

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

**UNITED STATES OF AMERICA**

**v.**

**CHASIB HAFEDH SAADOON AL  
FAWADI,**

**Defendant.**

Criminal No. 5:20-CR-241 (TJM)

Government's Sentencing Memorandum;  
Declarations of Michael A. Renn and Rasem  
Mere; Exhibits

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The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, hereby files its sentencing memorandum. Sentencing is scheduled for Tuesday, March 8, 2022, at 11:30 a.m. in Binghamton, NY.

**A. Introduction**

Defendant Chasib Al Fawadi stands convicted by guilty plea of two felony offenses arising from his multiple false statements in support of an application to become a lawful permanent resident of the United States. But this is no ordinary immigration fraud case and Al Fawadi is no ordinary criminal defendant. Al Fawadi's lies were part of a larger scheme by which he gained entry to the United States as a refugee from Iraq by falsely concealing his membership in Asa'ib Ahl al-Haq ["AAH"], an ultra-violent Iranian-backed militia, one that both bragged of killing American troops in Iraq and perpetrated atrocities against non-combatants. Al Fawadi's participation in AAH—a group which since has been formally designated as a "foreign terrorist organization" by the United States Department of State—included travel to Syria (about which he also lied), apparently to engage in combat operations in support of the Syrian regime that, less than a month before Al Fawadi arrived, killed over 1,400 of its own citizens in the infamous Ghouta chemical weapons attack.

After Al Fawadi successfully gained entry to the United States through deceit, he demonstrated disdain for its laws. Not only did Al Fawadi repeatedly lie under oath, both in writing and orally, in support of his permanent residency application and to continue to conceal his AAH membership, he also committed acts of violence that resulted in two arrests in different states for felony offenses including assault with a deadly weapon and rape and, after both arrests, willfully violated court-issued protective orders.

As the United States Probation Office [USPO] recommends in the revised presentence investigation report [“PSR”] dated February 16, 2022 [Docket #36], Al Fawadi’s offense level should be enhanced for both his concealment of membership in an organization involved in serious human rights offenses and his obstruction of justice. In addition, there are numerous grounds here for an “upward variance” – a term of imprisonment above the upper end of the applicable advisory guidelines range. These include Al Fawadi’s decisions to join and participate in AAH despite its well-known commission of atrocities against American soldiers and others; his travel to Syria to engage in combat operations during its civil war; his fraudulent procurement of refugee benefits; and his assaultive and contemptuous conduct in the United States. For all these reasons, the government recommends above-guidelines concurrent 60-month terms of imprisonment on Counts One and Two, followed by a three-year term of supervised release.

Finally, in subsection H below, the government explains this Court’s statutory authority to enter a stipulated judicial order for Al Fawadi’s removal from the United States to Iraq.

**B. Statutory Sentencing Ranges**

Al Fawadi faces a maximum ten-year prison term on Count One, 18 U.S.C. § 1546(a), and a maximum five-year term on Count Two, 18 U.S.C. § 1001. This Court can impose concurrent

or consecutive terms of imprisonment. 18 U.S.C. § 3584. As a result, the statutory maximum prison term here is 15 years.

The Court also can impose a fine up to \$250,000 on each of the two counts of conviction, 18 U.S.C. § 3571(b)(3), and a supervised release term of up to three years, 18 U.S.C. §§ 3583(b)(2) and 3559(a)(3) & (4). Further, Al Fawadi is responsible for payment of a \$200 special assessment. 18 U.S.C. § 3013.

**C. Sentencing Guidelines Calculations and Advisory Range**

**1. Offense Level for the Count One Conviction Under 18 U.S.C. § 1546(a)**

The sentencing guidelines dictate that U.S.S.G. § 2L2.2 be used to determine Al Fawadi's base offense level for the 18 U.S.C. § 1546(a) conviction in Count One. *See* Appendix A, United States Guidelines Manual; *see also* U.S.S.G. § 2L2.2, cmt; PSR ¶ 30. Count One is based on Al Fawadi's multiple false statements in the I-485 Form, "Application to Register Permanent Residence or Adjust Status," that he completed and submitted on or about June 18, 2017.

Although U.S.S.G. § 2L2.2 generally provides for a base offense level of 8, *id.* at § 2L2.2(a), the base offense level becomes **13** "[i]f the defendant committed any part of the instant offense to conceal the defendant's membership in . . . a military, paramilitary, or police organization that was involved in a serious human rights offense during the period in which the defendant was such a member . . ." *Id.* at § 2L2.2(b)(4)(A). The USPO recommends that the Court apply this enhancement, *see* PSR ¶ 31, and, for reasons described in subsection D below, the government agrees.

The USPO further recommends a two-level upward adjustment for obstruction of justice under U.S.S.G. § 3C1.1. PSR ¶¶ 19-22, 26, 34. For reasons discussed in subsection E below, the government agrees. This results in an increase in Al Fawadi's offense level to **15**.

The USPO determined that Al Fawadi accepted responsibility by admitting guilt at his change of plea hearing and therefore is entitled to a two-level reduction in his offense level under U.S.S.G. § 3E1.1(a). PSR ¶¶ 27, 37.<sup>1</sup> Assuming that Al Fawadi does not attempt to retract his acknowledgement of criminal responsibility before or at sentencing, this results in a reduction in his offense level to **13**.

## **2. Effect of the Count Two Conviction Under 18 U.S.C. § 1001(a)(2)**

Al Fawadi’s conviction on Count Two for violating 18 U.S.C. § 1001(a)(2)—which resulted from his sworn false statements on April 9, 2019, to a United States Citizenship and Immigration Services [“USCIS”] official who was conducting follow-up questioning in connection with Al Fawadi’s application for lawful permanent resident status—does not increase his offense level. As the USPO recommends, the April 9, 2019 false statements constitute obstructive conduct that qualifies Al Fawadi for an enhancement under U.S.S.G. § 3C1.1. *See* PSR ¶¶ 19 (describing false statements on April 9, 2019); 26 (concluding that the April 9 false statements, along with other false statements, obstructed justice); and 34 (recommending the enhancement and noting that “[t]his conduct represents Count Two”).

Under this approach, Al Fawadi’s Count Two conviction under 18 U.S.C. § 1001(a)(2) does not increase his offense level under the so-called “grouping rules” in Chapter 3, Part D of the sentencing guidelines. This is because Count Two “embodies conduct that is treated as a specific offense characteristic in, or other adjustment to, the guideline applicable to another of the counts” (*i.e.*, Count One). U.S.S.G. § 3D1.2(c). As a result, the Count Two conviction is “grouped” into a group of “closely related counts” with the Count One. *Id.*; *see also* PSR ¶ 29. Because the base

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<sup>1</sup> Al Fawadi is not entitled to an additional reduction under U.S.S.G. § 3E1.1(b) because his pre-acceptance-of-responsibility offense level is not 16 levels or higher. *See id.*

offense level for Count One – level 13 – is higher than the base offense level for Count Two,<sup>2</sup> the level 13 offense level applies to the entire group. *See* U.S.S.G. § 3D1.3(a); *see also* PSR ¶ 29.

### **3. Criminal History Category and Advisory Guidelines Range**

The USPO determined that Al Fawadi’s criminal history score is zero, placing him in criminal history category **I**. PSR ¶ 42. An offense level of **13** and a criminal history category of **I** results in an advisory guidelines imprisonment range of **12 to 18 months**. PSR ¶ 62.

## **D. The U.S.S.G. § 2L2.2(b)(4)(A) Enhancement**

### **1. Introduction**

As noted above, the government concurs with the USPO recommendation that the Court apply the enhancement in U.S.S.G. § 2L2.2(b)(4)(A), increasing Al Fawadi’s offense level to 13. Here the government describes the requirements and evidence supporting application of this complex enhancement. The guideline provision provides:

If the defendant committed any part of the instant offense to conceal the defendant’s membership in, or authority over, a military, paramilitary, or police organization that was involved in a serious human rights offense during the period in which the defendant was such a member or had such authority, increase by 2 levels. If the resulting offense level is less than level 13, increase to level 13.

U.S.S.G. § 2L2.2(b)(4)(A).

Application Note 4 defines “serious human rights offense” to mean:

(A) violations of federal criminal laws relating to genocide, torture, war crimes, and the use or recruitment of child soldiers under sections 1091, 2340, 2340A, 2441, and 2442 of title 18, United States Code, *see* 28 U.S.C. § 509B(e); and (B) conduct

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<sup>2</sup> The guideline provision used to determine the offense level for the Count Two conviction, involving a violation of 18 U.S.C. § 1001(a)(2), is U.S.S.G. § 2B1.1. *See* Appendix A, United States Guidelines Manual; *see also* U.S.S.G. § 2B1.1, cmt. Under that provision, the offense level here would be level 6, *see* U.S.S.G. § 2B1.1(a)(2), unless it was determined that the offense involved “sophisticated means,” in which case the base offense level would be 12, *see id.* at § 2B1.1(b)(10)(C). In either case, the level 13 offense level under U.S.S.G. § 2L2.2(b)(4)(A) would be higher.

that would have been a violation of any such law if the offense had occurred within the jurisdiction of the United States or if the defendant or the victim had been a national of the United States.

U.S.S.G. § 2L2.2, cmt. n.4.

