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Executive Summary.....	2	Ministry of Youth.....	41
The Institutions Iraq Relies Upon to Enforce Anticorruption Laws.....	4	Ministry of Human Rights.....	42
Conclusion #1: Currently, Iraq is not capable of even rudimentary enforcement of anticorruption laws....	6	Ministry of Planning.....	43
The Commission on Public Integrity..	8	Ministry of Municipalities.....	44
The Ministries.....	10	Ministry of Electricity.....	45
The Inspector General.....	10	Baghdad.....	47
Investigative Judges.....	11	Ministry of Finance.....	48
Board of Supreme Audit.....	12	Conclusion #2. Lack of access to the ministries is the single biggest hurdle to prosecution of anticorruption cases.....	52
Ministry by Ministry Breakdown.....	12	Conclusion #3. In addition to the lack of capacity within the anticorruption agencies politicization and fear of accountability are serious impediments to the enforcement of anticorruption laws.....	54
Ministry of the Interior.....	13	Sectarian Prosecutions.....	55
Ministry of Defense.....	15	Conclusion #4. The Government of Iraq is making grudging progress in capability to investigate and prosecute corruption in Iraq bit not at a level that would support any reasonable time line.....	60
Ministry of Trade.....	18	Recommendations.....	62
Ministry of Health.....	20	Annex A.....	63
Ministry of Oil.....	22	Annex B.....	64
Ministry of Education.....	24		
Ministry of Water.....	26		
Ministry of Labor & SA.....	28		
Ministry of Transportation.....	29		
Ministry pf Higher Ed.....	29		
Ministry of Justice.....	32		
Ministry of Migration.....	33		
Counsel of Ministers.....	34		
Ministry of Science.....	36		
Ministry of Housing.....	37		
Ministry of Foreign Affairs.....	38		
Non government Organizations.....	39		

SENSITIVE BUT UNCLASSIFIED

Not for distribution to personnel outside of the US Embassy in Baghdad Iraq
Working Draft

This report analyzes the ability of Iraq to enforce its anticorruption laws. It seeks to provide a snapshot of Iraq's institutions created to fight corruption, the ability of the United States Government to support capacity building, and catalogue those actions which would provide an indication of the Iraqi will to take on the often painful reality of prosecuting ones political supporters.

It must be acknowledged that the enforcement of anticorruption laws is only a part of the anticorruption effort. Also included as a vital part are civil society efforts, transparency efforts, accountability efforts, economic reform, and public education. These essential programs are not within the scope of this report.

Executive Summary

Currently, Iraq is not capable of even rudimentary enforcement of anticorruption laws.

The study team conducted a comprehensive study of the cases in Commission on Public Integrity (CPI) and a review of the performance of the anticorruption institutions.

CPI is currently a passive rather than a true investigatory agency¹. Though legally empowered to conduct investigations the combined security situation and the violent character of the criminal elements within the ministries make investigation of corruption too hazardous for all but a tactically robust police force with the support of the Iraqi government. Currently this support is lacking.

Within the ministries Inspectors General (IG) have repeatedly complained that fighting corruption is seen as an IG function alone and is not seen as a concern outside of that office. This lack of support has allowed corruption to be the norm in many ministries. Unarmed in the red zone subject to intimidation, reports submitted by the Inspectors General can not be trusted to truthfully reveal criminal activity against anyone protected by the violent or powerful.

The court system in Iraq remains weak, intimidated, subject to political pressure, and clogged with minor cases.

Reviews of the cases and interviews with CPI investigators and American advisors give a breakdown of the anticorruption efforts in the ministries that have provided 70% of the corruption complaints. The Ministry of Interior is seen by Iraqis as untouchable by the anticorruption enforcement infrastructure of Iraq. Corruption investigations in Ministry of Defense are judged to be ineffectual. With 196 complaints and only 8 being sent to court and only one person having been convicted in what is widely recognized as a troubled ministry, corruption investigations are clearly inadequate in the Ministry of Trade. The Ministry of Health is a sore point; corruption is actually affecting its ability to deliver services and threatens the support of the government. The lack of investigative capacity and the presence of militia make it beyond the reach of anticorruption efforts. The high number of dismissals in cases involving alleged political

¹ CPI uses passive means to investigate anticorruption cases. The investigator sends mail requests for information to the ministries instead of going to the ministries and developing witnesses, sources and cases. This passive approach evolved from the physical threats and intimidation of investigators in the ministries and red zone. CPI is currently not empowered or equipped to operate under the present threat or level of intimidation.

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Working Draft

motivations indicates manipulation of the investigations within Ministry of Oil. CPI and the IG are completely ill-equipped to handle oil theft cases. Anticorruption cases concerning the Ministry of Education have been particularly ineffective. As is shown by the small number of investigations in the Ministry of Water Resources it is effectively out of the anticorruption fight with little to no apparent effort in trying to combat fraud. The number of referrals for prosecution and failure of even rudimentary cooperation support the contention that the Ministry of Labor & Social Affairs is hostile to the prosecution of corruption cases. Militia support from Sadr has effectively made corruption in the Ministry of Transportation wholesale according to investigators and immune from prosecution. In the Ministry of Displacement & Migration there has been only one investigation initiated or complaint made about any person identified with the Shia. Anticorruption activity efforts are in practical measure devoid in the Ministry of Science and Technology. In general, the lack of cooperation within the Ministry of Housing & Construction has left the anticorruption fight principally to CPI which is not capable of any sustainable campaign within that ministry. That there are so many complaints about NGOs that it leads to the conclusion that either NGOs are wrapped up in political intrigue or they are a significant contributor to the corruption problem. In the Ministry of Youth & Sports no cases have made it to trial because the minister has granted Article 136B immunity from trial on wholesale bases. The concentration on investigating people once they leave the ministry implies political protection for those currently within the Ministry of Electricity. Only one conviction has ever come from corruption cases in the entire city of Baghdad. In the Ministry of Finance the minister has developed a reputation for ruthlessness in applying the anticorruption laws to control his staff. CPI is powerless to prevent this type of abuse.

Lack of access to the ministries is the single biggest hurdle to prosecution of anticorruption cases.

The inability of CPI investigators to travel safely to and from the ministries in the red zone has so hobbled the agency it is relegated to relying almost entirely on IGs to conduct investigations. Because the IGs are subject to the same threat, anticorruption investigations are subject to tampering or political manipulation. Several ministries are so controlled by criminal gangs or militias as to be impossible to operate within absent a tactical force protecting the investigator. Though severely undermanned, CPI could vastly improve its anticorruption cases if it were not so dependant on unreliable ministry support.

CPI investigators have also suffered by recent attacks on their character. The withdrawal of apparent support by the top of the government has provided an intangible excuse to avoid compliance with the law by many in the Iraqi government.

In addition to the lack of capacity within the anticorruption agencies, politicization and fear of accountability are serious impediments to the enforcement of anticorruption laws.

The Prime Minister's Office has demonstrated an open hostility to the concept of an independent agency to investigate or prosecute corruption cases. The Iraqi

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Government also withholds support and resources from CPI. There have been a number of identified cases where government and political pressure has been applied to change the outcome of investigations and prosecutions in favor of members of the Shia Alliance. Advisors have documented a pattern of pressure seemingly designed to hire personnel along political lines. There also has been a clear sectarian shift in those who have been appointed as IGs since the Shia Alliance has taken control of the government.

Across the board there is a fear by anticorruption agencies to any metrics that might indicate performance or the lack of it. There is a pattern of loose accountability and a lack of clear rules throughout the Iraqi Government. This lack of accountability and transparency has resulted in both promoting corruption and manipulation of the criminal justice system against otherwise innocent people.

The Government of Iraq is making grudging progress in capability to investigate and prosecute corruption in Iraq, but not at a level that would support any reasonable time line.

The average CPI investigator has proven him/herself adept at comprehending the training; diligent in applying the techniques taught in a lawful way; and highly interested in expanding their professional abilities and contributions. CPI's 120 investigators do not have the numbers or the capacity to confront the job it is asked to do and is not being funded to a substantial increase. CPI has no formal means to handle internal security or discipline. This lack of a CPI IG or internal affairs department has placed in jeopardy the agency's reputation. The Iraqi government is conducting a series of classes for the training of hundreds of inspectors general, but without an increase in numbers nor a means to conduct investigations absent intimidation their value may only be administrative in character. Without a commitment to withdraw partisan and sectarian politics from the selection of senior IG leadership, there is the likelihood that investigations will not have credibility. According to the figures supplied, BSA is not a major player in referring criminal investigations. The US Embassy has established the Office of Accountability and Transparency to provide direct support to the capacity building of CPI, the IGs and BSA. If adequately resourced this organization will provide the expertise needed to confront the stalled growth in capacity building. This agency can provide support where there is the political will which has waned over the last six months.

INTRODUCTION

Corruption has been described through number of sources as one of the major hurdles the Iraqi government must overcome if it is to survive as a stable and independent entity. Corruption is identified as a funding and logistical source for the insurgency and the mainstay of unsanctioned armed groups which make up the militias and conduct attacks both against the Coalition forces and populations other than their own ethnic or sectarian groups. The Prime Minister of Iraq has repeatedly described the fight corruption as the second war in Iraq. The popular press has openly reported corruption as endemic to Iraq and all indications point to corruption as undermining the support of the population for Iraq's government.

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With the wide spread acknowledgement that corruption is a serious if not potential fatal threat to the government of Iraq this report is a comprehensive look at the state of Iraq's anticorruption enforcement institutions. A six month review this report catalogues the progress of decline of those institutions in their capability and performance. In the last six month analysis the statistics showed a remarkable increase in the newly immersing institutions. In the time between January to July of 2006 the number of cases processed equaled the total cases of the year before.

The cases filed in June 2006 showed what appeared to be a sectarian concerning senior leadership but only in those ministries that changed hands as a result of the new government formed in May 2006. Leadership in those ministries suddenly found themselves subject to unsympathetic scrutiny by the ministry. Only two of those cases, the former Minister of Electricity and two cases from the Ministry of Defense have gone to trial. Most have stalled at the investigative court or after investigation been dismissed. By far most of the cases did not result in pretrial detention.

This report takes off from there tracking Iraqi performance and using the observations of US Personnel within CPI, interviews with Iraqi investigators, and a case review of the files. It should be noted that with 120 investigators and 20 US personnel providing training and mentoring this organization has proportionately closer supervision and scrutiny than any other institution in Iraq.

Methodology for Six Month Review

See Annex A

The Institutions Iraq Relies Upon To Enforce Anticorruption Laws

In order to understand the anticorruption system in Iraq it is essential to have a familiarity with the following agencies and/or judicial positions that conduct and prosecute investigations.

A. Board of Supreme Audit: (BSA)

This agency routinely conducts financial audits of the various Iraqi Ministries. Their published audits are provided to both the affected Ministry Inspector General office and to CPI. The relationship between BSA and the IG offices is outlined in CPA orders 55, 57, and 77. Specifically, a referral for possible criminal investigation is made by the BSA to CPI should that possibility be encountered. Under the Iraqi Constitution BSA is an independent commission.²

B. Inspectors General: (IG)

² Article 103:

First: The Central Bank of Iraq, the Board of Supreme Audit, the Communication and Media Commission, and the Endowment Commissions are financially and administratively independent institutions, and the work of each of these institutions shall be regulated by law.

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Most of the approximate 40 Iraq Ministries and other governmental entities has an IG Office. The authorization of the IG stems from CPA 57 which is still Iraqi law. The IG is responsible for conducting internal investigations within the Ministry. In matters pertaining to ministry employee corruption, fraud, theft, embezzlement, etc, the IG is to refer the case, along with whatever it had collect up to that point, to CPI. The IG's office is also the contact for and conduit to CPI for ministry documents and other assistance CPI may request. When the IGs detect thefts of ministry property, funds, and products during its audits/inquiries and no employee involvement is evident the IG refers those matters to the police or other enforcement agencies.

C. Investigative Judges: (IJ)

For purposes of this review, criminal cases are judicially resolved in the Central Criminal Court of Iraq (CCCI) established by CPA Order 13. There are also criminal courts that cover the northern and southern sections of the country. CCCI employ both Trial Judges, who hear cases (similar to Judges in the US), and Investigative Judges (IJ), who function more as investigators but with the added jurisdiction to order (demand subpoena) documents and compel testimony. (Although unheard of in the US judicial system, IJ's operate in some European judicial systems and can be likened to a hybrid, Federal Agent – Assistant US Attorney). All CPI investigations/allegations, no matter the merit, are presented to IJ's as required by law. A panel of three IJs at CCCI receive matters brought by CPI. It is the IJ's who determine; if a CPI case is advanced to a criminal proceeding before a Trial Judge; should be dismissed; returned to CPI for further investigative efforts; or retained by the IJ's who will personally direct additional investigation.

D. The Commission on Public Integrity (CPI)

Established by CPA Order 55 and reaffirmed as an independent commission under the oversight of the legislature in the Iraqi Constitution,³CPI is a multifunctional agency which is dedicated to enforcing anticorruption laws and transparency. CPI has the legal authorization to investigate accusations of corruption and take jurisdiction of cases from local courts and move them to the CCCI. Authorized to have investigators of the first class, the agency may assist investigative judges once the case is referred. They are still subject to the requirements of the Iraqi Criminal Procedure Code which grants primacy to the investigative court and rests prosecutorial discretion at that level. Except in cases involving violations of the Code of Conduct, CPI is not empowered to refer cases to the minister rather than the court. Nor does it have arrest powers, detention powers or

³ Article 102:

The High Commission for Human Rights, the Independent Electoral Commission, and the Commission on Public Integrity are considered independent commissions subject to monitoring by the Council of Representatives, and their functions shall be regulated by law.

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the power to carry firearms. To support its anticorruption responsibilities, CPI must maintain a hotline and protect the identification of callers, establish a code of conduct for all government employees, establish a public awareness program, and collect and enforce a government-wide financial disclosure requirement. The commissioner in CPA 55 is given exclusive power to hire, fire and discipline its employees as well as appoint a deputy commissioner and director generals.

Team finding : CPI is currently more of a passive rather than a true investigatory agency. Though legally empowered to conduct investigations the combined security situation and the violent character of the criminal elements within the ministries make investigation of corruption too hazardous unless performed by a tactically robust police force with the support of the Iraqi government. Currently this support is lacking.

Team finding : Within the ministries IGs have repeatedly complained that fighting corruption is seen as an IG function alone, and should not be a concern outside of that office. This lack of support has allowed corruption to be the norm in many ministries.

Team finding : Unarmed in the red zone subject to intimidation, reports submitted by the Inspectors General can not be trusted to truthfully reveal criminal activity against anyone protected by the violent or powerful.

Team finding : The court system in Iraq remains weak, intimidated, subject to political pressure, and clogged with minor cases.

Team finding : The Ministry of Interior is seen by Iraqis as untouchable by the anticorruption enforcement infrastructure of Iraq.

Team finding : Corruption investigations in MOD are judged to be ineffectual.

Team finding : With 196 complaints and only 8 being sent to court and only one person having been convicted in what is widely recognized as a troubled ministry, corruption investigations are clearly inadequate in the Ministry of Trade.

Team finding : In the Ministry of Health corruption is affecting its ability to deliver services and threatens the support of the government. The lack of investigative capacity and the presence of militia make it beyond the reach of anticorruption efforts.

Team finding : The high number of dismissals involving alleged political motivations indicates manipulation of the investigations within MOO. CPI and the IG are completely ill-equipped to handle oil theft cases.

Team finding : Anticorruption cases concerning the MOEd has been particularly ineffective.

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Working Draft

Team finding : As is shown by the small number of investigations the Ministry of Water Resources is effectively out of the anticorruption fight with little to no apparent effort in trying to combat fraud.

Team finding : The Ministry of Labor & Social Affairs has been described as hostile to the prosecution on corruption cases. The number of referrals for prosecution and failure of even rudimentary cooperation would seem to support that contention.

Team finding : The militia support from Sadr has effectively made corruption in the Ministry of Transportation wholesale, according to investigators, and immune from prosecution.

Team finding : In the Ministry of Displacement & Migration, only one investigation was initiated or complaints were made about any person identified with the Shia.

Team finding : Anticorruption activity efforts are in practical measure devoid in the Ministry of Science and Technology.

Team finding : In general the lack of cooperation within the Ministry of Housing & Construction has left the anticorruption fight principally to CPI, which is not capable of any sustainable campaign within that ministry.

Team finding : That there are so many complaints about NGOs, where in many ministries there are far fewer investigations, leads to the conclusion that either NGOs are wrapped up in political intrigue or they are a significant contributor to the corruption problem.

Team finding : In Ministry of Youth & Sports no cases have made it to trial because the minister has granted Article 136B immunity from trial on a wholesale bases.

Team finding : There is a practice within the Ministry of Electricity of investigating people once they leave the ministry implying political protection for those currently within the ministry itself.

Team finding : Only one conviction has ever come from corruption cases in the entire city of Baghdad.

Team finding : In the ministry of Finance the Minister is the former Minister of Interior where he developed a reputation for ruthlessness in applying the anticorruption laws to control his staff. CPI is powerless to prevent this type of abuse.

Team finding: Neither this team nor any other entity it can find has a clear picture of or is following what is happening in corruption in any manner than antidotal stories.

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Working Draft

Conclusion #1: Currently, Iraq is not capable of even rudimentary enforcement of anticorruption laws.

The Commission on Public Integrity

CPI has a staff of 120 investigators to cover 34 ministries and a number of other entities, not to mention a rapidly rising number of local, regional, and provincial functional governments. The Iraqi investigators observed by US trainers are inundated simply with paperwork criminal investigations and polishing IG cases in preparation for sending them to court. The investigators in truth are closer to clerks processing paperwork rather than investigators solving crimes.

INL has funded the training of a little over half of the investigators in basic investigation procedures. For the most part CPI is mostly processing IG investigations to the Investigative Judge. As with other cases investigations initiated from sources other than IGs are passive using only documents and witnesses provided by cooperative IGs and ministries. The fundamental truth of nearly all investigations is that if the witnesses are not willing to come into the IZ the case can not be prosecuted due to the security situation and the lack of tactical capability within CPI. There are a few notable exceptions caused by heroic initiative by individual investigators, which have drawn sharp reactions from high level Shia Alliance Party operatives or senior members of the government.

