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The destabilizing potential of recidivist insurgent activity in Iraq by former detainees poses a significant risk to Iraq and to United States interests in the region. Thousands of detainees were interned by United States (U.S.) forces in Iraq between 2003 and 2011. Despite unprecedented successes in U.S. detentions operations, early operational mistakes fostered a detainee population sensitive to recidivism that may be influenced to engage in future destabilizing activities. Two factors that may influence future recidivist behavior include insurgent manipulation of social media to incite violence, and U.S. and Iraqi government inconsistencies in the treatment of key legacy detainees and insurgent groups. Monitoring mechanisms with low resource allocation should be implemented through programs currently sponsored by interagency partners with enduring missions in Iraq. These existing programs can be modified for recidivism trend evaluation, bringing significant value to strategic and operational mission development. Relevant data will inform regional U.S. leadership if significant trends require the development of new counter-insurgency courses of action or strategic leadership engagements.

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ENHANCING THE STABILITY AND SECURITY OF IRAQ THROUGH THE MONITORING OF FORMER DETAINEE RECIDIVIST INSURGENT ACTIVITY

by

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Lieutenant Commander, United States Navy

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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Contents

Abstract

Enhancing the Stability and Security of Iraq through the Monitoring of Former Detainee Recidivist Insurgent Activity

The U.S. government has invested heavily in a democratic Iraq for the strategic purpose of establishing a stable Middle East. The U.S. diplomatic and interagency mission in Iraq remains substantially involved in Iraq's security and development, while the U.S. Department of Defense continues to negotiate the future of its advise and assist mission with the Government of Iraq. Concurrently, Al Qaeda and other insurgent groups continue to wreak havoc on Iraqi society through the employment of violence aimed at destabilizing the Iraqi government. To engage in such acts of violence, these insurgent groups must recruit new members susceptible to their ideology and influence. A significant target population for radicalization and recruitment are the thousands of detainees formerly held by U.S. forces. The purpose of this paper is to evaluate various factors that may influence recidivism by this former detainee population, and to consider what interagency options remain available to monitor potential recidivist activity. Established, long-term programs operated by the U.S. Department of State and U.S. Department of Justice will be evaluated for monitoring viability. Assuming recidivism trends were monitored and warranted action, this paper reviews various state-sponsored de-radicalization and re-integration programs and recommends governmental engagement between the U.S. and Iraq to pursue the implementation of a state-sponsored program in Iraq.

Introduction

The destabilizing potential of recidivist insurgent activity in Iraq by former detainees poses a significant risk to Iraq and to United States interests in the region.[1] Thousands of detainees were interned by United States (U.S.) forces in Iraq between 2003 and 2011. With the withdrawal of United States Forces-Iraq in December 2011, the remaining highest threat detainees have only recently been turned over to the Iraqi government. As noted in the United States Central Command (CENTCOM) Commander's Posture Statement, Iraq is considered a "keystone of regional stability" that still faces significant security challenges which could be undermined by internal and external threats.[2]

Despite unprecedented successes in U.S. detention operations, early operational mistakes fostered a detainee population sensitive to recidivism that may be influenced to engage in future destabilizing activities. Likewise, two factors that may influence future recidivism include insurgent manipulation of social media to incite violence, and U.S. and Iraqi government inconsistencies in the treatment of key legacy detainees and insurgent groups.[3] Despite significant investment in the Iraqi criminal justice system, neither the U.S. nor Iraq currently monitors recidivism. Monitoring mechanisms requiring low resource allocation should be implemented through programs currently sponsored by interagency partners with enduring missions in Iraq. These existing programs can be modified for recidivism trend evaluation, bringing significant value to strategic and operational mission development. Relevant data will inform regional U.S. leadership if significant trends require

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[1] The term "recidivism" in this context refers to an individual's relapse into criminal behavior, often after receiving sanctions or undergoing intervention for previous misconduct.

[2] Statement of U.S. Marine Corps Gen. James N. Mattis, U.S. Central Command Commander, before the Senate Armed Services Committee about the posture of U.S. Central Command, 1 March 2011. http://www.centcom.mil/en/about-centcom/posture-statement/ (accessed 20 March 2012).

