

The seal of the Office of the Special Inspector General for Iraq Reconstruction is a large, circular emblem in the background. It features an eagle with wings spread, holding an olive branch and arrows. The eagle's chest is covered by a shield with vertical stripes. Above the eagle's head is a sunburst with stars. The seal is surrounded by text in both English and Arabic. The English text reads "SPECIAL INSPECTOR GENERAL" at the top and "OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION" at the bottom. The Arabic text reads "مفتش العام" at the top and "مكتب المفتش العام لإعادة إعمار العراق" at the bottom.

**SUSTAINING THE PROGRESS  
ACHIEVED BY U.S. RULE OF LAW  
PROGRAMS IN IRAQ REMAINS  
QUESTIONABLE**

**SIGIR 13-001  
OCTOBER 25, 2012**

# Report Documentation Page

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# SIGIR

Special Inspector General for IRAQ Reconstruction

## Summary of Report: SIGIR 13-001

### Why SIGIR Did This Study

Between 2003 and June 2012, the United States government spent about \$560.3 million to develop and/or reconstitute the corrections and judicial components of the Rule of Law (RoL) system in Iraq. RoL in a modern state comprises, among other things, a constitution, a legislature, a court system, police, prisons, due process and equal protection under the law, a commercial code of laws, and meaningful anticorruption systems. U.S. government entities, including the Departments of State (DoS), Justice (DoJ), Defense (DoD), and the U.S. Agency for International Development (USAID), as well as international agencies and others, have provided assistance to the Government of Iraq (GOI) in developing a new RoL system. DoS's Bureau of International Narcotics and Law Enforcement Affairs (INL) managed the overall effort. INL assistance efforts chiefly focused on three functional RoL areas: corrections programs, judicial programs, and police training. This report examines the major corrections and judicial programs implemented by DoJ, INL, and USAID. The Special Inspector General for Iraq Reconstruction (SIGIR) performed this audit to determine the programmatic and financial status of the corrections and judicial programs in Iraq.

### What SIGIR Recommends

SIGIR makes three recommendations to the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs:

1. Require an end of program report for all INL-funded assistance programs at the end of each Interagency Agreement or other funding mechanism.
2. Require an end of mission report, comparable to the end of mission report for the corrections program, at the end of each mission.
3. Retain those reports centrally for future use.

### Management Comments and Audit Response

DoS agreed with SIGIR's recommendations and stated that they are already working to implement them.

October 25, 2012

## SUSTAINING THE PROGRESS ACHIEVED BY U.S. RULE OF LAW PROGRAMS IN IRAQ REMAINS QUESTIONABLE

### What SIGIR Found

The corrections and judicial systems in prewar Iraq were corrupt, supporting Saddam Hussein's brutal regime. Initial post-war assessments in 2003 found the systems in chaos with facilities destroyed, personnel ill-equipped to carry out the mission, and corruption rampant across the government.

Since 2003, INL has spent about \$209.3 million to develop and establish an effective corrections system, reform pretrial detention programs, and modernize the prisons. For the most part, this effort was led by DoJ. According to DoJ officials we interviewed, the Iraqi Corrections Service has progressed from near non-existence into a functional institution requiring minimal technical assistance and mentoring. Correctional system facilities appear to be operated in a safe and humane manner in accordance with standardized operating procedures and overseen by trained and experienced correctional managers. The Iraqi Deputy Minister of Justice, who oversees the Iraqi Corrections Service, was very complimentary of DoJ's efforts to improve the Corrections Service and to provide assistance to the Ministry. A DoJ end of mission report provided an extensive summary of the eight-year effort, documenting what was accomplished.

During the same period, INL spent about \$197.9 million to develop the Iraqi judiciary system, establish security for the judicial sector, and reform court administration. USAID started a program in 2010 to educate the Iraqi people on their access to the justice system, particularly for the disadvantaged. We asked for reports for the INL-funded judicial programs, similar to the one prepared for the corrections program, but we received just two reports on relatively small initiatives because INL officials do not consider any other RoL programs complete. However, many of the Interagency Agreements that funded the programs have ended, and reports on the program at the end of the Agreement could provide insights into the program. Absent end of program and end of mission reports on these programs, there are no documented means to assess the success of the U.S. initiatives, such as the extent to which U.S. agencies completed the tasks they were given, how the funding was used, and what successes and challenges were documented as the program progressed. As a result, we were unable to conduct any meaningful analyses to determine the effectiveness of these programs.

We did find some evidence that INL's programs contributed to a reasonably well-functioning judicial system in Iraq. But lasting institutional reform of the judicial system—and the entire RoL system—is a generational undertaking, requiring a sustained commitment by the Iraqi government to ensure effective progress.



## SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION

October 25, 2012

MEMORANDUM FOR U.S. SECRETARY OF STATE  
ATTORNEY GENERAL OF THE UNITED STATES  
U.S. AMBASSADOR TO IRAQ  
ADMINISTRATOR, U.S. AGENCY FOR INTERNATIONAL  
DEVELOPMENT

SUBJECT: Sustaining the Progress Achieved by U.S. Rule of Law Programs in Iraq Remains Questionable (SIGIR 13-001)

We are providing this audit report for your information and use. The report discusses U.S. government efforts to improve or reconstitute the Iraqi Rule of Law system. We performed this audit in accordance with our statutory responsibilities contained in Public Law 108-106, as amended, which also incorporates the duties and responsibilities of inspectors general under the Inspector General Act of 1978. This law provides for independent and objective audits of programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Iraq, and for recommendations on related policies designed to promote economy, efficiency, and effectiveness and to prevent and detect fraud, waste, and abuse. This audit was conducted as SIGIR Project 1020.

The Department of State provided written comments on a draft of this report that we addressed as appropriate. Those comments are printed in their entirety in Appendix D. The Department of Justice and the United States Agency for International Development provided technical comments that were also included in the report where appropriate.

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We appreciate the courtesies extended to the SIGIR staff. For additional information on the report, please contact F. James Shafer, Assistant Inspector General for Audits (Washington D.C.) (703) 604-0894/ [fred.j.shafer.civ@mail.mil](mailto:fred.j.shafer.civ@mail.mil), or Tinh Nguyen, Principal Deputy Assistant Inspector General for Audits (Washington, DC), (703) 604-0545/ [tinh.t.nguyen4.civ@mail.mil](mailto:tinh.t.nguyen4.civ@mail.mil).

Stuart W. Bowen, Jr.  
Inspector General

cc: U.S. Secretary of Defense  
USAID Mission Director–Iraq

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## **Sustaining the Progress Achieved by U.S. Rule of Law Programs in Iraq Remains Questionable**

**SIGIR 13-001**

**October 25, 2012**

### **Introduction**

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Between 2003 and June 2012, the U.S. government spent about \$560.3 million<sup>1</sup> to develop and/or reconstitute the corrections and judicial components of the Rule of Law (RoL) system in Iraq. RoL in a modern state comprises, among other things, a constitution, a legislature, a court system, police, prisons, due process and equal protection under the law, a commercial code of laws, and meaningful anticorruption systems.

United States government entities, including the Departments of State (DoS), Justice (DoJ), Defense (DoD), and the U.S. Agency for International Development (USAID), as well as international agencies and others, have provided assistance to the Government of Iraq (GOI) in developing a new RoL system. Most of the individual assistance efforts have been focused in three functional areas: corrections programs, judicial activities, and police training.<sup>2</sup> SIGIR previously reported on the police training program.

This report focuses on the corrections program and the judicial program. The Special Inspector General for Iraq Reconstruction (SIGIR) performed this audit to determine the programmatic and financial status of DoJ's, INL's, and USAID's judicial, correctional, and accessibility programs in Iraq.