Of the federal criminal statutes listed in subsection (A) of the application note, the one most likely to apply here is 18 U.S.C. § 2441, which prohibits “war crimes.” In pertinent part it provides:

**(a) Offense.—**

Whoever, whether inside or outside the United States, commits a war crime, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

**(b) Circumstances.—**

The circumstances referred to in subsection (a) are that the person committing such war crime or the victim of such war crime is a member of the Armed Forces of the United States or a national of the United States (as defined in section 101 of the Immigration and Nationality Act).

**(c) Definition.—**As used in this section the term “war crime” means any conduct . . .

(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character . . . .

**(d) Common Article 3 Violations.—**

(1) Prohibited conduct.—In subsection (c)(3), the term “grave breach of common Article 3” means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows . . .

(B) Cruel or inhuman treatment.— The act of a person who commits, or conspires or attempts to commit, an act intended to inflict severe or serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control . . .

(D) Murder.— The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this subsection, one or more persons taking no active part in the hostilities, including those placed out of combat by sickness, wounds, detention, or any other cause . . .

(F) Intentionally causing serious bodily injury.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war . . .

(I) Taking hostages.— The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

## 2. Requirements for Application of the U.S.S.G. § 2L2.2(b)(4)(A) Enhancement

According to the above-quoted guidelines provision, the application note defining “serious human rights offense,” and the referenced federal statute defining “war crimes,” the evidence must show the following for the U.S.S.G. § 2L2.2(b)(4)(A) enhancement to apply in this case:

- a. Al Fawadi was a member of a military, paramilitary, or police organization (“membership requirement”);
- b. Al Fawadi committed any part of the violation of 18 U.S.C. § 1546(a) charged in Count One to conceal his membership in the organization (“concealment requirement”);
- c. The organization was involved in one or more “grave breaches of common Article 3” of the Geneva Conventions, as defined in 18 U.S.C. § 2441(d) (“Section § 2441(d) grave breach(es) requirement”);
- d. The Section 2441(d) grave breach(es) occurred during Al Fawadi’s membership and before the concealment (“timing requirement”);
- e. The organization was involved in the Section 2441(d) grave breach(es) “in the context of and in association with an armed conflict” (“armed conflict requirement”); and
- f. The relevant armed conflict was one “not of an international character” (“non-international character requirement”).<sup>3</sup>

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<sup>3</sup> The war crimes statute, 18 U.S.C. § 2441, applies only “in any of the circumstances described in subsection (b).” *See id.* at (a). These circumstances “are that the person committing such war crime or the victim of such war crime is a member of the Armed Forces of the United States or a national of the United States.” *Id.* at (b). The enhancement in U.S.S.G. § 2L2.2(b)(4)(A) expressly *excludes* this requirement. *See* U.S.S.G. § 2L2.2, cmt. n.4(B) (explaining that a “serious human

**3. Evidence Supporting Application of U.S.S.G. § 2L2.2(b)(4)(A)**

As explained below, each of the six above-described requirements is supported by the evidence here.

**a. Membership Requirement**

**i. Asa'ib Ahl al-Haq ["AAH"]**

Asa'ib Ahl al-Haq qualifies as a military or paramilitary organization. In 2014, the New York Times described Asa'ib Ahl al-Haq as “the largest and most formidable of the Iranian-backed Shiite militias that now dominate Baghdad”; “a leading killer of American troops” in Iraq; and “the most formidable of Iraq’s three large Iranian-backed militias.” Exhibit A.<sup>4</sup> By 2016, AAH had an estimated 15,000 fighters. *See* Exhibit B.<sup>5</sup>

On January 3, 2020, the United States Department of State announced its intent to designate AAH as a “Foreign Terrorist Organization” [“FTO”] under Section 219 of the Immigration and Nationality Act. The designation became effective on January 10, 2020. *See* Renn declaration at ¶ 10. On January 3, 2020, the State Department also designated AAH, and its two leaders, the brothers Qays al-Khazali and Laith al-Khazali, as Specially Designated Global Terrorists

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rights offense” includes “conduct that would have been a violation of any such law [including 18 U.S.C. § 2441] if the offense had occurred within the jurisdiction of the United States or if the defendant or the victim had been a national of the United States”).

<sup>4</sup> “Shiite Militias Pose Challenge for U.S. in Iraq,” September 16, 2014, <https://www.nytimes.com/2014/09/17/world/middleeast/shiite-militias-pose-challenge-for-us-in-iraq.html>.

<sup>5</sup> Congressional Research Service, “Iraq: Politics and Governance,” March 9, 2016, at p. 18, <https://sgp.fas.org/crs/mideast/RS21968.pdf>.

[“SDGT”] under Executive Order 13224. According to the State Department announcement of these designations:

AAH, led by Qays and Laith al-Khazali, is an Iran-backed, militant organization that has claimed responsibility for more than 6,000 attacks against U.S. and Coalitions forces [in Iraq] since its creation in 2006. AAH has carried out highly sophisticated operations, including mortar attacks on an American base, the downing of a British helicopter, and an attack on the Karbala Provincial Headquarters that resulted in the capture and murder of five American soldiers.

Exhibit C.<sup>6</sup>

The following description of AAH appears on Stanford University’s “Center for International Security and Cooperation” website:

Shortly after the U.S. withdrew [from Iraq] in 2011, Iraqi Prime Minister Nouri al-Maliki invited the group to enter the political process. In 2012, the group attempted to garner support for its pro-Iranian political agenda by launching a massive poster campaign, in which it distributed over 20,000 posters of Ayatollah Khamenei throughout Iraq. It also conducted a series of assassinations of Sadrists leaders, hoping to weaken the group and take its place as the preeminent Shiite political faction in the country . . . .

From 2011-2014, the AAH also became known for its commitment to use violence on behalf of the Maliki government and for stoking sectarian violence. Following its entrance into the political process, the group quickly earned itself a reputation for being the military muscle behind Maliki’s Shiite political faction. For instance, in 2013, the Maliki government allegedly used AAH fighters to police the Anbar province in lieu of the Iraqi police. Then towards the end of 2013 and into 2014, reports surfaced of AAH fighters rounding up and either jailing or executing anti-Maliki Sunni Arab tribesmen in southern and central Iraq. For instance, Human Rights Watch reported that AAH fighters killed 109 Sunni men in the outskirts of Baghdad between March and early July of 2014.

During this period, the AAH has also been active in the conflicts in Syria and the fight against the Islamic State (IS). AAH initially entered the Syrian civil war in 2011, fighting alongside Hezbollah to prop up the pro-Iranian Assad regime. Other than Hezbollah, AAH is considered the most important foreign militant organization fighting for Assad. In 2013, AAH in conjunction with Kata’ib Hezbollah (KH), established Hakarat Hizb Allah al-Nujaba, a front organization

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<sup>6</sup> <https://2017-2021.state.gov/state-department-terrorist-designations-of-asaib-ahl-al-haq-and-its-leaders-qays-and-laith-al-khazali/index.html>.

used to channel AAH and KH fighters into Syria. More recently, as the most powerful pro-Maliki militia in Iraq, AAH has been deployed to some of the most contested areas in Iraq in the battle against IS. For instance, the group has recently been leading the Shiite militias in the heavily contested city of Amerli. Iran has continued to provide AAH with significant amounts of financial and logistical aid. New AAH recruits are often taken to Iran for two weeks of intense training with the IRGC before being sent to the front lines. The Iranian government also pays the families of those soldiers who die in battle up to \$5,000 in addition to the cost of the burial. Currently the group also seeks to shore up the Assad regime in Syria, to turn back the advance of the Islamic State (IS) in both Syria and Iraq, and to secure Iranian strategic interests.

Exhibit D (footnotes omitted).<sup>7</sup>

## ii. Al Fawadi's Membership

In his plea agreement, Al Fawadi admitted that “since he was 26 years old, while living in Iraq, he was a member of, and affiliated with Asa’ib Ahl al-Haq, an Iranian-backed Shiite militia and paramilitary organization and group.” Docket #26 at p. 10, ¶ 5(i). Similarly, during his guilty plea colloquy, Al Fawadi acknowledged that “at age 26 he had joined this organization Asa’ib Ahl al-Haq.” Exhibit E at pp. 28, 30. These admissions were consistent with various digital images of Al Fawadi that the FBI acquired during its investigation. *See* Renn declaration at ¶¶ 2-3. Some examples appear below:



<sup>7</sup> <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/asaib-ahl-al-haq>

Al Fawadi is the second male from the left in the front row. *See* Renn declaration at ¶ 5. The AAH insignia is visible on his uniform sleeve. *Id.* Associated images reveal that this photograph was taken at the Al Sina’a Stadium in Baghdad, Iraq, likely on April 25, 2014, during an AAH rally. *Id.*



This image depicts Al Fawadi receiving an award from Qais al-Khazali, the leader and founder of AAH. *See* Renn declaration at ¶ 6. The AAH insignia appears on the award. *Id.* Metadata associated with this digital image reflects a June 20, 2012 “taken” date. *Id.* The name of the file— “2012-06-20-026\_1\_001\_001.jpg”—is consistent with this picture having been taken on that date. *Id.*

#### **b. Concealment Requirement**

Evidence shows that Al Fawadi “committed any part of the [offense of conviction, a violation of 18 U.S.C. § 1546(a)] to conceal the defendant’s membership in [AAH],” as required by U.S.S.G. § 2L2.2(b)(4)(A). In order to be classified as a refugee and gain admission to the United States, Al Fawadi had to demonstrate that he was persecuted or that he feared persecution due to race, religion, nationality, political opinion, or membership in a particular social group. *See* 8 U.S.C. § 1101(a)(42). He satisfied this requirement by alleging fear of persecution in Iraq from AAH in retaliation for his claimed refusal to assist AAH in kidnapping Sunni Muslims when requested to do. *See* Exhibits F, G, H, and I; Mere declaration at ¶¶ 2-6; PSR ¶¶ 11-15 & n.1.