[3] "Legacy detainees" are distinguished from conventional security detainees as the highest threat individuals detained by U.S. forces. They were the last detainees transferred to Iraqi custody at the termination of the U.S. Forces-Iraq mission in late 2011.

the development of new counter-insurgency courses of action or strategic leadership engagements.

Current Insurgency Threats

In the context of nonmilitary power and authority, a center of gravity can be defined as a "source of massed strength…whose serious degradation would have the most decisive impact on the enemy's ability to accomplish a given political objective."[4] A critical capability in this framework is a crucial enabler for the functioning of the center of gravity.[5] The legitimacy of the Iraqi government is a strategic center of gravity in which the United States government has invested heavily. The Iraqi government serves as a regional model of democracy in a Muslim region that is currently struggling to redefine governance and the rule of law. A critical capability for preserving and protecting this legitimacy is a viable Iraqi criminal justice system, composed of law enforcement, corrections, and the judiciary. The criminal justice ministries were reorganized under the Coalition Provisional Authority, but the majority of laws and procedures that underlie the justice system date back to the 1960s. These criminal justice ministries provide stability and security to a population re-establishing itself after eight years of insurgent warfare and sectarian conflict.

In contrast, an insurgency's center of gravity is its membership base, allowing it to conduct destabilizing activities. Recruitment is a critical capability required for the insurgent group to function. The effectiveness of insurgent group activity correlates directly with the successful radicalization of its target recruit demographic.

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[4] Milan N.Vego, *Joint Operational Warfare: Theory and Practice*, U.S. Naval War College, 2007, p. VII-13.
[5] United States Department of Defense, Joint Publication 5-0, *Joint Operation Planning*, (Washington, D.C.: 11 August 2011), p. III-24.

Since U.S. forces formally withdrew from Iraq in December of 2011, insurgent groups have conducted a series of large scale attacks to destabilize the Iraqi government and bolster sectarian violence. Many attacks bear the operational signatures of al-Qaeda and its affiliates as they continue to target the efficacy of the justice system. Al-Qaeda was believed to have executed a series coordinated attacks throughout January of 2012 that targeted Iraq's Shiite population, resulting in over 150 killed and approximately 300 people wounded.[6] On February 23, 2012, a series of attacks were conducted in quick succession throughout Baghdad and eleven other cities in the country, killing 65 and wounding at least 225 people.[7] In March of 2012, a series of coordinated attacks throughout various Iraqi provinces targeted government officials and facilities as well as law enforcement personnel, killing over 50 people and wounding dozens more.[8]

By undermining the public's confidence in the ability of the Iraqi government to adequately protect Iraqi society, insurgents counter the official narrative of stability and cause the general population to question public order and safety. Through the monitoring and disruption of insurgent recruiting efforts, particularly with former detainees, the Iraqi criminal justice system can publically signal its authority and jurisdiction over the rule of law.

The Potential Impact of U.S. Detention Operations on the Recidivism Challenge

An unanticipated byproduct of the 2003 U.S. invasion of Iraq was the rise of violence fueled by an unconstrained sectarian divide. Task Force 134 (TF-134) was established by

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[6] David Cutler, "Timeline-Deadliest Attacks in Iraq in Last Year," *Reuters*, 23 February 2012. http://uk.reuters.com/article/2012/02/23/uk-iraq-violence-blasts-idUKTRE81M0NR20120223 (accessed 5 March 2012).

[7] Ibid.

[8] Associated Foreign Press, "44 Dead in Iraq Attacks ahead of Arab Summit," *The Times of India*, 20 March 2012. http://timesofindia.indiatimes.com/world/middle-east/44-dead-in-Iraq-attacks-ahead-of-Arab-summit/articleshow/12342465.cms (accessed 20 March 2012).