### **Background**

In the spring of 2003, after the fall of Saddam Hussein, legal and law enforcement experts from the United States, Canada, Britain, and the Netherlands began assessing the status of the major RoL functions—police, corrections, and the judiciary. They determined: (1) the Iraqi police were unable to independently maintain law and order and needed the assistance and guidance of Coalition Forces in Iraq to accomplish this task, (2) the Iraqi justice system was in a state of chaos, and (3) the Iraqi corrections facilities had been looted, records were destroyed, and prisoners were released. Once these assessments were completed, U.S. agencies began to engage in training and assistance efforts to develop or reconstitute Iraqi RoL functions.

### **U.S. Government Agencies Involved in Rule of Law Activities**

DoS's Bureau of International Narcotics and Law Enforcement Affairs (INL) is responsible for developing policies and managing programs to strengthen law enforcement and other rule of law

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<sup>1</sup> Based on data provided by DoS and USAID.

<sup>2</sup> USAID efforts are focused on improving the accessibility of Iraq's civil justice system.

institutional capabilities outside the United States.<sup>3</sup> These programs are funded through Interagency Agreements between INL and other U.S. agencies, as well as grants and contracts. To assist in developing or reconstituting corrections and judiciary functions in Iraq, INL involved personnel from DoJ's Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT); International Criminal Investigation Training and Assistance Program (ICITAP); and the U.S. Marshals Service. To facilitate the interaction of all entities involved in RoL activities and provide those entities access to the Iraqi Ministries of Justice and Interior and the Higher Judicial Council, a Rule of Law Coordinator function in the U.S. Embassy, Baghdad, was created in the office of the Embassy's Judicial Attaché.

OPDAT, ICITAP, and the Marshals Service provide expertise in RoL functions. Specifically:

- OPDAT, which is part of DoJ's Criminal Division, assists prosecutors and judicial personnel in other countries to develop and sustain effective criminal justice institutions. It draws on DoJ resources and expertise to strengthen foreign criminal justice sector institutions and enhance the administration of justice abroad. OPDAT also supports U.S. law enforcement objectives and priorities by preparing foreign counterparts to cooperate more fully and effectively with the United States in combating terrorism, trafficking in persons, organized crime, corruption, financial crimes, and other transnational crime. It does so by encouraging legislative and justice sector reform in countries with inadequate laws by improving the skills of foreign prosecutors, investigators and judges, and by promoting the rule of law and regard for human rights. OPDAT places Resident Legal Advisors in other countries to assess the host country's criminal justice institutions and procedures; draft, review, and comment on legislation and criminal enforcement policy; and provide technical assistance to host country officials at the Ministry of Justice, Chief Prosecutor's Office, or to prosecutors, judges, and other justice sector personnel working in the field.
- ICITAP, also in DoJ's Criminal Division, works with foreign governments to develop professional and transparent law enforcement institutions that protect human rights, combat corruption, and reduce the threat of transnational crime and terrorism. ICITAP possesses a comprehensive range of public safety development expertise, including: public integrity and anticorruption, forensics, corrections, and criminal investigations.
- The U.S. Marshals Service, the enforcement arm of the U.S. federal courts, is responsible for protecting the federal judiciary, apprehending federal fugitives, seizing property acquired by criminals through illegal activities, housing and transporting federal prisoners, and operating the Witness Security Program.<sup>4</sup> The Marshals provide assistance, expertise, and training on Justice Sector security operations to federal, state, local, and international agencies. This assistance includes training and mentoring in fugitive investigation and apprehension, court security operations, judicial and dignitary protection, asset management and forfeiture, witness security and prisoner operations.

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<sup>3</sup> Presidential Decision Directive 71, February 24, 2000, directed DoS to strengthen criminal justice systems in support of U.S. peace operations and other complex contingencies. The Secretary of State designated INL as the primary focal point for rule of law matters.

<sup>4</sup> The Witness Security Program is sometimes referred to as the "Witness Protection Program."

DoD was involved in police training until full responsibility for that effort was transferred to INL in October 2011. USAID is responsible for administering aid to foreign countries to promote social and economic development. In Iraq, USAID's Democracy and Governance Program encourages the integration of democratic principles into all levels of government—national, provincial, and local—to enhance the lives of Iraqis throughout the country. The Elections Support Program provides training and technical assistance to the Independent High Electoral Commission of Iraq to help that institution's staff become better able to plan and administer credible elections. The program offers expert advice on drafting laws and regulations. It also helps develop the capacity of the provincial election offices as well as mentoring the national electoral commission staff in such areas as finance and budgeting; information technology and communications; strategic planning; political party, candidate, and voter registration; outreach and voter education; procurement; human resources management; logistics; and public relations/media.

## **International and U.S. Organizations Provide Assistance**

International entities, such as the United Nations, the European Union, and other countries have also provided training to enhance Iraq's RoL culture. For example:

- The United Nations, with U.S. government funding, provided training for judges and legal officials on a range of legal and administrative topics, including English language training.
- The European Union, through its Integrated Rule of Law Mission for Iraq, provided training, advice, and mentoring to contribute to the establishment of a professional Iraqi criminal justice system.
- The United Kingdom, through its Stabilisation Adviser in Baghdad, assisted in developing and formulating a national forensics strategy for Iraq.
- The American Bar Association, through its Rule of Law Initiative, developed a Judicial Reform Index in Iraq and provided support for the formation of a new, independent association for judges.

## **SIGIR Reports on Police Development and Anticorruption Programs**

In 2003, the Coalition Provisional Authority assessment teams identified both the Iraqi police and pervasive corruption in the Iraqi judicial system as RoL areas in need of assistance and reform, in addition to other areas such as the corrections sector. SIGIR has reported extensively on these two key RoL components—the Iraq police development program and anticorruption program—and, therefore, they were not included in the scope of this audit. Principal findings from SIGIR's previous work in these areas are discussed below.

## ***Police Development Program***

After the fall of Baghdad in April 2003, an international police team assigned to the Coalition Provisional Authority assessed the state of the Iraqi police and reported<sup>5</sup> that the Iraqi police had suffered years of neglect, coupled with a “repressive command structure that prohibited training, proactivity, initiative and stifled attempts toward modernization of the police. Unless redesigned and redeveloped, the Iraqi Police will not constitute a suitable, viable, supportable or sustainable police service for a free Iraq.” The report stated that the Iraqi police displayed “the results of poor standards, inadequate expectations of performance, absence of an understanding/appreciation for human rights, poor management and insufficient or inadequate training.”

In 2003, INL was assigned initial responsibility for training the Iraqi police. However, program responsibility was transferred to DoD in 2004 due to the deteriorating Iraqi security situation, the scope and scale of the mission, and the need to ensure unity of command and effort. In October 2010, we reported<sup>6</sup> that DoD’s management of the police training program lacked a comprehensive strategy to shape and guide the program. Because of frequent military personnel rotations, the DoD needed a comprehensive plan to ensure program continuity; however, lacking such an overarching plan, the program’s focus and goals changed frequently. Thus, instead of one six-year police training program, DoD ended up with six one-year programs.

We concluded that, despite spending billions in taxpayer dollars on a multi-year program, the overall capabilities of the Iraqi police forces were unknown because DoD failed to conduct a comprehensive assessment of the Iraqi police services. Because program responsibility was scheduled to transfer to the DoS on October 1, 2011, we recommended that DoD and DoS agencies work with the Ministry of Interior to help assess the capabilities of the Iraqi police forces and provide that assessment to INL.

In October 2011, we reported<sup>7</sup> that DoS did not have a current assessment of Iraqi police forces’ capabilities upon which to base its program and that such an assessment was essential for effective program targeting. Further, DoS did not have a sufficiently comprehensive and detailed plan that provided specifics on what was to be accomplished, including milestones, benchmarks to assess progress and accomplishments, and transparency of and accountability for costs and performance outcomes.