Thus, when Al Fawadi later submitted his application for permanent lawful residence, as charged in Count One, he had a powerful motive to continue to conceal his membership in AAH. Failure to do so would reveal that he made false statements during the refugee application process and likely would have foreclosed his effort to become a permanent lawful resident. Mere declaration at ¶ 8. Accordingly, as Al Fawadi admitted during his guilty plea colloquy and in his plea agreement, when asked on the USCIS Form I-485 Form “whether he . . . ever a member of any organization, association, fund, or party, et cetera, since his 16th birthday . . . [h]e answered that question none, despite knowing that at age 26 he had joined this organization Asa’ib Ahl al-Haq.” Exhibit E at pp. 28-30; Docket # 26 at p. 9, ¶ 5(f). Similarly, during both the plea colloquy and in his plea agreement, admitted that he “was asked if by fraud or willful misrepresentation of a material fact he had ever procured entry into the United States or any other immigration [benefit]” and that, in response “[h]e falsely stated no by checking a box, when in fact he knew that when he applied for refugee status he lied about never being in any country other than Iraq and Turkey, when in fact he had been in Syria in addition to that, and had been in Iran in addition to that.” Exhibit E at pp. 28-30; Docket # 26 at pp. 9-10, ¶ 5(g). In his plea agreement, Al Fawadi also admitted making other false statements on the USCIS Form I-485, all of which concealed his membership in AAH. Docket #26 at pp. 10-11, ¶ 5(h)-(j).

**c. Section 2441(d) “Grave Breach(es)” Requirement**

Each of the following atrocities in Iraq in which AAH was involved qualifies as a “grave breach of Common Article 3” as defined in one or more of the subsections of 18 U.S.C. § 2441(d), specifically subsections (d)(1)(B) (defining “cruel or and inhuman treatment); (d)(1)(D) (defining

“murder”); (d)(1)(F) (defining “intentionally causing serious bodily injury”); and (d)(1)(I) (defining “taking hostages”).<sup>8</sup>

**i. The June 11, 2014 Market Raid Abductions and Killings**

In July 2014, police found 53 bodies buried in a ditch near Hilla, in Babel Province, Iraq. Each body had been bound, indicating the victims were detained before they were killed, and all had gunshot wounds to the head. This makes it unlikely that the victims were taking part in hostilities when killed, including because they had been “placed out of combat by . . . . detention . . . .” 18 U.S.C. § 2441(d)(1)(D). As a result, their detention, abuse, or killing could constitute a “grave breach,” as defined under § 2441(d). A Human Rights Watch [“HRW”] investigation revealed that the victims were taken during a June 11, 2014 raid on a local market in a mixed Sunni/Shia area. The Shia hostages were released unharmed. There was evidence that AAH conducted this atrocity. According to the resulting HRW report:<sup>9</sup>

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<sup>8</sup> There need be proof of only a single grave breach of Common Article 3 as defined in 18 U.S.C. § 2441(d) to support application of U.S.S.G. § 2L2.2(b)(4)(A) if the other requirements are met. The government does not suggest that there is evidence of Al Fawadi’s direct involvement in any of the atrocities described in this subsection. Concealment of membership, not personal involvement, is required for the U.S.S.G. § 2L2.2(b)(4)(A) enhancement.

<sup>9</sup> This Court is entitled to rely on information in a Human Rights Watch Report when determining Al Fawadi’s sentence. *See* 18 U.S.C. § 3661 (“No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.”); *see also United States v. Sisti*, 91 F.3d 305, 312 (2d Cir. 1996) (“The sentencing court’s discretion is largely unlimited either as to the kind of information it may consider, or the source from which it may come.”) (internal quotation marks, brackets, and citation omitted).

Federal courts have relied on Human Rights Watch reports in other contexts. *See, e.g., Islam v. Sec’y, Dep’t of Homeland Sec.*, 997 F.3d 1333, 1346 (11th Cir. 2021) (relying on HRW report to support USCIS finding that group’s conduct was “terrorist activity”); *Starchikova v. Barr*, 779 F. App’x 787, 788 (2d Cir. 2019) (citing HRW report “reflecting long history of human rights abuses in Uzbekistan” as supporting conclusion that conditions for ethnic Russians and Orthodox Christians there had not deteriorated since 2003); *Gonzalez-Posadas v. Att’y Gen. U.S.*, 781 F.3d 677, 688 (3d Cir. 2015) (relying on “2013 Human Rights Watch Report that the Honduran

A government source and the brother of one of those killed told Human Rights Watch that an Asa'ib [Ahl al-Haq] message claiming responsibility was found next to the bodies when police found them. The government source and the brother of one of the victims said that Asa'ib kidnapped the men on about June 11, killed them, and then dumped their bodies in a ditch in north of Hilla approximately one week before they were found.

Exhibit J.<sup>10</sup>

## ii. The June 16, 2014 Police Station Inmate Killings

On June 16, 2014, at least 43 Sunni detainees in the al-Wahda police station, near Baaquba, the capital of Diyala province, 50 kilometers northeast of Baghdad, were killed. Although Iraqi authorities provided inconsistent accounts attributing the deaths to an attack by fighters of the Islamic State of Iraq and the Levant [“ISIS” or “ISIL”], a Human Rights Watch investigation revealed that guards and Shia militiamen were responsible. An employee of the hospital where the bodies and a lone surviving prisoner were taken reported that he saw the bodies and that most had been shot in the head, execution style, and had broken limbs. A government official corroborated this information. *See* Exhibit K.<sup>11</sup>

The reported condition of the victims suggests that victims were detained and summarily killed. As such, the victims likely were not taking an active role in the hostilities at the time of their death, as they had been “placed out of combat by detention” and their detention, abuse, and

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government has established a special unit in the attorney general's office to investigate crimes against LGBT persons and other vulnerable groups” to support determination that plaintiff had failed to show that he would “suffer persecution on account of his sexual orientation” there).

<sup>10</sup> Human Rights Watch, “Iraq: Pro-Government Militias’ Trail of Death,” July 31, 2014, <https://www.hrw.org/news/2014/07/31/iraq-pro-government-militias-trail-death>; *see also* New York Times, “Shiite Militias Pose Challenge for U.S. in Iraq,” September 16, 2014, <https://www.nytimes.com/2014/09/17/world/middleeast/shiite-militias-pose-challenge-for-us-in-iraq.html>.

<sup>11</sup> Human Rights Watch, Iraq: Campaign of Mass Murders of Sunni Prisoners,” July 11, 2014, <https://www.hrw.org/news/2014/07/11/iraq-campaign-mass-murders-sunni-prisoners>.

killing could constitute a “grave breach” under § 2441(d). The survivor died an hour after police removed him from the hospital shortly after he described the attackers as guards and Shia militiamen. *Id.*

A relative of one of the victims attributed the killings to Asa’ib Ahl al-Haq and at least ten residents of the Diyala province told Human Rights Watch investigators that AAH had been “in control of security” in Baaquba and surrounding areas. The hospital employee told Human Rights Watch that he and other employees wanted to stop police from taking the wounded survivor, but that the presence of AAH and other government-aligned militias in the area made them afraid to do so. He explained that “[t]hese are militias we’re talking about. Asa’ib could come and put me in a truck and take me to Baghdad whenever they want and there is nothing I can do about it.” *Id.*

### **iii. The June 17, 2014 Army Base Killings**

On June 17, 2014, pro-government forces fleeing from an ISIS advance set fire to an Iraqi army base outside Jumarkhe, a village about 25 kilometers northeast of Baaquba. Local residents later discovered the bodies of 43 or 44 Sunni prisoners inside. Because the victims were prisoners, it is unlikely were not actively participating in hostilities at the time of their death and thus their killing likely constituted murder as a war crime. 18 U.S.C. § 2441(d)(1)(D). The nature of their wounds supports this conclusion. According to five villagers who saw the bodies, as well as a soldier from the base, a provincial government official, and a provincial human rights activist who interviewed several other residents about the attack, the prisoners had been shot execution-style or burned. Pro-government forces had detained the prisoners a week to ten days before the fire. At least three of the victims were minors, around 15-16 years old. The above-described eight Human Rights Watch sources blamed Iraqi soldiers, SWAT members, and the pro-government Asa’ib Ahl al-Haq and Badr Brigades militias for the attack. *See Exhibit K.*

**iv. The August 22, 2014 Mosque Massacre**

On August 22, 2014, in the village of Imam Weiss in Hamreen, Diyala province, about 50 kilometers northeast of Baaquba, Shia militiamen stormed a Sunni mosque during prayer services with PK-type and AK-47 Russian-made automatic weapons and shot to death 32 men, one woman, and one 17-year-old boy. That this occurred during prayer services suggests that the victims are unlikely to have been actively engaged in conflict.

