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# ***Establishing Justice In Iraq: A Journey Into The Cradle Of Civilization***

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## **Introduction**

In the spring of 2003, a multi-national coalition led by the United States invaded Iraq, beginning a conflict that has lasted for over five years. The principal asserted reasons for the invasion were to disarm Iraq of alleged weapons of mass destruction, to end Saddam Hussein's support for terrorism, and to free Iraqis from Saddam's dictatorial reign. A major component of the coalition's multi-faceted offensive was to restore some semblance of order after removing Hussein from power. To this end, officials at the State Department and Department of Defense recommended that a team of experienced American judicial professionals conduct an assessment of Iraq's judicial infrastructure once hostilities ceased. As the final major military skirmishes came to an end, the Department of Justice selected a team of thirteen American judges, prosecutors, public defenders and a court administrator to travel to Iraq to make an initial assessment of the Iraqi judicial system over the next two months.<sup>2</sup> The team arrived in Baghdad in mid-April after taking the same route that coalition forces took just weeks earlier: a trans-Atlantic flight to Kuwait followed by a 450-mile trek through the Iraqi desert. This article describes the work of the assessment team during May and June 2003, as initial steps were taken to bring a meaningful Rule of Law to Iraq.

Immediately before the assessment team's arrival, the military's civil affairs units and judge advocate general officers first on the scene undertook to determine the precise state of the Iraqi legal system and to restart and reform the system. However, these efforts were plagued with many problems that made communication impossible between these units and officials of the central coalition authorities in Baghdad.

Chief among these problems was that a developing insurgency continued to extend the chaotic situation despite the end of major combat in Baghdad. The military conquest of Iraq by the coalition and the ouster of Hussein's regime created a dangerous vacuum in law enforcement authority. Hussein's prewar release of thousands of violent and unstable criminals from Iraqi jails and prisons, followed by the coalition's dismantling of the Iraqi military and security apparatus, complicated efforts to restore law and order. American tanks and armored personnel carriers were forced to patrol Baghdad's streets. Rooftop snipers maintained a ubiquitous presence. Gunfire routinely crackled throughout the night. Carjacking, kidnapping, rape, and robbery became commonplace in Iraq's large cities.

The chaos was not limited to Iraq's streets. When the assessment team arrived, nearly all of the Iraqi government, including the courts, was not functioning. The top American official advising the Iraqi Ministry of Justice estimated that at best 5 to 10% of the courts were operating in any fashion at all.<sup>3</sup> The courthouses and other buildings connected with the system of justice had been looted and plundered down to the fixtures and the wiring. Court officials had fled their posts and remained at home, fearing retaliation from an angry population or criminal gangs. The situation was beyond desperate.

## **The Iraqi Legal System**

Iraq's legal system dates back at least to 1700 B.C. and the days of King Hammurabi. The King who was known best for his Hammurabi's Code, and legal concepts such as protection for the lower classes, the state's authority to enforce the law, and the declaration that the punishment should fit the crime (an eye for an eye, tooth for a tooth).

The subsequent legal foundation of Iraq was built upon the civil law system as originally practiced in France and modified by a variety of sources including the Egyptian legal system. During the period of the British mandate in Iraq, changes were made to the substantive law, but the procedural legislation remained rooted on civil law. The British created an independent judiciary in Iraq during the Mandate period (1920-32) by establishing a semi self-governing Iraqi parliament and judiciary. Iraq's Constitution of 1925 and subsequent constitutions, even including the Constitution of 1970, which was adopted after the Ba'ath Party came to power, provided for separation of the branches of government, and a judiciary governed by its own Council of Judges.

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<sup>2</sup> "Department of Justice Sends Advisors to Iraq in Support of Provisional Authority Effort to Reconstruct Criminal System". U.S. Department of Justice Press Release, May 2003.

<sup>3</sup> "The Rule of Law in Iraq: A Major Step Forward—an Interview With Honorable Donald F. Campbell, former senior advisor to the Coalition Provisional Authority's Ministry of Justice." The Metropolitan Corporate Counsel.

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Even after gaining independence from the British, Iraq retained its civil law system. The 1970 Constitution also continued the tradition that members of the judiciary should not belong to any political party.

Hussein and the Ba'ath Party's leadership gradually undermined all of this. By 1979, the "no political party" rule had been removed, and the entire judiciary was placed under the Minister of Justice, a Saddam ally. The minister took over the council of judges and systematically reduced the authority of the courts. Assessment team members observed first-hand the effect of the judiciary's minimization as they visited courthouses throughout Iraq.

