by two ICITAP Federal civilian managers in Iraq who oversee approximately 80 contractor personnel serving as international corrections trainers (ICTs) to support the development of the ICS. Unlike the ICITAP police trainers – who are under the control of CPATT -- the ICT mission remains under the control of the Embassy's rule of law program. To date, ICITAP has received a total of \$62.6 million from INL for this effort.

ICITAP's 80 ICTs are stationed in Baghdad and northern regions. ICITAP provides basic training, field training, and mentoring in an effort to strengthen the ICS and Kurdish region institutional capacities. On-the-ground efforts are closely coordinated with British corrections advisors, who support reform efforts in Iraq's southern region, particularly in and around the city

of Basrah. ICITAP also coordinates with the U.S. military and the Iraqi Ministry of Interior, both of which oversee substantial numbers of detainees currently outside the Iraqi corrections system.

In practice, the correctional system in Iraq consists of the ICS national system and an independently operated system in the country's northern Kurdish region. ICITAP has successfully built an indigenous training capacity within the ICS, providing instructor development courses to Iraqi instructors, who in turn provide advanced courses in weapons, emergency response team training, transportation, personal security details, and biometrics. ICITAP also established the National Corrections Training Academy and regional training academies, which have graduated more than 7,500 new staff from pre-service training.

In addition, ICITAP has facilitated the transfer of authority at the Baladiyah Prison from the Iraqi Ministry of Interior (MOI) to the Ministry of Justice. Baladiyah is a 750-bed, newly constructed MOI-operated detention facility. Following the completion of renovations funded by the U.S. military, the facility now houses ICS inmates. On September 1, 2006, ICTs assisted in the final transfer of Abu Ghraib Prison to the ICS. The ICS and the Iraqi Army have united forces to guard the 6,000-bed prison until its future use is determined. Abu Ghraib was closed on February 28, 2006, when approximately 2,000 inmates were transferred out of the facility.

Currently, ICITAP is assisting the ICS in the development of director general's orders, utilizing the United Nations Standards for the Ethical Treatment of Prisoners as a general guideline for policy formation. The first order, which explained the director general order procedure, was distributed at the director general's executive staff meeting on April 9, 2006. To date, 30 director general's orders, covering a variety of topics, have been completed.

THE COMMISSION ON PUBLIC INTEGRITY PROGRAM

The Commission on Public Integrity (CPI) was created in early 2004 by the CPA, pursuant to CPA Rule 55. The CPI was established as an independent governmental body with the mission to prevent and investigate corruption, and to promote transparency and the rule of law throughout Iraq.

The Iraqi Governing Council, which was responsible for the establishment of the CPI, vetted civilians with legal backgrounds to carry out the commission's investigative functions. The Anti-Corruption Unit (ACU), along with the Special Investigative Unit (SIU), fulfills critical investigative functions within the CPI structure. Their respective assignments are to investigate alleged acts of corruption and to provide protection for public officials who are threatened due to their cooperation with ongoing corruption investigations.

Since September 29, 2004, State/INL has provided more than \$9.6 million in funding to ICITAP to provide institutional support, training, mentoring, and investigative surveillance equipment needed to establish and train an effective CPI investigative corps. ICITAP has deployed 16 subcontractor advisors in-country to oversee this effort and support the investigators assigned to the CPI.

FY06 funds facilitated an expansion of program assistance in the areas of witness protection, intelligence, forensic capability, and internal controls. The additional resources have also enabled ICITAP to support the CPI's placement of six regional branch offices and smaller CPI satellite offices in Iraq's 18 provinces. The program continues in FY07.

ICITAP has successfully trained 120 ACU and 161 SIU anti-corruption investigators, who have been assigned 1,851 public corruption cases to date. During FY06, advisors assisted CPI investigators with the referral of 1,388 cases to the Central Criminal Court of Iraq for prosecutorial opinion.

III. OTHER DOJ TRAINING IN IRAQ

I would be remiss if I did not note that ICITAP is only one part of the extensive efforts undertaken by the Department of Justice to help establish the rule of law in Iraq. With the committee's permission, I would like to describe briefly our other work in this area. While a few of these also depend upon limited contract support, by far the majority of them are executed by Department of Justice personnel assigned to the Embassy in Baghdad:

OPDAT: The Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) – the sister organization of ICITAP – has deployed Federal prosecutors to serve as Resident Legal Advisors (RLAs) in Baghdad and as part of Provincial Reconstruction Teams (PRT) in five other cities. The RLAs currently train trial and investigative judges under the authority of the Higher Juridical Council; advise on changes in law and policy within the Higher Juridical Council; and provide counsel, support, and assistance on a variety of court administration, management, security, and case-specific matters. The RLA programs are conducted pursuant to agreements with DOS, and funding for the effort since 2003 has totaled approximately \$25.4M in total funding from Foreign Operations or Iraq Relief and Reconstruction Fund (IRRF) appropriations.