According to a Human Rights Watch report, a survivor of the attack, who was inside the mosque, reported seeing a man enter wearing the dark green T-shirt, pants, and headband typically worn by militiamen affiliated with Asa'ib Ahl al-Haq. That militiaman then opened fire. Other witnesses described eight armed men leaving the mosque, including Asa'ib Ahl al-Haq fighters, after an initial attack. Other witnesses described 20 to 30 armed men approaching the mosque and additional gunfire during a second, and prolonged outbreak of gunfire starting about ten minutes after the first attack. *See* Exhibit L.<sup>12</sup>

**d. Timing Requirement**

Al Fawadi joined AAH no later than 2010 or 2011, and possibly earlier. In his plea agreement, Al Fawadi admitted membership “since he was 26 years old.” Docket #26 at p. 9, ¶ 5(f). Al Fawadi’s date of birth is January 19, 1985. Thus, his plea agreement admission places his membership as starting in 2011.

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<sup>12</sup> Human Rights Watch, “Iraq: Survivors Describe Mosque Massacre,” November 2, 2014, <https://www.hrw.org/news/2014/11/02/iraq-survivors-describe-mosque-massacre>; *see also* Los Angeles Times, “Iraqi Shiite Group Massacred Sunnis at Mosque, Human Rights Watch Says,” November 2, 2014, <https://www.latimes.com/world/middleeast/la-fg-shiite-iraq-massacre-sunnis-20141102-story.html>; CNN, “Iraq Mosque Massacre: 65 Dead,” August 24, 2014, <https://www.cnn.com/2014/08/22/world/meast/iraq-violence/index.html>.

There is no evidence that Al Fawadi terminated or withdrew from AAH membership. On June 5, 2014, Al Fawadi and his family left Iraq and crossed into Turkey. On October 1, 2014, Al Fawadi and his wife registered with the United Nations High Commissioner for Refugees [“UNHCR”] for refugee classification. On March 17, 2015, Al Fawadi signed a completed USCIS Form I-590 (“Registration for Classification as a Refugee”) and was interviewed by a USCIS official.

As part of the application process, Al Fawadi presented a passport that contained no stamps indicating entry into or exit from Iran (which sponsors AAH), Syria (where, as discussed below, Al Fawadi travelled and appeared prepared for combat on behalf of AAH), or Jordan. Mere Declaration at ¶ 7. Al Fawadi later admitted travel to these places. Docket #26 at pp. 9-10, ¶ 5(g). There is evidence that AAH arranged for Al Fawadi to have this “clean” passport for his refugee application and that it also arranged coaching for him so that he would properly answer questions during the USCIS interview. *See* Sealed Exhibits AA, BB, CC. As a result, Al Fawadi’s AAH membership extended at least until September 17, 2015, when his USCIS refugee application interview occurred, and that he was a member during AAH’s involvement in the “grave breaches” described above occurring during the summer of 2014.<sup>13</sup>

**e. Armed Conflict Requirement**

It is widely accepted that Iraq was in a state of “armed conflict” involving efforts by ISIS to establish territorial sovereignty beginning in late 2013 or early 2014 and continuing well past the

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<sup>13</sup> *See, e.g., United States v. Spero*, 331 F.3d 57, 60 (2d Cir. 2003) (“Where a conspiracy contemplates a continuity of purpose and a continued performance of acts, it is presumed to exist until there has been an affirmative showing that it has been terminated, and its members continue to be conspirators until there has been an affirmative showing that they have withdrawn.”) (cleaned up).

atrocities during the summer of 2014 described above.<sup>14</sup> AAH was involved in this armed conflict with ISIS in Iraq. *See* Exhibit M.<sup>15</sup>

**f. Non-International Character Requirement**

Although the American invasion of Iraq on March 19, 2003, initiated an armed conflict that was international in character, this conflict terminated with the passage of sovereignty to an Iraqi government and, in any event, with the withdrawal of American troops on December 18, 2011. The rise of ISIS in late 2013 gave rise to a new and different armed conflict, one in which AAH was involved. This conflict was not international in character.<sup>16</sup>

**g. Summary**

As explained above, there is sufficient evidence for this Court to adopt the USPO recommendation that U.S.S.G. § 2L2.2(b)(4)(A) applies here. That evidence shows that Al Fawadi

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<sup>14</sup> *See, e.g.*, Band-Aids, Not Bullets; EU Policies And Interventions In The Syrian And Iraqi Civil Wars, CRU Report, February 2021, <https://www.clingendael.org/sites/default/files/2021-02/eu-relevance-in-the-syrian-and-iraqi-civil-wars.pdf>, Chapter 4, at p. 33 (“CRU Report”) (“The Iraqi civil war was an armed conflict pitting a variety of Iraqi and international forces against IS [Islamic State] from December 2013 to December 2017.”); Rule of Law in Armed Conflicts (RULAC), “Non-international Armed Conflicts in Iraq,” <https://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-iraq#collapse2accord> (“In light of the use of heavy artillery by the Iraqi armed forces, the frequency of armed confrontations between Iraqi forces and the Islamic State group, the number of casualties, and the number of people forced to flee, the required degree of intensity was reached at the latest by January 2014.”).

<sup>15</sup> *See, e.g.*, Nicholas A. Heras, “Iraqi Shi’a Militia Asa’ib Ahl al-Haq Expands Operations to Syria,” May 16, 2014, Terrorism Monitor, Volume XII, Issue 10, <https://www.ecoi.net/en/document/1308510.html>.

<sup>16</sup> *See, e.g.*, “The Fight Against the Islamic State and *Jus in Bello*, Leiden Journal of International Law (2016) (explaining that “it seems clear that in 2014, there was a NIAC [non international in character armed conflict] between the Iraqi governmental forces and ISIL”), <https://www.cambridge.org/core/services/aop-cambridge-core/content/view/7E83694E7FE9F65DF07DB4470CF3D4C2/S0922156516000339a.pdf/the-fight-against-the-islamic-state-and-jus-in-bello.pdf>.

committed his Count One offense of conviction—a violation of 18 U.S.C. § 1546(a)—to conceal his membership in AAH, a paramilitary organization. AAH was involved in multiple serious human rights offenses during Al Fawadi’s membership through participation in “grave breaches of Common Article 3 of the Geneva Conventions,” as defined in 18 U.S.C. § 2441(d). These breaches occurred during AAH’s involvement in an armed conflict in Iraq that was not international in character.

**E. The Obstruction of Justice Enhancement: U.S.S.G. § 3C1.1**

The USPO recommends a two-level upward adjustment to Al Fawadi’s offense level under U.S.S.G. § 3C1.1, which provides for such an increase “[i]f (1) the defendant willfully obstructed or impeded, or attempted to obstruct or impede, the administration of justice with respect to the investigation, prosecution, or sentencing of the instant offense of conviction, and (2) the obstructive conduct related to (A) the defendant's offense of conviction and any relevant conduct; or (B) a closely related offense . . . .” PSR ¶ 34. The USPO’s recommendation apparently relies on three sets of statements that Al Fawadi made to government officials in which he falsely denied or minimized his membership and participation in AAH and, when asked in one interview, falsely denied travel to Iran and Syria: (a) during the April 9, 2019 follow-up USCIS interview, as described in PSR ¶ 19 and charged in Count Two (to which Al Fawadi pled guilty); (b) during the October 30, 2019 follow-up USCIS interview, as described in PSR ¶ 20 and charged in Count Three (which the plea agreement provides will be the subject of a government motion to dismiss at sentencing); and (c) during a September 1, 2020 interview by an FBI agent, as described in PSR ¶¶ 21-22. *See* PSR ¶ 26.<sup>17</sup>

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<sup>17</sup> Elsewhere, however, the PSR seems to rely solely on Al Fawadi’s false statements in the USCIS interview on April 9, 2019, as charged in Count Two. *See* PSR ¶ 34.

The government agrees that the upward adjustment is warranted and relies principally on Al Fawadi's false *sworn* statements during the April 9, 2019 and October 30, 2019 follow-up USCIS interviews, as described in PSR ¶¶ 19-20, as the obstructive conduct.<sup>18</sup>

The commentary to U.S.S.G. § 3C1.1 provides that:

This adjustment applies if the defendant's obstructive conduct (A) occurred with respect to the investigation, prosecution, or sentencing of the defendant's instant offense of conviction, and (B) related to (i) the defendant's offense of conviction and any relevant conduct; or (ii) an otherwise closely related case, such as that of a co-defendant.

Obstructive conduct that occurred prior to the start of the investigation of the instant offense of conviction may be covered by this guideline if the conduct was purposefully calculated, and likely, to thwart the investigation or prosecution of the offense of conviction.

U.S.S.G. § 3C1.1, cmt. n.1.