#### *The Court of Cassation*

At the time of the assessment team's visit, the Court of Cassation, the highest judicial body in the country, exercised judicial supervision over all other courts. The Court of Cassation consisted of a president, five vice presidents and at least thirty judges. In the summer of 2003, only twenty-one judges remained because Hussein had previously dismissed nine judges for refusing to impose the death penalty in a particular case.

The court sat in plenary session to consider matters referred to it. Sessions were held only when it was necessary to depart from previous precedent, consider a dispute over conflicting judgments it had previously espoused, or consider cases in which the death sentence has been passed down by a criminal court. When the court found a decision to be contrary to law, it could set aside the decision. In criminal cases, it could set aside a conviction, ratify a judgment, and reduce the sentence. Notably, there was no provision for increasing the sentence. Where an increase in sentence was necessary, the case was referred back to the originating court.

#### *The Courts of Appeal*

In 2003, the twelve regional Iraqi Courts of Appeal were located in Baghdad, Basrah, Mosul, Hillah, Kirkuk, Irbil, Najaf, and Nasiriyah. Each court of appeal serves a geographically-based appellate jurisdiction consisting of one or more governates or provinces. The courts of appeal hear appeals from all courts, with the exception of the Religious Court, and its decisions are subject to appeal to the Court of Cassation. Three-judge panels preside over each session of court. In turn, each three-judge panel is loosely supervised by a president of each court of appeal.

#### *The Court of First Instance*

A court of first instance is located in each main town or city of a province. The court consists of a single judge and hears civil or commercial cases falling within its jurisdiction. Judgments from these courts are subject to appeal to the Court of Appeal.

#### *The Criminal Court*

The criminal court in each jurisdiction hears felony cases. A felony, according to the Iraqi Penal Code in 2003, is an offense punishable by death, life imprisonment or incarceration for a term between five and twenty years. The criminal court forms part of the governate's Court of Appeal and effectively re-constitutes itself with the appropriate number and level of judges when sitting in its appellate capacity.

#### *Other Specialized Courts*

In addition to these regular courts, there were a number of specialized courts that heard particular types of cases. First, each governate had a labor tribunal to resolve disputes arising out of the labor act and the workers' pension and social security act. Appeal from this tribunal lied with the Court of Cassation. Second, juvenile courts existed within each governate for offenders who were between the ages of seven and eighteen at the time of the commission of the offense. Third, personal status courts were also located within each governate. A single judge, typically a Muslim, presided over these courts that dealt with all matters affecting the personal status of an individual, such as marriage.

#### *Administrative Tribunals*

In 1977, administrative tribunals were established to adjudicate proceedings brought by ministries or state institutions against each other. These tribunals were independent from the Court of Cassation. Private parties were entitled to be joined as interested parties. There was also a general disciplinary council that heard cases concerning civil servants. Servicemen could not be tried for crimes in the civilian courts, and could only be tried in the military court system operating under the Ministry of Defense. Separate law enforcement courts had been established by the Ba'ath Party to deal with cases involving members of the security services and police.

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### *Revolutionary Courts*

Following the Ba'ath Party's takeover of the government in 1968, revolutionary courts were created to hear matters relating to the security of the state and official corruption. They were omnipotent within the country and were totally independent of the regular judicial system. Staffed by Ba'ath party members without legal training, their decisions were final and without appeal. The coalition abolished this court during the summer of 2003.

### *Inquisitorial System and Investigating Judges*

Unlike the American legal system's adoption of the adversarial model, most legal systems based on civil law apply the inquisitorial system. In Iraq, investigations were set in motion by the submission of either a verbal or written complaint to an investigating judge, judicial investigator, police officer, or public prosecutor. Civil and criminal liability arising out of alleged criminal conduct run contemporaneous. Similar to America, civil liability may still lie even if criminal proceedings are abandoned.

In 1979, the Department of Public Prosecutions was created. The public prosecutors and their deputies were distributed throughout Iraq to establish a prosecutorial presence in each criminal court and in the Court of Cassation. Iraq's legal system provided for a mandatory prosecutorial policy; thus the ability to dismiss a case due to insufficient evidence or public interest considerations vested solely in the investigating judge. The role of the public prosecutor is very much an advisory or observational role, and their focus is mainly providing opinions to the investigating judge on guilt or innocence. Most observers noted that the role of these prosecutors had become somewhat minimized in the process.