Proactive investigation in the form of undercover operations including “sting operations”, physical/electronic surveillance, using cooperating defendants and witnesses are at present beyond CPI’s capability. The pattern of criminal activity associated with MOO would require comprehensive use of proactive investigative techniques to have a chance for success. The pattern of criminality endemic at MOI is beyond CPI’s capability and charter. Other ministries can be effectively policed through contract fraud investigations if documents are forthcoming and the IG’s are motivated to cooperate. The BSA has on a few occasions been a valuable resource to CPI, if whenever investigators left the office and developed contacts.

The investigators function well when acting in small groups with freedom to move as required. This is now impossible in the midst of a war zone where entire sections of the City are off limits even to army personnel.⁴

CPI investigators have been accosted by armed gangs within ministry headquarters and denied access to officials and records there.⁵

CPI investigators are barred from carrying weapons unless they apply for and are approved for permits by the Ministry of Interior, utilizing the same procedures that civilians must follow. They are not granted law enforcement status.⁶

The Commissioner has determined that he needs at least 450 investigators. Threats to investigators from insurgents and militias including those supporting the current government are so common place as to be impossible to catalogue. Many investigators sleep at night in the office in the IZ. Threats against the family often cause investigators to ask for leave to move their families out of the country. The hiring of

⁴ Observations sourced from INL funded trainers

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additional staff in light of the danger involved⁷, or just maintaining the 120 investigators, is a challenge. The current administration has been unsympathetic to requests for additional funding and manpower needs. Few guards for the investigators to leave the IZ have been authorized, and CPI has resorted to arming people hired for janitorial and maintenance duty. CPI has hired some contractors to provide protection for the investigators, which has caused a dilemma for INL funded-trainers in that to train and equip a contractor is to risk losing that investment at the end of the contract. In late October 2006 these “maintenance workers” were needed to rescue a lead investigator involved in an investigation of corruption in MOD when an Iraqi Army unit raided his home. When confronted by the CPI ad hoc quick reaction force, the army unit claimed it had simply gotten the wrong address and withdrew.

The lack of support from the administration has had a clear negative affect on the morale of the investigators themselves.

In light of these observations it is clear that CPI is currently an administrative rather than a true investigatory agency. Though legally empowered to conduct investigations the combined security situation and the violent character of the criminal elements within the ministries make investigation of corruption too hazardous, unless performed by a tactically robust police force with the support of the Iraqi government. Currently this support is lacking.

To underscore and expand upon the above the following points need highlighting:

- I. What CPI can do:
 - a) It is the primary agency under law assigned criminal “White Collar” investigative jurisdiction.
 - b) Collect all evidence, physical and testimonial, it can obtain voluntarily.
 - c) Investigate any and all matters brought to its attention.
 - d) Comply with directions and deliver orders, etc, from the IJs.
 - e) Develop sources of information within Ministries and elsewhere.

- II. What CPI can not do:
 - a) Decline to investigate fully any criminal referral or complaint.
 - b) Demand or order the production of documents.
 - c) Require a person to provide testimony.
 - d) Make arrests.

- III. How CPI conducts an investigation:
 - a) Upon receipt of an allegation the matter is referred to the appropriate CPI “team” of investigators assigned to a particular Ministry.
 - b) Conduct logical investigation as decided by the investigator. Options:
 1. Ask for Ministry IG assistance by providing the allegation.
 2. Ask for Ministry IG assistance while withholding allegation,
 3. Present the matter directly to an IJ for review.

⁷ 12 CPI employees have been murdered.

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- c) CPI investigators typically conduct their investigations from within their offices by directing letters to IGs, individuals or organizations.
- d) Deliver IJ judicial orders if issued.
- e) Deliver arrest warrants to MOI for execution, if issued.

The Ministries

The ministries operate in such an opaque manner as to make enforcement nearly impossible. The regulatory promulgation process is inherently secret and fraught with conflicts of interest. The minister through Article 136B of the Iraqi Criminal Procedure Code has the power to, in effect, make illegal actions retroactively legal. This has resulted in an atmosphere that leaves the impression that political alliances trump the law.

A review of actual contracts entered into by Ministry officials show a universal lack of basic contractually sound procedures. Many contracts are partially or fully paid prior to the delivery of goods. Description specs on items ordered are dismal. Delivery dates are ignored without penalty. Suppliers default on contracts without facing criminal or civil penalties.⁸

Individual IGs within the ministries have repeatedly complained that within the ministries fighting corruption is seen as an IG function alone, and should not be a concern outside of that office. This lack of support has allowed corruption to be the norm in many ministries.

The Inspector General:

Each of the dangers described for the CPI investigators is compounded for the IG investigators. The general level of violence in Baghdad multiplies the intimidation factor in that murders are so common that tying them back to the work place would be difficult even for an accomplished police force. Knowing this, those confronted with criminal activity are fully aware of the near immunity available to violent criminals. So great is the danger in the ministries as to make nearly all of the IG actions suspect. Even when investigations are possible the IG investigator realizes that should the case go to court, upon completion of the investigation the file will go to the Minister for his decision as to whether or not to allow it to go to trial. Such means that the Minister will get the name of the investigator as well as those of the witnesses. An investigator must in each investigation make the judgment as to whether the suspect has the support of his Minister and trust that the Minister will safeguard all involved. Unarmed in the red zone subject to intimidation, reports submitted can not be trusted to truthfully reveal criminal activity against anyone protected by the violent or powerful.

It must be noted that the IGs have universally condemned Article 136B of the Iraqi Criminal Procedure Code as has CPI. When the Iraqi government considered the repeal of this law the JAG, MNSTC-I came forward to express the military's reservation and concern that the law might be appealed. The movement to repeal the law is currently stalled.

⁸ Observations sourced from INL funded trainers

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This has resulted in a number of failings in the IG system. CPI receives scant notification from IG offices regarding possible criminal acts committed by employees, particularly those holding the position of Director General and above.⁹ CPI files are replete with requests made to IGs for copies of documents and/or access to witnesses that are not complied with or even answered. Certain ministries have refused lawful court orders issued by IJs.¹⁰

Investigative Judges:

An interview conducted by the advisors of the Supreme Investigative Judge of CCCI has identified a number of issues that he recommended to be addressed:

1. Interference - A history of political pressure being placed upon the judiciary from both Iraq and American interests was conveyed.
2. Security - The day before the advisors meeting with the IJ in November, another Judge was assassinated. Judges are regularly subject to intimidation throughout Iraq.
3. IG Concerns - The IJ expressed concerns regarding the position of Ministry IGs in the following terms:
 - a) IGs fail to refer criminal cases to CPI attention.
 - b) IGs are politically appointed and lack independence.
 - c) IGs should be subjected to greater scrutiny, as they may contribute to the corruption encountered.
4. CPI Concerns - The IJ recommended the following actions:
 - a) Increase the number of CPI investigators.
 - b) Expand CPI offices into every province in Iraq.
 - c) Construct modern forensic laboratories and place them under CPI control.
 - d) Increase CPI investigator salaries.
 - e) Address CPI investigators lack of basic security.
 - f) Eliminate the political pressure that is brought upon CPI by Iraq Government officials.

The judges within CCCI are clearly over burdened. The lack of prosecutorial discretion below the court system has caused the courts to strain even under the poor performance as outlined below. Most of the cases are not major and thus the system has been clogged in what should be handled by a less prestigious body.

Despite widespread disinformation to the contrary, only the courts have the power to detain in corruption cases. CPI does not even make detention recommendations. There is confusion as to the role of RCC 38 of 1993 which the lead judge of the CCCI claims requires detention in all cases involving corruption throughout the investigative stage. Other judges have stated that the law applies only to those cases involving the security of the state. In fact, an analysis of those cases submitted to the court with the exception of Oil cases, have by a wide margin not resulted in detention.

Judicial power in Iraq is less than what most Americans are used to. Courts do not have the power of equity to enforce court orders. Ministries regularly ignore court orders. Literally hundreds of arrest warrants remain outstanding, as do court orders to produce

⁹ Observations sourced from INL funded trainers

¹⁰ Observations sourced from INL funded trainers

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evidence, witnesses and documents, all of which remain outstanding and ignored by government officials. Legal counsel of many ministries refuses to come to court to explain their ministry's actions. Ministers regularly sit on requests to send cases to trial, thereby stalling the case.

The court system in Iraq remains weak, intimidated, subject to political pressure, and clogged with minor cases.

Board of Supreme Audit:

BSA has been neglected in our support. A long standing agency, it has a good reputation but we know little of its performance. As the figures below indicate the reputation may be overrated. BSA audits have resulted in few investigations of corruption. It is a fair assumption that all of the safety concerns of the IGs would apply as well to auditors of the BSA.

The Anticorruption Advisor to the Prime Minister

Dr Adel Muhsien Abdulla Al-Quza'alee has been appointed by the Prime Minister as the Anticorruption Advisor, in what could be called an anticorruption czar. This position is not statutorily empowered but was created on an ad hoc bases. Dr. Adel is also the IG of Health and the President of the IG association. As a trusted confidant of the Prime Minister he makes recommendations as to the appointment of new IGs. He has repeatedly stated openly that independent agencies should be subject to control of the Prime Minister.

Dr. Adel has steadfastly refused to submit his financial disclosure form.

Dr. Adel is also a well known political operative with the open agenda of keeping the relationship between the Dawa, Sadrist, and Fadillah political parties intact.

Local Anticorruption Efforts

What may be most alarming is what the Coalition and Embassy does not know as ground truth at the local level. Neither this team nor any other entity it can find has a clear picture of or is following what is happening in corruption in any manner than antidotal stories. The Embassy is seeking to remedy this through the staffing of four regional IRMO employees for the newly created Office of Accountability and Transparency. These individuals will be able to contribute only if they can get out and observe what is in fact happening at a local level. In the past this has proven a challenge in an atmosphere where protection escorts are few and the need for them highly competitive. Also the staffing of these four positions has been from the Department of State has been less than urgent.

Ministry by Ministry Breakdown

Below is a breakdown by ministry of CPI cases from January 2005 to the present. An analysis has shown that 70% of all investigations apply to the listed governmental entities. CPI's case tracking is rudimentary and the numbers have come from an audit

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hand done by CPI staff at the request of this team. Also some data is probably incomplete in that the former Deputy Commissioner, Mosa Farraj upon his dismissal for prosecutions along sectarian lines, left CPI with literally a car load of case files. An arrest warrant and court order for the return of the files is pending.

Functionally, CPI has not been a genuine participant in anticorruption prosecutions before January 2005. A ministry by ministry breakdown of statistics shows the following:

Ministry of Interior

Minister of Interior. Jawad al Balani

Name of Ministry Inspector General:	Aqueel Omran Saeed Al-Tarihee
Date of appointment as IG:	12/28/2005
Political/Ethnic/Militia affiliation of IG:	Shia'a / Al-Dawa Party

In interviews of investigators in CPI, the IG of MOI has a poor reputation with questions about his qualifications and honesty. He is viewed as uncooperative with investigators and obstructive. A review of cases has shown a scarcity of contractual cases which is a mainstay in other ministries. Interviews early in 2006 with Miss Halla the DG in MOI finance indicated that vender contracts in MOI for feeding are particularly suspect. The lack of such cases by the IG is notable.

Currently 426 investigations are hung up awaiting response for documents belonging to MOI which routinely are ignored. Efforts in the past to obtain them from MOI by court order has regularly been ignored or when brought before the court declared as secret as a matter of national security. Judges regularly defer to such claims thereby scuttling the case making it unprosecutable.

Because CPI does not have arrest powers it relies upon MOI to serve arrest warrants. The numbers of unserved arrest warrants are in the hundreds. There are indications that in some cases police take bribes to not pick up defendants. There are repeated credible accounts of police not serving warrants without first checking with local militia for permission. Failure to arrest MOI employees when presented with a valid arrest warrant is the rule and not the exception.

In the Ministry of Interior there have been a total of 636 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Other</u>
IG referral	199	210	10	187	0	13
BSA referral	1	1	0	1	0	0
Hotline referral	209	228	14	207	0	7

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Other	227	270	23	229	0	18
Totals	636	709	47	624	0	38

Of cases involving major figures within MOI (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	16	21	4	16		1
BSA referral	0	0				
Hotline referral	18	22	2	18		2
Other	27	31	2	28		1
Totals	61	74	8	62	0	4

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	94	97	4	89		4
BSA referral	1	1		1		
Hotline referral	111	121	8	111		2
Other	73	78	7	69		2
Totals	279	297	19	270	0	8

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	63	92	2	82		8
BSA referral	0	0	0	0		0
Hotline referral	80	85	4	78		3
Other	127	161	14	132		15
Totals	270	338	20	292	0	26

Of the 636 investigations processed by CPI thus far, 476 cases have been submitted to the investigative judge. Of the 199 cases received by from the IG 97 went to the IJ. Of the total cases investigated from all sources involving DG or above, there were 57 cases having involved 63 defendants. (6 Sunni, 50 Shi'a, 3 Kurd, 4 others or undeterminable) Of those 63 defendants involved in high-level corruption, 23 were detained at some point in the process. There have been only 6 convictions involving in Sunni, 4 Shia, and 1 other defendant.

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Significant problems remain in anticorruption enforcement concerning the Ministry of Interior. The complexity of combating corruption within MOI is compounded by the near independent character of provincial police making them nearly immune from oversight. There is a general impression in the public and within the anticorruption enforcement establishment that MOI is immune from prosecution of corruption charges unless the subject falls out of favor within MOI. This impression was reinforced through the blocking of the case on ghost employees and human rights violations by the former Minister and Prime Minister's Office against its current Deputy Minister of Administration.

Groups within MOI function similarly to a Racketeer Influenced and Corrupt Organization (RICO) in the classic sense¹¹. MOI is a "legal enterprise" which has been co-opted by organized criminals who act through the "legal enterprise" to commit crimes such as kidnapping, extortion, bribery, etc. Unlike CPI officers, MOI officers carry guns and are extremely dangerous. A good example of the reality of the situation is the murder of Amer al-Hashima, the brother of the VP of Iraq, on 9 October 2006 which was carried out by Iraqi subjects who were allegedly armed and transported with US issued guns and vehicles.¹² The subjects in approximately 8-10 SUV's were allowed to pass through a police/military checkpoint 20 meters from the victim's residence to commit the murder. Approximately 15 neighbors of al-Hashima were kidnapped during the incident and are presumed to be dead. CPI Advisors were contacted about a week after the incident by a CPI officer who led the Advisors to 2 eyewitnesses who survived the incident (turned over to the FBI MCTF) who had never been interviewed by the police. The CPI officer stated that MOI IP's or Nat'l Guard personnel could not be trusted with the identity of the witnesses and would likely be murdered if identified.

The Advisors cannot say definitively that the subjects were MOI but the facts and circumstances of this heinous crime surely lead to that conclusion. In any event, the CPI officer knew that he/she would be assassinated if his/her cooperation in the murder/kidnapping case was known. Similar attacks implying police collusion or involvement are a weekly occurrence and widely accepted to be true. Independent of this anecdotal evidence of MOI treachery, CPI investigators assigned to MOI investigations have unanimously expressed their fear of being assassinated should they aggressively pursue their duties at MOI. Thus when the head of MOI intelligence recently personally visited the Commissioner of CPI and the CCCI to end investigations of MOI contracts there was a clear sense of concern within the agency.

Only 9 CPI investigators are assigned to investigate MOI cases. Over the last six months only 15 cases were finished due to non-compliance on the part of MOI for requests. Investigators can't go to MOI because of security concerns. CPI investigators are too intimidated to conduct serious investigations. This has particularly been the case since the practical pardon given by the former Minister Jabr to Adnan al-Assadi. Contract fraud is seen as the greatest violation investigated. The MOI-IG does not typically respond to CPI request for documents or witnesses. The IG often ignores the IJ's request

¹¹ Observations sourced from INL funded trainers

¹² Eye witnesses who were never interviewed by MOI came forward to CPI Advisors on a confidential basis. The eye witnesses described US issued weapons and vehicles. The lack of deterrence or response by checkpoint officers was also reported. More information is available through classified reports held by FBI MCTF.

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Working Draft

for documents/witnesses as well. When MOI does respond to the IJ it will usually say that it can't divulge documents and witnesses because their lives will be put in danger. CPI investigators have identified Adnan al-Assadi as one official responsible for thwarting CPI efforts.

CPI must give IJ arrest warrants to MOI for execution. Investigators have learned that MOI shows warrants to subjects, extorts payment and tells CPI that they couldn't locate subject. The latest rash of complaints involve weapons and police cars provided by US diverted and sold on black market.

For all the reasons above the Ministry of Interior is seen as untouchable by the anticorruption enforcement infrastructure of Iraq. It is the observation of the ICITAP mentors and trainers within CPI that its investigators are incapable of penetrating MOI which is seen as a criminal enterprise under the color of law. The IG in MOI has thus far been ineffectual in providing a significant impact to improve this perception.

Ministry of Defense

Minister Abdul Qadar Muhammed Jasim

Name of Ministry Inspector General:	<u>Faez Mohamed Baqer Mahdi Share's Al-Islam</u>
Date of appointment as IG:	<u>12/11/2005</u>
Political/Ethnic/Militia affiliation of IG:	<u>Shia'a</u>

In interviews of investigators in CPI there is a consensus that the ministry doesn't cooperate in corruption cases often not notifying the witnesses or implementing the arrest orders against the suspects within the ministry. There is a lack of seriousness in the IG office when it comes to administrative investigations or evidence collection with most requests simply ignored. The ministry has adopted the practice of paying in advance for many of the contracts which results in a weak position for the ministry to enforce these contracts. In most contracts the investigators have reviewed¹³ the conditions favor the supplier not the ministry. The use of intermediaries rather than directly with suppliers have become commonplace giving the impression of sweetheart deals with particular contractors. MOD sometimes does not take a performance bond. When investigations are conducted many are impossible to pursue for lack of records showing the receipt of goods purchased or their disposition.