Multi-National Forces-Iraq in part to align detention operations with the theater strategy of defeating the extremist insurgency in Iraq. The legal authority for interning these security threats derived from the Fourth Geneva Convention and was approved by the United Nations Security Council and outlined in Coalition Provisional Authority guidance.[9]

The U.S. anticipated the need to seek international support and established broad guidelines for the proper treatment and care of detainee populations in accordance with international law. However, early operational sustainment of the detention program was insufficient to conduct any type of successful counterinsurgency program. Infrastructure was overwhelmed by large numbers of detainees over a short span of time, leading to detainee violence, radicalization, and recruitment within the Theater Interment Facilities.[10] Initial detention operation administrators were relegated to "warehousing" detainees with little ability to segregate the minor offender from the radicalized leader who could recruit future insurgent activity.[11] It wasn't until 2006 that significant segregation procedures were implemented, by which time over 13,000 detainees were held by U.S. forces in only four facilities in Iraq. During the surge initiated in 2007, the number grew to over 25,000 detainees.[12]

Prior to the negotiation of the 2008 Security Agreement, there was serious concern within the U.S. government that legal authority to detain Iraqi citizens might end in 2007. This led to a concerted effort to separate detainees eligible for criminal prosecution from less threatening security detainees. Those detainees whose acts could be linked to crimes under

[9] S.C. Res. 1546, ¶ 10, U.N. Doc. S/RES/1546 (June 8, 2004); Geneva Convention Relative to the Treatment of Civilian Persons in Time of War art. 42, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287; Coalition Provisional Authority Memorandum No. 3 (Revised), Criminal Procedures §§5- 6 (June 27, 2004).
[10] Cheryl Benard, et al., *The Battle Behind the Wire: U.S. Prisoner and Detainee Operations from World War II to Iraq*, Santa Monica, CA: Rand Corporation, 2011, p. 49.
[11] Ibid., p. 57.
[12] Max Boot, "To Have and To Hold," *The Weekly Standard,* Vol. 14, No. 43 *(*3 August 2009), p. 18.

the Iraqi penal code were vetted for prosecution through the Central Criminal Court of Iraq (CCCI) in early rule of law stability efforts to establish a viable criminal justice system.

However, due to the classification restrictions of certain evidence, as well as the unique evidentiary requirements of the Iraqi criminal justice system, many CCCI cases were never referred for prosecution. U.S. forces statistics indicate that only eight percent of security detainees were referred to the Iraqi criminal justice system.[13] Those cases that were vetted for prosecution at the CCCI revealed a 40 percent dismissal rate.[14] In many instances, U.S. forces retained custody of detainees whose cases were dismissed by the CCCI as their release was deemed a continuing threat to coalition forces and the people of Iraq. The U.S. detention infrastructure remained heavily burdened as detainees were not transferred in significant numbers to Iraqi custody.

Early detention operations leadership also failed to appropriately grasp critical sociological, political and economic motivations for engaging in insurgent behavior.[15] Some frustrated moderate detainees were ultimately influenced to re-engage in future misconduct through this lack of cultural awareness within early detention operations. By failing to immediately incorporate mechanisms to address the root cause of participation in insurgent activity, the detention operations program inadvertently fueled grievances and fostered domestic opposition to the U.S.-led mission.

Prior to the 2007 U.S. forces-led surge, recidivism rates for non-prosecuted security detainees hovered around ten percent. In mid-2007, TF-134 leadership focused on

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[13] Major W. James Annexstad, "The Detention and Prosecution of Insurgents and Other Non-Traditional Combatants-A Look at the Task Force 134 Process and the Future of Detainee Prosecutions," *The Army Lawyer*, DA PAM 27-50-410 (July 2007), p. 72.

[14] Benard, et al., "The Battle Behind the Wire: U.S. Prisoner and Detainee Operations from World War II to Iraq," p. 69.

[15] Ibid., p. 50.

substantive counter recidivism efforts within the detention program. These efforts included

basic literacy and religious reeducation programs within the detention facilities and the

establishment of Theater Interment Facility Reconciliation Centers at Taji and Ramadi,

which served to provide religious rehabilitation as well as vocational and civic training.[16]

U.S. forces statistics revealed significant success with these programs as recidivism rates

quickly declined to approximately one percent within a year after the programs were

instituted.[17]

However, thousands of detainees remained interned for approximately two years in

U.S. and Iraqi custody after these counter-recidivism programs terminated. Some of the most

dangerous detainees have only recently been turned over to the custody of the Iraqi

government. The 2008 Security Agreement between the U.S. and Iraq granted the U.S.

broad latitude in retaining physical, but not legal, custody of security detainees if the threat

was deemed too great to U.S. interests.[18]   This broad language provided the legal

maneuvering space for the U.S. to retain custody of key legacy detainees, but only until the

withdrawal of United States Forces-Iraq in 2011.