We recommended that DoS (1) work with the Ministry of Interior to complete an assessment of the Iraqi police forces, (2) finish a comprehensive plan that includes specifics on what is to be accomplished and milestones and metrics to measure progress and accomplishments, and (3) complete a written agreement with the GOI on Iraqi roles and duties in the program.

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<sup>5</sup> *Iraq Police: An Assessment of the Present and Recommendations for the Future*, Coalition Provisional Authority-Interior Ministry, 5/30/2003.

<sup>6</sup> *Iraqi Security Forces: Police Training Program Developed Sizeable Force, but Capabilities Are Unknown*, SIGIR 11-003, 10/25/2010.

<sup>7</sup> *Iraqi Police Development Program: Opportunities for Improved Program Accountability and Budget Transparency*, SIGIR 12-006, 10/24/2011.

In July 2012, we reported<sup>8</sup> that DoS was wisely reducing the size and scope of the police development program in the face of the Ministry of Interior's rejection of the centerpiece of INL's planned training and continued security concerns that adversely impacted travel to training sites. We also reported that program downsizing resulted in funds that exceeded projected costs. We recommended that DoS obtain a written agreement with the Ministry of Interior on the training to be provided and develop a plan that accounts for all available funds from program changes.

### ***Anticorruption Program***

In June 2003, an assessment team, under the auspices of OPDAT, reported<sup>9</sup> that the Iraqi court system was plagued by bribery, and the majority of the judiciary was adversely compromised through both the Ba'ath party apparatus and endemic bribery. Since the assessment, the U.S. government has been working with the GOI to establish organizations, systems, training, and an environment to increase citizens' trust and confidence in the Iraqi government and to increase the transparency and accountability of overall government operations.

SIGIR has issued a number of reports addressing U.S. Embassy efforts to manage a multitude of anticorruption programs, including those of DoS, DoJ, DoD, and USAID. In a July 2006 report<sup>10</sup>, SIGIR identified fundamental problems in implementing a U.S. anticorruption program, such as the lack of coordination and leadership. In March 2008, SIGIR testified<sup>11</sup> that the GOI continued to face a plethora of problems arising from corruption within its government institutions.

In April 2008, we reported<sup>12</sup> that DoS and the U.S. Embassy were taking steps to implement a revised anticorruption management plan that was approved by the Secretary of State on January 9, 2008. Actions had been taken to elevate the priority of anticorruption activities by reorganizing personnel and assets and improving oversight and coordination. DoS had appointed a Coordinator for Anticorruption Initiatives in Iraq to synchronize all U.S. anticorruption policies and programs. In July 2008, we reported<sup>13</sup> that reducing corruption in Iraq would be a difficult and lengthy process requiring a sustained commitment by all parties and that DoS and the U.S. Embassy actions show a continued commitment to improve the U.S. anticorruption program.

We also reported that the U.S. anticorruption strategy that was produced in June 2008 was only partially responsive to SIGIR's recommendation in that it lacked metrics that tie program activities to goals, as well as baselines from which progress could be measured. Consequently, the U.S. government had no basis for assessing the program's impact on reducing corruption in

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<sup>8</sup> *Iraq Police Development Program: Lack of Iraqi Support and Security Problems Raise Questions about the Continued Viability of the Program*, SIGIR 12-020, 7/30/2012.

<sup>9</sup> *Report of the Iraq Judicial Assessment Team*, 6/2003.

<sup>10</sup> *Joint Survey of the U.S. Embassy-Iraq's Anti-corruption Program*, SIGIR 06-021, 7/28/2006.

<sup>11</sup> *The Effectiveness of U.S. Efforts to Combat Corruption, Waste, Fraud, and Abuse in Iraq*, Statement of Stuart W. Bowen, Jr., before the U.S. Senate Committee on Appropriations, 3/11/2008.

<sup>12</sup> *U.S. Anticorruption Efforts in Iraq: Progress Made in Implementing Revised Management Plan*, SIGIR 08-016, 4/24/2008.

<sup>13</sup> *Anticorruption Efforts in Iraq: U.S. and Iraq Take Actions, but Much Remains To Be Done*, SIGIR 08-023, 7/29/2008.

Iraq. We concluded that this leaves future program investments vulnerable to wasteful spending, ineffectiveness, and inefficiency.

## Funding for Rule of Law Programs

According to INL and USAID officials, INL spent \$516.6 million and USAID spent \$43.7 million for a total of \$560.3 million for the corrections and judicial components of the RoL program, excluding the anticorruption program. Based on INL-provided data, about \$407.2 million was allocated to DoJ, the U.S. Army Corps of Engineers, and other organizations for major corrections and judicial programs and about \$109.4 million was spent for administrative support.

INL funding for RoL activities came primarily from the Iraq Relief and Reconstruction Fund and the International Narcotics Control and Law Enforcement appropriation account. USAID used funding from the Economic Support Fund. Table 1 shows the INL funds allocated by program area from 2003 through 2012.

**Table 1—INL Funding Allocated to Rule of Law Programs in Iraq from 2003 to 2012 (\$ in millions)**

<b>Program Area</b>	<b>Subtotals</b>	<b>Total Dollar Amount</b>
Corrections/Pre-Trial Detentions		\$209.3
Judicial Programs		197.9
Court Administration	32.9	
Judicial Development	81.0	
Judicial Outreach	24.3	
Judicial Security	59.7	
<b>Total</b>		<b>\$407.2</b>

*Source: INL Program office, July 2012, and ICITAP, October 2012.*

## Objective

The objective of this report is to determine the programmatic and financial status of DoJ's, INL's, and USAID's correctional and judicial programs in Iraq.

For a discussion of the audit scope and methodology and a summary of prior coverage, see Appendix A. For a list of acronyms used, see Appendix B. For the audit team members, see Appendix C. For management comments, see Appendix D. For the SIGIR mission and contact information, see Appendix E.

# **DoJ Completes Iraqi Corrections Service Initiatives, but Pre-Trial Detentions Program Was Terminated Sooner than Expected**

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After an initial requirements assessment, INL provided about \$209.3 million to fund Iraqi Corrections Service initiatives. Of this amount, about \$125.7 million funded ICITAP's efforts to reconstitute the Iraqi corrections program; \$1.6 million funded ICITAP's Pre-trial Detentions Program; and, approximately \$82 million was transferred to the U.S. Army Corps of Engineers for renovation/construction of correctional facilities.

ICITAP initially ran the Iraqi corrections program and provided training and assistance to the GOI. After the program was turned over to the Iraqis, ICITAP continued to provide training and assistance, as well as mentors for the prison administrators, wardens, and guards. It also provided an assessment guide to be used as an audit tool to determine how well the prisons were working.

ICITAP has reported that the Iraqi Corrections Service is functional and has minimal need for additional assistance. The Iraqi Deputy Minister of Justice, who is knowledgeable of the Corrections Service, was very complimentary of the U.S corrections program and its assistance to the Ministry.

## **Original Assessment Identified Iraqi Prison and Pretrial Detention Needs**

After the fall of Saddam Hussein's regime in 2003, the Coalition Provisional Authority planned new programs to create equitable criminal justice processes, to implement a new and fair penal code, and to construct new courthouses and prisons.

In April 2003, INL entered into the first of a series of Interagency Agreements with ICITAP to provide technical assessments, advice, and related developmental assistance. ICITAP's initial task in May 2003 was to conduct a comprehensive needs assessment of the Iraqi prison and police sectors to determine what actions and/or program modifications needed to be made.

The assessment team thoroughly reviewed the state of the Iraqi correctional system at that time and recommend actions to establish a professional, secure, and humane correctional system to support the future Iraqi criminal justice system. The assessment team concluded:

- The correctional system was purposefully fragmented among four different governmental agencies to support the totalitarian regime.
- The correctional facilities had been looted, trashed, and everything of value stolen or demolished, but some facilities were structurally sound and could be used after extensive renovation and repair.