The ministry suffered a major blow with the apparent theft of at least \$850 million dollars from the MOD procurement budget for which the minister at the time was directly blamed. This theft has resulted in the postponement of vital equipment needed to stand up the Iraqi army and has likely delayed the readiness of the Iraqi army to carryout missions currently conducted by US troops. In this regard there is likely a correlation between American casualties and the delay of Iraqi units capable of assuming their combat role. The ministry has demonstrated a shocking lack of concern in discovery of the offenders and their prosecution of the in the wake of that scandal.¹⁴ In investigations emerging out

¹³ These contracts date back to May 2005 and before.

¹⁴ In the midst of the former minister's tenure the IG was murdered in what is still an unsolved crime.

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of this incident there has been a circling of the wagons within MOD with a general sense of denial that any problem existed outside of the minister's personal actions. In some cases American advisors working for US DOD have interceded to remove suspects from investigations or custody.

What is most obvious is the lack of participation of the IG in conducting prosecutions of corruption in MOD. Only 12 cases have been referred for prosecution over two years in a ministry that has openly been singled out for wholesale theft.

In the Ministry of Defense there have been a total of 453 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	15	15	8	3	2	2
BSA referral	91	95	26	45	8	16
Hotline referral	97	97	33	45	3	16
Other	252	248	80	118	15	35
Totals	455	455	147	211	28	69

Of cases involving major figures within MOD (DG or above)

IG referral	4
BSA referral	2
Hotline referral	15
Other	39
Totals	60

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	4	8	3	2	1	2
BSA referral	54	58	16	30	4	8
Hotline referral	47	52	18	20	2	12
Other	79	98	30	47	8	13
Totals	184	216	67	99	15	35

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
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IG referral	4	7	5	1	1	0
BSA referral	35	37	10	15	4	8
Hotline referral	35	45	15	25	1	4
Other	134	150	50	71	7	22
Totals	208	239	80	112	13	34

Of the 455 investigations processed by CPI thus far 313 cases have been sent to the investigative court. Of those 313 cases sent to the investigative judge only 3 of those came from the IG. Of those cases involving DG or above there were 54 cases involving 56 defendants, (20 Sunni, 26 Shia, 3 Kurd, 7 others or undeterminable). Only 13 MOD defendants have been detained at some point in the process (6 Sunni, 7 Shia). A total of 15 cases have advanced to trial involving 18 defendants, 7 Sunni, 9 Shia, and 2 Kurd. One individual was granted immunity by the minister via Article 136B of the Criminal Procedure Code. Nine defendants have fled the country. In one case a general was released from custody and told not to return to his command. Once he was released he returned and the two witnesses were later found murdered.

Only four investigators are assigned to investigate corruption in MOD. Those investigators see the greatest violations as contract fraud, diversion and theft (est. in hundreds of millions or greater). Some of the stolen money has been traced to militias. Corruption in MOD has in the past been traced to the top; the prior minister and CFO both were convicted or in fugitive status. So massive was the corruption that current investigations from contracts, etc, remain clogged with actions before May 2005.

In response to past abuses MOD has reacted by taking steps that makes procurement far more difficult and time consuming but likely does little to nothing to prevent contract fraud¹⁵. Contract approval takes literally dozens of signatures which obfuscates responsibility and makes prosecution difficult. The practice has done little to prevent bribes and kick backs for contracts. Where a smaller pool of approvers under supervision or independent review to prevent fraud could efficiently process procurement, MOD has widened opportunity to delay or refuse on an arbitrary manner and thus for extortion.

MOD receiving facilities do not have copies of contracts so don't know what was supposed to be delivered. There has been no follow through by MOD re civil or criminal charges if goods contracted for were not delivered or were not in compliance.

The IG's typical response to document/witness requests is that the documents were lost and they can't identify who was involved. MOD personnel accosted a CPI assistant director general for investigations at his family's apartment in the IZ at night and CPI PSDs had to be called but had no power to arrest.

Significant problems remain in anticorruption enforcement concerning the Ministry of Defense. MOD has been working to develop its own courts martial system but such has not come into effect. The criminal prosecution of MOD defendants is near nonexistent as compared to the perception of contract and procurement fraud as well as ghost employees. There is an impression in the public and within the anticorruption

¹⁵ This is the view of those American former white-collar crime investigators and prosecutors working within IRMO, ICITAP, and IPLOs. Thus far none of the contract cases that come from this practice have yet been reviewed by Iraqi investigators due to the backlog of cases from before.

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enforcement establishment that MOD is immune from prosecution of corruption charges unless the complaint comes from outside of the ministry. Even on those rare occasions when the court gets jurisdiction and a defendant, the sharp counter-reaction to control the investigation and the suspect leaves an impression that corruption cases will not be pursued in MOD. This impression is reinforced through the lack of action on the part of the IG of MOD. It is the observation of the ICITAP mentors and trainers within CPI that its investigators are incapable of penetrating MOD and receives little to no cooperation from MOD-IG.

For all of the reasons noted above corruption investigations in MOD are judged to be ineffectual.

Ministry of Trade

Minister : Abd al- Falah al Sudani

Name of Ministry Inspector General: Abdul Hadi Abdul Monem Hassan Al-Taee

Date of appointment as IG: Aug/10/2006

Political/Ethnic/Militia affiliation of IG: Shia'a/ Secular

The IG of Trade is well respected within the anticorruption community and generally cooperates with CPI when they ask for information on investigations. There are no reported incidents of intimidation of IGs or CPI investigators. The ministry is considered to be a permissive place in which to investigate which makes it unusual for Iraq.

That said the MOT has a bad reputation of corrupt activities as it applies to support for the food program. Because of the way Iraq handles its regulatory promulgation it is easy to hide much of the corrupt practices. The people who make the regulations are the same people who carry them out and the regulatory process is nontransparent.

The relationship between CPI and MOT is too cozy with a failure to aggressively prosecute cases. On one known occasion an investigator found evidence of the sale of food stuffs meant for oil for food distribution a likely violation of the law. Missing was 18 billion dinars (\$12,860,000) worth of food with no indications of where the money went. Commissioner Rhadi approached the minister giving him 48 hours to come up with proof that the government was reimbursed. Receipts were provided showing that the money was returned to the government. (In fairness the same deal has been offered to other ministries most notably MOD). The case was not referred to court on the theory that the minister has the power to use his administrative authority as per Article 136B ICPC to avoid prosecution.

In the Ministry of Trade there have been a total of 193 investigations of corruption. The break down by source is as follows.

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	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	14	24	4	18	1	1
BSA referral	3	3	1	2	0	0
Hotline referral	67	80	12	61	4	3
Other	109	124	15	96	5	8
Totals	193	231	32	177	10	12

Of cases involving major figures within MOT (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>3</u>	<u>4</u>	<u>1</u>	<u>3</u>	<u>0</u>	<u>0</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>6</u>	<u>8</u>	<u>2</u>	<u>5</u>	<u>0</u>	<u>1</u>
Other	<u>9</u>	<u>12</u>	<u>2</u>	<u>8</u>	<u>0</u>	<u>2</u>
Totals	<u>18</u>	<u>24</u>	<u>5</u>	<u>16</u>	<u>0</u>	<u>3</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>6</u>	<u>10</u>	<u>1</u>	<u>8</u>	<u>0</u>	<u>1</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>18</u>	<u>22</u>	<u>2</u>	<u>18</u>	<u>0</u>	<u>2</u>
Other	<u>24</u>	<u>30</u>	<u>4</u>	<u>20</u>	<u>0</u>	<u>6</u>
Totals	<u>48</u>	<u>62</u>	<u>7</u>	<u>46</u>	<u>0</u>	<u>9</u>

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Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>8</u>	<u>10</u>	<u>2</u>	<u>7</u>	<u>1</u>	-
BSA referral	<u>3</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>0</u>	-
Hotline referral	<u>43</u>	<u>50</u>	<u>8</u>	<u>38</u>	<u>4</u>	-
Other	<u>76</u>	<u>82</u>	<u>9</u>	<u>68</u>	<u>5</u>	-
Totals	<u>130</u>	<u>145</u>	<u>20</u>	<u>115</u>	<u>10</u>	<u>0</u>

Of the 193 investigations processed by CPI thus far thus far 100 cases have been sent to the investigative court. Of those court investigations involving DG and above, 8 cases have been sent to the investigative court involving 13 defendants. (3 Sunni, 9 Shi'a, and 1 is undeterminable) Of those 13 defendants, none were detained. Two were sent to trial and no one has been convicted. Fifteen have however fled the country.

The Ministry of Trade has a terrible reputation for corruption and both the IG and CPI have failed to aggressively correct that impression. The Senior Consultant of Trade has once described MOT as the most corrupt ministry. Much of the corruption involves what can be called criminal gangs within the ministry by function.¹⁶ Grain theft is handled by one gang for example, diversion of ministry transportation assets by another. There are no indications that these gangs are politically motivated.

Much of the corruption however comes from the people who handle contracts or testing of food stuffs. This is possible because of the regulations are created by the people responsible to carry them out. Regulations are passed making corruption likely and difficult to prove. There have been some inferences that the failure of the Ministry of Trade to properly carry out some of its functions is due to fear of CPI. A review of two years records show that no Ministry of Trade employee has ever been detained on corruption charges. With out of 196 complaints only 8 being sent to court and only one person having been convicted in what is widely recognized as a troubled ministry corruption investigations are ineffectual.

Ministry of Health

Minister Ali al-Shammari (Just Resigned New Ministry not Appointed)

Name of Ministry Inspector General: Adel Muhsien Abdulla Al-Quza'alee

¹⁶ Observations sourced from INL funded trainers

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Date of appointment as IG: 2004
Political/Ethnic/Militia affiliation of IG: Shia'a Collation/ Alda'wa party

The relationship between the IG and CPI is the lowest of all the IGs with the Commissioner accusing the IG of operating a pharmaceutical diversion scheme and Dr. Adel accusing Commissioner Rhadi of lawless behavior and is lobbying openly to have the commissioner removed with CPI under his person control. The reputation of MOH is poor and is openly under the control of the Medhi Army of Muktad al-Sadr. Dr. Adel travels with a Medhi Army body guard detachment and sometimes volunteers his services by taking Sunni bodies from the morgue and delivering them to their families.

In the Ministry of Health there have been a total of 221 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>52</u>	<u>72</u>	<u>7</u>	<u>62</u>	<u>0</u>	<u>3</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>89</u>	<u>113</u>	<u>14</u>	<u>95</u>	<u>0</u>	<u>4</u>
Other	<u>80</u>	<u>85</u>	<u>10</u>	<u>71</u>	<u>0</u>	<u>4</u>
Totals	<u>221</u>	<u>270</u>	<u>31</u>	<u>228</u>	<u>0</u>	<u>11</u>

Of cases involving major figures within MOH (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>2</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>10</u>	<u>11</u>	<u>2</u>	<u>8</u>	<u>0</u>	<u>1</u>
Other	<u>4</u>	<u>4</u>	<u>1</u>	<u>3</u>	<u>0</u>	<u>0</u>
Totals	<u>16</u>	<u>17</u>	<u>3</u>	<u>13</u>	<u>0</u>	<u>1</u>

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Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>7</u>	<u>10</u>	<u>2</u>	<u>7</u>	<u>0</u>	<u>1</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>37</u>	<u>50</u>	<u>7</u>	<u>42</u>	<u>0</u>	<u>1</u>
Other	<u>26</u>	<u>26</u>	<u>4</u>	<u>20</u>	<u>0</u>	<u>2</u>
Totals	<u>70</u>	<u>86</u>	<u>13</u>	<u>69</u>	<u>0</u>	<u>4</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>48</u>	<u>60</u>	<u>5</u>	<u>53</u>	<u>0</u>	<u>2</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>42</u>	<u>52</u>	<u>5</u>	<u>45</u>	<u>0</u>	<u>2</u>
Other	<u>50</u>	<u>55</u>	<u>5</u>	<u>48</u>	<u>0</u>	<u>2</u>
Totals	<u>140</u>	<u>167</u>	<u>15</u>	<u>146</u>	<u>0</u>	<u>6</u>

Of the 221 investigations processed by CPI, 101 were sent to the court for investigation. Nineteen of the 52 cases sent by the IG were sent to the IJ. At total of 4 of the 16 cases involving DGs or above (1 Sunni and 6 Shia defendants) have been sent to the court for investigation.

Thus far Only 6 Ministry of Health personnel (3 Sunni, 3 Shia) have been detained at some point in the pretrial process. Two people have been found guilty with the remainder either found innocent or are still pending trial. Three accused however were granted immunity by the minister via Article 136B of the Criminal Procedure Code. Fifteen have fled the country to avoid prosecution.

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In interviews with the CPI investigators, they repeatedly said that the IG is not cooperative. CPI investigators say that the IG usually doesn't produce requested documents or witnesses for CPI. The IG normally won't respond to IJ request either. According to both ICITAP and Iraqi investigators, cases coming out of the IG's department are notoriously incomplete or frivolous. Many of the simple or weak allegations such as minor fraud or certificate cases could have been handled within the ministry. Investigations often come as general allegations without names of accused or witnesses. When cases are referred to the court the ministry is unresponsive to the court orders.

Reports from the Ministry of Health show what seem to be inappropriate actions by the IG with the IG taking a role in deciding who receives contracts. Discussions with employees within MOH bring multiple claims that the MOH IG office shakes down doctors, particularly involving private clinics and diverting pharmaceuticals. The allegations because of the lack of CPI investigative capacity and Medhi Army protection are impossible to verify or debunk.

MOH has an atrocious reputation in the public and the Iraqi press regularly complains bitterly about the lack of pharmaceuticals which is blamed on corruption. There are repeated stories of patients having to purchase black market drugs that were originally destined for MOH. Complaints of preventable deaths due to lack of medicines are commonplace. Military sources have reported that the Medhi Army finances operations from diverted medicines.

CPI has 4 investigators assigned to investigate corruption in Health. CPI is currently incapable of even basic efforts to stem this perception due to lack of access or to challenge the IG due to his powerful position within Prime Minister's Office. CPI can no longer go into the ministry because it is controlled by militia who have threatened CPI investigators. Contract fraud and employee theft of medicines, food, vehicles are viewed by investigators as the greatest problems.

There are also significant numbers of employees submitting fraudulent MD and nursing licenses. Most IG referrals are for minimal cases, such as a \$7 theft of gas. Because CPI must investigate all reports it did so in the \$7 gas theft and only after an extensive investigation then the Minister used Article 136 B to excuse the thief. There are minimal referrals received from BSA. Cases not coming from the IG office are near impossible to investigate.

Recent accounts have Medhi army members paying hospital employees to ID Sunnis who they then removed and kill. Discussions with senior members of the

The Ministry of Health is a sore point in corruption actually affecting its ability to deliver services so obviously as to threaten the support of the government. The lack of investigative capacity and the presence of militia make it beyond the reach of anticorruption efforts.

Ministry of Oil

Minister: Husyn al-Sharistani

Currently there is no appointed IG. The former IG has been moved as secretary of the Council of Ministers

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Name of Ministry Inspector General: Ali Muhsen AlAlaq Recently resigned

Political/Ethnic/Militia affiliation of IG: Shia'a Collation/ Shia'a/ Aldawa Party

In conversations with the Senior Consultant of Oil an atmosphere of intimidation by the IG over the minister is described. The IG office concentrates on administrative technicalities at the expense of oil theft or procurement. In the IG's defense there are no IG investigators capable of confronting oil theft rings that have come to fore supported by violent groups. The Minister feels intimidated into signing nearly every case no matter how petty for criminal prosecution. Part of this unequal relationship may stem from the IG's relationship with the PMO. The cases sent to CPI have more than met the standard to pass along to court. CPI has been relegated in such cases as delivering the mail due to the intimidating atmosphere of the ministry, its proximity to the dangerous area of Sadr City and the Iraqi low standards requiring the presentation of cases to the IJ in the Criminal Procedure Code.

In the Ministry of Oil there have been a total of 154 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>38</u>	<u>30</u>	<u>4</u>	<u>24</u>	<u>0</u>	<u>2</u>
BSA referral	<u>1</u>	<u>3</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>45</u>	<u>48</u>	<u>4</u>	<u>36</u>	<u>2</u>	<u>6</u>
Other	<u>70</u>	<u>67</u>	<u>8</u>	<u>50</u>	<u>5</u>	<u>4</u>
Totals	<u>154</u>	<u>148</u>	<u>16</u>	<u>113</u>	<u>7</u>	<u>12</u>

Of cases involving major figures within MOO (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>1</u>	<u>1</u>	-	<u>1</u>	-	-
BSA referral	-	<u>0</u>	-	-	-	-

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Hotline referral	<u>3</u>	<u>3</u>	-	<u>2</u>	-	<u>1</u>
Other	<u>8</u>	<u>5</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>
Totals	<u>12</u>	<u>9</u>	<u>1</u>	<u>5</u>	<u>1</u>	<u>2</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>3</u>	<u>3</u>	<u>1</u>	<u>2</u>	-	-
BSA referral	<u>1</u>	<u>3</u>	-	<u>3</u>	-	-
Hotline referral	<u>8</u>	<u>10</u>	<u>1</u>	<u>7</u>	-	<u>2</u>
Other	<u>27</u>	<u>25</u>	<u>3</u>	<u>19</u>	<u>2</u>	<u>1</u>
Totals	<u>39</u>	<u>41</u>	<u>5</u>	<u>31</u>	<u>2</u>	<u>3</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>25</u>	<u>26</u>	<u>3</u>	<u>21</u>	-	<u>2</u>
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>34</u>	<u>35</u>	<u>3</u>	<u>27</u>	<u>2</u>	<u>3</u>
Other	<u>35</u>	<u>37</u>	<u>4</u>	<u>29</u>	<u>2</u>	<u>2</u>
Totals	<u>94</u>	<u>98</u>	<u>10</u>	<u>77</u>	<u>4</u>	<u>7</u>

Of the 154 investigations processed by CPI thus far 101 cases have been sent to the investigative court. Nineteen of those cases involved DG or above, but only involving

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Working Draft

9 separate people, 8 Shia, one other. On the 38 cases provided by the Oil IG 14 made it to the investigative court. Of the 101 cases sent to the IJ, 22 defendants were detained at some point in the process (1 Sunni, 11 Shia, 7 Kurds, 3 others). This is the highest percentages of people detained of all the ministries in Iraq. There is no identifiable cause as to why Oil has such a high percentage of people detained other than most of those detained have come from the IG's office after a signature of the Minister. It must be noted that five have fled the country. Only two people have been found guilty with the remainder either found innocent or are still pending trial. Five however were granted immunity by the minister via Article 136B of the Criminal Procedure Code.