With the majority of security detainees released and commingled with the general

public, this former detainee population may pose a threat to Iraq and to U.S. regional

interests as previously-unanticipated political and social influences may foster renewed

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[16] Ibid., p. 72.

[17] Lieutenant Commander Vasilios Tasikas, "The Battlefield Inside the Wire: Detention Operations Under Major General Douglas Stone," *Military Review,* Vol. 89, No. 5 (September-October 2009), pp. 68-69.; "10,000 Detainees Released This Year; Re-internment Rate Less than 1 Percent," *United States Forces-Iraq News Release*, 4 August 2008. http://www.usfiraq.com/?Itemid=1&id=21624&option=com_content&task=view (accessed 8 March 2012).

[18] Art. 22, Para. 4, Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq, 17 November 2008. http://graphics8.nytimes.com/packages/pdf/world/20081119_SOFA_FINAL_AGREED_TEXT.pdf, (accessed 9 March 2012).

interest in insurgent participation. Leading scholars opine that Islamic judgments about the employment of militant violence respond to new situations as shaped by textual precedents and politics. [19] It is therefore incumbent upon the U.S. to monitor the evolving character of insurgent groups as they seek to inflict erosive damage to regional security.

The Potential Exploitation of Social Media to Encourage Recidivism

A radicalized membership base serves as the center of gravity for an insurgency, and these groups have begun to recognize the tangible value of social media as a critical requirement in linking foment with recruitment. Israeli researchers have recently concluded that 90 percent of organized terrorism on the internet is currently conducted through immediately disseminated social media such as Facebook, Myspace and Twitter.[20]

Insurgent groups have realized the benefits of active recruitment through social media without the physical limitations imposed by factor space in securing facilities to hold meetings. Likewise, the use of instantaneous media also compresses factor time by speeding up the recruitment process and thus placing law enforcement at a disadvantage in the monitoring of, and response to, such activity. Insurgent groups are successfully manipulating the internet as a "radicalization accelerant" through the strategic dissemination of ideologies that encourage disaffected populations to develop social bonds through communities with which they identify and associate.[21] Propaganda is specifically directed towards these alienated and aggrieved individuals as targeted populations that are more readily responsive

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[19] John Kelsay, *Arguing the Just War in Islam*, Cambridge, MA: Harvard University Press, 2007, p. 124; Randy Borum, "Seven Pillars of Small War Power" *Military Review,* Vol. 91, No. 4 (July-August 2011), p. 43.
[20] Yaakov Lappin, "Study: Online Terror Mostly in Social Media," *The Jerusalem Post*, 10 January 2012. http://www.jpost.com/NationalNews/Article.aspx?id=252926 (accessed 11 March 2012).
[21] Catherine Bott, et al., "The Internet as a Terrorist Tool for Recruitment and Radicalization of Youth," U.S. Department of Homeland Security, Science and Technology Directorate (24 April 2009), p. 12. https://www.hsdl.org/?view&did=24685 (accessed 13 March 2012).

to these radicalized messages.[22] Research has proven that prisoners have been successfully

radicalized in extremist philosophies through shared experiences and grievances.[23]

Thousands of former U.S.-held detainees possess vulnerabilities that may easily be

manipulated by insurgent groups.

Al-Qaeda leadership clearly values the internet as a method to radicalize and recruit

members. Mohamed Mahmoud, a former leader of the Global Islamic Media front, which

translates videos and messages from al-Qaeda to western audiences, is believed to be a likely

replacement for Anwar Al-Awlaki in the al-Qaeda hierarchy. Like Al-Awlaki, Mahmoud

continues to advocate for the dissemination of anti-Western propaganda through the

internet.[24]

Historical files embedded in social media can also be utilized to rally insurgency

support and incite violence. The highest levels of U.S. military leadership acknowledge the

reality of this threat by observing, "Mass communications will highlight the drama of human

suffering…Extremist ideologies will become increasingly attractive to those in despair and

bereft of opportunity. Criminal elements will also exploit this social instability."[25]

Through the use of historical information, these insurgent groups succeed in part by

provoking the governments they oppose into responding in ways that reduces the moral

authority and legitimacy of the criminal justice institution.[26] Numerous unauthorized videos

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[22] Dean C. Alexander, "Offline and Online Radicalization and Recruitment of Extremists and Terrorists," *Journal of Homeland Security* (September 2010), p. 1. https://www.hsdl.org/?view&did=16691 (accessed 13 March 2012).

