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Press Conference with Attorney General Michael B. Mukasey and Ambassador Ryan Crocker

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ATTORNEY GENERAL MUKASEY: Thank you very much. Good afternoon. I am pleased to be here today in the Republic of Iraq. This is my first trip to Baghdad since taking office as Attorney General. And I am impressed and encouraged by what I see and hear.

Since 2003, the Department of Justice has been working in partnership with our colleagues at the State Department and multinational forces to help build the foundation for a strong and independent nation. I spent part of the morning in a meeting with Ambassador Crocker and General Petraeus and I thank them for their support and their leadership in our joint efforts to bring the rule of law to the Iraqi people.

I also had the pleasure today of meeting with the chief judge of Iraq, Medhad al Mahmoud (phonetic) and two other members of the Iraqi judiciary. All three are remarkable men, whose leadership is having a tremendous impact throughout the nation. We know that Chief Judge Medhad and all the members of the Iraqi judiciary face many obstacles each day in carrying out their duties as agents of the law. In the face of many dangers and security challenges, they have persevered, showing great bravery and devotion to the Iraqi people.

There are more than 200 Justice Department personnel in Iraq who have been working closely with our Iraqi partners to rebuild Iraq's legal system and establish an effective law enforcement structure. For example, through the Office of the Regime Crimes Liaison, teams of Justice Department attorneys have worked closely with Iraqi lawyers and judges to prosecute and convict members of the previous Regime. American law enforcement agents are working together with their Iraqi counterparts to investigate crimes using forensic techniques and law enforcement technologies previously unknown to Iraqi law enforcement.

The United States Marshals Service has conducted security assessments of courthouses throughout the country to ensure that judges and lawyers can prosecute their cases in secure environments. And assistant United States attorneys are serving as resident legal advisors in provincial reconstruction teams throughout Iraq, establishing criminal courts, assisting local judges and prosecutors, rebuilding the civil law system and developing relationships between American and Iraqi law schools. I am encouraged by the work that is being accomplished here.

And I should add that I am encouraged also by the news yesterday that the United States Senate passed by a wide bipartisan margin critical legislation to put our own nation's foreign intelligence surveillance authorities on a sound long-term footing. This bill will accomplish two critical things. First it would, if passed by the House of Representatives, update our surveillance laws to ensure that our intelligence professionals can surveil terrorists overseas without individual court approval. And, second, it will provide, if approved, liability protection for companies that answered our nation's call and added our intelligence agencies -- aided, our intelligence agencies, I'm sorry, in the wake of the 9/11 attacks. And I'll be happy to take your questions.

QUESTION: Question from Radio Sawa. Yesterday, the Iraqi government announced the ability of prosecuting the Iraqi people -- ability of prosecuting the American soldiers by the Iraqi people. Do you think your presence has to do with it now and do you think these resolutions have been conducted with arrangements with the American administration?

ATTORNEY GENERAL MUKASEY: I'm sorry. I did not get the full translation. If I can have it again?

QUESTION: Yesterday, the Iraqi government announced certain decisions. And one of them, a resolution, one of them states that it's possible to prosecute the American soldiers in the -- it's possible to prosecute the American soldiers by the Iraqi citizens. Is it one of the aims -- one of the procedures, the things that you have done while your visit here, or one of the outcomes of your visit here?

ATTORNEY GENERAL MUKASEY: That is not a question with which I am familiar. Mr. Ambassador?

AMBASSADOR CROCKER: I had not yet seen that report. What I can say is that we are in very close coordination with the government of Iraq on matters such as these. We have full respect, obviously, for the Iraqi legal and judicial system and issues such as this. And again, I would stress, I have not seen the actual statement or announcement. It would be something that we would coordinate on very closely bilaterally.

QUESTION: I was just wondering if you had any meetings here regarding the Commission on Integrity, whether any members of the commission, or discussed it with the Ambassador or others? And if so, what the assessment is of the commission because it sort of seems like they are being hit from both sides where, obviously, there is a lot of pressure on them to prevent them from doing their work but also calls for perhaps dissolution of the commission itself because it is preventing people from doing their work as well.

AMBASSADOR CROCKER: We discussed generally the issue of the importance of the rule of law in Iraq, and specifically the importance of a strong stand on the part of Iraq's legal institutions to combat corruption, which is an enormous problem in the development of a stable, secure and democratic state. We did not focus on the Commission on Public Integrity in particular, but clearly that is one of the institutions so charged. It has obviously had its challenges in the past. I would just say again, as a general principle, as Iraq moves forward, it must move forward with the strength of its institutions to combat the problem of corruption because it can be crippling.

