

**House Armed Services Committee
Subcommittee on Oversight and Investigations**

Gerald F. Burke

Major, Massachusetts State Police (Retired)
Former Senior Advisor, Iraqi Ministry of Interior and Iraqi Police Service

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Good morning and thank you for the opportunity to speak today.

My name is Gerald Burke.

In May 2003, I was a member of a six-person team of police executives sent to Baghdad, Iraq, by the United States Departments of Justice (ICITAP) and State (INL). The police team was part of a larger criminal justice team including corrections and legal executives. That assignment in Iraq would last until June 2004. Initially, our team conducted a Needs Assessment of the Iraqi Police Service (IPS) for DoJ and DoS.

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.

Based upon my professional training, education and experience, and particularly, my two years in Iraq, I have made several observations and conclusions.

SUMMARY: It is my opinion, that, despite the best efforts of thousands of American Police Officers over the last four years, and the ultimate sacrifice of twelve American Police Officers, the police-training program in Iraq has been a complete failure. If we are lucky, and if the Iraqi people are lucky, we may have an opportunity at the request of a new Iraq government to do it all over – and to do it right the next time. If we do not get an opportunity to do it over again in Iraq, then we should be better prepared for the next country we are involved with – and there will be, eventually, another country.

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).

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 18th Military

Police Brigade and its commanding officer at the time, Colonel Teddy Spain. The 18th MP Brigade was the quickest to recognize the transition from war-fighters to stability and reconstruction operations. I will talk more about the US Military later.

Second, and perhaps the 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. The most serious mistake made by CPA in my opinion was the process by which the current government was elected. The people of Iraq did not vote for local representatives to be *their* representative in a national legislature. The people for for slates of candidates chosen by the political parties. Technically, this system is close to a **closed party-list proportional representation** system. In a fledgling democracy this system strengthens the largest, best known, most popular political parties and not necessarily the *will of the people*.

Third, simply as an American citizen, I am extremely disappointed at the performance of many of our General Officers, our various intelligence agencies and our Diplomatic Corps.

Next, was our – the US 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. In Haiti in 1994, we recognized the importance of the rule-of-law during Operation Uphold Democracy when our police trainers wore t-shirts with the expression "*Justice – the Foundation of Democracy*".

It should be noted at this point, that, in my opinion, most Federal laws, Rules and Regulations, and Policies and Procedures for the hiring and contracting of personnel and the acquisition of supplies and equipment were serious obstacles to accomplishing the mission and unnecessarily put peoples' lives at risk – including my own.

Sometimes I think that if all the rules were followed we would still be waiting for armored vehicles.

By July 2003, the Department of Defense, CPA and the police-training mission had fallen irretrievable behind in the key management areas of planning, organizing, staffing, budgeting, coordinating their efforts and reporting their progress.

These comments notwithstanding, there are many dedicated and brave members of both INL and ICITAP who have risked their lives for this country. At the risk of not mentioning some of these people, I would like to recognize two Americans who I was honored to work with in Iraq: Mr. Robert Gifford of INL and Mr. Robert Carr Trevillian of ICITAP. These men truly understand the need for civilian rule-of-law, especially in post-conflict and failed state environments.

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 US. Twenty-four trainers and advisors for a nation of 25 million! A year after our report was submitted there still were less than 100 civilian police trainers and advisors in Iraq.

The legislative process in Congress may have caused part of this delay. Part of this delay may have been caused by the bifurcated nature of our international police missions. The Bureau of International Narcotics and Law Enforcement Affairs (INL) of the Department of State and the International Criminal Investigative Training Assistance Program (ICITAP) of the Department of Justice both share responsibility for international police missions.

INL is responsible for the advisors who are on the streets and visiting police stations every day in Iraq. These advisors are hired on the basis of a low bid contract currently awarded to Dyncorp, I believe. ICITAP is responsible for the classroom trainers working in academies across Iraq. These trainers are hired on the basis of a cost plus contract previously awarded to SAIC but now held by MPRI. This division of responsibility also leads to a number of operational problems as well.

My recommendation is that all trainers and advisors should be hired on the basis of a cost plus contract to ensure the highest possible quality of personnel.

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 Iraqi Police was failing. The failure to deploy civilian police trainers and advisors in a timely manner delayed the recruitment, training, equipping and deployment of a civilian Iraqi law enforcement agency.

The US Military was directed to help with the process. By sheer number of personnel, the US 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. The first IPS recruit class entered the Baghdad Academy in January 2004.

By March 2004, the US Government recognized that only the US Military had the personnel, logistical and transportation assets 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. (See the United States Institute for Peace, Special Report 137).

At this point the distinction between an Iraqi military force and an Iraqi civilian rule-of-law police service became almost interchangeable with the use of the term of the *Iraqi Security Force*. It was at this time that input or control of the police training by civilian police experts was significantly reduced.

Across Iraq, American soldiers and Marines were pressed into service to be police trainers and advisors. These soldiers and Marines 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.

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 US Military organized “third force” paramilitary 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 US 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 blanket criticism of the US Military. The US Military was simply doing its best – while undermanned and under equipped for its primary mission – to fill a void left by other US Government agencies.

I also want to make the distinction between the career Iraq Police and the ad hoc Special Police. The IPS pre-dated Saddam and was 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 1980’s and the Gulf War. Individual officers prided themselves on their higher education. Many of the commanders had attended college outside of Iraq, particularly before the sanctions.

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.

It is 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. 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:

An insurgency by any definition, and most especially the insurgency in Iraq, is unconventional warfare. In many ways, unconventional warfare is similar to organized crime, drug cartels or gangs. Conventional combat arms commanders in the US 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 10 Divisions (excluding Reserves and Guard units) and we need at least 12, if not 14, Divisions. 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, Logistical, 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. The State Department needs to have its own personnel, logistics and transportation assets outside of the US Military. Despite the rhetoric of the importance of the police-training mission, in a country where ground transportation is extremely dangerous, CPATT was never given its own helicopters for travel to Iraq's eighteen provinces.

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. Some of these experts may come from other US 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 as interpreters and staffers with Americans. 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

Americans. While it is very unlikely that we may have to evacuate the Embassy and the Green Zone, *if* we evacuate we must not leave these people banging on the gates of our Embassy – again.