[23] Ibid., p. 2.

[24] Tom Ramstack, "Congress Tries to Counter Terrorist Social Media Propaganda," *All Headline News*, 5 December 2011. http://gantdaily.com/2011/12/05/congress-tries-to-counter-terrorist-social-media-propaganda/ (accessed 11 March 2012).

[25] U.S. Navy, Marine Corps, and Coast Guard, *A Cooperative Strategy for 21st Century Seapower*, Washington, D.C.: October 2007, available at http://www.navy.mil/maritime/Maritimestrategy.pdf, p.4.

[26] Jessica Stern, "Mind Over Martyr: How to Deradicalize Islamic Extremists," *Foreign Affairs*, Vol. 89, No. 1 (January/February 2010), p. 95.

of U.S. detention facilities in Iraq that have been posted online can be manipulated to provoke former detainees. Two YouTube videos of Camp Bucca riots have a combined 96,000 views, revealing unedited and offensive U.S. military responses to rioting and disobedience. Similarly, numerous YouTube videos posted by human rights organizations and Pan-Arab media alleging prisoner abuse inside Iraqi prisons approach one million views. The internet also serves as a permanent repository of inflammatory media including Abu Ghraib prisoner abuse photographs and documentation of enhanced interrogation techniques that has sparked international outrage. These readily available high-impact/low-cost tools can be used by insurgent groups to quickly and effectively motivate recidivist behavior among target populations, thereby threatening provincial and national security in Iraq while undermining the credibility of the Iraqi government.

Current U.S. and Iraqi Political Impacts on Recidivism

Another potential driver of recidivism is the political influence on the prosecutorial course of action regarding legacy detainees who represent a serious threat to U.S. and Iraqi interests. Ali Mussa Daqduq personifies this dilemma. Daqduq, a senior Hezbollah operative with links to Iran, participated in an attack led by a Shia terrorist group on the Karbala Provincial Joint Coordination Center in January of 2007, where five U.S. soldiers were killed.[27]

Persistent political disagreements within the U.S. government prevented Daqduq's timely prosecution by the U.S. justice system. While there are myriad strategic implications to this case, the political debate hampered the Department of Justice and Department of Defense in meeting National Security Strategy goals of promoting the equitable

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[27] Bill Roggio, "A Terrorist Goes Free," *The Weekly Standard,* Vol. 15, No. 17 (18 January 2010), pp. 18-19.

administration of justice and establishing sustainable legal foundations of countering terrorism. In May of 2011, four members of the U.S. Senate Judiciary Committee requested that the Department of Justice cease its efforts to prosecute Daqduq in federal court and instead route the case to military tribunals.[28] The U.S. ultimately transferred Daqduq to the Iraqi Ministry of Justice in December of 2011 and subsequently requested that Daqduq be returned to the U.S. for prosecution.[29] However, it appears unlikely that the Shiite-dominated Iraqi government will extradite him to U.S. custody, nor have they signaled an intent to prosecute him for the murders of the U.S. service members.

Likewise, the Iraqi government is restricting the prosecutorial powers of the Iraqi judiciary by entering into amnesty agreements with recognized terrorist organizations. Despite the claimed political necessity for such amnesty agreements, they threaten the continued U.S. diplomatic mission, and the possible future military advisory mission in Iraq. In February of 2012, Asab Ahl al-Haq (AAH), an Iranian-supported Shiite extremist group that operates in Iraq, turned over the remains of an Iraqi-born U.S. soldier in a prisoner exchange agreement between the Iraqi government and AAH. According to Shiite lawmakers in Iraq, the ongoing amnesty program protects AAH members from criminal prosecution during disarmament or prisoner release.[30] Such amnesty programs will likely empower insurgent groups to continue engaging in illegal and destabilizing activity with the knowledge that criminal exculpation may be negotiated for political expediency.