### **Hussein's Judiciary: A Legacy of Favoritism, Manipulation, and Corruption**

Saddam's Ba'ath Party manipulated the legal system to serve its own ends. Beginning in the early 1980s, all persons attending the Judicial Institute in Baghdad, Iraq's principal educational, arm were required to join the Ba'ath Party. Many aspiring professionals in Iraqi society who were interested in advancing in positions in the government joined the party simply as a means of improving their chances to get ahead. This facilitated the regime's control over the entire system, spawning a host of judges that were young and inexperienced, but politically loyal. While a majority of the judiciary was corrupted by the system of the Ba'ath Party and its endemic bribery, some judges resisted Ba'ath Party control. These principled jurists became political prisoners and were summarily imprisoned by Saddam's regime.

Strong public sentiment against high-ranking members of the former regime and suspicions about the loyalties of such individuals provided the context for several orders issued by the Coalition in mid-May of 2003. Under the Geneva Convention, the Coalition was authorized to remedy the Ba'ath party's monopoly over the judicial system by removing public officials from their posts in conformity with its obligation to maintain the orderly governance of the territory and to ensure its own security.<sup>4</sup> Current judges and prosecutors who were former high-ranking Ba'ath Party members were removed from their posts pursuant to investigations into their party status or corruption. The first "de-Baathify" order issued by the Coalition officially barred Ba'ath Party officials within the top four (of ten) membership ranks of the party from holding government positions. The order also barred top-level ministry officials then holding lower-level membership ranks in the Ba'ath Party from future government service. Nearly five years after the issuance of the "de-Baathify" order, many question its wisdom as well as the Coalition's decision to disband the Iraqi Army.

The Iraqi judicial system was also marginalized by several actions during Saddam's rule. The regime created a variety of special security courts to hear cases involving state security. These were courts in name only and were nothing more than tools of Saddam's dictatorship. The regime also encouraged the use of tribal courts in order to garner support for the regime from tribal leaders. Although tribal courts existed prior to Saddam's rise to power, Hussein greatly increased their influence and power for his own political ends by diverting cases from the judicial system to the tribal courts

Aside from the Ba'athists' manipulation of the judiciary, an even greater issue of concern was the culture of corruption permeating the judicial system. Some interviewees stated that they either had no knowledge of corruption or had simply heard it was happening in some other town or with a profession other than their own; these accounts are simply not credible.<sup>5</sup>

Corruption existed for the simple reason that most working within the Iraqi legal system made a dismal amount of money. On one hand, defense attorneys appointed by the court in a felony case made the equivalent of \$2 to \$3 for the entire case. On the very bottom of the system, court employees and police officers were only making the equivalent of a few

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<sup>4</sup> Michael M. Farhang "Reconstructing Justice", Los Angeles Lawyer, July/August 2004, p.45. Farhang, a federal prosecutor was on the team journeying into the Cradle of Civilization.

<sup>5</sup> Frank J. McGovern "Rebuilding a Shattered System—American Lawyers are Helping Restore and Reshape the Legal Structure of Iraq", Pennsylvania Lawyer, p.34.

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dollars per month. There was little job satisfaction on the part of the lower level employees. On the other hand, judges tended to make a livable wage, largely due to what one judge said was simply a time-honored tradition: accepting “gifts.” For instance, some members of the judiciary were given land and government-provided automobiles. It was not at all surprising that those in the remaining sections of the justice system found it necessary to engage in illegal conduct. In the end, the public had little confidence in them and the court system in general.

It should be noted that similar patterns of corruption based on low pay for civil servants and others, and governments turning a blind eye to supplemental payments is a widespread problem throughout the world. For a time, there were issues in the American federal judiciary when clerks of court looked for their livelihood from the fees their offices generated as opposed to receiving salaries. Corruption in Iraq was no different than throughout the rest of the world.

Saddam’s totalitarian regime also left a festering legacy of property disputes that posed a significant threat to the overall stability in Iraq. In both the north and the south, the regime forced landowners from their land and redistributed the land to other parties. In the north, an area with significant Kurdish population, land was taken from Kurds and given to persons of Arab ancestry. In the south, an area with a majority Shiite population, the Ba’ath Party forced Shiites from their land and gave the land to Ba’ath Party loyalists. Arabs in the north and Ba’athists in the south then sold the property to subsequent purchasers who may not have been aware of the original removal of the property owners. Thus, there were conflicting claims to significant portions of the property with multiple claimants, all having apparently good title. These property disputes were major flashpoints that threatened the overall stability of the country.