Oil has developed a reputation as being the largest source of corruption in Iraq with open sources claiming that a large percentage of insurgency is being funded from diverted oil and oil products. "Oil theft" and smuggling is alleged to be "massive". It is beyond the scope of CPI resources to estimate the gross amount of the theft.

Having said this, based upon the interviews of several CPI officers, the following MOO "accountability issues" exist. CPI investigators have noted that the physical accounting for oil from production of crude, to the transportation, storage, shipment and/or export is materially understated. The "book" records of oil production etc are often misstated. This renders analysis of oil records to be materially misleading. The situation facilitates organized theft. Incomplete records, lack of paper trail, missing documents help in the proof of theft. (The proof must come from protected witnesses, surveillance by adequately equipped/empowered officers, undercover sting operations, and/or seizures by honest police/customs officials. All of which are in short supply or non existence in Iraq.) There is no incentive to begin accurately accounting for oil production and oil movement to refineries, storage or export as long as organized criminals move this valuable commodity for the benefit of militias/insurgents, corrupt public officials and foreign buyers.¹⁷ Unfortunately, protection rackets and other violent criminal enterprises supporting theft, smuggling and illegal distribution of Iraq's oil products make the correction of the situation difficult. Security forces loyal to Iraq must be deployed to secure every link in the oil industry and to ensure an accurate accounting for oil.¹⁸

In cases especially in the south and north the ministry has failed to bring in witnesses and defendants to investigators.

CPI, with mostly an administrative staff lacks the expertise or the manpower and simply accepts the cases provided to them by the Oil IG. CPI has only four investigators assigned to Oil cases. Over two years there have been only 154 cases.

Investigators indicate that contract fraud, document forgeries, product theft/diversion, poor product accounting is the greatest problem. CPI has limited ability to investigate the high impact crimes related to the oil industry. The physical threats to CPI

¹⁷ For example an effort to establish physical accounting controls was instituted in 2006 in Baji. This effort was thwarted when the counting devices themselves were destroyed by explosions. Source: Deputy Commissioner Faris Hamid Abdul Kareem

¹⁸ Jurisdiction over oil theft and smuggling matters exists at several agencies. The Economic Security Department of MOI has the responsibility of monitoring the retail gas stations. Iraqi Customs and Border Patrols also have some ability to monitor crude oil exports and refined gasoline imports from foreign refineries.

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Working Draft

investigators who are investigating militia protected organized crime are an insurmountable obstacle at present.¹⁹

The cases that have come from the IG have involved mostly small cases while large ones go uninvestigated. The IG has been incapable to of securing major cases of either oil theft or on procurement. In those cases that come from the IG, investigators have noticed a pattern of referring those persons without political support.

The IG has alleged poorly drafted contracts, lack performance standards. He points to no enforcement, civil or criminal by MOO for non-performance under contract. The IG has objected that many contracts paid full or in-part up front and the minister has signed off such cases for prosecution as such being not lawful and not as per his instructions. The IG has been accused of taking on for himself as the final arbitrator as to what is or is not a proper contract award or financial procedure. Experts in the field from a number of sources have singled out the IG's office as having little to no experience in the petroleum field or its business practices and thus have hindered the contracting and procurement processes without curbing the fraud therein.

More recently the MOO Minister has directed the acting IG not to cooperate with CPI. The acting IG is also has not responded to the IJ's orders.

The Oil Ministry has become the focus of military and press attention with regards to corruption. CPI is capable of operating in paper cases concerning oil but not oil theft which requires operations in the red zone with large numbers of investigators. Even in the paper cases an ability to verify the evidence is needed. The high number of dismissals in several cases where political rivalries were alleged indicates manipulation of the investigations within MOO.

Ministry of Education

Khudayyir al Khuza'i

Name of Ministry Inspector

General:

Ali Abdulla Kadhemi AlAmery

Date of appointment as IG:

11/16/2005

Political/Ethnic/Militia affiliation
of IG:

Shia'a Collation/ Shia'a

Among the investigators the IG has a reputation as being emotional and not following the evidence. The IG office is desperately understaffed and untrained in investigative and auditing skills. This has tainted most of the investigations coming from the IG office. The large spread out ministry overwhelms the IG staff making responses on administrative investigations laborious and slow. The IGs inability to go into many areas because of the security situation makes some areas beyond the reach of any anticorruption work. These facts make the IG office ineffective.

¹⁹ Source: Deputy Commissioner Faris Hamid Abdul Kareem and members of his administrative and investigative staff, interviews on 10 December 2006.

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Working Draft

In the Ministry of Education there have been a total of 150 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>7</u>	<u>8</u>	<u>1</u>	<u>5</u>	<u>0</u>	<u>2</u>
BSA referral	-	-	-	-	-	-
Hotline referral	<u>102</u>	<u>117</u>	<u>23</u>	<u>62</u>	<u>8</u>	<u>24</u>
Other	<u>41</u>	<u>47</u>	<u>14</u>	<u>22</u>	<u>2</u>	<u>9</u>
Totals	<u>150</u>	<u>172</u>	<u>38</u>	<u>89</u>	<u>10</u>	<u>35</u>

Of cases involving major figures within MOE (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>6</u>	<u>7</u>	<u>2</u>	<u>4</u>	<u>1</u>	-
Other	<u>5</u>	<u>8</u>	<u>2</u>	<u>4</u>	-	<u>2</u>
Totals	<u>11</u>	<u>15</u>	<u>4</u>	<u>8</u>	<u>1</u>	<u>2</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>3</u>	<u>3</u>	-	<u>2</u>	-	<u>1</u>

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BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>23</u>	<u>28</u>	<u>6</u>	<u>13</u>	<u>3</u>	<u>6</u>
Other	<u>9</u>	<u>9</u>	<u>2</u>	<u>4</u>	<u>1</u>	<u>2</u>
Totals	<u>35</u>	<u>40</u>	<u>8</u>	<u>19</u>	<u>4</u>	<u>9</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>3</u>	<u>5</u>	<u>1</u>	<u>3</u>	-	<u>1</u>
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>73</u>	<u>82</u>	<u>15</u>	<u>45</u>	<u>4</u>	<u>18</u>
Other	<u>27</u>	<u>30</u>	<u>10</u>	<u>14</u>	<u>1</u>	<u>5</u>
Totals	<u>103</u>	<u>117</u>	<u>26</u>	<u>62</u>	<u>5</u>	<u>24</u>

Of the 150 investigations processed by CPI thus far only 15 cases have been sent to the investigative court. Of cases involving DG or above 1 case was sent to court involving 2 defendants. On the 7 cases received from the IG, 2 made it to the investigative judge. There has been only 1 conviction of a single individual.

CPI has only 3 investigators assigned to this ministry. They also investigate the Ministry of Foreign Affairs but can't address Foreign Affairs because most activities occur overseas and CPI can't travel. CPI investigators do have access to MOEd HQ however, which allows them to concentrate on corruption cases in the central ministry of Education. Investigators report that contract fraud is the largest problem in Education. For example, common cases are contracting for a school and paying the contract price but the school was never built. Investigators have reported fraudulent payments to PSD teams. Fraudulent certificates used to obtain teaching jobs are common as are cases involving MOEd employees selling fraudulent documents.

CPI investigators claim that the IG is non-cooperative for political reasons. According to CPI the IG only passes frivolous cases to CPI. Criminal prosecutions have been repeatedly thwarted because when the IG learns of a CPI subject in MOEd, the

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Working Draft

employee is penalized administratively which has the effect of nullifying the criminal case. When CPI is able to by-pass IG, the Minister will usually invoke Article 136 B.

The IG refuses to let staff assist CPI citing security concerns. BSA has not yet referred a case to CPI from MOEd.

Thus far, anticorruption cases concerning the MOEd has been particularly ineffective. Analysis and interviews with the investigators show a lack of capacity within the IG department and an inability of either CPI or the IG's office to operate in the field because of security concerns. Historically, corruption in Education centers on failure to teach classes but still collecting pay. It was traditional to have teachers share each others class room duties to moonlight on the side.

Ministry of Water Recourses

'Abd al Latif Rashid

Name of Ministry Inspector General: Ali Abdul-zWahed Ali AlAnsary
Date of appointment as IG: 3/30/2004
Political/Ethnic/Militia affiliation of IG: Shia'a Collation

The relationship between CPI and the IGs office is particularly bad with little cooperation at any level. Cases sent to the ministry take an excessive time for processing. Cases sent to the minister for permission to prosecute languish making it difficult to refer to court.

In the Ministry of Water Resources there have been a total of 21 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>1</u>	<u>2</u>	<u>0</u>	<u>2</u>	-	-
BSA referral	-	-	-	-	-	-
Hotline referral	<u>10</u>	<u>12</u>	<u>1</u>	<u>8</u>	<u>1</u>	<u>2</u>
Other	<u>10</u>	<u>12</u>	<u>3</u>	<u>8</u>	-	<u>1</u>
Totals	<u>21</u>	<u>26</u>	<u>4</u>	<u>18</u>	<u>1</u>	<u>3</u>

Of cases involving major figures within MOE (DG or above)

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	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>2</u>	<u>2</u>	-	<u>2</u>	-	-
Other	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	-	-
Totals	<u>4</u>	<u>4</u>	<u>1</u>	<u>3</u>	<u>0</u>	<u>0</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>2</u>	<u>3</u>	-	<u>2</u>	-	<u>1</u>
Other	<u>1</u>	<u>1</u>	-	<u>1</u>	-	-
Totals	<u>3</u>	<u>4</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>1</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>1</u>	<u>2</u>	-	<u>2</u>	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>6</u>	<u>7</u>	<u>1</u>	<u>4</u>	<u>1</u>	<u>1</u>

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Other	<u>7</u>	<u>9</u>	<u>2</u>	<u>6</u>	<u>-</u>	<u>1</u>
Totals	<u>14</u>	<u>18</u>	<u>3</u>	<u>12</u>	<u>1</u>	<u>2</u>

Of the 21 investigations processed by CPI thus far only 9 cases has been sent to the investigative court. One of those cases involving 2 defendants concerned a major figure in the ministry. Only one case sent by the IG have ever provided enough evidence to even make it to the investigative judge.

As is shown by the small number of investigations in the Ministry of Water Recourses is effectively out of the anticorruption fight with little to no apparent effort in trying to combat fraud.

Ministry of Labor & Social Affairs

Mahmud Mahammad Jawad al Radi

Name of Ministry Inspector General:	Waleed Muthafer Mohammed Asoad (Acting)
Date of appointment as IG:	Not appointed yet
Political/Ethnic/Militia affiliation of IG:	Shia'a Collation

In interviews with CPI investigators this IG office was described as being uncooperative in criminal cases. Investigators have described the IG office as in collusion with the accused. Administrative investigations requested by CPI or the courts have gone unanswered. Official requests are regularly delayed in response. Without exception the legal counsel of the ministry has not appeared in court to answer questions from the court.

In the Ministry of Labor & Social Affairs there have been a total of 77 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>7</u>	<u>5</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>
BSA referral	<u>12</u>	<u>15</u>	<u>3</u>	<u>6</u>	<u>1</u>	<u>5</u>
Hotline referral	<u>26</u>	<u>24</u>	<u>5</u>	<u>12</u>	<u>0</u>	<u>7</u>
Other	<u>33</u>	<u>29</u>	<u>5</u>	<u>13</u>	<u>3</u>	<u>8</u>

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Totals	<u>78</u>	<u>73</u>	<u>14</u>	<u>33</u>	<u>5</u>	<u>21</u>
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Of cases involving major figures within MOE (DG or above)

	<u>Cases</u>
IG referral	1
BSA referral	
Hotline referral	7
Other	8
Totals	<u>16</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>2</u>	<u>2</u>	-	<u>1</u>	-	<u>1</u>
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>19</u>	<u>24</u>	<u>5</u>	<u>12</u>	-	<u>7</u>
Other	<u>14</u>	<u>16</u>	<u>3</u>	<u>7</u>	-	<u>6</u>
Totals	<u>35</u>	<u>42</u>	<u>8</u>	<u>20</u>	<u>0</u>	<u>14</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>	<u>1</u>	-
BSA referral	<u>12</u>	<u>15</u>	<u>3</u>	<u>6</u>	<u>1</u>	<u>5</u>
Hotline referral	-	<u>0</u>	-	-	-	-

SENSITIVE BUT UNCLASSIFIED

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Working Draft

Other	<u>11</u>	<u>13</u>	<u>2</u>	<u>6</u>	<u>3</u>	<u>2</u>
Totals	<u>26</u>	<u>31</u>	<u>6</u>	<u>13</u>	<u>5</u>	<u>7</u>

Of the 78 investigations processed by CPI, 23 had enough evidence to go to the investigative judge. Of cases involving major figures, 5 cases have been sent to the investigative court involving 6 defendants, 2 Sunni, 3 Shia, 1 other. None of the defendants sent to the IJ were put into pretrial detention. Five defendants fled the country. There have been no convictions.

The Ministry of Labor & Social Affairs has been described as hostile to the prosecution on corruption cases. The number of referrals for prosecution and failure of even rudimentary cooperation would seem to support that contention.

Ministry of Transportation (Just Resigned, New Minister Not Appointed)

Karim Mahdi Salih

Name of Ministry Inspector General: Sadoon Haial Abood Hassan
AlShara'a
Date of appointment as IG: 11/16/2005
Political/Ethnic/Militia affiliation of IG: Shia'a / Sader affiliate / Shia'a Collation

The relationship between CPI and MOT has been professional as far as the IG's office is concerned. The minister however has been less cooperative with the legal counsel unwilling to cooperate with the investigative courts.

The ministry is Sadrist controlled. For the most part there is little indication of targeting investigations against Sunnis although in minor cases there is a clear double standard. In a ministry where the Shia well out number Sunnis, the numbers of cases referred to CPI for criminal prosecution on issues that could have been handled internally are about equal in number leaving the impression that Shia employees are protected. It is significant to note that outside complaints on all cases to CPI are about equal as well. This leads to two possible conclusions. Sunnis are more disposed to corruption or that the hotline and other sources are being manipulated from the outside to instigate investigations disproportional to their numbers.

In the Ministry of Transportation there have been a total of 166 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>37</u>	<u>29</u>	<u>12</u>	<u>13</u>	<u>0</u>	<u>4</u>

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BSA referral	<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>55</u>	<u>70</u>	<u>30</u>	<u>31</u>	<u>0</u>	<u>9</u>
Other	<u>82</u>	<u>88</u>	<u>36</u>	<u>38</u>	<u>0</u>	<u>14</u>
Totals	<u>175</u>	<u>189</u>	<u>79</u>	<u>83</u>	<u>0</u>	<u>27</u>

Of cases involving major figures within MOT (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>1</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>12</u>	<u>21</u>	<u>11</u>	<u>10</u>	<u>0</u>	<u>0</u>
Other	<u>8</u>	<u>10</u>	<u>3</u>	<u>4</u>	<u>0</u>	<u>3</u>
Totals	<u>21</u>	<u>32</u>	<u>14</u>	<u>15</u>	<u>0</u>	<u>3</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>0</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>18</u>	<u>21</u>	<u>9</u>	<u>11</u>	<u>0</u>	<u>1</u>
Other	<u>12</u>	<u>13</u>	<u>4</u>	<u>6</u>	<u>0</u>	<u>3</u>
Totals	<u>32</u>	<u>37</u>	<u>14</u>	<u>19</u>	<u>0</u>	<u>4</u>

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Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>25</u>	<u>25</u>	<u>11</u>	<u>10</u>	<u>0</u>	<u>4</u>
BSA referral	<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>25</u>	<u>28</u>	<u>10</u>	<u>10</u>	<u>0</u>	<u>8</u>
Other	<u>62</u>	<u>65</u>	<u>29</u>	<u>28</u>	<u>0</u>	<u>8</u>
Totals	<u>113</u>	<u>120</u>	<u>51</u>	<u>49</u>	<u>0</u>	<u>20</u>

Of the 175 investigations processed by CPI, 113 were sent to the investigative court. Fourteen of the cases sent to the investigative court were DGs involving 19 defendants, 8 Sunni, 10 Shia, 1 other. Of those 19 defendants 3 were put into pretrial detention. Five defendants fled the country. One has been granted immunity by the minister. There has been one conviction.

Much of the problem lies in that most of the corruption cases stem from Basrah which is an impermissive environment. According to the Commissioner cases coming out of Basrah are impenetrable for either CPI or the IG due to what amount to crime gangs supported by local militia. Efforts to seek support in investigations in the Basrah area from the Prime Minister has literally resulted in silence in return.²⁰ Investigators consider the ministry controlled by militias.

Corruption has been identified at the very top with connecting a former minister with the purchase of two aircraft for 28 million dollars in which two crates of light air craft parts were delivered. Of particular concern is the lack of accountability for landing fees. It has been reported that landing fees are not properly accounted for show very little of the fees actually paid going into the treasury. A number of credible reports showing that the fleet of trucks are being leased to private concerns with no accounting for the fees. CPI investigators are effectively prevented from conducting investigations due to the presence of the Medhi Army. The militia support from Sadr has effectively made corruption in the Ministry of Transportation wholesale according to investigators and immune from prosecution.

Ministry of Higher Education

²⁰ In one conversation recounted by Commissioner Rhadi, he made a personal request for support in investigations in Basrah as against Fadillah and Sadrist militia to which the Prime Minister “just went quite”.