- Almost all historical documentation relating to the organizational structure and operations of Iraq’s correctional facilities had been destroyed, and a new correctional system would need to be designed.
- Iraq’s prisons were operated under very harsh and often inhuman conditions with no national standards to protect prisoners and with extensive corruption in the facilities.
- Correctional officers and staff were not trained to professional standards.

The assessment team recommended actions, including:

- Continue the renovation, refurbishment, and reactivation of pretrial detention centers and prisons that had begun under the previous Iraqi regime.
- Design and establish a centralized correctional system under the Ministry of Justice with a standardized and professional management and standard operating policies, procedures, rules, and regulations.
- Develop a professional training and certification program for rehired and new corrections officers that emphasizes the role of corrections in a free society, human rights, and the education and rehabilitation of offenders.
- Ensure that offender or inmate criminal history records are sufficient to provide correctional facilities with the information they need to properly classify and house prisoners according to their security risk.

## **Iraqi Corrections Service Reconstituted with U.S. Assistance**

Between July 2003 and December 2011, INL provided over \$125.7 million to ICITAP to develop and establish safe, secure, and humane correctional facilities and about \$82 million to the U.S. Army Corps of Engineers to renovate and construct prisons. Because of the tasks involved and the dire condition of the Iraqi Corrections Service, ICITAP officials described the early period as “trying to build a boat as you row across a river.”

In December 2003, INL and ICITAP agreed to a plan whereby ICITAP would recruit and deploy, as quickly as possible, over a hundred skilled prison/corrections experts to manage prisoners while ICITAP also trained prison guards and wardens to international standards.<sup>14</sup> ICITAP would also develop an organization to manage the prisons and the U.S. Army Corps of Engineers would renovate prisons to international standards.

In September 2003, ICITAP began deploying prison/corrections advisors to staff corrections facilities that had adequate security to protect the advisors. In June 2004, responsibility for staffing the corrections facilities was returned to the GOI, and ICITAP shifted its role to training and mentoring Corrections Service managers and staff. For example, ICITAP developed and delivered “train the trainer” and other training courses for guards and prison wardens to create a cadre of Iraqi corrections officers who could serve as international corrections trainers. ICITAP

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<sup>14</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957, and 2076 (LXII) of 13 May 1977.

staff also mentored Iraqi corrections leaders to enhance their management skills and to provide the link between theoretical and practical application of these skills; advised the Ministry of Justice on methods and systems to combat corruption and militia influences within the Iraqi Corrections Service and the Kurdish Regional Government; assisted in the design of a correctional data management system to integrate with an automated system linking police, courts, and prisons; and guided improvements in over 30 Iraqi jails, prisons, women's institutions, and juvenile facilities throughout the country.

In 2006, ICITAP created and field-tested an assessment tool to measure and demonstrate the conditions that existed and the programmatic improvements that were occurring in the Iraqi prison system. The tool—the Iraq Prison Assessment and Rating Tool—was based on United Nations' international prison treatment standards and designed to assist the Ministry of Justice and the Iraqi Corrections Service in developing safe and secure correctional facilities for the humane care, custody, and treatment of prisoners.

ICITAP initially administered the tool, but in October 2009, they began assisting the Corrections Service in creating and training an audit organization to do the work. ICITAP advisory staff assisted Corrections Service officials in identifying individuals for the audit team and training them on human rights in prisons, conditions of confinement, use of the tool, and auditing concepts and processes. Initially, ICITAP trainers accompanied the audit team to the prison facilities to oversee the team's use of the tool.

The ICITAP corrections program ended in December 2011. According to ICITAP, the Iraqi Corrections Service has progressed into a functional institution in need of minimal technical assistance and mentoring to sustain the overall progress achieved to date. Iraqi Corrections Service personnel received entry-level and in-service training that is consistent with internationally accepted standards. Also, according to ICITAP, of the Corrections Service facilities they were able to assess, those facilities appeared to be operated in a safe and humane manner in accordance with standardized operating procedures and overseen by trained and experienced correctional supervisors and managers.

ICITAP prepared an end of mission report for the corrections program that describes the entire eight-year program, including tasks accomplished, challenges faced, successes, and funding. This report states that, based on Iraqi-reported data on key indicators, such as escapes, serious assaults, disturbances, etc., the Iraqi Corrections Service has developed into a responsible correctional system. The report goes on to say that this does not mean or imply that it is a perfect system—like any correctional system, it has its problems. However, ICITAP concluded that Iraqi Corrections Service officials have shown that they are willing to do what is necessary to overcome those problems and address them according to international standards.

To illustrate, according to the end of mission report, over the last seven years, the Iraqi Corrections Service, under the Ministry of Justice, has successfully expanded to 13 prisons and 9 detention facilities to meet the needs of an expanding prisoner population. The report states that, as of December 29, 2011, there were 25,926 total prisoners in the correctional system—25,010 adult male prisoners, 770 adult females, and 146 juveniles. Also, as of December 23, 2011, there were 16,302 Iraq corrections officers and an additional 1,456 corrections officers in the Kurdish Region. The report further states that the Iraqi Corrections Service has a national headquarters as

well as a National Corrections Training Center. To combat abuse and corruption, ICITAP helped to establish an internal affairs section to investigate any and all allegations of abuse, corruption, and fraud.

The U.S. Army Corps of Engineers managed the renovations/construction of four prisons in Iraq, at a cost of \$73.2 million of its \$82 million in INL funding, giving the prisons an additional capacity of 5,789 total beds. The Corps, in collaboration with ICITAP, was responsible for all facets of the planning and construction of the facilities including building and facility architectural design, engineering, construction, site assessment, site security, personnel life support and security, construction management, project management, and acquisition of all permits, licenses, and other authorizations required to execute the projects. The Corps was also responsible for managing corrections facilities construction at Khan Bani Sa'ad and An Nassiriya. SIGIR has previously reported on these projects.<sup>15</sup>

## **GOI Complimentary of U.S. Assistance**

To obtain GOI officials' thoughts on U.S. assistance to the corrections program, we spoke to the current Deputy Minister of Justice, who has been with the Ministry since 2004. The Deputy noted that the U.S. deserved a lot of credit for setting the Ministry of Justice on its current path by providing vehicles, buildings (both prisons and the ministry building), equipment, and training. The U.S. also helped the Ministry modernize its data systems. However, the Deputy also noted that the GOI was not consulted on what was needed. He expressed concern that the U.S. government was pulling out its prison advisors, whose presence acts as a conscience to the prison guards to avoid human rights violations and as a deterrent to bringing contraband into the prisons. He further indicated the advisors also provide training and help with prison administration. Although the Deputy was very complimentary of U.S. efforts with the corrections program and other assistance to the Ministry, he stated that the Ministry needed more money to continue the efforts.

## **Iraq Pre-Trial Detentions Program Terminated Sooner than Expected**

In January 2012, ICITAP began one of its last efforts, the \$1.6 million Pre-trial Detentions Program, with the Ministry of Interior. The objective of the program was to assist the GOI in developing safe and secure pretrial detention facilities that provide humane care, custody, and treatment of persons detained in Iraq's pretrial detention system, in accordance with internationally recognized standards.

The program was to place a strong emphasis on mentoring and training senior Ministry of Interior officials, coupled with an intensive Iraqi-led train-the-trainer component designed to improve the individual skills of rank-and-file personnel serving in detention centers across the country. Also, the program was to use a "model facilities" approach to bring a select group of Ministry of Interior detention facilities into compliance with international human rights standards for the treatment of detainees to serve as models throughout the Iraqi detention sector.