### **The Iraqi Bar**

In 2003, there were approximately 25,000 lawyers in Iraq, 15,000 of which belonged to the Iraqi Bar Association (“IBA”). The IBA’s headquarters building was located in the affluent Mansur District in Baghdad. Mansur was the site of significant looting due to its identification with Hussein loyalists. The IBA headquarters building itself was in reasonably good condition because of its members who stayed to protect it during the chaotic period just before and after the collapse of Saddam’s regime. These lawyers, armed principally with handguns, kept an around-the-clock protective vigil for several days.

A few days after arriving, members of the American assessment team attended a meeting at the IBA headquarters between officials of the American-led coalition and about 1,000 IBA members. Notwithstanding their cultural differences and the daunting presence of heavily-armed American soldiers throughout the meeting hall, assessment team members were warmly received by many of the lawyers. At this meeting, the head of the IBA was removed due to his affiliation with Saddam’s Ba’ath Party. Dissenting attorneys angrily protested the removal. This escalation prompted the assessment team and their protective escorts to hastily exit to the protection of their armored vehicles.

Following an election for interim IBA leadership, assessment team members worked daily with the newly-elected leaders and respected senior members of the country’s bar to familiarize themselves with the Iraqi legal system so that they could make meaningful recommendations to bring order to this chaotic state of affairs.

### **Emergency Human Rights Recommendations**

The assessment team was mindful that Iraq’s legal system had its roots in one of the world’s oldest civilizations. After all, this was the very place where Hammurabi drafted his famous code giving citizens public rules of conduct for the first time.<sup>6</sup> However, the assessment team immediately recognized the necessity of fundamental changes in order to bring Iraq’s legal system in accord with basic human rights and international law. The assessment team immediately changed their objective from making a comprehensive assessment of the legal system to assisting with these basic changes.

The criminal practice code in effect at the time sanctioned torture and permitted coerced confessions that were supported by other evidence. As a result, confessions obtained through torture were routinely admitted in court. Another fundamental deficiency was that the criminal code then in effect did not clearly provide for the right of an accused person to remain silent.

About the same time that the assessment team arrived in Baghdad, the Coalition Provisional Authority headed by former Ambassador L. Paul Bremer, replaced the Office for Reconstruction and Humanitarian Assistance as the interim operating government in Iraq. The judicial assessment team made the following emergency recommendations to Ambassador Bremer: (1) that he immediately take action by prohibiting the use of confessions obtained by torture, regardless of

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<sup>6</sup> A. Tieler Giles in “Nation Building”, *Advocate*, Fall 2004/Winter 2005, p.2

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contemporaneous corroboration by other information; (2) that persons arrested for violation of the criminal law should be given a standard advice of rights based on internationally accepted standards; (3) that arrested persons should be entitled to appointed counsel during the investigative stage, not merely at the trial stage; (4) that all persons arrested in criminal cases should have the right to remain silent and should be informed of that right at each stage of the criminal process. Ambassador Bremer immediately instituted these safeguards.

### **Conducting the Assessment**

Following the presentation of the emergency recommendations to the Coalition Provisional Authority, the assessment team members dispersed to Iraq's four major population centers: Baghdad (Central Region); Hillah (South Central); Basrah (Southern Region) and Mosul (Northern Region). The principal purpose of their mission was to assess the state of the Iraqi judicial system. From late May through late June 2003, members of the team spent hours traveling and interviewing judicial system employees in courthouses throughout their assigned regions.

The temperature in Iraq in mid-day hovered between 120 to 130 degrees. Team members were weighted down by the required Kevlar helmets, flak jackets or bulletproof vests. Team members also carried such items as a satellite phones, GPS devices, gas mask, kits with two syringes for auto-injection of atropine – an antidote for nerve gas – since it was believed at that time that weapons of mass destruction were present in Iraq.<sup>7</sup> A few of the team members were armed, having qualified with 9mm pistols by an instructor from the now-infamous Blackwater USA security company. The heat made their camelback water containers a necessity. The teams rode in white four-wheel drive vehicles and were accompanied by American troops – an armored Humvee leading each convoy as well as another bringing up the rear. When a convoy arrived at a courthouse, spectators always gathered.