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Abd Dhiyab al Ajili

Name of Ministry Inspector General:	Abdul Majeed Abdul Hameed Issa <u>AlRawee</u>
Date of appointment as IG:	<u>3/1/2004</u>
Political/Ethnic/Militia affiliation of IG:	<u>Sunni</u>

The inspector general has a reputation as being cooperative in corruption cases although the ministry is notorious for slow processing of administrative investigations. Most of these cases involve forged certificate (false college degrees) which are difficult to verify. Many spent time in Iran where there is a lucrative trade in false educational degrees. These degrees have a bearing on salaries and therefore constitute fraud.

In the Ministry of Higher Education there have been a total of 188 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>42</u>	<u>40</u>	<u>8</u>	<u>25</u>	<u>0</u>	<u>7</u>
BSA referral	<u>1</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>
Hotline referral	<u>97</u>	<u>98</u>	<u>23</u>	<u>56</u>	<u>5</u>	<u>14</u>
Other	<u>48</u>	<u>56</u>	<u>23</u>	<u>28</u>	<u>3</u>	<u>2</u>
Totals	<u>188</u>	<u>196</u>	<u>54</u>	<u>109</u>	<u>8</u>	<u>25</u>

Of cases involving major figures within MOHE (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>1</u>	<u>2</u>	<u>1</u>	<u>1</u>	-	-
BSA referral	-	<u>0</u>	-	<u>0</u>	-	-
Hotline referral	<u>13</u>	<u>15</u>	<u>6</u>	<u>5</u>	<u>1</u>	<u>3</u>
Other	<u>8</u>	<u>10</u>	<u>5</u>	<u>4</u>	-	<u>1</u>

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Totals	<u>22</u>	<u>27</u>	<u>12</u>	<u>10</u>	<u>1</u>	<u>4</u>
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Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>5</u>	<u>6</u>	<u>2</u>	<u>3</u>	-	<u>1</u>
BSA referral	<u>1</u>	<u>2</u>	-	-	-	<u>2</u>
Hotline referral	<u>26</u>	<u>21</u>	<u>8</u>	<u>10</u>	<u>2</u>	<u>1</u>
Other	<u>14</u>	<u>16</u>	<u>8</u>	<u>6</u>	<u>2</u>	-
Totals	<u>46</u>	<u>45</u>	<u>18</u>	<u>19</u>	<u>4</u>	<u>4</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>26</u>	<u>32</u>	<u>5</u>	<u>21</u>	<u>0</u>	<u>6</u>
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>58</u>	<u>62</u>	<u>9</u>	<u>41</u>	<u>2</u>	<u>10</u>
Other	<u>26</u>	<u>30</u>	<u>10</u>	<u>18</u>	<u>1</u>	<u>1</u>
Totals	<u>110</u>	<u>124</u>	<u>24</u>	<u>80</u>	<u>3</u>	<u>17</u>

Of the 188 investigations processed by CPI, 156 were sent to the investigative judge. High level persons in the ministries involve 10 cases sent to the investigative court concerning 10 defendants, 3 Sunni, 7 Shia, which is proportional to the population in the ministry. What is not proportional are complaints coming from either the IG or outside sources concerning major cases which show a bias against Sunni. This is so even though the IG is a Sunni. Of those 10, all were convicted. None were put into pretrial detention. Two defendants fled the country.

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Of the ministries this ministry is probably the best performing in fighting corruption. There has been a general failure in providing financial disclosure forms but such is the case across the board in Iraq's government. Moonlight is a problem in the universities at the expense of the class room. There are indications that Sunnis are targeted from the outside on anticorruption cases.

Ministry of Justice

Hashim al Shibli

Name of Ministry Inspector	
General:	<u>Ahmad Habieb AlAbbassy</u>
Date of appointment as IG:	<u>7/5/2005</u>
Political/Ethnic/Militia affiliation of IG:	<u>Shia Collation</u>

The IG has a good reputation among the CPI investigators office although the ministry itself does not. The departments outside of the IG's office are known for their delays or failures to respond either to CPI or the courts. The Minister often does not sign or otherwise delays on corruption issues.

In the Ministry of Justice there have been a total of 108 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>
IG referral	<u>9</u>
BSA referral	<u>2</u>
Hotline referral	<u>49</u>
Other	<u>48</u>
Totals	<u>108</u>

Of cases involving major figures within MOJ (DG or above)

	<u>Cases</u>
IG referral	

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BSA referral	1
Hotline referral	5
Other	2
Totals	8

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>
IG referral	2
BSA referral	1
Hotline referral	8
Other	12
Totals	23

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>
IG referral	7
BSA referral	
Hotline referral	36
Other	34
Totals	77

Of the 108 investigations processed by CPI, 66 have made it to the investigative judge. One case sent to the investigative court was a major figure in the ministry. Only one case went to trial but there has not yet been a conviction. No MOJ defendants have been detained on corruption charges but one has fled the country.

Ministry of Displacement & Migration

Name of Ministry Inspector General: Amer Mohamed Ali
AbuNabila
Date of appointment as IG: 3/2/2005
Political/Ethnic/Militia affiliation of IG: Sunni

The IG's office has a reputation for not being cooperative and doesn't send the original forged documents or delays the administrative investigations. Administrative

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investigations come incomplete and not including the needed data, lack of details and no accused named for follow up.

In the Ministry of Displacement & Migration there have been a total of 19 investigations of corruption. The break down by source is as follows.

IG referral	4 Cases	5 Persons			4	1 Other
BSA referral						
Hotline referral	6 Cases	7 Persons	1 Sunni	1 Shia	5 Kurds	
Other	9 Cases	14 Persons	2 Sunni	2 Shia	10 Kurds	2 Other

Of cases involving major figures within MODM (DG or above)

IG referral						
BSA referral						
Hotline referral						
Other	3 Cases	3 Persons	1 Sunni			2 Other

Of those cases involving significant sums of money (Above \$25,000)

IG referral	1 Cases	1 Persons			1 Other
BSA referral					
Hotline referral	2 Cases	3 Persons	1 Sunni		2 Other
Other	4 Cases	3 Persons	1 Sunni		2 Other

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

IG referral	3 Cases	4 Persons	1 Sunni	2 Kurd	1 Other
BSA referral					
Hotline referral	4 Cases	6 Persons	2 Sunni	3 Kurd	1 Other
Other	2 Cases	2 Persons	1 Sunni	1 Kurd	

Of the 19 investigations processed by CPI, 16 went to the IJ. Three cases involving three people were sent to the investigative court involving DGs or above. Only 2 cases coming from the IG ever got it to the court for investigation. No defendants have

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been detained on corruption charges. In the Ministry of Displacement & Migration is significant to note that there has been only one investigation initiated or complaints made about any person identified with the Shia. This oddity may well be because of the few corruption cases that stem from this ministry. It does however reflect on the high number of hotline and outside complaints made about other ministries and suggest that the hotline and the anonymous character of outside complaints, a requirement of law, may be being used in other ministries as well as this one to target ethnic groups or political rivals.

Counsel of Ministers

There is no IG office.

Their legal council never attends court at the summons of the judge. Nor does the COM comply with the arrest orders sent to them against their staff.

In the COM there have been a total of 44 investigations of corruption. The break down by source is as follows.

BSA referral	1 Cases	1 Persons		1 Shia		
Hotline referral	5 Cases	4 Persons		2 Shia		2 Other
Other	38 Cases	30 Persons	3 Sunni	22 Shia	2 Kurd	3 Other

Of cases involving major figures within COM (DG or above)

BSA referral	1 Cases	1 Persons		1 Shia		
Hotline referral	1 Cases	1 Persons		1 Shia		
Other	19 Cases	15 Persons	2 Sunni	9 Shia	1 Kurd	3 Other

Of those cases involving significant sums of money (Above \$25,000)

Hotline referral	1 Cases	1 Persons		1 Shia		
Other	7 Cases	9 Persons	2 Sunni	5 Shia	1 Kurd	1 Other

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

Hotline referral	3 Cases	3 Persons	2 Shia	1 Other		
Other	12 Cases	15 Persons	14 Shia	1 Other		

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Of the 44 investigations processed by CPI, 23 cases went to the investigative court . Of cases involving significant leadership, 12 charges involving 5 people were sent to the investigative court. Eight charges have been sent to the trail court involving three defendants. One defendant was detained on corruption charges and one has fled the country. There has yet to be a conviction.

Ministry of Science and Technology

Ra'id Fahmi Jahid

Name of Ministry Inspector General:	<u>Dia Shait Mahmoud</u>
Date of appointment as IG:	<u>4/1/2004</u>
Political/Ethnic/Militia affiliation of IG:	<u>Sunni</u>

The IG is uncooperative and department is just for show according to CPI investigators. The legal counsel never comes to court. The ministry never enforces the requests for presentation to court. The 4 accused have never made it to court so ethnicities are not available.

In the MOST there have been a total of 20 investigations of corruption. The break down by source is as follows.

IG referral	4 Cases
BSA referral	
Hotline referral	8 Cases
Other	8 Cases

No cases involving major figures within MOST have been investigated (DG or above)

Of those cases involving significant sums of money (Above \$25,000)

IG referral	2 Cases
BSA referral	
Hotline referral	
Other	2 Cases

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

IG referral	2 Cases
BSA referral	
Hotline referral	8 Cases
Other	6 Cases

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Of the 20 investigations processed by CPI, only three made it to the investigative court. Only one high ranking case involving two people was sent to the investigative court. Due to lack of appearance to court the case has not advanced to trial. Anticorruption activity efforts are in practical measure devoid in the Ministry of Science and Technology.

Ministry of Housing & Construction

Bayan Daza'l

Name of Ministry Inspector General: Amin AlHadi
Abbas
Date of appointment as IG: 9/18/2006
Political/Ethnic/Militia affiliation of IG: Shia'a Collation

The legal counsel doesn't cooperate which make cases weak. Delays in the results of the administrative investigation have slowed anticorruption efforts to a crawl.

In the MH&C there have been a total of 55 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>14</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>23</u>	<u>29</u>	<u>7</u>	<u>13</u>	<u>2</u>	<u>7</u>
Other	<u>19</u>	<u>24</u>	<u>7</u>	<u>11</u>	<u>0</u>	<u>6</u>
Totals	<u>56</u>	<u>53</u>	<u>14</u>	<u>24</u>	<u>2</u>	<u>13</u>

Of cases involving major figures within MH&C(DG or above)

<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
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IG referral	-	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>6</u>	<u>6</u>	<u>2</u>	<u>3</u>	<u>1</u>	-
Other	<u>4</u>	<u>4</u>	<u>1</u>	<u>2</u>	-	<u>1</u>
Totals	<u>10</u>	<u>10</u>	<u>3</u>	<u>5</u>	<u>1</u>	<u>1</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>12</u>	<u>15</u>	<u>3</u>	<u>7</u>	-	<u>5</u>
Other	<u>7</u>	<u>10</u>	<u>2</u>	<u>5</u>	-	<u>3</u>
Totals	<u>19</u>	<u>25</u>	<u>5</u>	<u>12</u>	<u>0</u>	<u>8</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>5</u>	<u>8</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>

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Working Draft

Other	<u>8</u>	<u>10</u>	<u>4</u>	<u>4</u>	<u>-</u>	<u>2</u>
Totals	<u>13</u>	<u>18</u>	<u>6</u>	<u>7</u>	<u>1</u>	<u>4</u>

Of the 56 investigations processed by CPI 7, 52 were sent to the investigative court. Seven of these cases involved 8 people were sent to the investigative court, 3 Sunni, 4 Shia, 1 Kurd. One case involving 2 Shia has been sent to the trail court. As of yet there have been no convictions. One defendant (Shia) was detained on corruption charges and 4 have fled the country. But except for three cases which were dismissed by the judge they are all stalled in the investigative court. There has not been a single conviction on corruption from this ministry. In general the lack of cooperation within the Ministry of Housing & Construction has left the anticorruption fight principally to CPI which is not capable of any sustainable campaign within that ministry.

Ministry of Foreign Affairs

Hoshyar Zebari

Name of Ministry Inspector General: Sa'adi Ibraheem Al-Fadilee
Date of appointment as IG: CPA days
Political/Ethnic/Militia affiliation of IG: Sunni/ Kurdish coalition

The IG has limited input and has been uncooperative, he lately promised to cooperate. The difficulty of getting information due to the fact that most MOFA agencies are outside of Iraq (Embassies, Consulates, etc) which require the creation of committees from the IG office to travel to conduct the administrative investigation that is assigned to them.

In the MOFA there have been a total of 36 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
BSA referral	<u>1</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>17</u>	<u>18</u>	<u>7</u>	<u>7</u>	<u>2</u>	<u>2</u>
Other	<u>18</u>	<u>16</u>	<u>5</u>	<u>7</u>	<u>1</u>	<u>3</u>

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Working Draft

Totals	<u>36</u>	<u>35</u>	<u>12</u>	<u>15</u>	<u>3</u>	<u>5</u>
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Of cases involving major figures within MOFA (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>5</u>	<u>5</u>	<u>1</u>	<u>2</u>	<u>2</u>	-
Other	<u>8</u>	<u>6</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>
Totals	<u>13</u>	<u>11</u>	<u>3</u>	<u>4</u>	<u>3</u>	<u>1</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-
BSA referral	<u>1</u>	<u>1</u>	-	<u>1</u>	-	-
Hotline referral	<u>3</u>	<u>3</u>	<u>2</u>	<u>1</u>	-	-
Other	<u>6</u>	<u>4</u>	<u>2</u>	<u>2</u>	-	-
Totals	<u>10</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>0</u>	<u>0</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-

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Working Draft

BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>9</u>	<u>10</u>	<u>4</u>	<u>4</u>	-	<u>2</u>
Other	<u>4</u>	<u>6</u>	<u>1</u>	<u>3</u>	-	<u>2</u>
Totals	<u>13</u>	<u>16</u>	<u>5</u>	<u>7</u>	<u>0</u>	<u>4</u>

Of the 34 investigations processed by CPI, 13 cases were sent to the investigative judge. Five cases concerning DG or above involving 5 people were sent to the investigative court, 2 Sunni, 2 Shia, 1 Others. One defendant has fled the country and no one has ever been detained. Not a single cases has been referred from the IG.

Non Governmental Organizations

There is no IG in that this is a collection of agencies and not a ministry. Various IGs have from all of the ministries have reported violations concerning their ministries. Not knowing the real addresses to most NGO has resulted in difficulty of notifying their staff of court orders. Most of the income of these organization is foreign which make it difficult to account for what they spend and figuring out the illegal activities.

Concerning NGOs there have been a total of 72 investigations of corruption. The break down by source is as follows.

IG referrals	8 Cases	12 Persons	2 Sunni	8 Shia	2 Other
BSA referral	2 Cases	5 Persons	1 Sunni	3 Shia	1 Other
Hotline referral	27 Cases	25 Persons	3 Sunni	17 Shia	5 Other
Other	35 Cases	40 Persons	5 Sunni	32 Shia	3 Other

Of cases involving major figures within NGOs

IG referral					
BSA referral					
Hotline referral	3 Cases	4 Persons	1 Sunni	2 Shia	1 Other
Other	7 Cases	8 Persons	2 Sunni	5 Shia	1 Other

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Of those cases involving significant sums of money (Above \$25,000)

IG referral	6 Cases	7 Persons		5 Shia		2 Other
BSA referral	2 Cases	3 Persons		2 Shia	1 Kurd	
Hotline referral	3 Cases	5 Persons	1 Sunni	3 Shia		1 Other
Other	8 Cases	10 Persons	2 Sunni	6 Shia	1 Kurd	1 Other

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

IG referral	2 Cases	4 Persons		3 Shia		1 Other
BSA referral						
Hotline referral	21 Cases	20 Persons	3 Sunni	14 Shia	1 Kurd	2 Other
Other	28 Cases	18 Persons	5 Sunni	11 Shia		2 Other

Of the 72 investigations processed by CPI, 38 have been sent to the IJ. Eight cases involving 11 people were sent to the investigative court involving major figures, 2 Sunni, 7 Shia, 2 Others. None of the cases have yet to go to trial Three defendants have fled the country. That there are so many complaints about NGOs were in many ministries there are far fewer investigations leads to the conclusion that either NGOs are wrapped up in political intrigue or they are a significant contributor to the corruption problem.

Ministry of Youth & Sports

Jasim Muhammad Ja'far

Name of Ministry Inspector
General:

Hassan AbdulWahab Mousa AlSafi

Date of appointment as IG:
Political/Ethnic/Militia affiliation
of IG:

Order No.

1/2/2006 Q/2/18431

Shia'a Collation

The IG is cooperative. The Minister (Jasim Mohammad Jaffer) does not cooperate with CPI and never gives his agreement on any suspect and uses article 136 B which results in closing of the case.

In the MY&S there have been a total of 37 investigations of corruption. The break down by source is as follows.

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IG referral	9 Cases	7 Persons	2 Sunni	4 Shia		1 Other
BSA referral						
Hotline referral	8 Cases	6 Persons	2 Sunni	2 Shia	1 Kurd	1 Other
Other	20 Cases	17 Persons	3 Sunni	10 Shia		4 Other

Of cases involving major figures within MOJ (DG or above)

IG referral	2 Cases	2 Persons		2 Shia		
BSA referral						
Hotline referral						
Other	8 Cases	6 Persons	1 Sunni	3 Shia		2 Other

Of those cases involving significant sums of money (Above \$25,000)

IG referral	2 Cases	2 Persons		2 Shia		
BSA referral						
Hotline referral	1 Cases	1 Persons				1 Other
Other	3 Cases	5 Persons	1 Sunni	2 Shia		2 Other

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

IG referral	5 Cases	8 Persons	2 Sunni	5 Shia		1 Other
BSA referral						
Hotline referral	7 Cases	5 Persons	1 Sunni	3 Shia		1 Other
Other	9 Cases	10 Persons	2 Sunni	7 Shia		1 Other

Of the 37 investigations processed by CPI, 17 have gone to court. Three cases involving 7 people were sent to the investigative court, 1 Sunni, 5 Shia, 1 Other, on senior leadership. In Ministry of Youth & Sports no cases have made it to trial because the minister has granted Article 136B immunity from trial on a whole sale bases. (5 cases involving 24 defendants, 4 Sunni, 18 Shia and 2 others) Three subjects have fled the country and remain at large despite an arrest warrant but still work at the ministry.