United States Marshals Service: Twelve Deputy U.S. Marshals from the USMS Special Operations Group (SOG) serve in Iraq on four-month rotational assignments. They provide technical assistance and training support to the Iraqi judicial sector on security for witnesses, judges, prosecutors and other court personnel, as well as security for courthouses. In addition, they are beginning to provide support for the creation of a counterpart Iraqi Marshals Service. To date, USMS programs has received \$38M from the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL) and the Iraq Relief and Reconstruction Fund (IRRF) for these efforts.

Bureau of Alcohol, Tobacco, Firearms and Explosives: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has participated since October 2003 in the planning and implementation of counterterrorism/explosives training for the Iraqi Police in support of the Civilian Police Assistance Training Team (CPATT). ATF has completed numerous two-week post-blast investigation courses at Camp Dublin and one-week basic explosives courses at Adnan Palace for over 300 Iraqi Police Service officers. (ATF also has conducted 15 highly-specialized pre-deployment Military Post-Blast Investigation Training schools for U.S. military personnel before they arrive in the Iraqi theater, as well as pre-deployment explosives training for U.S. State Department Diplomatic Security Service personnel headed to Iraq.) In addition, ATF has deployed eight personnel in Iraq in support of the Combined Explosives Exploitation Cell (CEXC), including Certified Explosives Specialists and Explosives Enforcement Officers assigned to incident response teams and providing technical explosives and post-blast investigative expertise. Since March 2004, ATF also has deployed a Certified Explosives Specialist, Special Agent Canine Handlers, and a canine unit to Iraq to perform missions related

to sensitive critical infrastructure protection, including searching vehicles, individuals, and facilities to reduce and counter the threat of improvised explosive devices.

Drug Enforcement Administration: The Drug Enforcement Administration (DEA) has delivered courses in intelligence and intelligence analysis to the Iraqi police agencies in support of CPATT.

Federal Bureau of Investigation: Since 2003, the FBI has deployed rotating teams of personnel to provide specialized counterterrorism and complex criminal case training to the Iraqi police in support of CPATT. In addition, the FBI has ten personnel at the Legal Attaché Office in Iraq to perform investigations and other operational activities. The Department also has 55 agents and support staff at the Baghdad Operations Center (BOC) and throughout Iraq; the majority of these agents serve on rotating details.

Major Crimes Task Force: In 2005, the Department of Justice established the Major Crimes Task Force (MCTF), which assists the Iraqi police agencies with the investigation of major crimes (murder, kidnapping, etc). Using a train-the-trainer approach, ten Federal law enforcement personnel from the FBI, DEA, USMS, and ATF enhance the Iraqi police officers' abilities to conduct major investigations with the intent of restoring law and order. Resources and funding (\$11.0M) for the MCTF originated with a directed reallocation of IRRF funding that was transferred to DOJ through DOS.

The Regime Crimes Liaison's Office: The Regime Crimes Liaison's Office (RCLO) was established in May 2004, to assist the Government of Iraq in investigating and prosecuting crimes by Saddam Hussein and key members of his regime, and in establishing the Iraqi High Tribunal (IHT) to try former regime members for their crimes. The RCLO numbers approximately 120 full-time personnel, including 13 Assistant United States Attorneys (AUSA),

Military Department Judge Advocate General Corps officers, DOJ and international investigators (including agents from the FBI, DEA, ATF, and USMS), forensic scientists, administrative personnel, and contractors, under the leadership of the Regime Crimes Liaison, a DOJ employee.

IV. CONCLUSION

I want to thank the committee for this opportunity to discuss the efforts of ICITAP in support of the USG efforts to stand up sustainable and effective law enforcement institutions in Iraq, and to note the equally important efforts in Iraq of all the other components of the United States Department of Justice. In closing, I would like to acknowledge the courage, professionalism, and dedication of the men and women of the Department of Justice who have served and are serving today in Iraq in the most difficult of circumstances.