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<sup>15</sup> *Khan Bani Sa'ad Correctional Facility Khan Bani Sa'ad, Iraq*, SIGIR PA-08-138, 7/25/2008; *Outcome, Cost, and Oversight of the Security and Justice Contract with Parsons Delaware, Inc.*, SIGIR 08-019, 7/28/2008.

According to the ICITAP December 14, 2011 program proposal, preliminary information indicated that the Ministry of Interior had received limited training or technical assistance from donor nations to improve its pretrial detention operations. Anecdotal information suggested that the Ministry's pretrial detention operations were dysfunctional. According to a Ministry official, many detentions officers had never received any formal detention training. Little was known about the staffing, population, and overall functionality of the majority of the approximately 1,271 pretrial detention facilities across Iraq.

The initial focus of this program was to: (1) develop a basic detention operations audit tool, (2) engage the Ministry of Interior's leadership in discussions to ensure that program goals match Ministry expectations, and (3) conduct a series of assessments at four to six pretrial detention facilities. ICITAP would also modify a basic detention skills course used in the corrections program for use in the Pre-trial Detentions Program and provide train-the-trainer courses in leadership and detention operations.

According to ICITAP officials, soon after ICITAP began its work in early 2012, the GOI decided it would not allow non-Iraqis to enter and assess its pretrial detention facilities. A recent DoS report on Iraqi human rights practices in 2011<sup>16</sup> stated that authorities at Ministry of Interior and Ministry of Defense detention facilities reported that conditions and treatment of detainees were generally poor. Many inmates lacked adequate food, exercise facilities, medical care, and family visitation. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to potable water and electricity, and poor quality food. Medical care in Ministries of Interior and Defense detention facilities was inconsistent, and there were allegations of abuse and torture in some facilities.

INL directed ICITAP to end the Pre-trial Detentions Program at the end of June 2012, much earlier than expected. ICITAP conducted three train-the-trainer courses in basic pretrial detentions skills; a fourth course was taught by graduates chosen from the train-the-trainer courses with ICITAP mentors present. These graduates can continue to conduct the basic officer course. A Ministry of Interior official stated he was very pleased with the quality and content of the training.

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<sup>16</sup> *Iraq Country Report on Human Rights Practices for 2011*, Department of State; Bureau of Democracy, Human Rights and Labor.

# **U.S. Efforts Provided GOI with Improved Capacity for a Fair and Secure Judiciary**

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As with the corrections program, an international team in 2003 assessed what was needed to provide a fair and impartial Iraqi judicial system and security for judicial system personnel. Based on this assessment, the U.S. government created programs to professionally develop the judiciary, establish security for the judicial sector, and reform court administration. More specifically, several U.S. agencies, as well as other national and international organizations, mentored, trained, and equipped justice system personnel, and constructed buildings to improve the security, independence, fairness, and capacity of the Iraqi judiciary.

We were unable to determine the extent to which U.S. agencies completed the tasks they were given, how the funding was used, and what successes and challenges were documented as the program progressed because INL could not provide end of mission reports for those judicial programs that have been completed. As a corollary to INL's efforts, USAID started a program in 2010 to educate the Iraqi people, particularly the disadvantaged, on their access to the justice system.

## **2003 Assessment Determined Judicial Requirements**

In May and June 2003, OPDAT conducted a needs assessment of the post-war Iraq judicial system that was similar to the assessments done for the police and corrections sectors. The assessment determined that the Iraqi justice system had suffered under Saddam Hussein's regime and was in a state of chaos following the conclusion of major hostilities in 2003. The majority of the judiciary was adversely compromised by the regime, endemic bribery, and excessive filing fees, which impaired the fairness of the judicial system. Hussein's regime had created various special security courts to hear cases involving state security that were courts in name only. To garner support with the tribal leaders, the regime encouraged the use of tribal courts that diverted cases from the judicial system.

The assessment further stated that disputes involving property taken from Kurds and Shiites and given to those in the regime's favor threatened the stability of the country. In October 2002, the regime granted amnesty to virtually all persons in custody for criminal offenses. Most of these individuals were not political prisoners, but violent criminals. Post-war, the majority of court buildings throughout Iraq were looted and significantly damaged. The assessment concluded that both the legal and physical foundations of the Iraqi legal system were in disarray and that initial efforts by the U.S. military to restart and reform the legal system were plagued with communication, bureaucratic, and administrative problems that made it impossible for coalition authorities and military commanders to communicate with each other and make timely decisions.

The assessment team's recommendations, organized under themes, included the following:

### Coalition Efforts

- Place U.S. lawyers to encourage judicial reform, monitor the court systems, coordinate with the local military units, and facilitate communication with the central justice ministry.

- Establish processes to insure uniform and timely decisions concerning the removal of corrupt judicial officials and for vetting prospective candidates for judges and prosecutors.
- Ensure substantial Iraqi participation in the removal and vetting of judicial officials, with the coalition having the final decision.

#### Educational Reform for Judges and Prosecutors

- Train all judges and prosecutors on internationally recognized standards of human rights, as well as judicial and prosecutorial ethics.

#### Changes in Criminal Procedure Legislation

- Deny the use of confessions obtained under torture, even if corroborated by other information.
- Provide standard advice of rights based on internationally accepted standards to persons arrested for violations of the criminal law.
- Inform arrested persons of their rights at each stage of the criminal process and that they are entitled to appointed legal counsel and have the right to remain silent.

#### Judicial Infrastructure and Security

- Develop a funding and construction plan to reconstruct looted and destroyed judicial infrastructure.
- Fund security for all court and justice buildings.

## **Programs Created To Address Assessment Recommendations**

Based on assessment findings, INL funded four programmatic areas at a total cost of about \$197.9 million: judicial outreach, judicial development, judicial security, and court administration. These were in addition to the anticorruption effort discussed earlier. Several U.S. agencies, as well as international organizations and non-governmental organizations, provided training, mentoring, assistance, and physical infrastructure enhancements to support these efforts.

### ***OPDAT Resident Legal Advisors Provided Outreach to Iraqi Judicial Officials***

From 2003 to 2012, under the judicial outreach program, INL funded OPDAT with about \$24.3 million to deploy criminal prosecutors to Iraq as Resident Legal Advisors to assist and mentor officials in the judicial sector. Legal Advisors were deployed to Baghdad to work with organizations such as the Higher Judicial Council and the Central Criminal Court of Iraq. Advisors were also deployed to other locations in Iraq to work as part of Provincial Reconstruction Teams with local police and judges to identify and overcome obstacles to effective, fair prosecutions. Legal Advisors' specific functions included:

- assisting the GOI in processing criminal cases more effectively by identifying impediments, recommending improvements to case management, and facilitating coordination and cooperation between judges, police, and corrections personnel

- assisting with judicial security initiatives throughout provincial courthouses
- strengthening the relationship among provincial rule of law institutions such as the Ministry of Justice, Ministry of Interior, Ministry of Defense, Higher Judicial Council, and other significant partners in this area
- supporting compliance with Iraqi law and international human rights standards in Iraqi detention facilities by coordinating bi-lateral inspections of detention facilities, addressing lawful execution of detention and release orders, reviewing timely processing of detainees, and facilitating training to build the capacity of corrections officers
- assisting the GOI transition from confession-based to evidence-based prosecutions

OPDAT Legal Advisors also provided assistance or training in detecting and prosecuting money laundering, transnational crime, corruption, and trafficking in both narcotics and people. OPDAT officials stated they were constantly discussing RoL principles with the Iraqis to make it clear to them how important this concept would be in a changed legal system. The officials stated that it would take time to develop and imbed these principles into the Iraqi judicial system.

OPDAT officials point to the creation of the Central Criminal Court of Iraq panels for the cities of Mosul, Tikrit, and Kirkuk as examples of program success. The panels, referred to as Major Crimes Courts, consist of both local and traveling judges from Baghdad who prosecute major felony cases that the traditional provincial courts have been unable to prosecute for security reasons. According to the DoJ, the Major Crimes Courts have been cited repeatedly by Iraqi provincial leaders as making a positive impact on public perception of the criminal justice system.