The Second Circuit has explained that “nothing in the Guidelines language or in the Commentary” prevents a district court from applying the obstruction enhancement where a defendant gives false testimony under oath during an administrative investigation “involving the precise conduct for which he was criminally convicted.” *United States v. Fiore*, 381 F.3d 89, 94 (2d Cir. 2004). In *Fiore*, defendant Thomas J. DeSimone's involvement in a stock manipulation scheme triggered an administrative investigation by the Securities and Exchange Commission [“SEC”]. *Id.* at 91. DeSimone knowingly made false denials under oath during that investigation. *Id.* After DeSimone pled guilty to various charges arising from the fraud scheme, as well as

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<sup>18</sup> It does not matter that Al Fawadi's false sworn statements on April 9, 2019, pre-dated the FBI's criminal investigation, which was opened on June 14, 2019, after receipt of the digital images from the OCDA. *See, e.g., United States v. Ayers*, 416 F.3d 131, 135 (2d Cir. 2005) (obstructive conduct during state investigation that pre-dated federal criminal investigation was a proper basis for an upward adjustment under U.S.S.G. § 3C1.1). And, in any event, the FBI's criminal investigation had begun before Al Fawadi's false sworn statements on October 30, 2019.

perjury, the district court adopted a recommendation in the presentence report that it increase DeSimone's offense level under U.S.S.G. § 3C1.1. *Id.* at 91-92. DeSimone challenged this enhancement on appeal, citing the guideline and its commentary and arguing that "because his perjury was committed in an SEC civil investigation and before the initiation of the criminal investigation, the perjury did not constitute an obstruction of the investigation into the underlying fraud offense, and, therefore, the enhancement [was] inapplicable." *Id.* at 93.

The Second Circuit rejected this contention. "Where federal administrative and prosecutorial jurisdiction overlap, subsequent criminal investigations are often inseparable from prior civil investigations, and perjury in the prior proceeding necessarily obstructs – if successful, by preventing – the subsequent investigation." *Id.* at 94; *see also United States v. McGovern*, 329 F.3d 247, 248 (1st Cir. 2003) (holding that district court properly applied the obstruction enhancement when the defendant submitted false information during a federal Medicare and Medicaid audit "before that audit led to the criminal investigation and prosecution" because the "audits had an adequate link to the ensuing criminal proceedings and so were during the course of the investigation of the offense of conviction").

*Fiore* controls here. Al Fawadi made false statements about material matters under oath when he denied membership in AAH during the USCIS follow-up administrative investigation. Those matters also were material to the FBI's criminal investigation into possible immigration offenses, including a violation of 18 U.S.C. § 1546(a) based on Al Fawadi's application for permanent residency. Because of the substantial overlap between the administrative proceeding in which Al Fawadi perjured himself and the criminal investigation that resulted in his conviction under Count One, the obstruction enhancement applies here. *See* U.S.S.G. § 3C1.1, cmt. n.4(B) (explaining that "examples of the types of conduct to which this adjustment applies" include

“committing, suborning, or attempting to suborn perjury, including during the course of a civil proceeding if such perjury pertains to conduct that forms the basis of the offense of conviction”).

**The government notes, however, that this Court may be obligated to make specific findings if it applies the enhancement here.** In *United States v. Zagari*, 111 F.3d 307 (2d Cir. 1997), a case in which a district court, when sentencing the defendant for racketeering and fraud offenses, applied the U.S.S.G. § 3C1.1 enhancement based on his perjury in a separate but related state civil regulatory proceeding, the Second Circuit held that the district court “was required to make certain findings.” *Id.* at 328.

We thus hold that, when false testimony in a related but separate judicial proceeding is raised as the basis for a § 3C1.1 obstruction of justice enhancement, a sentencing court may only apply the enhancement upon making specific findings that the defendant intentionally gave false testimony which was material to the proceeding in which it was given, that the testimony was made willfully, *i.e.*, with the specific purpose of obstructing justice, and that the testimony was material to the instant offense.

*Id.* at 329 (footnote omitted).<sup>19</sup>

**Accordingly, if this Court follows the recommendation in the PSR to apply the U.S.S.G. § 3C1.1 upward adjustment, the government respectfully requests that the Court do so only after making on-recording findings that (a) Al Fawadi’s false sworn statements to the USCIS about his AAH membership were material to its investigation of his permanent residency application; (b) Al Fawadi made the false statements willfully, meaning with the specific intent to obstruct justice; and (c) the false statements also were material to the FBI’s**

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<sup>19</sup> *Zagari* was decided in 1997, before the November 1, 1998 effective date of Guidelines Amendment 581. This amendment clarified that U.S.S.G. § 3C1.1 applies when the obstructive conduct occurs in a closely related case, not only when it occurs in the case resulting in the offense of conviction. It is not clear whether the “specific findings” requirement in *Zagari* survived the amendment. In an abundance of caution, the government recommends that the Court make the *Zagari*-required findings if it applies the enhancement.

**criminal investigation of the § 1546(a) investigation.** The record amply supports all these findings. *See* Mere declaration at ¶¶ 8-10.

#### **F. Upward Variance Request**

The 12-to-18 month sentencing guidelines range here is only advisory. The Court, upon consideration of the factors in 18 U.S.C. § 3553(a), has discretion to impose a sentence above that range, even if the upward variance is substantial. *See, e.g., United States v. Garcia–De La Rosa*, 832 F.3d 128, 133 (2d Cir. 2016) (“Although the court’s upward variance was substantial, given the court’s thoughtful consideration of the § 3553(a) factors, the sentence was not unreasonable or an abuse of discretion.”).<sup>20</sup> “A sentencing judge has very wide latitude to decide the proper degree of punishment for an individual offender and a particular crime.” *United States v. Cavera*, 550 F.3d 180, 188 (2d Cir. 2008) (en banc). The guidelines themselves make clear that a district court must “consider the applicable factors in 18 U.S.C. § 3553(a) taken as a whole,” U.S.S.G. § 1B1.1(c), after determining the applicable guidelines range and before imposing sentence.

Here, there are at least four reasons why this Court should impose a substantial upward variance. None of the circumstances described below affect calculation of Al Fawadi’s offense level or criminal history category. They all implicate § 3553(a) factors, specifically “the history and characteristics of the defendant” and the need for the sentence “to promote respect for the law,” “to afford adequate deterrence to criminal conduct,” and “to protect the public from further crimes of the defendant.” 18 U.S.C. § 3553(a)(1), (2)(A), (2)(B), (2)(C). Thus, the circumstances described below are properly considered as grounds for an upward variance.

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<sup>20</sup> The § 3553(a) sentencing factors include “(1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need for the sentence imposed—(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; [and] (C) to protect the public from further crimes of the defendant . . . .”

**1. Al Fawadi Participated in a Paramilitary Group Known to Commit Atrocities, Including Attacks on United States Armed Forces.**

The U.S.S.G. § 2L2.2(b)(4)(A) enhancement discussed in Section D above has a limited focus. It enhances an offender's offense level *only* for his *concealment of membership* in a group involved in a very narrow set of activities, those that both qualify as “grave breaches of Common Article 3” as defined in 18 U.S.C. § 2441(d) and occur in connection with an “armed conflict not international in character.” Much of Al Fawadi's membership in AAH, which began in 2010 or 2011, occurred before late 2013, when it is generally accepted that an armed conflict not international in character existed in Iraq. Accordingly, the § 2L2.2(b)(4)(A) enhancement does not address Al Fawadi's culpability or dangerousness arising from his initial decision to join AAH and then to continue involvement up to late 2013.

During that time, AAH perpetrated numerous high-profile atrocities, some or all of which must have been known to Al Fawadi, including the following:

- On January 23, 2010, AAH kidnapped Iraqi-American contractor Issa T. Salomi in Baghdad, Iraq and demanded the release of militants and the expulsion of Blackwater security contractors accused of killing 17 Iraqis in 2007 in Baghdad. Denver Post, “Shiite Militants Kidnap American in Iraq,” February 6, 2010, <https://www.denverpost.com/2010/02/06/shiite-militants-kidnap-american-in-iraq/>.
- In June 2011, AAH and other Iraqi militias supported by Iran killed 13 United States soldiers during rocket attacks on American military bases. New York Times, “Political Role for Militants Worsens Fault Lines in Iraq,” January 5, 2012, [https://www.nytimes.com/2012/01/06/world/middleeast/iraqi-moves-to-embrace-militia-opens-new-fault-lines.html?\\_r=0](https://www.nytimes.com/2012/01/06/world/middleeast/iraqi-moves-to-embrace-militia-opens-new-fault-lines.html?_r=0).
- On November 14, 2011, a roadside bomb killed 23-year-old David Hickman, the last American military casualty before the United States completed its pullout from Iraq. AAH was identified as responsible for the attack. Washington Post, “In Iraq, the Last to Fall: David Hickman, the 4,474th U.S. Service Member Killed,” December 17, 2011, [https://www.washingtonpost.com/world/middle-east/in-iraq-the-last-to-fall-david-hickman-the-4474th-us-service-member-killed/2011/12/15/gIQAgw1000\\_story.html](https://www.washingtonpost.com/world/middle-east/in-iraq-the-last-to-fall-david-hickman-the-4474th-us-service-member-killed/2011/12/15/gIQAgw1000_story.html); New York Times, “Political Role for Militants Worsens Fault Lines in Iraq,” January 5, 2012, [https://www.nytimes.com/2012/01/06/world/middleeast/iraqi-moves-to-embrace-militia-opens-new-fault-lines.html?\\_r=0](https://www.nytimes.com/2012/01/06/world/middleeast/iraqi-moves-to-embrace-militia-opens-new-fault-lines.html?_r=0).