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[28] *Senators to AG Holder: Prosecute Hezbollah Commander before Military Tribunal*. United States, Lanham: Federal Information & News Dispatch, Inc, 2011. http://search.proquest.com/docview/867043532?accountid=322, (accessed 20 March 2012).

[29] Charlie Savage, "Prisoner in Iraq Tied to Hezbollah Faces U.S. Military Charges," *The New York Times*, 23 February 2012. http://www.nytimes.com/2012/02/24/world/middleeast/us-approves-military-tribunal-case-for-detainee.html, (accessed 9 March 2012).

[30] Qassim Abdul Zahra, "Missing U.S. Soldier Killed by Shiite Group," *USA Today*, 27 February 2012. http://www.usatoday.com/news/military/story/2012-02-27/iraq-us-soldier-shiite/53267618/1 (accessed 9 March 2012).

Further, inconsistent detainee release policies tied to political negotiations involving the governments of Iraq and the U.S. are a likely cause of disenfranchisement among detainees. Beginning in 2006, the government of Iraq requested that the U.S. release approximately 2,000 detainees as a good will gesture during the Eid holiday between February and April.[31] This tradition continued throughout the remainder of the war. As thousands of detainees were subsequently transferred to Iraqi custody between 2009 and 2011, the U.S. lost visibility on the management and qualification of release eligibility, and reconciliation releases became an increasingly viable tool for elements within the Iraqi government to seek favor with particular vested interests. This tradition arguably serves as a potential source of recidivism as Sunni detainees, who comprise the majority of the Iraq detention population, have observed certain politically or religiously-aligned individuals released outside of legislated criminal justice system procedures.[32] The Sunni population is thus susceptible to an insurgency narrative that calls for continued violence against an oppressive Shia-favored criminal justice system.

At a regional level, the inability of the U.S. and Iraq to commit to a prosecutorial course of action with regards to insurgency participants may project legal insufficiency and illegitimacy regarding U.S. and Iraqi rule of law policies in security sector reform. Further, failure to timely prosecute the most dangerous detainees, possibly resulting in their ultimate release, may be used as a propaganda tool by insurgent groups that horrific acts will go unpunished by paralyzed U.S. and Iraq governments. Finally, the selective release of

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[31] Benard, et al., "The Battle Behind the Wire: U.S. Prisoner and Detainee Operations from World War II to Iraq," p. 59.
[32] Mussab al-Khairalla, "Iraq Detainees Wish for Release Before Islamic Eid," *Reuters*, 11 October 2007. http://www.reuters.com/article/2007/10/11/us-iraq-detainees-idUSL1150405320071011 (accessed 9 March 2012).

detainees may propagate perceptions of unequal treatment and sectarianism that may provoke

insurgent motivations.

Solutions Exist for Metrics and Pattern Analysis: Iraq Justice Integration Project (IJIP) and International Criminal Investigative Training Assistance Program (ICITAP)

Due to mission prioritization and asset reallocation subsequent to the closure of most

TF-134 detention facilities from 2009 through 2010, there was no effort made by U.S.

military and diplomatic missions to monitor recidivism trends of former detainees. However,

interagency assets associated with the Iraqi criminal justice system can be utilized to monitor

recidivism. Pre-existing interagency tools should be modified to increase CENTCOM

situational awareness regarding recidivism trends and insurgent activity in Iraq.

A project was initially developed in 2004 by Multi-National Division-Baghdad and

the State Department International Narcotics and Law Enforcement Bureau (INL) to

modernize the Iraqi court system in Baghdad through information technology infrastructure.

Dubbed "Operation Hammurabi," funding was initially used to provide facility upgrades and

computer training to judges and administrative staff within the hub of judicial activity in

Baghdad.[33] This regional program was later assumed by INL and incorporated into the Iraq

Justice Integration Project (IJIP).

In 2010, IJIP gained traction through interagency partnerships within the Interagency

Rule of Law Coordination Center Information Technology Working Group, as established in

the United States Forces-Iraq Joint Campaign Plan. Initial efforts were focused on creating

an Oracle software-based platform for the High Judicial Council, the Ministry of Interior, and

the Ministry of Justice. This common platform provides the future ability to share databases

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[33] Lieutenant Colonel William McQuade, "Operation Hammurabi Information Technology: Metrics Analysis Report for Baghdad Courts," *The Army Lawyer,* DA PAM 27-50-401 (October 2006), p. 13.

and information once the infrastructure is in place.[34] IJIP efforts have already resulted in an

upgraded national warrants database and criminal history database at the Ministry of

Interior's Directorate of Criminal Records.