As the courthouse visits progressed throughout the four regions, a central theme emerged---very few team members ever actually observed a session of court.<sup>8</sup> Judges in every jurisdiction would show up for work every day in dark business suits, dress shirts, shoes and ties. Rather than holding court, the judges spent their days in their offices talking to citizens and each other. The complaint most frequently heard was that “Baghdad is silent” – the implication being that in order for the justice system to resume operations at full steam, there must be a proclamation from the Ministry of Justice on subjects ranging from what laws to enforce to the continued service of judges in occupied Iraq. Hussein's regime had achieved its desired objective – it so effectively minimized the judiciary's independence that judicial initiative was largely non-existent, even after the regime was defeated.

The former Director General of the Administrative Office, a branch of the Iraqi Ministry of Justice offered an explanation for the lack of initiative: for many years the judges and their staffs had become accustomed to expect direction from the Minister of Justice. It simply was not the custom of the Iraqi judicial system employees to work unless everything was fixed and fully functional.<sup>9</sup>

Others feel that the judges' lack of proactivity may be attributed to the lack of clear direction from the Coalition. It should be noted though that not all Iraqi judges lacked initiative. Some of the judges and their staffs acted heroically to protect their courthouses, and court records. Some took files home when the looting began to protect the integrity of the records, and others manned 24-hour watches around courthouses to ward off looters. In other instances, judges and staffs demonstrated a great deal of courage by showing up for work under very dangerous circumstances.

Findings varied by region and courthouse. In some regions, the courthouses were in much better shape than others. In the areas outside Baghdad, and particularly in the north around Mosul as well as in the south around Basrah, the courthouses were in much better shape. Everywhere though, the judges and court staffs were uniform in their requests for better security. They frequently asked if the court staff could be provided with surplus weapons confiscated by Coalition forces.

Once Hussein's government collapsed, so did the economic aspect of the Iraqi legal system: judges and court employees no longer received a salary, and lawyers were not receiving any compensation for court-appointed work. It was obvious to the assessment team that something would have to be done to provide economic relief for those in the justice system. In early June, the Coalition provided small salary payments to judges and court personnel, and the American judge advising the Ministry of Justice devised a system to compensate Iraqi attorneys who were providing assistance to citizens seeking to find out about their relatives that had mysteriously disappeared during Saddam's regime. The court

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7 Jim Edwards in “Rebuilding Iraq's Judicial System from the Ground Up—An Interview with Former U.S. District Judge Stephen Orlofsky”, *New Jersey Law Journal*, October, 2003. Judge Orlofsky was a member of the team.

8 Edwards interview of Judge Orlofsky.

9 Luther D. Thomas' interview of Ghazi Ibreheim Al Janpy, Baghdad, June 2003.



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administrator on the assessment team was assigned administer the fund to provide attorney compensation. Working closely with the new top leaders of the Iraqi bar, he reviewed payment applications and disbursed over \$80,000 to lawyers over a three-week period.

Despite the corruption and lack of an independent judiciary, the team found some bright spots. The team assigned to survey courts in Basrah and southern Iraq visited the College of Law at Basrah University. The law school's building was completely gutted by fire and looting damage. Furniture was destroyed or removed, windows were broken, and garbage and documents were strewn throughout the facility. The initiative found lacking in the court system employees was readily present in Iraq's law schools: nearly all of students and their professors were continuing their coursework in makeshift classrooms located in other buildings.

Southern team members visited one particular alternate site and spoke with several classes of law students there. The students were fearful for their own safety but said that they wanted to be able to complete their education. The students also raised questions about the ability to remove all references to the Ba'ath Party from their new curriculum. These forward-thinking students asked the assessment team if they could recommend to the Coalition Provisional Authority that funds be provided to renovate their damaged law school. At a subsequent meeting, the students also asked for assistance in getting access to books or resources on the laws of America and other countries outside Iraq. The assessment team members were struck by the initiative and optimism of Iraq's future lawyers.

One of the team, a U.S. circuit court of appeals judge that interviewed judges on Iraq's Supreme Court, came back with a fairly favorable report. The judge said that given the control that the Ba'athists had over nearly all of the rest of the judiciary, he was quite surprised that only three or four of the twenty-one judges of the Supreme Court were Ba'athists.<sup>10</sup> This was confirmed by subsequent discussions with their colleagues and with lawyers.

The work of the team could not have been accomplished without the assistance of many others such as the American soldiers who accompanied them on their rounds and kept them safe. Only two team members spoke any Arabic, and few judges or court employees spoke English. There were several interpreters employed by the Ministry of Justice who accompanied the teams to the courthouses and facilitated their communications. Lasting friendships between translators and team members continued after the team returned to the United States. A translator whose life was threatened eventually came to the United States to work in the law firm where a team member is a partner.<sup>11</sup> The court administrator and his translator would speak with each other by telephone every month for the next year and a half while the translator had a new job: assisting the American advisors for the prosecution of Saddam Hussein. In January 2005, he was assassinated as he left his home to go to work at the American Embassy.<sup>12</sup> A few months after the team left, their Baghdad hotel was hit by a suicide bomber. Several Iraqi security guards were killed. Iraq was becoming much more dangerous.