ATTORNEY GENERAL MUKASEY: I should add that the Iraqi judges with whom I met were very emphatic in their recognition of the importance of not only the rule of law but the independence of the judiciary. And in one case recounted how relieved that particular judge was at being able to decide a case simply on its merits and without regard to any outside pressures. So that message has apparently gotten across to certainly the judges I met with, and I assume to the colleagues -- to their colleagues and for whom they spoke.

QUESTION: (Inaudible) from the Japanese News Agency. I would like to get your personal evaluation concerning the justice and the rule of law in Iraq. At the same time, we can find that three governments were -- previous governments were accused of corruption, the former governments in Iraq, and nothing has been done to prosecute the former government of Iraq because we can see that the law of prosecuting those governments is weak.

And I would like to ask, there has been an intention or there was an intention to make a pact between the American administration and the Iraqi government concerning the prisons. Why hasn't this pact been done or signed until now?

ATTORNEY GENERAL MUKASEY: With regard to my assessment, it is that the Iraqis are firmly committed to the notion of the rule of law as distinct from the rule of might and are committed to the independence of the judiciary, and are fully committed to having law be the only influence on the outcome of their cases.

So far as prosecution of members of the former government, my understanding is that that is proceeding and that in due course those prosecutions will go forward when arrangements are made, proper arrangements are made with the government of Iraq.

AMBASSADOR CROCKER: With respect to a long-term agreement between Iraq and the United States, we expect to begin negotiations on that agreement in the next several weeks. This will be a very important step. 2008 will mark the last year that Iraq is under a Chapter 7 Security Council resolution. The agreement that we negotiate will be an agreement between two fully sovereign nations and will very much reflect that sovereignty on the part of Iraq.

Negotiations have not yet begun, so I am certainly not going to prefigure them here at a press event. What I

can tell you is that this will be an open end, transparent process on both sides and we look forward to sitting down with our Iraqi partners.

QUESTION: I am not sure many Iraqis would share your assessment of the situation of the state of the judiciary system. The courts are backlogged, people sitting for a long, long time. And accusations that the trial of Saddam Hussein was very flawed, of Chemical Ali, and we've got three people sentenced to death, Chemical Ali and two others, who should have been executed, at the center of a legal struggle. Were these kind of issues raised by you and what kind of answers did you get?

ATTORNEY GENERAL MUKASEY: Well, it is my understanding that the specific case you refer to is the subject of a letter from the Ambassador, to which he can speak. But so far as trials proceeding slowly, this is a process in which there is a learning curve. And obviously, when the learning curve begins to climb, trials can proceed more smoothly and they are proceeding more smoothly and they will.

QUESTION: Iraqi politicians and judicial officials say that Iraq's judicial system ought to be able to prosecute western -- private western security contractors who have committed crimes inside of Iraq, especially in the wake of the Blackwater incident last year. But they are unable to do so because of CPA Order 17. What are your thoughts on this? Should it be revoked? Should Iraqis be allowed to be able to try foreigners who -- security contractors who do commit abuses on Iraqi soil?

ATTORNEY GENERAL MUKASEY: There is in place a U.S. statute known as MEJA that permits the prosecution in American courts of contractors and others working in support of the Department of Defense effort here. And it is important that that statute be followed faithfully and that prosecutions, when they are warranted, go forward. And we understand that at the Department and we are going to work diligently to make sure that that statute works and that the expectations that underlie that statute are fulfilled.

QUESTION: Why shouldn't Iraqis be able to try people who commit crimes on their own soil in their own courts?

ATTORNEY GENERAL MUKASEY: That is obviously a matter of negotiation between the Iraqi government and the United States government.

AMBASSADOR CROCKER: If I could take advantage of the fact that I have an audience, on a somewhat unrelated matter, as you may have heard a short time ago the Iraqi Council of Representatives passed three important pieces of legislation: the 2008 budget, an amnesty law and a provincial powers law. And I just want to take this occasion to congratulate the Council of Representatives, the government of Iraq and the people of Iraq for what I think are some very significant accomplishments. These are difficult issues, they required a lot of effort, a lot of compromise, but they are important steps forward. The amnesty law is, I think, a key part of reconciliation. The record budget will get resources to people. And provincial powers, for any American, this is fundamental to the nature of the state, what the rights of provinces are versus the central government. So this, too, is a major step forward.

A lot of challenges face Iraq and will continue to face us all in support of Iraq. But the work of the Council of Representatives today, I think, deserves the congratulations from all of us. Thank you.

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