In addition to the panels, OPDAT officials cite the following additional program successes:

- Hundreds of Iraqi judicial officials have been trained in courses developed and/or delivered by Legal Advisors on such topics as human rights, scientific evidence, and special challenges presented by the prosecution of insurgency and terrorist cases.
- Legal Advisors have coordinated and designed curriculum for courses presented to Iraqi police investigators and police trainers relating to Iraqi criminal law and the gathering and preservation of evidence.
- The program has brought public attention to poor prison/human rights conditions, improved the speed at which criminal court cases were brought to trial, established sister relationships between U.S. and Iraqi law schools, and assisted Iraqi public defender offices to provide legal assistance in criminal cases to Iraqi citizens who could not afford to pay.

According to OPDAT officials, after the Provincial Reconstruction Teams were disbanded in 2011, OPDAT maintained five Legal Advisor positions in the country to mentor and advise Iraqi judicial officials—two in Baghdad, and one each in Erbil, Basrah, and Kirkuk. However, according to the officials, security remains a concern and may hamper the Legal Advisors' ability to travel outside their offices.

### ***Judicial Development Programs Designed To Provide Training To Expand Judicial Capacity***

Many of the Iraqi judicial development initiatives, to include the Commission on Integrity, were identified in the 2003 sector assessment and confirmed through outreach with judicial officials. INL funded these programs with about \$81 million. These initiatives include:

- training in the use of forensic evidence as a basis for prosecution, instead of relying on confessions, and creating labs to process forensic evidence
- training of judicial investigators
- providing funds for a Regime Crimes liaison office and creation of a forensics analysis facility
- improving access to justice and treatment of juveniles in detention and providing training to justice officials who handle juvenile cases
- reviewing the Iraqi Criminal Penal Code and legislative assistance to enhance judicial independence

Most of the training and other programs have been completed and turned over to the GOI to continue. The U.S. will continue some programs, such as the antimoney-laundering effort, English-language training, and assistance to the Commission on Integrity.

According to ICITAP and OPDAT officials, U.S. assistance has provided the GOI with a firm basis on which to build a fair and transparent judicial system. However, these officials believe that it will take generations to change the Iraqi culture and corruption that affect the judicial system. Also, there are considerable security problems that put the judiciary at risk of being targeted by insurgents for the work they do.

### ***Judicial Security Important Basis of Successful RoL Effort***

The objective of the judicial security program was to provide expert assistance in the area of court, judicial, and witness security, which were considered exceptionally high priorities in Iraq and essential to further develop the rule of law. According to OPDAT, Legal Advisors helped identify some of the needs while providing judicial outreach. INL funded the judicial security program at about \$59.7 million.

According to U.S. Marshals Service officials, the Marshals Service provided advice and technical support on judicial security to Iraqi judicial and court security personnel, including at the Central Criminal Court of Iraq from 2003 through 2008. For example, the Marshals Service (1) conducted security assessments and supervised upgrades for a number of courthouses in Iraq to improve court, judicial, and witness security; (2) designed standard upgrades that included perimeter security, barriers, cameras, gates, and razor wire; (3) provided security screening/search modular units at some courthouses; and (4) trained and equipped Facilities Protection Service and Personal Security Detail personnel. The U.S. Army Corps of Engineers was responsible for constructing the courthouse upgrades.

The Marshals Service also managed and paid for a program to house several of Iraq's most senior judges and their families at a secure facility in the International Zone. Costs for the program included: contracted security guards; building operations and maintenance, including building and grounds upkeep, water and sewer, trash removal and elevator maintenance, and building

repairs. The Service also managed a separate secure compound for attorneys working in the Central Criminal Court of Iraq and the Iraqi High Tribunal and other secure sites for witnesses at four locations in Baghdad and witness security sites at new courthouses in Baghdad and Mosul. Finally, Marshals Service deputies were responsible for transporting 10 to 15 judges and attorneys each workday from their quarters inside the International Zone to the courthouses and back to their quarters to ensure their safety.

At the end of 2008, funding for the Marshals Service assistance in RoL efforts, specifically in court security, judicial, and witness protection, was terminated by INL management for the Iraqi Judicial and Court Security program. Funding was then transferred back to INL, and contractors provided support to the program.

In 2010, the U.S. Ambassador, at the request of the Chief Judge of the Iraqi High Tribunal, invited the Marshals Service to Iraq under the auspices of the Civilian Response Corps<sup>17</sup> to provide training for a judicial security force for the Iraqi judges. This is similar to the role performed by the Marshals Service in the U.S. According to the deputy marshals, who deployed in February 2011, they adapted Marshals Service programs to meet the needs and environment of the Iraqi force. The deputies taught the first class, which included training in court security, motorcade, and dignitary protection operations, in the “train the trainer” format and identified participants from that class to teach the next session.

Subsequent training courses were monitored by the Marshals. After six months, a new team of Marshals Service personnel were deployed to Baghdad to continue the program. Because of internal GOI funding problems, the second round of training was delayed, and the training concept was changed at the request of the GOI and the Chief Judge from training a judicial security force to training a static security guard force. To support the new concept, the Marshals Service team created a training course, taught one train-the-trainer class, and mentored one class before ending its participation.

### ***Court Administration Projects Increase Capacity***

INL funded several programs and initiatives to increase the effectiveness of the administration and operation of the Iraqi courts and allow the police, the courts, and the corrections system to function as partners in the judicial process. INL provided about \$32.9 million for these programs. These include:

- a program to provide efficient tracking and processing of defendants through all criminal justice ministries from point of arrest to point of incarceration/release
- support to judicial ministries on data archiving/records management
- a program to strengthen administrative and operational capacity of justice institutions through information technology management and data integration
- a program to assist with strategic planning, budget, and human resources
- an automated case management system for anticorruption investigations
- a system to automate real estate records to prevent fraud

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<sup>17</sup> The Civilian Response Corps, a function of the DoS’s Bureau of Conflict and Stabilization Operations, is a “just-in-time” response corps of experts that can quickly deploy to address priority issues in conflict.

## **USAID Rule of Law Project Educates Iraqis on Access to Justice**

USAID is currently funding one program—the Iraq Access to Justice Project—to further the RoL effort in Iraq. The program, which began in October 2010, is to support the growth of Iraqi organizations, both local and nationwide, that provide legal assistance programs to disadvantaged populations. These include persons with disabilities, orphans, widows, internally displaced people, ethnic and religious minorities, and “individuals who lack access to state protections and services due to a lack of formal identity papers.”<sup>18</sup>

This program is scheduled to continue through FY 2013, with an option to extend for two additional years. The initial funding for this project, through the Economic Support Fund, was allocated at \$43.7 million for the first three years, with a total possible investment of \$62.9 million, if the two-year option period is exercised.

The Iraq Access to Justice Project has three interconnected components:

- generate opportunities for professional legal associations, law schools, and other civil society organizations and government engagement to improve policies, laws, and procedures affecting vulnerable populations
- improve vulnerable and disadvantaged Iraqis’ knowledge of their rights/responsibilities, and the remedies under the law
- increase the competency and availability of legal professionals and civil society partners to assist vulnerable and disadvantaged people

Since its inception, the Project has provided grants to 44 Iraqi organizations to improve their ability to increase awareness and to provide legal assistance to vulnerable populations. According to USAID, the Project had supported 2,129 cases as of June 30, 2012, including 593 in process and successfully completed legal representation cases and 1,517 legal consultations. During FY 2011, grantees completed five campaigns to raise legal awareness throughout the country. A total of eight new campaigns are beginning in Baghdad and Kurdistan.