Coordination between legacy U.S. detention records systems and newly automated

Iraqi criminal databases should link patterns of current incarceration and recidivist detainee

internment with trends and factors leading to participation in insurgent groups. The

precedence of sharing detainee records with Iraqi officials has already been established

between United States Forces-Iraq, the Ministry of Justice, and the Ministry of Interior's

National Information and Investigation Agency. The key factor in the success of this tool is

the interagency cooperation and continued stakeholder partnerships with the relevant

ministries to gain access to, and modify, the organic databases to begin culling the data. IJIP

is the most viable option for recidivism monitoring as the program is implemented as an

Iraqi-driven project with long-term developmental goals for a national architecture.

However, there are significant drawbacks to this proposal, as funding and resources

for the Iraq mission decline rapidly within the interagency and, most importantly, the

Department of State.[35] Quantifying and assessing insurgent activity through the criminal

justice system would likely be subordinate to the major investments the State Department has

made in its anti-corruption efforts and security forces training mission. Likewise, Iraq

currently lacks the information technology infrastructure for nationwide networking, so

outlying provincial data may not be readily available while the focus remains on Baghdad-

area development.

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[34] Ibid., p. 15.

[35] Sara Sorcher, "State Department Budget Request Only Slightly Higher Than 2012 Levels", *National Journal*, 13 February 2012. http://www.nationaljournal.com/2013-budget/state-department-budget-request-only-slightly-higher-than-2012-levels-20120213 (accessed 9 March 2012).

Another potential interagency tool to capture metrics exists through the U.S.

Department of Justice International Criminal Investigative Training Assistance Program

(ICITAP). ICITAP supports both national security and foreign policy objectives through its

partnerships with foreign governments to develop professional law enforcement institutions

that protect human rights, combat corruption, and reduce the threat of transnational crime and

terrorism.[36] Among its various mission responsibilities, ICITAP embeds advisors at select

detention facilities in Iraq. Some of these advisors have established relationships with local

Iraq Corrections Service personnel and have access to Iraq-developed centralized databases.

While logistically challenging, ICITAP advisors should coordinate records management with

their Iraqi counterparts and with legacy U.S. detention records to correlate current prison

population statistics with previous internment. Patterns may reveal trends significant to

CENTCOM such as regional increases in terrorism crimes and the expansion of certain

networks.

Similar to IJIP, however, is the hurdle of assessing the organizational priorities of the

Department of Justice and interagency personnel at the U.S. Embassy in calculating the

benefits to be gained by assigning assets to participate in such a program. Further, ICITAP

does not embed advisors in every prison facility in every province, so accurate national

trends would be difficult to quantify in a timely manner from a centralized location. Finally,

the ICITAP mission will likely terminate before the State Department concludes its Rule of

Law and Governance programs.

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[36] *Fact Sheet: Department of Justice Efforts in Iraq*. United States, Lanham: Federal Information & News Dispatch, Inc, 2008. http://search.proquest.com/docview/189947326?accountid=322 (accessed 9 March 2012).

Responding to Increased Recidivism Trends

Assuming these tools were used to reveal a threat to U.S. and Iraqi interests, the data could be used by military and civilian leaders in numerous ways. At the operational level, joint counter-insurgency operations could target networks that encourage localized recidivist insurgent activity. Strategic Communication doctrine could be developed to affect perceptions of target audiences while Information Operations could disrupt adversarial positions. This discussion will focus on key engagements between regional U.S. leadership and Iraqi officials to urge ministerial coordination for a national rehabilitation and reintegration program.

Despite the threat of recidivism, lasting rehabilitation can also be a reality. Islamic scholars observe that there will be extremists who find justification for their acts in traditional interpretations of Islam, but argue that Muslims have the power to deconstruct and reject those interpretations.[37] Programs have been established throughout the world over the past few years with the goal of rehabilitating Islamist extremists and preventing further radicalization.