When deciding whether an upward variance is warranted, this Court can properly consider Al Fawadi's decision to join and participate in AAH knowing or having reason to know of its involvement in these attacks which, because of their timing, cannot qualify as "serious human rights offenses" under U.S.S.G. § 2L2.2(b)(4)(A).<sup>21</sup>

**2. Al Fawadi Travelled to Syria in September 2013, Apparently in Support of AAH Combat Operations There.**

In 2013, AAH became involved in the civil war in Syria in support of the Assad regime. Among other things, AAH claimed that it was in Syria to defend holy sites, including the Shrine of Sayida Zaynab in Damascus. *See* Exhibit M. On August 21, 2013, the Assad regime launched a chemical weapons attack with "outlawed toxins" against "half-dozen densely populated neighborhoods, killing "nearly 1,500 civilians, including at least 426 children." Washington Post, "More Than 1,400 Killed in Syrian Chemical Weapons Attack, U.S. Says," August 30, 2013, [https://www.washingtonpost.com/world/national-security/nearly-1500-killed-in-syrian-chemical-weapons-attack-us-says/2013/08/30/b2864662-1196-11e3-85b6-d27422650fd5\\_story.html](https://www.washingtonpost.com/world/national-security/nearly-1500-killed-in-syrian-chemical-weapons-attack-us-says/2013/08/30/b2864662-1196-11e3-85b6-d27422650fd5_story.html).

Less than a month later, Al Fawadi, acting on behalf of AAH, travelled to Syria in a camouflage uniform and armed with military grade weapons. A digital image from the above-described micro SD card with a "taken date" of September 14, 2013 shows Al Fawadi (standing

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<sup>21</sup> The Court also can properly consider well-publicized AAH atrocities that preceded Al Fawadi's membership when deciding whether to vary upward. Such events are relevant to Al Fawadi's objective in joining AAH and thereby shed light on his character and dangerousness. Most significant in this regard is the infamous January 20, 2007 AAH raid on the Karbala Provincial Headquarters, resulting in the on-site killing of one American soldier and the abduction and later killing of four other American soldiers. *See* <https://www.washingtoninstitute.org/policy-analysis/profile-asaib-ahl-al-haq-0>; Denver Post, "4 U.S. Soldiers Abducted, Killed," January 26, 2007, <https://www.denverpost.com/2007/01/26/4-u-s-soldiers-abducted-killed/>. When he joined, Al Fawadi almost certainly was aware that AAH was committed to killing American soldiers.

farthest to the right) and others at the Damascus, Syria airport. Al Fawadi is armed with an assault rifle and wearing camouflage fatigues. *See* Renn Declaration at ¶ 7.



Photographs taken the following day, September 15, 2013, such as those below (and those with taken dates shortly thereafter), indicate that Al Fawadi had come to Syria to engage in combat operations. *See* Renn Declaration at ¶ 8.



Although Al Fawadi had falsely concealed his travel to Syria when he applied for refugee classification and again in his application for permanent resident status, later during an interview on September 1, 2020, when confronted with a photograph of himself wearing a camouflage uniform and armed with a rifle, Al Fawadi acknowledged that the picture was taken in Damascus, Syria, and that he was taken there by AAH. He stated that AAH was defending the Sayyidah

Zayhab Mosque but claimed that his role was limited to providing food, water, and supplies to others. Additional photographic evidence shows that Al Fawadi remained in Syria until September 29, 2013, when he and others flew on SyrianAir to Iran. *See* Renn Declaration at ¶ 9; Sealed Exhibit DD at p. 5.

Al Fawadi's travel to and apparent activities in Syria also warrant an upward variance.

**3. Al Fawadi Fraudulently Obtained Refugee Benefits, Including Entry into the United States.**

As explained above, Al Fawadi succeeded in gaining entry to the United States as a refugee by falsely claiming persecution by AAH, and by falsely denying membership and falsely claiming he had never traveled to any countries other than Iraq and Turkey. *See* Exhibits F, G, H, and I. Because there is no NDNY venue over this conduct, which occurred in Turkey, Al Fawadi escaped felony prosecution for these material falsehoods. Further, they played no role in calculation of his offense level. Accordingly, an upward variance would be appropriate to address this conduct.

**4. Al Fawadi Committed Serious Felony Offenses in the United States and Violated Court Orders.**

On November 20, 2016, less than a year after Al Fawadi arrived in the United States (on January 12, 2016, *see* PSR ¶ 11), he was arrested in San Antonio, Texas and charged with aggravated assault with a deadly weapon based on allegations that he physically assaulted the victim and held a knife to her throat. A court issued a protective order that Al Fawadi violated when he was released from custody. Although the victim chose not to pursue the charge and it was dismissed, there was physical evidence, in the form of visible physical injuries to the victim, corroborating her account of the attack. *See* PSR ¶ 43; Sealed Exhibit EE.

Then, on April 29, 2019, less than three weeks after Al Fawadi has his initial follow-up USCIS interview, he again was arrested for substantially identical conduct, this time in Onondaga

County. The victim reported to police that Al Fawadi verbally, physically, and sexually abused her, including by holding a knife to her throat. Again, visible physical injuries to the victim corroborated the allegations. Al Fawadi was arrested and charged with rape in the first degree among other offenses. *See* PSR ¶ 45; Sealed Exhibits FF, GG. A court issued a protective order, which Al Fawadi violated by sending letters to and calling the victim. This resulted in a charge of contempt of court in the first degree. *See* PSR ¶¶ 44-45. All these charges are pending.<sup>22</sup>

Although the charges in San Antonio, Texas or Onondaga County have not resulted in conviction, this Court is entitled to consider the *conduct itself* when imposing sentence, including by varying upward. *See United States v. Miranda-Diaz*, 942 F.3d 33, 40 (1st Cir. 2019) (holding that a district court can properly consider conduct underlying a dismissed charge that is described in an undisputed portion of a presentence investigation report when imposing an upward variance); *United States v. Heckel*, 570 F.3d 791, 797 (7th Cir. 2009) (“Absent evidence to the contrary, the district court was entitled to rely on this information in the PSR even though the charges were dropped.”). Accordingly, it would be well within this Court’s discretion to vary upward based on the evidence described in paragraphs 43 and 45 of the PSR, as well as in Sealed Exhibits EE, FF, and GG, “to afford adequate deterrence to criminal conduct,” 18 U.S.C. § 3553(a)(2)(B), and “to protect the public from further crimes of the defendant,” *id.* at (a)(2)(C).

#### **G. Sentencing Recommendation**

As noted above, the government agrees with the USPO guidelines calculations showing that Al Fawadi’s post-acceptance-of-responsibility offense level is 13 and he is in criminal history category I, resulting in an advisory imprisonment range of 12 to 18 months. For the reasons

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<sup>22</sup> Al Fawadi has agreed to plead guilty to contempt of court in the first degree to resolve these charges. *See* Docket #26 at p. 5, ¶ 1(e).

described in Section F above, the government recommends an upward variance of **12** levels to offense level **25**, resulting in a range of **57 to 71 months**, and recommends that this Court impose a 60-month term of imprisonment on each count of conviction, to run concurrently, followed by a three-year supervised release term.

**H. This Court Has Authority to Issue a Stipulated Judicial Order of Removal.**

Al Fawadi's conviction of felony offenses in this case subjects him to removal or deportation as a non-citizen who is not a permanent resident. Al Fawadi is deportable under each of three distinct statutory provisions: (a) 8 U.S.C. § 1227(a)(1)(A) as an "inadmissible alien" at the time of his entry into the United States because that entry was procured by his fraudulent claim of persecution by AAH, *see* 8 U.S.C. § 1182(a)(6)(C)(i) (providing that an alien who has procured admission by willfully misrepresenting a material fact is inadmissible); (b) 8 U.S.C. § 1227(a)(1)(B) as an alien present in the United States in violation of law due to having made materially false statements in connection with his application for refugee classification; and (c) 8 U.S.C. § 1227(a)(2)(A)(iii) as an alien convicted of a post-admission "aggravated felony" as defined in 8 U.S.C. § 1101(a)(43)(p), specifically "an offense . . . described in section 1546(a) of [Title 18]," assuming that this Court imposes a "term of imprisonment [of] at least 12 months . . ."

**Al Fawadi has acknowledged all this.** *See* Docket #26 (plea agreement) at p. 2, ¶ 1(c).

Under these circumstances, a criminal defendant and the government may include in a plea agreement a stipulated judicial order of removal. The relevant statutory provision states in part that:

The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this chapter, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of removal from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both.

8 U.S.C. § 1228(c)(5).

Al Fawadi and the government have included such a stipulation in their plea agreement. Docket #26 at pp 2-5, ¶ 1(c).

Upon receipt of appropriate paperwork, including a proposed order of removal—all of which the government intends to file before sentencing—this Court has authority to enter a judicial order of removal pursuant to the parties’ stipulation. “The United States district court, in both felony and misdemeanor cases . . . may accept such a stipulation and shall have jurisdiction to enter a judicial order of removal pursuant to the terms of such stipulation.” 8 U.S.C. § 1228(c)(5).