USAID points to the Project as the reason for its success in assisting Iraqi law schools with implementing “clinical legal education.” According to a USAID official, Iraqis now have two law schools, in Erbil and Baghdad, which offer experiential learning as part of their curriculum, taking the theory of law into practice and preparing the students more thoroughly for the legal profession. As a result, Iraqi law schools were able to participate in a national and international moot court competition.

## **Most Programs Now under GOI Management**

As of the date of this report, the U.S. has turned most of the programs over to the GOI to manage and sustain. However, the GOI’s ability to sustain these programs is hampered by corruption, the violence that is still destabilizing day-to-day existence in Iraq, and the targeting of RoL officials and buildings by insurgents. As SIGIR reported in its July 2012 report to the

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<sup>18</sup> USAID, Fact Sheet, “Iraq Access to Justice Project,” 4/2012.

Congress<sup>19</sup>, senior officials in the Ministries of Interior and Justice are concerned about these issues. The Interior official stated that the three main challenges facing the Ministry were terrorism, corruption, and armed militia groups. The Justice official reported that providing security for judicial personnel remains a challenge.

Since 2003, at least 48 judges have been murdered, and the Justice official estimated that they have been able to provide security for only about 60 percent of the judges and their families. There are many Iraqis who see the benefits of a transparent and independent judiciary and a functioning corrections system. U.S. officials who have spent time in Iraq working on RoL issues agree that deep, lasting institutional change will take generations, requiring sustained commitment and a long-term perspective.

Once a program is turned over to the GOI, the U.S. no longer monitors the efforts. Also, other than quarterly progress and financial reports, INL does not usually require that a program summary or end of program report be prepared at the end of each Interagency Agreement that would describe the entire effort, what was accomplished, how the money was spent, and the successes and challenges for these programs, which would give INL a point-in-time summary.

Given the turnover in DoS personnel, both at headquarters and the U.S. Embassy, Baghdad, there is no historical perspective or corporate knowledge of the entire program to date, which an end of program report would provide. According to DoS officials, most of the RoL missions have not been completed and, thus, they have not received an end of mission report for any program other than the three that were provided to us. Therefore, we were unable to assess the effectiveness of the rest of the RoL programs.

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<sup>19</sup> *Iraq Police Development Program: Lack of Iraqi Support and Security Problems Raise Questions about the Continued Viability of the Program*, SIGIR 12-020, 7/30/2012.

# Conclusions and Recommendations

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## Conclusions

The corrections and judicial systems in prewar Iraq supported Saddam Hussein's brutal regime. Assessments conducted in post-war Iraq found the corrections and judicial systems in a chaotic state with facilities destroyed, personnel ill-trained to perform to international standards, and rampant corruption. Since 2003, INL and USAID have spent about \$560.3 million on programs to create and/or reconstitute these systems that meet international standards, protect human rights, and minimize corruption.

U.S. government and Iraqi officials point to signs of success. According to ICITAP's end of mission report, the Iraqi Corrections Service has progressed from near non-existence to a functional institution in need of minimal technical assistance. The Deputy Minister of Justice, who has been involved with the corrections program since 2004, believes the U.S. deserves considerable credit for setting the Ministry on its current path with vehicles, buildings, equipment, and training.

OPDAT officials point to the creation of the Major Crimes Courts as an example of program success in that these courts have been cited repeatedly by Iraqi provincial leaders as making a positive impact on public perception of the criminal justice system. Despite these improvements, corruption continues to permeate the corrections and judicial systems, judges and other judicial officials continue to be assassinated, and corrections officials are targeted by militia using intimidation or murder.

SIGIR has often written about the importance of outcome-focused reporting because of its value in documenting the lessons learned in the event of future contingencies and because the American people merit an accounting of what they received for their tax dollars. End of program and end of mission reports are important tools for providing objective information to program managers and policy analysts, such as what assigned tasks were completed, how funding was used, which initiatives were successful and which were not, and what challenges were encountered and how they were overcome.

We requested final reports for all INL-funded RoL programs and received the end of mission report for the corrections program, which was excellent in its analysis and detail. However, INL could not provide end of mission reports for almost all of the judicial programs because INL officials said the missions were not complete, even though, according to INL documents, many of the Interagency Agreements had ended. INL did not know if any other reports were prepared beyond the two other small end of mission reports they provided to us. Thus, we were unable to assess the effectiveness of the U.S.-funded judicial programs.

Available evidence indicates that U.S.-sponsored programs have had a positive impact on some aspects of the Iraqi RoL system, but the lasting impact of those programs, and whether hundreds of millions of U.S. taxpayer dollars were used effectively, will be decided by the GOI and the Iraqi people. The American taxpayers, through U.S. assistance programs, have provided the GOI with the tools to develop corrections and judicial systems that meet international standards,

protect human rights, and minimize corruption; but deep, lasting institutional reform is a generational undertaking, requiring a sustained commitment and a long-term perspective to bring about permanent change. However, if they do not follow through on the training and guidance already provided, the money invested will have been wasted.

## **Recommendations**

Valuable lessons can be learned by assessing program results at the end of Interagency Agreements, as well as at the end of missions. If programs are not assessed or those assessments are not retained, important lessons are lost with the passage of time and rotation of staff. We believe end of program and end of mission reports can provide valuable information to program managers and policy analysts, such as: what assigned tasks were completed, how funding was used, which initiatives were successful and which were not, and what challenges were encountered and how they were overcome. Therefore, SIGIR makes three recommendations to the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs:

1. Require an end of program report for all INL-funded assistance programs at the end of each Interagency Agreement or other funding mechanism.
2. Require an end of mission report, comparable to the end of mission report for the corrections program, at the end of each mission.
3. Retain those reports centrally for future use.

## **Management Comments and Audit Response**

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DoS agreed with all our recommendations and stated that they are already working to implement them. DoS also highlighted the INL-funded construction and renovation that brought nearly 6,000 prison beds on line throughout Iraq and the creation of the Judicial Development Institute training center as two RoL program successes.

We received technical comments from DoS, ICITAP, OPDAT, and the U.S. Marshals Service and incorporated them where appropriate.

# **Appendix A—Scope and Methodology**

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## **Scope and Methodology**

In March 2010, the Special Inspector General for Iraq Reconstruction (SIGIR) initiated Project 1020 to examine the status of Rule of Law programs in Iraq. This audit was performed by SIGIR under the authority of Public Law 108-106, as amended, which also incorporates the duties and responsibilities of inspectors general under the Inspector General Act of 1978. SIGIR conducted its work during March 2012 through October 2012 in Baghdad, Iraq and Arlington, Virginia.

To accomplish our objective, we requested and reviewed documentation on Rule of Law programs, from the onset of U.S. and international involvement in 2003 through the present. We requested information from the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) and its implementing partners at the Department of Justice and the United States Agency for International Development (USAID). These documents included the initial assessments of the Corrections and Judicial Sectors (from which plans for RoL programs were developed), Interagency Agreements between INL and its implementing partners at DoJ, and end of mission reports describing the results of the completed programs. To assess the financial status of programs, we obtained INL's budget and financial data for RoL programs from 2004 to 2012. We requested copies of the quarterly reports to INL to review financial and qualitative progress of on-going programs, but few of those documents were available. We also conducted interviews with Departments of State and Justice, and USAID officials in Washington, DC and Baghdad, Iraq, as well as with Department of Justice and Iraqi Ministry of Interior and Ministry of Justice officials in Baghdad.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## **Use of Computer-processed Data**

We used computer-processed budget data from INL in this report. The budget data was used for background and informational purposes and is insignificant to the audit results. The data collected was not verified but considered sufficiently reliable for purposes of addressing the audit objective.

## **Internal Controls**

We did not review specific internal controls used in managing Rule of Law programs.