Among the most successful is a 2003 program initiated in Saudi Arabia subsequent to domestic terrorist attacks. It is comprised of three efforts: prevention programs aimed at deterrence, rehabilitation programs designed for sympathizers and participants to renounce extremist activities, and aftercare programs to reintegrate individuals back into Saudi society and to prevent recidivist behavior.[38] The Saudi program provides extensive social support to

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[37] Khaled Abou El Fadl, *The Place of Tolerance in Islam*, Boston, MA: Beacon Press, 2002, p 111.
[38] Christopher Boucek, "Counter-Terrorism from Within: Assessing Saudi Arabia's Religious Rehabilitation and Disengagement Programme," *Royal United Services Institute Journal*, Vol. 153, No. 6 (December 2008), p 60.

the individual and his family, while providing "intensive religious debate, psychological counseling" and finally, "state-endorsed interpretations of Islam."[39]

Egypt's somewhat controversial approach, which began in 1997, encourages extremists to reevaluate their groups' ideologies, while allowing the group leadership to stay intact. The program may have helped legitimize these groups and their messages, thus empowering the groups and validating some of their underlying grievances.[40] This may provide a venue for political legitimacy and negotiation with specific groups rather than focusing on individuals.

In Singapore, the Religious Rehabilitation Group was established subsequent to the 2002 arrest of jihadists associated with the terrorist group Jemaah Islamiyah. Mindful of the need to not isolate its minority Muslim population, the Singapore government took a cautious approach to rehabilitate through belief modification and counseling, family support, and job assistance, rather than by imposing harsh detention measures.[41] The program's low reported recidivism rate has deemed it a moderate success and may contain elements that would work in other contexts.

Great Britain's Channel Project was developed in 2007 and approaches de-radicalization from a preventive standpoint, before high-risk individuals resort to violence. Police officers partner with Muslim community leaders to identify vulnerable populations and schedule rehabilitation sessions to counter extremist ideologies.[42] This proactive approach seeks to disrupt the insurgent narrative before it corrupts at the individual level.

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[39] Ibid.
[40] Katherine Seifert, "Can Jihadis be Rehabilitated?" *Middle East Quarterly*, Vol. 17, No. 2 (Spring 2010), p. 21.
[41] Ibid., p. 25.
[42] Ibid.

Faced with the reality that thousands of former detainees are enmeshed with the Iraqi population, the U.S. and Iraq should partner to develop a rehabilitation program utilizing the most successful elements of these national approaches, to include respective cultural, moral and ethical norms. Further, locally established programs can foster credibility by focusing on root causes of radicalization and the disparate views of Islam. Political negotiations should leverage the Iraqi government's desire for international legitimacy and regional authority with the need to establish a national rehabilitation program to ensure the stability and security of the country. Although significantly constrained by U.S. budget and mission priority issues, enduring U.S. development programs could also be evaluated to fund localized rehabilitation programs through the U.S. Agency for International Development (USAID) Democracy and Governance Program or a Community Action Program that might also meet USAID criteria for strategic investment.

Conclusions and Recommendations

Ensuring the stability and security of a democratic Iraq remains a key objective in CENTCOM planning efforts. A continuing insurgent conflict is a threat to the legitimacy of Iraq's government. The legacy of the U.S. detention operations program in Iraq leaves behind a significant population that represents a recidivist threat for future insurgent activity. Motivation and inspiration for re-engaging in such activity could derive from numerous sources including the use of social media to recruit and radicalize sensitive populations, as well as the perceived injustices and political consequences associated with detainee prosecutions, insurgent amnesty programs, and special release procedures. In conducting the assessments associated with strategic development and prioritizing operational objectives in light of resource constraints, the organic interagency tools outlined above should be used to

monitor recidivism trends in order to provide critical insight to commanders and diplomatic leaders. IJIP is the recommended option to pursue as it links with a wider Iraqi criminal justice system infrastructure network and will likely endure budgetary reductions as the Iraqi government assumes increasing ownership. However, the ICITAP program may be modified to provide penal data in the short term as well. Relevant recidivist data will inform leadership to reallocate assets in order to counter these threats, or in formulating engagements with Iraqi partners for counter-radicalization public program development.

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