The Second Circuit has recognized the availability of this procedure. *See United States v. Young*, 143 F.3d 740, 741 (2d Cir. 1998) (“The alien defendant is required to waive his right to a removal hearing before an immigration judge and his right to appeal or otherwise challenge the removal order. The entry of the order of removal results in the immediate deportation of the alien defendant upon the completion of his period of incarceration.”). District courts have issued removal orders based on such stipulations. *See, e.g., United States v. Asane*, No. 5:19-CR-423-FL-1, 2020 WL 413081, at \*1 (E.D.N.C. Jan. 24, 2020).

Respectfully submitted this 22nd day of February 2022.

CARLA B. FREEDMAN  
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Bar Roll No. 509281

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

**UNITED STATES OF AMERICA**

**v.**

**CHASIB HAFEDH SAADOON AL  
FAWADI,**

**Defendant.**

Criminal No. 5:20-CR-241 (TJM)

Declaration of Michael A. Renn

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I, Michael A. Renn, hereby declare and state as follows:

1. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation [“FBI”], and have been so employed since 2017. I currently am assigned to the Albany Field Office’s counterterrorism squad where among other things, I am responsible for conducting national security investigations of potential violations of federal criminal law as a member of the Joint Terrorism Task Force [“JTTF”]. I have received training and have experience in the conduct of criminal and national security investigations, and matters involving domestic and international terrorism alike.

2. On or about June 10, 2019, I received from the Onondaga County District Attorney’s Office [“OCDA”] a CD/DVD containing numerous digital images, many of which depicted Chasib Al Fawadi, the defendant in this case. I learned that the OCDA copied these images to the CD/DVD from a micro SD card that had been produced to the OCDA. The person who produced the micro SD card was the subject of the interviews documented in Sealed Exhibits AA, BB, and CC.

3. As a result of my receipt of the digital images from the OCDA, on June 14, 2019, the FBI opened a criminal investigation to which I was assigned. My investigation included efforts to determine whether Al Fawadi had committed any crimes prosecutable in the United States, including terrorism-related offenses, offenses involving attacks on United States forces in Iraq or elsewhere, and immigration offenses.

4. The digital images displayed and described in this declaration were among those that I obtained during my investigation, either from the OCDA, through consensual production by a cooperating witness, or through execution of search warrants.

5. In the image that appears below, Al Fawadi is the second male from the left in the front row. The insignia of Asa'ib Ahl-al-Haq ["AAH"] is visible on the sleeve of his military uniform. Associated images reveal that this photograph was taken at the Al Sina'a Stadium in Baghdad, Iraq. This picture likely was taken on or around April 25, 2014. AAH held a rally at that stadium that day.



6. In the image that appears below, Al Fawadi is seen receiving an award from Qais al-Khazali, the leader and founder of AAH. The AAH insignia appears on the award. Metadata

associated with this digital image reflects a June 20, 2012 “taken” date. The name of the file—“2012-06-20-026\_1\_001\_001.jpg”—is consistent with this picture having been taken on that date.



7. The digital image below, whose metadata has a “taken date” of September 14, 2013, shows Al Fawadi (standing farthest to the right) and others at the Damascus, Syria airport. Al Fawadi is armed with an assault rifle and wearing camouflage fatigues.



8. Photographs with metadata “taken dates” of September 15, 2013, such as those that appear below, and those with taken dates shortly thereafter suggest that Al Fawadi had come to Syria to engage in combat operations.



9. Although Al Fawadi had concealed his travel to Syria when he applied for refugee classification and when he applied for permanent lawful resident status, during an interview with me on September 1, 2020, when confronted with a photograph of himself wearing a camouflage uniform and armed with a rifle, Al Fawadi acknowledged that the picture was taken in Damascus, Syria, and that he was taken there by AAH. He stated that AAH was defending the Sayyidah Zayhab Mosque but claimed that his role was limited to providing food, water, and supplies to others. Additional photographic evidence shows that Al Fawadi remained in Syria until September 29, 2013, when he and others flew on SyrianAir to Iran. *See* Sealed Exhibit DD at p. 5.

10. The United States Department of State's designation of Asa'ib Ahl al-Haq as a "Foreign Terrorist Organization became effective on January 10, 2020.

11. Sealed Exhibits AA through DD are FBI reports of interview in which I participated. These reports accurately summarize what occurred during these interviews. Sealed

Exhibits EE through GG are police reports describing incidents leading to Al Fawadi's arrest in San Antonio, Texas, and Solvay, New York.

The foregoing information is true to the best of my knowledge and recollection.

I declare, certify, verify, and state under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of February 2022.

A handwritten signature in black ink, appearing to read "Michael A. Renn", written over a horizontal line.

Michael A. Renn

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

**UNITED STATES OF AMERICA**

**v.**

**CHASIB HAFEDH SAADOON AL  
FAWADI,**

**Defendant.**

Criminal No. 5:20-CR-241 (TJM)

Declaration of Rasem Mere

---

I, Rasem Mere, hereby declare and state as follows:

1. I am a supervisory immigration services officers with the Department of Homeland Security, United States Citizenship and Immigration Services [“USCIS”].

2. Exhibit F is a USCIS Form I-590, “Registration for Classification as Refugee,” for Chasib Hafedh Sadoon Al Fawadi. It is marked as having been submitted on March 17, 2015, and is marked as having been approved on September 1, 2015.

3. Exhibit G is a narrative date-stamped March 17, 2015, which was submitted in support of Al Fawadi’s application for refugee classification.

4. Exhibit H is a “Sworn Statement of Refugee Applying for Admission into the United States.” It was completed in connection with Al Fawadi’s application for refugee classification. It is dated September 1, 2005.

5. Exhibit I is a refugee application assessment completed in connection with Al Fawadi’s application for refugee classification.

6. A copy of each of Exhibits F, G, H, and I is contained in Al Fawadi’s immigration “A-File.” All these documents pertain to Al Fawadi’s application for refugee classification and to

be admitted to the United States. Each of these documents describes or otherwise sets out information that Al Fawadi provided in support of his application. In support of his application for refugee classification, Al Fawadi alleged that he feared persecution in Iraq from Asa'ib Ahl al-Haq because he had refused requests from that paramilitary organization to assist it by kidnapping Sunni Muslims.

7. As part of the refugee application process, Al Fawadi presented an Iraq passport. A copy of this passport is included in Al Fawadi's USCIS A-File. The passport does not contain any stamps showing entry into or exit from Iran, Syria, or Jordan.

8. Had Al Fawadi admitted in either (a) his I-485 Form application for lawful permanent residency in the United States, or (b) during either his April 19, 2019, or October 30, 2019 follow-up interviews with USCIS officers that he had made false statements during the refugee application process when he claimed that he had been persecuted by AAH in Iraq, denied AAH membership, and denied travel to any countries other than Iraq and Turkey (and, during the October 29, 2019 interview, Jordan), it almost certainly would have led to denial of his I-485 application.

9. At both of his follow-up USCIS interview, on April 9, 2019, and October 30, 2019, Al Fawadi was asked questions about membership in organizations, foreign travel, and weapons training. These matters were material to his application for permanent residency in the United States.

10. The follow-up USCIS interview on April 9, 2019, was necessary because Al Fawadi had been arrested in San Antonio, Texas before he submitted his I-485 form to apply for lawful permanent residency and he did not report this arrest on his application form despite an obligation to do so. The follow-up interview on October 30, 2019—which I conducted (with an interpreter)—was necessary because Al Fawadi had again been arrested in Onondaga County, New

York after his initial follow-up USCIS interview. Although I was aware that the FBI had an open criminal investigation when I interviewed Al Fawadi on October 30, 2019, my questioning of him was dictated by the USCIS administrative investigation and would have occurred whether the FBI had an investigation or not.

The foregoing information is true to the best of my knowledge and recollection.

I declare, certify, verify, and state under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of February 2022.

  
\_\_\_\_\_  
Rasem Mera

# EXHIBIT A

## *Shiite Militias Pose Challenge for U.S. in Iraq*

By David D. Kirkpatrick

Sept. 16, 2014

BAGHDAD — Militia justice is simple, the fighters explained.

“We break into an area and kill the ones who are threatening people,” said one 18-year-old fighter with Asaib Ahl al-Haq, a Shiite militia that operates as a vigilante force around Baghdad.

Another 18-year-old fighter agreed. “We receive orders and carry out attacks immediately,” he said, insisting that their militia commanders had been given authority by Iraqi security officials. That free hand has helped make Asaib Ahl al-Haq the largest and most formidable of the Iranian-backed Shiite militias that now dominate Baghdad.

Once a leading killer of American troops, the militia is spearheading the fight against the Sunni extremists of the Islamic State, also known by the acronyms ISIS and ISIL. That means Asaib Ahl al-Haq and the United States military are now fighting on the same side, though each insists they will not work together.

But the power and autonomy of Asaib Ahl al-Haq and other Shiite militias also pose a central challenge to the creation of a more just and less sectarian Iraqi government. President Obama has said that the new American military offensive depends on such an inclusive Iraqi government, to undercut the appeal of the Sunni extremists and avoid American entanglement in a sectarian war.

Even while many Iraqi Shiites view the militias as their protectors, many in the Sunni minority say they fear the groups as agents of Iran, empowered by the Baghdad government to kill with impunity.