## **Prior Coverage**

We reviewed the following SIGIR reports:

### ***Special Inspector General for Iraq Reconstruction***

*Iraq Police Development Program: Lack of Iraqi Support and Security Problems Raise Questions about the Continued Viability of the Program, SIGIR 12-020, 7/30/2012.*

*Status of Fiscal Years 2011-2012 Iraq Security Forces Fund, SIGIR 12-018, 7/27/2012.*

*Iraqi Police Development Program: Opportunities for Improved Program Accountability and Budget Transparency, SIGIR 12-006, 10/24/2011.*

*Iraqi Security Forces: Police Training Program Developed Sizeable Force, but Capabilities Are Unknown, SIGIR 11-003, 10/25/2010.*

*Long-Standing Weaknesses in DoS's Oversight of DynCorp Contract for Support of the Iraqi Police Training Program, SIGIR 10-008, 1/25/2010.*

*Anticorruption Efforts in Iraq: U.S. and Iraq Take Actions but Much Remains To Be Done, SIGIR 08-023, 7/30/2008.*

*Outcome, Cost, and Oversight of the Security and Justice Contract with Parsons Delaware, Inc., SIGIR 08-019, 7/28/2008.*

*U.S. Anticorruption Efforts in Iraq: Progress Made in Implementing Revised Management Plan, SIGIR 08-016, 4/24/2008.*

*Progress on Recommended Improvements to Contract Administration for the Iraqi Police Training Program, SIGIR 08-014, 4/22/2008.*

*U. S. Anticorruption Efforts in Iraq: Sustained Management Commitment Is Key to Success, SIGIR 08-008, 1/25/2008.*

*Khan Bani Sa'ad Correctional Facility Khan Bani Sa'ad, Iraq, SIGIR PA-08-138, 7/25/2008.*

*Interim Review of DynCorp International, LLC, Spending Under Its Contract for the Iraqi Police Training Program, SIGIR 07-016, 10/23/2007.*

*Status of U.S. Government Anticorruption Efforts in Iraq, SIGIR 07-007, 7/24/2007.*

*Fact Sheet on Sources and Uses of U.S. Funding Provided in Fiscal Year 2006 for Iraq Relief and Reconstruction, SIGIR 07-005, 7/27/2007.*

*Review of DynCorp International, LLC, Contract Number S LMAQM-04-C-0030, Task Order 0338, for the Iraqi Police Training Program Support, SIGIR 06-029, 1/30/2007.*

*Joint Survey of the U.S. Embassy-Iraq's Anticorruption Program, SIGIR 06-021, 7/28/2006.*

## Appendix B—Acronyms

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<b>Acronym</b>	<b>Description</b>
DoD	Department of Defense
DoJ	Department of Justice
DoS	Department of State
GOI	Government of Iraq
ICITAP	International Criminal Investigation Training and Assistance Program
INL	Bureau of International Narcotics and Law Enforcement Affairs
OPDAT	Office of Overseas Prosecutorial Development, Assistance, and Training
RoL	Rule of Law
SIGIR	Special Inspector General for Iraq Reconstruction
USAID	United States Agency for International Development
USG	United States Government

## **Appendix C—Audit Team Members**

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This report was prepared and the audit conducted under the direction of James Shafer, Assistant Inspector General for Audits, Office of the Special Inspector General for Iraq Reconstruction.

The staff members who conducted the audit and contributed to the report include:

Ann Barth

Sally Galloway

Art Granger

Adam Hatton

Richard Kusman

Robert Pelletier

# Appendix D—Management Comments

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United States Department of State

Bureau for International Narcotics  
and Law Enforcement Affairs

Washington, D.C. 20520

OCT 18 2012

Dear Mr. Schafer:

The Department of State appreciates Audit Report 13-001 of the Office of the Special Inspector General for Iraq Reconstruction (SIGIR) and its recommendations. The report provides important input, as we continue to implement the Bureau of International Narcotics and Law Enforcement Affairs (INL)'s Rule of Law (ROL) programs in Iraq. The Department agrees with SIGIR's recommendations and is already working to implement them.

I would like to note briefly two ROL program successes. First, INL-funded prison construction and renovation by the U.S. Army Corps of Engineers at ten correctional facilities brought nearly 6,000 prison beds on line throughout Iraq. The program, which was completed in a timely fashion and under budget in 2010, was twice audited by SIGIR with "no adverse findings." In addition, INL and the Iraqi Higher Judicial Council (HJC) co-founded the Judicial Development Institute, a world class training center for the continuing professional development of judges, court officers, and other personnel. The HJC assumed full management of the center in May 2012.

## Recommendations

INL agrees with the three recommendations in the report, which we already are working to implement. Specifically, INL's responses to the draft recommendations are as follows:

**Recommendation 1:** Require an end of program report for all INL-funded assistance programs at the end of each Interagency Agreement or other funding mechanism.

Mr. James Schafer

Office of the Special Inspector General for Iraq Reconstruction,  
2530 Crystal Drive,  
Arlington, VA 22202.

**INL Response (October 2012):** INL agrees that end of program reporting is important and useful at the conclusion of a program, and we will insure our future interagency agreements and other implementing agreements require such reports. INL is working to implement standard reporting requirements to assess the impact of programs and assist with future program planning. Throughout the life of a program, INL requires several other types of reporting, as appropriate, such as bi-weekly, quarterly, and semi-annual program and financial reports. INL offered to provide this reporting to SIGIR auditors. These reports are submitted to INL program offices and aid in program monitoring and evaluation. The reports include project activities and objectives met, challenges faced and their solutions, intended and unintended outcomes, and expended funds. These reports can and do provide extremely useful data for oversight purposes.

**Recommendation 2:** Require an end of mission report, comparable to the end of mission report for the corrections program, at the end of each mission.

**INL Response (October 2012):** INL and SIGIR agree that end of mission reports provide thorough reviews and analyses of implementer activity in-country. For future programs, we will require our implementing partners to provide end of mission reports. Many of INL's ROL programs in Iraq have not yet concluded and therefore, end of mission reports are not yet available for these programs. As noted in our response to recommendation 1, we also will continue to require interim project and financial reporting.

**Recommendation 3:** Retain those reports centrally for future use.

**INL Response (October 2012):** INL agrees that it is important to retain documents for future use and has established, according to best practices, several repositories for recent evaluations and other project materials which will be available to future policy makers. INL is ensuring that records are properly kept for all Interagency Agreements and Letters of Agreement in electronic format for ease of use and reference.

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Again, we value the recommendations made by SIGIR and assure you that we will work to implement them. We look forward to continued cooperation with SIGIR and all audit bodies as we provide foreign assistance to the Government of Iraq.

Sincerely,



Brian A. Nichols  
Acting Assistant Secretary

## **Appendix E—SIGIR Mission and Contact Information**

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### **SIGIR’s Mission**

Regarding the U.S. reconstruction plans, programs, and operations in Iraq, the Special Inspector General for Iraq Reconstruction provides independent and objective:

- oversight and review through comprehensive audits, inspections, and investigations
- advice and recommendations on policies to promote economy, efficiency, and effectiveness
- deterrence of malfeasance through the prevention and detection of fraud, waste, and abuse
- information and analysis to the Secretary of State, the Secretary of Defense, the Congress, and the American people through Quarterly Reports

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### **Obtaining Copies of SIGIR Reports and Testimonies**

To obtain copies of SIGIR documents at no cost, go to SIGIR’s Web site ([www.sigir.mil](http://www.sigir.mil)).

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### **To Report Fraud, Waste, and Abuse in Iraq Relief and Reconstruction Programs**

Help prevent fraud, waste, and abuse by reporting suspicious or illegal activities to the SIGIR Hotline:

- Web: [www.sigir.mil/submit\\_fraud.html](http://www.sigir.mil/submit_fraud.html)
- Phone: 703-602-4063
- Toll Free: 866-301-2003

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### **Congressional and Public Affairs**

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