### **The Team's Recommendations**

At the conclusion of their work, team members made several recommendations. These were sent to the United States Department of Justice, the United States Department of Defense, and the Coalition Provisional Authority:

- The Coalition should place lawyers in each of the four geographic regions to encourage judicial reform, monitor the court system, coordinate with local military units, and facilitate communication with the Iraqi Ministry of Justice in Baghdad.
- The Coalition should establish a process to ensure that uniform decisions were made concerning the removal of corrupt judicial officials, including the establishment of regional commissions to investigate and remove judges tainted by corruption, with a final central review process.
- The Coalition should establish a process for vetting prospective candidates for judges and prosecutors, and the regional advisor should have a substantial role in the selection of new judges and prosecutors.

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10 Henry Walker. "Interview with Judge Gilbert Merritt". Nashville Bar Journal, October 2003, p. 7. Judge Merritt was a member of the team.

11 Robert Gluck. "Public Defender: Judge Stephen Orlofsky", New Jersey Super Lawyers 2005, p.14.

12 "An Iraqi Victim: Terrorist Target Those Working With Americans", Wolf Blitzer Reports: interview with Luther D. Thomas, Cable News Network (CNN), February 23, 2005.

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- The requirement that a judge or prosecutor attend the two-year course at the judicial institute should be suspended in light of the need to replace those removed from office.
  - All prosecutors and judges, both those in place and newly appointed, should be required to attend a training course that provides instruction on the internationally recognized standards of human rights, judicial and prosecutorial ethics.
  - The Coalition authority should undertake efforts to establish and fund a system to both fairly appoint and fairly compensate attorneys to represent indigent persons arrested for either felonies or misdemeanors.
  - A funding and construction plan should be systematically developed to reconstruct the looted and destroyed judicial infrastructure. In addition, reconstruction and court administration experts should be brought in so that judges and lawyers can devote their efforts to their own professions.
  - Immediate action should be taken to provide funding and weapons for security of all court and justice buildings.
  - The Coalition should raise the salaries of prosecutors commensurate with the judicial system in order to discourage corruption.
  - The Coalition should immediately issue a decree lowering fees in order to allow fair access to the courts for the resolution of civil and criminal law issues.
  - An administrative claims procedure should be immediately established to resolve the property claim issue because such claims are not suitable for adjudication in civil courts, and those courts do not have the resources to hear such claims.
  - The judiciary should be organized in a manner that facilitates both de facto and de jure judicial independence from the other government organs, thus some of the powers of the investigating judge should be given to the prosecutor.
  - The prosecutorial function needs to be independent from the judiciary and be empowered to direct criminal investigations and prosecutions. The group did not recommend that the investigating judge system be eliminated but craft it to resemble the current practice in the civil law countries on which the system was originally based.
  - Finally, the Coalition should offer advice on those matters during the constitutional and government formation process with the understanding that the final decision on these matters is one ultimately for the Iraqi people.

## Conclusion

By early July, the team had completed its work. Three of the federal prosecutors remained in Iraq. They had been tapped to serve in the regional advisor positions that had been recommended. By twos and threes, the judges, prosecutors and defenders started heading home. Appropriately, on the Fourth of July, the last two to depart, the court administrator and the team's only female, an Iraqi-American defense attorney, flew out of Baghdad on a U.S. Air Force C-130 with American soldiers heading home. The Journey Into the Cradle of Civilization was over.

While the judicial assessment team's mission was completed by mid-summer 2003, the work they began that spring continues today. In February 2008, U.S. Attorney General Michael B. Mukasey, a retired federal judge, made his first official visit to Baghdad. Judge Mukasey met with Mehad al Mahmoud, the Chief Justice of Iraq, commending him and other members of Iraq's judiciary for their bravery and devotion in carrying out their duties under the most difficult of circumstances. The Attorney General also commended the more than 200 U.S. Justice Department personnel working in-country to rebuild Iraq's legal and law enforcement structure. Judge Mukasey stated that he was most impressed and encouraged by what he had seen and heard about the rebuilding of the Iraqi justice system.