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Ministry of Human Rights

Wijdan Mikha'il

Name of Ministry Inspector General: Mukhles AbdulRazaq Shaker Al-Hadithy
Date of appointment as IG: 2/25/2004
Political/Ethnic/Militia affiliation of IG: Sunni

The IG is uncooperative sending mostly minor cases. Delays in sending the administrative investigation are the usual slowing investigations.

In the MHR there have been a total of 33 investigations of corruption. The break down by source is as follows.

IG referral	2 Cases	3 Persons	2 Sunni	1 Shia		
BSA referral						
Hotline referral	18 Cases	20 Persons	9 Sunni	8 Shia		3
Other	13 Cases	10 Persons	4 Sunni	4 Shia	2 Kurd	

Of cases involving major figures within MHR (DG or above)

IG referral				
BSA referral				
Hotline referral	1 Cases	1 Persons		1 Other
Other	2 Cases	3 Persons	1 Sunni	2 Other

There are no investigations involving significant sums of money (Above \$25,000)

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

IG referral	2 Cases	2 Persons	1 Sunni	1 Shia		
BSA referral						
Hotline referral	17 Cases	21 Persons	10 Sunni	8 Shia	1 Kurd	2 Other
Other	11 Cases	12 Persons	4 Sunni	7 Shia		1 Other

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Of 33 investigations 17 went to the IJ.

Ministry of Planning Development & Cooperation

Ali Baban

Name of Ministry
Inspector General: Hassan Aliwai AbdulHusien Al Qrghouly
Ministerial Order No.
Date of appointment as IG: 3/29/2004 528 Letter 1080
Political/Ethnic/Militia
affiliation of IG: Shia'a

The IG is cooperative and assisted in closing some important cases.

In the MPD&C there have been a total of 26 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>3</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>7</u>	<u>9</u>	<u>4</u>	<u>3</u>	<u>0</u>	<u>2</u>
Other	<u>16</u>	<u>17</u>	<u>8</u>	<u>5</u>	<u>2</u>	<u>2</u>
Totals	<u>26</u>	<u>26</u>	<u>12</u>	<u>8</u>	<u>2</u>	<u>4</u>

Of cases involving major figures within MPD&C (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>3</u>	<u>4</u>	<u>2</u>	<u>2</u>	-	-

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Other	<u>5</u>	<u>9</u>	<u>4</u>	<u>3</u>	-	<u>2</u>
Totals	<u>8</u>	<u>13</u>	<u>6</u>	<u>5</u>	<u>0</u>	<u>2</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	-	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	-	<u>1</u>
Other	<u>2</u>	<u>3</u>	<u>2</u>	<u>0</u>	<u>1</u>	<u>0</u>
Totals	<u>3</u>	<u>4</u>	<u>2</u>	<u>0</u>	<u>1</u>	<u>1</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>1</u>	<u>0</u>	-	-	-	-
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>3</u>	<u>4</u>	<u>2</u>	<u>1</u>	-	<u>1</u>
Other	<u>9</u>	<u>5</u>	<u>2</u>	<u>2</u>	<u>1</u>	-
Totals	<u>13</u>	<u>9</u>	<u>4</u>	<u>3</u>	<u>1</u>	<u>1</u>

Of the 26 investigations processed by CPI, only 6 have gone to the IJ. Of senior leadership 3 cases involving 6 people were sent to the investigative court, 2 Sunni, 3 Shia, 1 Other. No cases have made it to the IJ from the ministry IG but they have effectively warded off some false complaints. They have also assisted in outside

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complaints. Two cases have been dismissed by the investigative judge involving 1 Shia and 1 other. One case was sent to trial involving 4 defendants, 1 Sunni, 2 Shia, 1 Other. All were convicted. No one was ever detained pretrial. One subject fled the country.

Ministry of Municipalities and Works

Riyad Ghurayyib

Name of Ministry Inspector General:	Eng. Salam AbdulSahib Houssien Mohammed Al-Safar
Date of appointment as IG:	order 2/1/2006 #1670
Political/Ethnic/Militia affiliation of IG:	Shia'a Collation

The IG is considered half cooperative. The administrative investigation is incomplete and not clear. The legal representative is sometimes late in appearing. Delays in responding to the official letters are common place.

In the MM&W there have been a total of 212 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>66</u>	<u>51</u>	<u>9</u>	<u>28</u>	<u>4</u>	<u>10</u>
BSA referral	<u>1</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>70</u>	<u>55</u>	<u>9</u>	<u>28</u>	<u>5</u>	<u>13</u>
Other	<u>75</u>	<u>66</u>	<u>12</u>	<u>35</u>	<u>5</u>	<u>14</u>
Totals	<u>212</u>	<u>173</u>	<u>30</u>	<u>92</u>	<u>14</u>	<u>37</u>

Of cases involving major figures within MM&W (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>2</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>

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BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>5</u>	<u>6</u>	<u>1</u>	<u>3</u>	<u>0</u>	<u>2</u>
Other	<u>4</u>	<u>4</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>1</u>
Totals	<u>11</u>	<u>12</u>	<u>1</u>	<u>8</u>	<u>0</u>	<u>3</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>18</u>	<u>15</u>	<u>3</u>	<u>8</u>	<u>2</u>	<u>2</u>
BSA referral	<u>1</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>24</u>	<u>18</u>	<u>5</u>	<u>8</u>	<u>1</u>	<u>4</u>
Other	<u>22</u>	<u>20</u>	<u>3</u>	<u>11</u>	<u>2</u>	<u>4</u>
Totals	<u>65</u>	<u>54</u>	<u>11</u>	<u>28</u>	<u>5</u>	<u>10</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>29</u>	<u>34</u>	<u>6</u>	<u>18</u>	<u>2</u>	<u>8</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>41</u>	<u>31</u>	<u>3</u>	<u>17</u>	<u>4</u>	<u>7</u>
Other	<u>49</u>	<u>42</u>	<u>9</u>	<u>21</u>	<u>3</u>	<u>9</u>
Totals	<u>119</u>	<u>107</u>	<u>18</u>	<u>56</u>	<u>9</u>	<u>24</u>

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Of the 212 investigations processed by CPI, 100 cases had enough evidence to present to the investigative judge. Sixteen of those cases involving 19 people were sent to the investigative court, 6 Sunni, 9 Shia, 4 others. Off the 66 IG referrals 26 went to the IJ. One case has resulted in a conviction involving a Shia defendant. No one was ever detained pretrial. Two subjects have fled the country.

Ministry of Electricity

Karim Wahid

Name of Ministry Inspector

General:

Sa'ady Mahdi Ali AlSuodani

Appointed by:

CPI Letter 34/62 dated 19/6/06

Political/Ethnic/Militia affiliation
of IG:

Shia'a Collation

The IG is cooperative and tries to facilitate the work of the CPI. Long delays from the minister in approving the transfer of accused to trial have slowed the process. The legal department in the ministry has shown a disappointing level of knowledge on anticorruption laws. Administrative investigations routinely come to CPI incomplete.

In the MOE there have been a total of 175 investigations of corruption. The break down by source is as follows.

IG referral	18 Cases	21 Persons	7 Sunni	9 Shia	1 Kurd	4 Other
BSA referral	3 Cases	3 Persons	1 Sunni	2 Shia	0	0
Hotline referral	58 Cases	48 Persons	12 Sunni	24 Shia	0	12 Other
Other	96 Cases	75 Persons	10 Sunni	52 Shia	2 Kurd	11 Other

Of cases involving major figures within MOE (DG or above)

IG referral	8 Cases	4 Persons	2 Sunni	1 Shia	1 Other
BSA referral	1	0	0		
Hotline referral	20 Cases	13 Persons	7 Sunni	5 Shia	1 Other
Other	22 Cases	0	0 Sunni	0	

Of those cases involving significant sums of money (Above \$25,000)

IG referral	1 Cases	2 Persons	1 Sunni	1 Shia	
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BSA referral	1 Case				
Hotline referral	5 Cases	5 Persons	3 Sunni	1 Shia	1 Other
Other	3 Cases	4 Persons	2 Sunni	1 Shia	1 Other

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

IG referral	9 Cases	15 Persons	4 Sunni	7 Shia	1 Kurd	3 Other
BSA referral	2 Cases	3 Persons	1 Sunni	2 Shia		
Hotline referral	33 Cases	30 Persons	2 Sunni	18 Shia		10 Other
Other	71 Cases	71 Persons	8 Sunni	51 Shia	2 Kurd	10 Other

Of the 175 investigations processed by CPI, 85 were sent to the judge for investigation. Of those involving DG or above, 34 cases involving 34 people were sent to the investigative court, 18 Sunni, 10 Shia, 6 Others. Of those 34 cases 5 were investigated and then dismissed by the investigative judge involving 7 people, 3 Sunni, 2 Shia, and 2 Others. Only 7 of 18 referrals from the ministry IG made it to the IJ. Three cases were sent to trial involving people, 1 Sunnis, 1 Shia and one other. Another case resulted in a conviction which was overturned at appeal. Only two were ever detained pretrial. Two subjects have fled the country.

The major case coming out of MOE concerned the first Minister Aiham al Aammarae from the Allawi administration. Al Sammarae was sent to the investigative court on 10 charges worked up by BSA. Seven of which were dismissed and he was released as to those cases. Three of which he remained detained and were bound over for trial. One case was tried and found guilty the other two were pending.

On the day he was found guilty he was spirited away by his American PSD and tried to get into the US Embassy. The US Ambassador ordered that he be returned to Iraqi custody.

The defendant appealed. With the appeal pending BSA came up with an eleventh case which was filed involving the following facts:

After the removal of the Allawi government all ministers lost their legal right to obligate funds, a fact that drives us crazy every time they hold an election. On Feb 21 Al Sammarae entered into a contract with an American company, Vulcan to build a 74 million dollar power plant in Mosul and paid a 25 million dollar advance. My translator read one document in the file that seemed to show that the company later acknowledged the illegality of the contract and returned the money although it was a translation from an original English document which made it unclear. The contract was, according to MoE generous to the contractor.

The defendant won his appeal and was scheduled for either release or proceeding with the unresolved case. On December 17, 2006 he disappeared from his cell. The police

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claimed that he was taken by 5 Americans. An investigation is pending as to how he in fact left custody.

There are only 3 investigators assigned to Electricity. CPI investigators can not go there because the area around the ministry HQ is controlled by the Medhi Army. The MOE Minister has stated he wants to cooperate with CPI but frequently uses the threat of Article 136 B to stop cases. Most of the IG referrals concern violations committed by past administrations leaving a suspicion that current employees are protected. Most BSA referrals concern violations committed by past administration as well. The concentration on investigating people once they leave the ministry implies political protection for those currently within the Ministry of Electricity.

Ministry of Amanat (City Hall) Baghdad

Name of Ministry Inspector General: Toma Jaber Louj AlAkydli
Date of appointment as IG: 6/2/2004
Political/Ethnic/Militia affiliation of IG: Shia'a Collation

The IG is not cooperative.

In the Baghdad there have been a total of 159 investigations of corruption. The break down by source is as follows.

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>40</u>	<u>47</u>	<u>2</u>	<u>40</u>	<u>0</u>	<u>5</u>
BSA referral	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hotline referral	<u>51</u>	<u>56</u>	<u>4</u>	<u>46</u>	<u>0</u>	<u>6</u>
Other	<u>68</u>	<u>70</u>	<u>9</u>	<u>55</u>	<u>0</u>	<u>6</u>
Totals	<u>159</u>	<u>173</u>	<u>15</u>	<u>141</u>	<u>0</u>	<u>17</u>

Of cases involving major figures within Baghdad (DG or above)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>0</u>	<u>0</u>	-	-	-	-

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BSA referral	<u>0</u>	<u>0</u>	-	-	-	-
Hotline referral	<u>3</u>	<u>3</u>	-	<u>3</u>	-	-
Other	<u>6</u>	<u>7</u>	<u>2</u>	<u>3</u>	-	<u>2</u>
Totals	<u>9</u>	<u>10</u>	<u>2</u>	<u>6</u>	<u>0</u>	<u>2</u>

Of those cases involving significant sums of money (Above \$25,000)

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>8</u>	<u>7</u>	<u>2</u>	<u>4</u>	-	<u>1</u>
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>12</u>	<u>15</u>	<u>3</u>	<u>9</u>	-	<u>3</u>
Other	<u>29</u>	<u>25</u>	<u>4</u>	<u>19</u>	-	<u>2</u>
Totals	<u>49</u>	<u>47</u>	<u>9</u>	<u>32</u>	<u>0</u>	<u>6</u>

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

	<u>Cases</u>	<u>Subjects</u>	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
IG referral	<u>28</u>	<u>40</u>	-	<u>36</u>	-	<u>4</u>
BSA referral	-	<u>0</u>	-	-	-	-
Hotline referral	<u>36</u>	<u>38</u>	<u>1</u>	<u>34</u>	-	<u>3</u>
Other	<u>33</u>	<u>38</u>	<u>3</u>	<u>33</u>	-	<u>2</u>
Totals	<u>97</u>	<u>116</u>	<u>4</u>	<u>103</u>	<u>0</u>	<u>9</u>

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Of the 159 investigations processed by CPI, 83 went to court for investigation. Of those, 7 cases involving 7 people were sent to the investigative court, 2 Sunni, 4 Shia, 1 Others involved senior people. Of the 40 cases referred by the IG 27 were sent to court. No cases have yet to go to trial. Only one was ever detained pretrial. One case involving one defendant led to a conviction. One subject has fled the country.

Administrative investigations are not clear and are not useful in prosecutions. The IG doesn't send the original documents to attach to each case as the material evidence delaying or curtaining prosecutions.

Ministry of Finance²¹

Bayan Jabr

Name of Ministry Inspector General:	Akram KhuDhair was the IG, Baha Al-Deen Abdul-Razaq Al-Aieer is acting IG
Date of appointment as IG:	Akram was sent to retirement for old age and bad health
Appointed by:	The new minister has nominated Mr. Dia for the post but there is no confirmation yet
Political/Ethnic/Militia affiliation of IG:	Akram was Shia'a Collation, Baha is Sunni

The former IG was not cooperative; the present acting one is too new to the job to evaluate.

In the MOF there have been a total of 183 investigations of corruption. The break down by source is as follows.

IG referral	13 Cases
BSA referral	1 Cases
Hotline referral	90 Cases
Other	79 Cases

Of cases involving major figures within MOF (DG or above)

IG referral	
BSA referral	
Hotline referral	19 Cases
Other	20 Cases

²¹ The Investigators don't collect the sect of the accused and they don't want to start now.

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Of those cases involving significant sums of money (Above \$25,000)

IG referral	3 Cases
BSA referral	1 Cases
Hotline referral	14 Cases
Other	

Of those cases involving small amounts or what would otherwise be considered administrative in nature:

IG referral	10 Cases
BSA referral	
Hotline referral	57 Cases
Other	59 Cases

Of the 183 investigations processed by CPI, 144 had enough evidence to go to the investigative judge. Concerning DGs or above there were 17 cases involving 32 people sent to the investigative judge. Of those 17 cases 2 were investigated and then dismissed by the investigative judge. Only 3 of 13 cases from the IG went to court. Four cases have gone to the trial court with no convictions as of yet. Six have been detained pretrial. One case involving one defendant resulted in a conviction. Eight subjects have fled the country.

CPI has 4 investigators assigned to MOF. Bribery and embezzlement are the most numerous bases for investigations. The IG not named yet, previous IG (former Judge) removed for age and ineffectiveness. The IG's office has only referred 13 out of 183 active investigations. CPI active cases include 10 within IG staff as the subject. In many cases CPI requests are met with the argument that IG's office has investigated the allegations and found that they lack merit so no documents or witnesses are provided to CPI. The IG appoints a committee to review the allegation (may include co-workers of subject) who report to the IG that case is baseless.

The administrative investigations are incomplete, not clear and doesn't name any one, specially people of high positions. There are numerous reports that there are many cases of corruption in the IG's office languishing.

The court's requests for documents or witnesses infrequently responded to by IG. This includes cases where the defendant is detained. In one case in particular the ministry sent the case to court resulted in the defendant being detained despite having cancer. Once the defendant was detained the ministry became unresponsive to requests from court delaying the progress of the case and prolonging the detention.²² The Minister is the

²² It must be noted that in this case Minister Jabr personally referred the case to CPI for prosecution.

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former Minister of Interior where he developed a reputation for ruthlessness in applying the anticorruption to control his staff. CPI is powerless to prevent this type of abuse.

Team Finding: The inability of CPI investigators to travel safely to and from the ministries in the red zone has so hobbled the agency as to relegate it to relying almost entirely on IGs to conduct investigations. In that the IGs are subject to the same threat anticorruption investigations are subject to tampering or political manipulation.

Team Finding: Though severely under manned CPI could vastly improve the anticorruption cases if not so dependant on unreliable ministry support.

Team Finding: Several ministries are so controlled by criminal gangs or militias as to be impossible to operate without a tactical force protecting the investigator.

Conclusion #2. Lack of access to the ministries is the single biggest hurdle to prosecution of anticorruption cases.

CPI's offices are located in the Green Zone and in the adjacent Amber Zone. The investigators work at the 14th of July Office location or at the CCCI Courthouse. Most CPI investigators have limited access badges to get in and out of the Green Zone. A few have higher level (quicker) access but most have to spend time standing in line at checkpoints to gain entrance to the Green Zone. This investment of time is significant over any given period and serves as a disincentive to field work for its 120 investigators.

Since effective operations have commenced 12 CPI personnel have been killed in the line of duty with two of its members families have been kidnapped. The most recent of these murders was an investigator December 1, 2006 in Mosul. The situation became particularly bad in June 2006 when 4 of its investigators were killed in practical affect severely limiting investigations in the red zone.

Ministry Offices are located in the Red Zone and some are in especially bad neighborhoods. CPI investigators, mail couriers and inspectors i.e. CPI's "front line" in anti-corruption cases travel to these and other locations in the combat zone without police powers, tactical support or even protective equipment such as armored protective or firearms. The standing and credibility of the CPI officer in the field is directly effected by the support, or lack there of, which is afforded the officer. Access to the Ministries is not enhanced by the weakness of the CPI officer's position. Investigator-Lawyers have responded to this reality by simply not going to the Ministries and sending requests for evidence in the mail.

CPI operators i.e. investigators, couriers, inspectors must have credibility where they go to find leads or evidence, mostly at the ministries. Besides the Government's moral backing, CPI operators need to be properly equipped and empowered to enter the Red Zone and move about freely in the offices of the ministries.

Proactive investigation in the form of undercover operations including "sting operations", physical/electronic surveillance, using cooperating defendants and witnesses are at present beyond CPI's capability. The pattern of criminal activity associated with

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MOO would require comprehensive use of proactive investigative techniques to have a chance for success. The pattern of criminality at MOI is beyond CPI's capability and charter. Other Ministries can be effectively policed through contract fraud investigations if documents are forthcoming and the IG's are motivated to cooperate. The BSA could also be developed as a valuable resource to CPI if investigators left the office and developed contacts.

CPI investigators of MOH, MOD, MOO have all expressed fear of going to the ministries and/or attempting to conduct aggressive investigations. CPI has no real access to these ministries and meets with various forms of resistance at each. The Assistant DG who heads the MOD investigation team has been personally threatened and such threats have been reported previously.

Access to the ministries by CPI is basically through requests by mail or by IJ orders (discussed elsewhere). CPI officers have no standing or credibility to cover investigative leads at the ministries or to develop cooperating witnesses/informants at the ministries. Instead, CPI must rely on the passive, often anonymous, receipt of information from "good citizens" at the ministries or criminal rivals. Establishing reliability and credibility of the sources is limited by the same constraints of access.

Since CPI has no real authority to demand or even cajole Ministry officials to provide books, records, documents and witnesses, CPI relies upon the IG's and the IJ's to provide such evidence. Even where IG's cooperate, the pervasive atmosphere of corruption, criminal and sectarian violence, and political/tribal partisanship undermine true anti-corruption efforts. IG's offer up minor cases against powerless subjects and CPI gets bogged down with the investigation of such cases.

In the case of MOD, CPI was able to investigate major cases only after the IJ's enabled CPI to gain access to major contracts. According to ICITAP investigator's interviews with CPI investigators virtually every MOD contract reviewed by CPI became a "prima facie" case of corruption and fraud. CPI has pending investigations on the contracts and MOD has sent agents stop the investigations visiting both the Commissioner of CPI and the CCCI. The Iraqi investigations describe the agreements as "sweetheart contract" because the terms were so blatantly favorable to the suppliers.

Team finding : The Prime Minister's Office has demonstrated an open hostility to the concept of an independent agency to investigate or prosecute corruption cases as a matter of principle.

Team finding : The Iraqi Government has been withholding basic support and resources from CPI.

Team finding : There has been a number of identified cases where government and political pressure has been applied to affect the outcome of investigations and prosecutions in favor of members of the Shia Alliance.

Team finding : Advisors have documented a pattern of pressure seemingly designed to hire personnel along political lines.

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Working Draft

Team finding : There has been with few exceptions a clear sectarian shift in those who have been appointed as IGs since the Shia Alliance has taken control of the government.

Team finding : Across the board there is a fear by anticorruption agencies to any metrics that might indicate performance or the lack of it.

Team finding : There is a pattern of lose accountability and a lack of clear rules throughout the Iraqi Government.

Team finding : This lack of accountability and transparency has resulted in both promoting corruption and manipulation of the criminal justice system against otherwise innocent people.

Conclusion #3. In addition to the lack of capacity within the anticorruption agencies politicization and fear of accountability are serious impediments to the enforcement of anticorruption laws.

The Prime Minister's Office has demonstrated hostility to the concept of an independent agency to investigate or prosecute corruption cases as a matter of principle. On December 11, 2006, in an interview by the embassy Office of Accountability and Transparency chief of staff, James Mattil, the current advisor to Prime Minister, Dr. Adel, expressed openly the PMO's opposition to the concept of an independent agency stating that all such agencies must be under the control of the prime minister's office. He dismissed the legal requirements for such an agency in Iraq's constitution and law. Dr. Adel has expressed such views repeatedly. The Prime Minister has withheld the certification of CPI's Director General which according to Iraqi law should result in their dismissal by the close of the year 2006. This has had a profound affect on the morale of the agency.

Upon the creation of CPI and the already established BSA the establishment of independent boards and commissions were an alien concept to Iraq. Not fully appreciated by CPA a number of ancillary statutes thought of as simply ministerial in character such as certifying to the Ministry of Finance Director Generals and above. The Prime Minister's Office is using this and other like statutes to attack the independence of CPI. In this particular case it is being used for force out the entire leadership of CPI to replace them with political appointees.²³ There have been a plethora of other efforts to pressure CPI some serious and some bordering on the juvenile.²⁴

This pressure has gone past attacking personnel within the commission and has struck at the agency and its ability to conduct operations. CPI lacks the personnel and equipment to effectively conduct independent investigations and operate in the field. The Prime Minister's Office has been unsympathetic in requests for additional resources. In

²³ For the current employees the matter is a life or death issue. The leadership mostly lives in the IZ. Not only are stalked by the insurgents but by all of the assorted militias and organized crime gangs who are subjects of their investigations. Removal from the IZ will be a death sentence for them and their families.

²⁴ For over a month now the Official Iraqi Government Web site has directed internet users to a pornographic site when they hit the CPI link.

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Working Draft

July of 2006 the Commissioner made a direct appeal for assistance in arresting members of the Fadillah and Sadrist parties of corruption charges concerning smuggling across the Iranian border and concerning the operation of the port. These requests went unanswered other than increased pressure to hire people recommended by the Prime Minister's Office to supervise CPI functions.

In a letter to Commissioner Radhi from Prime Minister Nuri Kamal al-Maliki, dated Sept. 6, is close to an accusation that Radhi himself is guilty of corruption. The letter directed Commissioner Rhadi to account for what the prime minister asserts are hundreds of thousands of dollars of undocumented expenses by the commission. A number of the issues were detailed from a BSA audit and a number were outlined by the former Deputy Mosa Farraj. The Prime Minister's Office ordered that the Commissioner respond in writing to the Prime Minister's Office. The Commissioner refused to do so stating that according to the constitution he can only respond to the legislature citing Article 102.

There have been two BSA audits of CPI. The first was highly critical of CPI and its management.²⁵ In the second BSA audit the reverse was found finding that all but minor problems had been fixed and could be described a glowing.

There have been a number of charges made by the head of the Anticorruption committee in Iraq is the legislature, Sheik al-Saadi. He hired as his legislature advisor Mosa Farraj after his dismissal. After a hearing by the legislature CPI was cleared of the charges made by al-Saadi and al-Saadi is currently pending his removal as the head of committee.

A committee has been appointed involving Chief Judge Mehat and the Speaker of the Legislature to review the charges made by the Prime Minister.

American advisors have noted numerous efforts to interfere with investigations at by senior members of the Shia Alliance Party, government officials and American officials. This has included direct calls from the Shia Vice President Mehdi demanding not only a with draw of the case already sent to court but a demand that all cases filed be vetted through him. When the Commissioner refused a call on the case came several hours later from the President of the Iraqi Supreme Court. The Advisor of the Prime Minister's Office Dr. Adel has in the presence of American advisors pressed the Commissioner of CPI to withdraw cases referred to court as well. In each of the cases that regarding attempts at outside influence from the Iraqi government the defendant was a member of the Shia Alliance Party.

There has been repeated attempts to pressure hiring staff on a sectarian/political bases. Under the last administration the Commission was pressured to hire in a senior position a nominally qualified member of the Badr Corps. He was placed in a position not involved in investigations.

The most blatant political interference in personnel decisions has been in the case of Mosa Farraj. Pressed by Shia Alliance Party officials to hire this member of the Fadillah branch he set about on a campaign of sectarian prosecutions. Removed for that reason he was pressed upon by Dr Adel to rehire that person. Once rehired Farraj increased his activity not only prosecuting on a sectarian bases but delaying on cases

²⁵ It must be noted that many of the objected to procedures were in fact not according to Iraqi law but were recommended and in some cases insisted upon by the American advisors at the time.

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Working Draft

involving the Shia Alliance. The issue came to a head when he allowed a Shia Alliance member to escape custody who then fled the country. He was dismissed a second time. Upon his dismissal he stole a large number of files from CPI. Three warrants were issued by the court for his arrest for allowing the suspect to escape, delaying on prosecution of cases, and stealing the case files.

Farraj went on the TV news circuit claiming that the Commission was corrupt and a puppet of Americans. Dr Adel then pressed once again to have him rehired which the Commissioner refused. In late October 2006 the Prime Minister signed an order appointing Mosa Farraj as the Deputy Commissioner of CPI, a blatantly exceeding his authority.²⁶ Mas Farraj has yet to report to work and the arrest warrants remain outstanding.

Recently a controversy has arisen over the failure of the Iraqi government to execute its own budget failing to spend the funds allotted. This problem has been in place since the transfer of sovereignty but recently the excuse of fear of persecution on corruption charges by CPI has circulated. The breakout of the numbers of investigations and their sources as well as the numbers in detention and convictions does not support this contention. To think that four investigators (on average) responsible for each ministry, conducting investigations by means of written request for documents and interviews, with no arrest powers could cripple and cause ministries with tens of thousands of employees to cringe in terror is not credible.

It is impossible to gage the level of interference in Inspector Generals offices or the BSA for lack of eyes vision in what is going on in their respective departments. There is a clear indication that with the appointment of IGs the positions have been polarized. As Appendix B shows there has been with few exceptions been a clear sectarian shift in those who have been appointed as IGs since the Shia Alliance has taken control of the government.

Sectarian Prosecution.

As a general rule across the board there is not a sectarian bent to the referrals from the IG's office to CPI. In the cases reviewed in this study the break down goes as follows which does not vary greatly from referrals from the hot line or other sources. Iraq, the size of California, has a population of 28,807,000.

CIA country facts estimate the breakdown of Muslims in Iraq as:

Shiia	63%
Sunni	37%

Arabs comprise 80%, Kurds 15%, and others 5%.

²⁶ Iraqi law through CPA Order 55 clearly states that only the Commissioner of CPI may appoint to that position.

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Working Draft

Of those total cases that could be identified the breakdown with the remained being undeterminable the breakdown goes as follows.

	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	<u>Sec</u>
Percentages of ethnicities for total cases				
IG referral	13.12% <u>Sunni</u>	74.28% <u>Shiia</u>	2.04% <u>Kurd</u>	10.05% Other
BSA referral	23.88% <u>Sunni</u>	48.51% <u>Shiia</u>	7.46% <u>Kurd</u>	17.16% Other
Hotline referral	18.00% <u>Sunni</u>	62.54% <u>Shiia</u>	3.18% <u>Kurd</u>	11.81% Other
Other	20.19% <u>Sunni</u>	62.51% <u>Shiia</u>	3.51% <u>Kurd</u>	11.16% Other
Totals	18.33% <u>Sunni</u>	63.92% <u>Shiia</u>	3.38% <u>Kurd</u>	11.43% Other

Using the same measures the percentages of cases for subject(s) holding the position of Director General in ministry or above:

IG referral	20.00% <u>Sunni</u>	72.50% <u>Shiia</u>	2.50% <u>Kurd</u>	5.00% Other
BSA referral	0.00% <u>Sunni</u>	33.33% <u>Shiia</u>	0.00% <u>Kurd</u>	0.00% Other
Hotline referral	28.57% <u>Sunni</u>	53.57% <u>Shiia</u>	5.00% <u>Kurd</u>	9.29% Other
Other	22.00% <u>Sunni</u>	56.00% <u>Shiia</u>	3.33% <u>Kurd</u>	16.67% Other
Totals	17.64% <u>Sunni</u>	53.85% <u>Shiia</u>	2.71% <u>Kurd</u>	7.74% Other

Significant violations (involving sums greater than \$25,000 or aggravating circumstance)

IG referral	11.49% <u>Sunni</u>	78.16% <u>Shiia</u>	2.30% <u>Kurd</u>	9.20% Other
BSA referral	22.54% <u>Sunni</u>	53.52% <u>Shiia</u>	7.04% <u>Kurd</u>	14.08% Other
Hotline referral	19.11% <u>Sunni</u>	64.34% <u>Shiia</u>	2.33% <u>Kurd</u>	11.89% Other
Other	20.87% <u>Sunni</u>	60.68% <u>Shiia</u>	4.85% <u>Kurd</u>	11.89% Other
Totals	18.50% <u>Sunni</u>	64.17% <u>Shiia</u>	4.13% <u>Kurd</u>	11.77% Other

Percentages of small violations (claims of education, etc)

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Working Draft

IG referral	13.10%	72.46%	2.14%	10.96%
	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	Other
BSA referral	26.67%	43.33%	8.33%	21.67%
	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	Other
Hotline referral	15.11%	62.99%	3.63%	12.24%
	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	Other
Other	19.57%	64.45%	2.92%	9.90%
	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	Other
Totals	18.61%	60.81%	4.26%	13.69%
	<u>Sunni</u>	<u>Shiia</u>	<u>Kurd</u>	Other

There are however, notable discrepancies as applied to particular ministries. See the ministry by ministry breakdown above.

Across the board there is a fear by anticorruption agencies to any metrics that might indicate performance or the lack of it. There is no effort by CPI, BSA or any of the IGs to track success within them much less tracking the success of cases passing from one agency to another. The statistic established for this report had to be created by actually counting individual files for example. The IGs can not provide reliable records seemingly for much the same reason.

There is a pattern of lose accountability and a lack of clear rules throughout the Iraqi Government. Rules of accounting and procurement vary from ministry to ministry and in some cases between departments within ministries. In large measure this is the result of the manner in which what we would call regulations are created. Regulatory powers are implied all the way down to Director Generals within ministries. Therefore the regulations are made by the people who then carry them out. There is little incentive for someone to make a rule or procedure that can latter be used to show a lack of performance. There is great incentive to establish rules that maximizes discretion. All of these rules are made in a completely untransparent manner.

This makes investigation and persecution for abuse of authority difficult in many cases. It also makes it easy for IGs to make cases that may eventually fail in court but that appear unflawed to CPI investigators. There are a number of cases that lead to court cases and in sometimes extended detention that latter turned on interpretation of vague or obscure rules. There have been a number of these cases that brought charges of political prosecution. This lack of accountability and transparency has resulted in both promoting corruption and manipulation of the criminal justice system against otherwise innocent people.

Team finding : The average CPI investigator has proven himself adept at comprehending the training; diligent in applying the techniques taught in a lawful way; and highly interested in expanding their professional abilities and contributions.

Team finding : CPI's 120 investigators do not have the numbers or the capacity to confront the job it is asked to do.

SENSITIVE BUT UNCLASSIFIED

Not for distribution to personnel outside of the US Embassy in Baghdad Iraq
Working Draft

Team finding : When working in tandem with other agencies with the muscle to confront armed groups CPI can conduct effective operations.

Team finding : CPI has no formal means to handle internal security or discipline. This lack of an IG or internal affairs department has placed in jeopardy the agency's reputation.

Team finding : The Iraqi government is conducting a series of classes for the training of hundreds of inspector generals but without an increase in numbers and a means to conduct investigations without intimidation their value may only be administrative in character.

Team finding : Without a commitment to withdraw partisan politics from the selection of senior IG leadership there is the likelihood that investigations will lack credibility.

Team finding : According to the figures supplied BSA's contribution does not show it to be a major player to criminal investigations.

Team finding : The US Embassy has established the Office of Accountability and Transparency to provide direct support to the capacity building of CPI, the IGs and BSA.

Team finding : If adequately resourced and a demonstration of political will on the part of the Iraqi government IRMO OAT can provide the expertise needed to confront the stalled growth in capacity building.

Conclusion #4. The Government of Iraq is making grudging progress in capability to investigate and prosecute corruption in Iraq but not at a level that would support any reasonable time line.

To date the advisors have provided classroom and tactical training to investigators in the necessary topics and skills familiar to all law enforcement personnel everywhere. Additional practical exercises, mentoring and the provision of equipment have helped to advance a newly created agency with no previous experience or history into the modern age of law enforcement. These efforts have produced many positive results. The average CPI investigator has proven himself adept at comprehending the training; diligent in applying the techniques taught in a lawful way; and highly interested in expanding their professional abilities and contributions.

The Iraqi government has supported the growth of CPI until July of 2006 when it started to withdraw its political support. The 120 investigators do not have the numbers or the capacity to confront the job it is asked to do.

The general lack of physical security in Iraq, especially as encountered in the greater Baghdad metropolitan area, coupled with the blatant militia or organized crime control of certain ministries has slowed the development of CPI.

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Working Draft

Undercover operations including “sting operations”, physical/electronic surveillance, using cooperating defendants and witnesses are beyond CPI’s capability. The pattern of criminal activity associated with much of the oil, electricity, police, transportation, and food for oil cases require comprehensive use of proactive investigative techniques to have a chance for success. The pattern of criminality at MOI and MOD is beyond CPI’s capability and totally dependant upon their respective IGs. Other Ministries can be effectively policed through contract fraud investigations if documents are provided and the IG’s are inclined to assist. The BSA can also be developed as a valuable resource to CPI if investigators left the office and developed contacts.

Twelve CPI personnel have been killed in the line of duty with two of its members families have been kidnapped. The situation became particularly bad in June 2006 when 4 of its investigators were killed in practical affect severely limiting investigations in the red zone.²⁷

In response the US government in December provided protective vests have been provided to all of the investigators. These vests are not capable of stopping more than handgun fire in an environment where assault weapons are common. Pistols funded by the US government are on order for the investigators. It must be noted that CPI investigators are not authorized in law to carry firearms. The Prime Minister’s Office is opposed to the legislation proposed by CPI to do so. MOI can authorize the carrying of firearms through its weapons cards program but this program has been non-operational for more than a year and even when employed would require the investigators to provide their names and address. ICITAP has trained a small group called the SIU (Special Investigations Unit) to act as a personal security detachment when investigators have no alternative than to operate in the red zone. They are used mostly to serve warrants in the less violent areas. They often escort police officers to make arrests to ensure that the police don’t simply say they cold not find the suspect or take a bribe. This unit is too small or ill-equipped to handle more than quick sallies from the IZ where it is unlikely to run into trouble.

CPI has recently shown that when working in tandem with other agencies with the muscle to confront armed groups can have a real affect. On 18 December 2006 ICITAP trained CPI investigators in Basrah were called by British forces to accompany them on a tip that an incoming ship with Iranian registry might be smuggling in weapons through the seaport. The Customs agents working for MOI signed off on a shipment of children’s cloths and toys. A search of the containers found the shipment to be late model cars being smuggled into the port. The British held the ship and four customs agents long enough for the CPI investigators to get an arrest and seizure warrants for the ship corrupt officials. The four customs agents remain in custody and a case is under way by the investigative judge²⁸. A similar incident in November bagged another 4 MOI customs officials and

²⁷ CPI investigators are not immune to attack in the IZ. On 17 December 2006 at the CPI headquarters in the IZ was targeted by three shots from what analysis established to be a Dagonov sniper rifle at CPI investigators. ICITAP and later IZ police investigators at the scene at the time determined that the only possible origin of the shots was from the top of Iraqi Government Office Building within the IZ approximately 800 yards away.

²⁸ This seeming success ended on a sour note in that once the British troops realized the ship did not have weapons they abandoned the scene leaving the unarmed CPI investigators. With the local police notorious

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Working Draft

ship. Actions such as these clearly demonstrate the CPI appears to have more capability than opportunity given the situation in Iraq. The training provided by ICITAP provided the needed basic skills to process a case to court. This capability is about to rise considerably as surveillance equipment and training are eminent for CPI as planned deliveries and training are accomplished by ICITAP trainers.

Since its formation, CPI has been subjected to complaints, allegations, and other claims that maintain it operates as a rogue organization utilizing the law (correctly and/or incorrectly) to impede or otherwise inhibit the lawful functioning of the various Iraq ministries of state.

- A. Uses harassing techniques applying minor article violations to build cases against Ministry employees to further its professional reputation.
- B. Arrests and imprisons Ministry employees without proof that CPI promises to produce at a later time.
- C. Targets Ministry employees based upon religious, ethnic or tribal affiliation.
- D. Fabricates incriminating evidence against officials.

As each of these complaints have been made INL funded American police officers have investigated specifics. In the complaints that had the specifics they could find no evidence of CPI wrong doing. The advisors to CPI believe that most of these allegations are incorrect and are based upon misunderstandings and/or fraudulent stories told by ministry employees and perpetuated by others as factual when they are not. In order to address these misconceptions the CPI advisors have produced this document that attempts to educate the reader in the mission, abilities, resources, operating partners and the environment in which CPI functions.

That is not to say that any of the above did not occur for in cases coming from the ministries themselves it is near impossible to verify the credibility of the evidence or the motives of the investigations. The American mentors have observed that the Iraqi system of justice as a whole is easy to manipulate at the ministerial level. This can be remedied once the case gets to court by the investigative judge but CPI lacks the capacity to more than verify the legal sufficiency that all of the elements of a crime have some evidence. Under Iraqi law once there is some evidence for each of the elements the case must be forwarded to an investigative judge who conducts the investigation. Concepts of prosecutorial discretion do not exist except at the ministerial level.

That does not mean that there has not been an occasion whereby wrong doing has not taken place in CPI. The former deputy commissioner, Mosah Farraj²⁹ was discovered to be holding on to cases involving Shia while aggressively prosecuting Kurds.

In the latter part of November 2006 the head of the CPI Mosul office was reported through sources non-admissible in court to be accepting bribes from oil smugglers. He was summarily fired. There has been no legal action taken however.

American advisors have noted that CPI has no formal means to handle internal security or discipline. This lack of an IG or internal affairs department has placed in

for the affiliations with area militias the only ones left to protect them the CPI investigators were forced to abandon the evidence. When US Embassy staff in support of CPI sought military support from MNFI long enough to secure the smuggled vehicles for evidence and disposal the response was, "It is unlikely we will want to divert troops from the fight."

²⁹ Mosah Farraj is a prominent member of the Faddilah Political Party, a particularly conservative and anti-American wing of the Shia Alliance.

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Working Draft

jeopardy the agency's reputation. The INL funded mentors are devising a plan to correct that and the proposed management capacity building plan addresses this issue although the Commissioner has yet to authorize its implementation.

The ministry IGs are generally understaffed and so unprotected as to bring into question their ability to contribute to the anticorruption fight. The Iraqi government is conducting a series of classes for the training of hundreds of inspector generals but without an increase in numbers and a means to conduct investigations without intimidation their value may only be administrative and non-criminal in character.

Of equal concern is the politicization of the IG system. Without a commitment to withdraw partisan politics from the selection of senior IG leadership there is the likelihood that investigations will lack credibility.

BSA has received scant assistance from the US government since the transfer of sovereignty. Its reputation is the highest of the anticorruption players. But according to the figures supplied BSA's contribution does not show it to be a major player to criminal investigations.

In response to the problems listed the US Embassy has established the Office of Accountability and Transparency. This office shall provide direct support to the capacity building of CPI, the IGs and BSA. This organization should be able to confront most of the advice needed and give the embassy the capacity to direct assistance. Currently the resources available to apply are uncertain. It will be critical that when this group identifies those areas where only the US Government can remove barriers or where political assistance is required that the embassy to be nimble enough to act within a short period of time.

The one critical element however will be the Iraqi government's willingness to keep politics out of the anticorruption efforts. It is unlikely that anticorruption institutions tied to the political needs of the leadership will ignore the pressures of the head of government to maintain political support among those who would exact as their price the looting of the treasury. An empowered anticorruption institution inclined to political necessity then becomes an enabler punishing political enemies and granting criminal opportunity to political friends. Such a government under current conditions is likely to lose the support of its people and certain to repel any attempt to bring into the political process outside of the government. Just as worrying, the proceeds of allowed corruption will likely fund the violent groups that our troops are likely to face.

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Working Draft

Recommendations

Key to any effort to enforce Iraqi's anticorruption laws is the absence of partisan politics in its prosecution. A clear expectation of this requirement has not been pressed as a matter of policy. Our passive observation to the centralizing of prosecutorial power in the political office of the Prime Minister's office has encouraged attacks on independence of its prosecutorial arm, CPI.

The US Embassy should articulate as a matter of policy that the fair and independent prosecutions should be a condition for continued assistance to the Iraqis in anticorruption enforcement.

Both the Embassy and MNFI should clearly state and or reinforce that Coalition personnel should not get involve it in lobbying efforts with any Iraqi official to drop and control the results of investigations or custody status concerning corruption cases without first clearing it with senior Embassy staff.

Both the Embassy and MNFI should clearly state and or reinforce that Coalition personnel should not get involve it in lobbying efforts involving Iraqi personnel decisions without first clearing it with senior Embassy staff.

Both the Embassy and MNFI should clearly state and or reinforce that Coalition personnel should not proffer and provide to any Iraqi official proposed legislation or plans on how to organize or operate the government without first clearing it with senior Embassy staff.

Currently anticorruption enforcement forces are so vulnerable as to provide those involved in corruption immunity. The acceptance of militia, organized crime and/or common gang infiltration of Iraq Government Ministries must be confronted. Anticorruption forces should be supplied with the needed equipment, training and numbers to confront individuals protected by such violent groups.

As a temporary interim measure, in the areas where MNFI controls the battle space, for selected ministries that are critical for the Iraqi Government credibility military units under their control should provide force protection for CPI, BSA and the affected IGs to carry out anticorruption activities.

As a temporary interim measure, in the areas where the Iraqi government controls the battle space, for selected ministries that are critical for the Iraqi Government credibility Iraqi military units should provide force protection for CPI, BSA and the affected IGs to carry out anticorruption activities.

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Working Draft

The Embassy and MNFI should press the Iraqi Government to as an interim measure in cases not involved with MOI, national police units should provide force protection for CPI, BSA and the affected IGs to carry out anticorruption activities.

The Embassy should press the Iraqi Government to provide CPI, BSA, and IGs armored vehicles, vests, and firearms and PSDs for them and their families as a demonstration of its seriousness in support for anticorruption efforts.

The Embassy should press the Iraqi Government to provide CPI the resources for a tactical capability to operate in the red zone.

The Embassy should press the Iraqi Government to enact legislation to allow CPI to carry firearms and the power to arrest.

The Embassy should press the Iraqi Government to enact legislation to allow IGs and BSA to carry firearms.

The Embassy should press the Iraqi Government to provide for each IG department, CPI, and BSA a special unit designed to mitigate threats to the families of investigators such as modifications of homes, safety studies, communications, and other such measures.

The Embassy should insist that those ministries that are controlled by militias should be targeted by tactical units and other police assets to regain access and freedom of movement within. Where ties with armed groups can be established employees should be removed.

A Liaison Officer from MNFI with access to those capable of ordering maneuver elements should be made available to the IRMO Office of Accountability and Transparency to process requests for assistance in a timely manner.

A number of ministries have become so dangerous to enter that anticorruption efforts are impossible. Some of these ministries are critical to the success of the Iraqi Government.

The Embassy should press the Iraqi Government to focus its enforcement on the Ministries of Oil, Electricity, Transportation, and Health providing special protection for the investigators of the IGs, BSA, and CPI. In the case of the IGs, they should be provided new positions in other ministries after the close of the program.

The Embassy should press the Iraqi Government to establish an IG swap program to move IG investigators from one ministry to another after sensitive investigations or a set period of time.

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Each of the current institutions is weak and incapable to attacking the issues of corruption in a practical manner. Cooperation between the institutions in large measure is no more than formal requests which are either complied with or ignored.

The Embassy should press the Iraqi Government to establish interagency task forces to fight corruption as it applies to certain ministries or types of corruption. These task forces would consist of CPI, IG, BSA with National, local or MOI Internal Affairs police.

INL and other US funding agencies should revisit its material support the institutions with a bias in favor of tactical support to CPI, the IGs, and BSA front loading support that will allow these agencies to operate in a hostile environment.

The effort on the part of both the Iraqi Government and the US Embassy has been Baghdad-centric and Central Ministry-centric leaving the leadership divorced from ground truth of corruption in Iraq. Further it has ignored the coming tide wave of newly empowered local governments whose capability to avoid or confront corruption is suspect.

The newly create positions of local Accountability and Transparency officers currently about to be staffed should be combined with the Rule of Law teams and both should be given the mandate to assess, strengthen, and monitor local corruption enforcement efforts. To do this the Embassy should press to have priority for protection escorts to provide the access to critical elements such as CPI, BSA, and IG offices as well as local governments and ministry branch officers.

Force protection and transportation for an assessment of local offices of the IG, BSA, and CPI should be provided Office of Accountability and Transparency should be supported by MNFI.

The Courts are proving inadequate in investigating and prosecuting case due to outdated criminal procedure laws

The JACC should include a senior member of the HJC and the CCCI to provide insight not only on needed procedural reforms but a conduit for direct assistance and the building of an anticorruption capability within the court system beyond the CCCI.

The disregard of the law by senior Iraqi officials is undercutting the anticorruption effort.

The Embassy should press the Iraqi government to remove from office all Iraqi officials who refuse to fill out the financial disclosure requirements.

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The Embassy should press the Iraqi government to remove from office all Iraqi that refuse to comply with CPA Order #57 which requires the reporting of those actions that are crimes under Iraqi Law.

The Embassy should press the Iraqi government to account for those ministers and legal offices that refuse to serve arrest warrants to their employees or respond to requests for information from the courts.

There are some parts of the Iraqi law that are encouraging the abuse of the corruption laws.

The Embassy should press the Iraqi government to repeal Article 136 B of the Iraqi Criminal Procedure Code and RCC 38-1993.

There has been considerable disinformation on the roles of the anticorruption institutions and their capabilities. For example, CPI investigates corruption cases and collects enough evidence to support each element of a charge and then must turn the case to the primary investigative body the courts. It has no discretion as to what cases it can or can not accept. From that point, any decision made in regard to such cases will be the court's call and CPI has no influence over the court system. However, many Iraqis and Americans, public and officials, believe that CPI is the one who makes the referral of the cases to the criminal court, arrest, prosecution, and whatever comes thereafter. For that, CPI gets blamed for whatever decision made by the court.

This report should be distributed beyond the anticorruption staff to others within the Embassy and MNF-I

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Annex A

Methodology

CPI advisors directed a quantitative and qualitative analysis of CPI's case inventory for the period, January 2005 to the present. CPI administrative personnel were tasked with collecting specific, sensitive and voluminous data, some of which were not routinely compiled by CPI. An example of information sought for this review that is not routinely recorded by CPI regards the ethnicity of subjects. Statistics captured identified subjects as Sunni, Shiia, Kurd or Secular. This information was obtained by reference to the tribal names of subjects or by other indicators available to the researchers. Another example is the political affiliation of Ministry, Inspectors General.

Our review of CPI investigations determined that thirteen ministries (out of 40) accounted for 75% of all investigative activity; therefore, the advisors conducted extensive personal interviews of the CPI Investigator-Lawyers assigned to these specific ministries. This provided insight and antidotal information regarding the actual conduct of investigations. The advisors also interviewed a number of CPI management personnel to gain their perspective. The Supreme Investigative Judge for CPI cases was interviewed as well.

Unlike typical audits, the advisors neither had the capacity nor the ability to verify the statistical figures provided. Certain documents offered for review were interpreted by our language assistants (LA) to verify the information being provided by CPI personnel. Example of the proffered documents would include numerous contracts entered into by various ministries.

Part of the review involved a survey of the ICITAP trainers and mentors. These are former police officers with extensive investigative backgrounds. Many are from such agencies as the FBI, major metropolitan police forces, and State police agencies such as GBI. These are foot noted as observations sourced from INL funded trainers.

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Appendix B

**List of the Inspector General in the ministries
Political Affiliation details**

Name of Ministry	Name of IG	Date of appointment	Political/Ethnic/Militia affiliation of IG:
Ministry of Interior	Aqueel Omran Saeed Al-Tarihee	12/28/2005	Shia'a / Al-Dawa Party
Ministry of Defense	Faez Mohamed Baqer Mahdi Share's Al-Islam	12/11/2005	Shia'a
Ministry of Trade	Abdul Hadi Abdul Monem Hassan Al-Tae	Aug/10/2006	Shia'a/ Secular
Ministry of Health	Adel Muhsien Abdulla Al- Quza'alee	Jul/5/2006	Shia'a Collation/ Alda'wa party
Ministry of Oil	Ali Muhsen AlAlaq	0	Shia'a Collation/ Shia'a/ Aldawa Party
Ministry of Education	Ali Abdulla Kadhem AlAmery	11/16/05	Shia'a Collation/ Shia'a
Ministry of Water Recourses	Ali Abdul-zWahed Ali AlAnsary	3/30/2004	Shia'a Collation
Ministry of Labor & Social Affairs	Waleed Muthafer Mohammed Asoad (Acting)	Not appointed yet	Shia'a Collation
Ministry of Transportation	Sadoon Haial Abood Hassan AlShara'a	11/16/2005	Shia'a / Sader affiliate / Shia'a Collation
Ministry of Higher Education	Abdul Majeed Abdul Hameed Issa AlRawee	3/1/2004	Sunni
Ministry of Justice	Ahmad Habieb AlAbbassy	07/05/05	Shia Collation
Ministry of Displacement & Migration	Amer Mohamed Ali AbuNabila	03/02/05	Sunni

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Counsel of Ministers	No assigned IG to the COM		
Ministry of Science and Technology	Dia Shait Mahmoud	04/01/04	Sunni
Ministry of Housing & Construction	Amin AlHadi Abbas	09/18/06	Shia'a Collation
Ministry of Foreign Affairs	Sa'adi Ibraheem Al-Fadilee	CPA days	Sunni/ Kurdish coalition
None Governmental Organizations	No IG since they are not a ministry		
Ministry of Youth & Sports	Hassan AbdulWahab Mousa AlSafi	1/2/2006	Shia'a Collation
Ministry of Human Rights	Mukhles AbdulRazaq Shaker Al-Hadithy	2/25/2004	Sunni
Ministry of Planning Development & Cooperation	Hassan Aliwai AbdulHusien AlQrghouly	3/29/2004	Shia'a
Ministry of Municipalities and Works	Eng. Salam AbdulSahib Houssien Mohammed Al-Safar	2/1/2006	Shia'a Collation
Ministry of Electricity	Sa'ady Mahdi Ali AlSuodani	8/10/6 by the order of the council of ministers No. 4649	Shia'a Collation
Ministry of Amanat (City Hall) Baghdad	Toma Jaber Louj AlAkydli	6/2/2004	Shia'a Collation
Ministry of Finance	Akram KhuDhair was the IG, Baha Al-Deen Abdul-Razaq Al-Aieer is acting IG		Akram was Shia'a Collation, Baha is Sunni
Ministry of Industry & Minerals	Salem Boles Ibraheeb	8/10/6 by the order of the council of ministers No. 4649	Christian
Iraqi Intelligence	Hassan AlSaray	0	Shia'a Collation
Ministry of Communication	Ameer Khuder Albisady	0	Shia'a Collation
Ministry of Agriculture	Abdul-Razaq Maccy AlTabaq	He was sent to retirement lately and there is no replacement	Shia'a Collation

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Ministry of Culture	Hana Yousef Shakoury	2/14/2004	0
Central Bank of Iraq	Abbas Yahya AlHaery	8/2/2004	Shia'a Collation
Ministry of Environment	Jaseem Mohammed AbdAlSada AlAetouani	9/18/2006	Shia'a Collation
Ministry of Mixed Sector	Ibraheem Tomer Antoan		
the Shia'a Foundation	Dawood AlRashidy (Sa'ad Abdul Ameer Hamoudy Acting- Moved to the VP office)		Shia'a Collation
the Sunni Foundation	Sa'ad Omar AbdulRahman AlKarbony	2/10/2005	Sunni