After a decade of support from Iran and a new flood of recruits amid the Islamic State crisis, the Shiite militias are also now arguably more powerful than the Iraqi security forces, many here say, limiting the ability of any new government to rein them in.

“The militias have even bigger role now that they are said to be fighting ISIS” said Alla Maki, a Sunni lawmaker. “Who will control them? We have no real Iraqi Army.”

Under former Prime Minister Nuri Kamal al-Maliki, Asaib Ahl al-Haq was “encouraged to do dirty jobs like killing Sunnis, and they were allowed to operate freely,” Mr. Maki said. “Now the international community are all being inspired by the removal of Maliki personally, but the policy is still going on.”

The Asaib Ahl al-Haq fighters and the group’s official spokesman insisted that their vigilante attacks protect all Iraqis, Sunnis as well as Shiites. “We have been able to track the sleeper cells of ISIS and secure almost all of Baghdad — about 80 percent,” said Naeem al-Aboudi, a spokesman for Asaib Ahl al-Haq, in a gleaming, leather-paneled conference room at its heavily fortified headquarters in an elite neighborhood of the capital.

In the current fight, he added, “the most dangerous areas in Iraq were assigned to Asaib Ahl al-Haq to lead the battle, because of the capability and professionalism of our fighters.”

Asaib Ahl al-Haq was closely linked with Mr. Maliki, but Mr. Aboudi said it now sees itself as a “loyal opposition” to the new prime minister, Haider al-Abadi, charged with assembling that more inclusive government.

For starters, Mr. Aboudi said, Asaib Ahl al-Haq and the other large Shiite militias are negotiating with Mr. Abadi over the choices for defense and interior ministers. On Tuesday, the opposition of the Shiite militias helped block a parliamentary vote on those nominees.

Asked about complaints of discrimination and police abuse against Sunnis under the previous government, Mr. Aboudi said the whole question was backward: “I think Shiites are the real marginalized and persecuted community in Iraq. We have more problems as Shiites than the Sunnis, even though the election showed we are the majority.”

So far, though, there is no sign of any official attempts to investigate even the most publicized allegations of extrajudicial killings of Sunnis by Asaib Ahl al-Haq.

At the end of July, a report from the research and advocacy group Human Rights Watch said it had documented the killings of 109 Sunni men — 48 in March and April, and 61 between June 1 and July 9 — in the villages and towns around Baghdad. Witnesses, medical personnel and government officials blamed Shiite militias for all of them, and “in many cases witnesses identified the militia as Asaib Ahl al-Haq,” the report said.

In one case, Human Rights Watch wrote, a man kidnapped by fighters who identified themselves as members of Asaib Ahl al-Haq was later released because he convinced them that he was a Shiite, not a Sunni.

Human Rights Watch quoted a doctor in the Health Ministry: “Sunnis are a minority in Baghdad, but they’re the majority in our morgue.” But victims and witnesses said the security forces “seemed too scared of the militias” to act or investigate, said Erin Evers, the group’s researcher in Baghdad.

A spokesman for the Iraqi Interior Ministry said it saw no pattern of sectarian killings, suggesting that ordinary crime was wrongly attributed to sectarianism when the victims were Sunnis. The spokesman, Saad Maan, denied that Asaib Ahl al-Haq or other militias were formally allowed to operate freely in Baghdad, although he acknowledged that to defend against the Islamic State the government had called on the Shiite militias to form a new volunteer force.

“There are bad people in each group,” including Asaib Ahl al-Haq, Mr. Maan said. But he vowed that the situation would improve as Iraq strengthened its own police forces, especially with the new international support for the new prime minister, Mr. Abadi. “I think this is a turning point for Iraq,” Mr. Maan said.



Members of an Iraqi Shiite militia patrolling at the outskirts of Hibhib in northern Iraq last month. Several Shiite militias fighting the Islamic State are backed by the Iranian government. European Pressphoto Agency

Asaib Ahl al-Haq, usually translated as League of the Righteous, is considered the most formidable of Iraq's three large Iranian-backed militias. The second is Kata'ib Hezbollah, which shares the Iranian patronage and ideology of the Lebanese group of the same name, but has no other known links to it. The third is the Badr Corps, led by Hadi al-Ameri, a lawmaker in the governing coalition who served as minister of transportation in Mr. Maliki's government.

Asaib Ahl al-Haq was created about 10 years ago, in the years after the American invasion, when its leader, Sheikh Qais al-Khazali, broke away from the forces loyal to the prominent Shiite cleric Moktada al-Sadr.

United States officials blame Asaib Ahl al-Haq for a long series of deadly attacks on American forces during their occupation of Iraq. In 2007, Sheikh Khazali led an attack in Karbala that killed five United States soldiers, American officials say. He was captured and held for three years by American forces, then released in 2010. He was ultimately transferred to the Iraqi government and then released at the same time as his group released a British computer expert it had held hostage. But Iraqi and American officials denied any prisoner exchange.

The group's attacks continued even as the occupation was ending: In June 2011, for instance, Asaib Ahl al-Haq and other Iranian-backed militias killed 13 American soldiers in rocket attacks on their bases, and that November an Asaib Ahl al-Haq roadside bomb killed the last American to die before the withdrawal.

But by January 2012, virtually as soon as the Americans were gone, Mr. Maliki had invited the group back into Iraqi politics as a counterbalance to the influence of other powerful Shiite militias. Many of the group's leaders were soon reported to be returning from exile in Iran. Asaib Ahl al-Haq came to be known as the armed support for Mr. Maliki's Shiite political faction.

The group's spokesman declined to disclose its size, but Asaib Ahl al-Haq's numbers swelled vastly earlier this year when a prominent cleric urged Shiites to take up arms against the invading Sunni fighters. The group has been the leading force in critical fights like the recent battle for the town of Amerli, raising eyebrows among some American military personnel about the prospect of partnering with such enemies to fight the Islamic State.

Underscoring the tensions in the de facto alliance, the Kata'ib Hezbollah militia said Monday that it would leave the battlefield if American troops join in the ground fight — an action that Defense Secretary Chuck Hagel said Tuesday was a remote but real possibility as more American advisers became involved in Iraq.

“We will not fight alongside the American troops under any kind of conditions whatsoever,” the militia said in a statement on its website, adding that its only contact with the Americans would be “if we fight each other.”

Mr. Aboudi of Asaib Ahl al-Haq said his militia could accept American airstrikes or military attacks against specific targets, “under the supervision of the Iraqis.” But he does not trust the Americans either, he said, arguing that Washington's ultimate goal was to divide Iraq and thus increase Israel's relative strength.

“America has been intervening in most of the Arab countries of the region,” he said, “and it never brings stability.”

***Correction: Sept. 19, 2014***

*An article on Wednesday about the complicated role that Asaib Ahl al-Haq and other Shiite militias in Iraq play in the battle against the Islamic State misidentified the city where Sheikh Qais al-Khazali, the militia's leader, led a deadly attack on United States military forces in 2007. And the article described incorrectly the casualties in that attack. It was in Karbala, not Falluja, and it killed five soldiers, not Marines.*

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Shiite Militias Pose Challenge for U.S. in Iraq

# EXHIBIT B



# Iraq: Politics and Governance

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March 9, 2016

**Congressional Research Service**

7-5700

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## Summary

Iraq's sectarian and ethnic divisions—muted toward the end of the 2003-2011 U.S. military intervention in Iraq—are fueling a major challenge to Iraq's stability and to U.S. policy in Iraq and the broader Middle East region. The resentment of Iraq's Sunni Arabs toward the Shiite-dominated central government facilitated the capture in 2014 of nearly one-third of Iraqi territory by the Sunni Islamist extremist group called the Islamic State (IS, also known as ISIL, ISIS, or the Arabic acronym Da'esh). Iraq's Kurds are separately embroiled in political, territorial, and economic disputes with Baghdad, but those differences have been at least temporarily subordinated to the common struggle against the Islamic State.

U.S. officials assert that the Iraqi government must work to gain the loyalty of more of Iraq's Sunnis—and to resolve differences with the Kurdistan Regional Government (KRG)—if an eventual defeat of the Islamic State is to result in long-term stability. Prospects for greater inter-communal unity appeared to increase in 2014 with the replacement of former Prime Minister Nuri al-Maliki with the current Prime Minister, Haydar al-Abadi. Although both men are from the Shiite Islamist Da'wa Party, Abadi has taken some steps to try to compromise with Sunnis and with the KRG. However, a significant point of contention with the KRG remains the KRG's marketing of crude oil exports separately from Baghdad.

Achieving political consensus has been hindered in part by divisions within the major communities. Iraq's Sunnis remain divided between those who accept Islamic State rule and those who actively work to help the government defeat it. Within the majority Shiite community, Abadi continues to struggle politically against the growing influence of Shiite militia commanders who operate independently of the official military chain of command, have close ties to Iranian leaders, and question the Abadi government's alliance with the United States. The government has needed to rely on the militias in some battles against the Islamic State. Some of the Shiite militia leaders seek to combat the Islamic State without the participation of Sunni fighters, who many experts assert are key to completely defeating Islamic State forces. Divisions within the KRG have been widened by a dispute over the position of KRG President Masoud Barzani, whose term has expired but who his supporters insist should stay on in the interests of stability.

More broadly, the economic strains of fighting the Islamic State have caused economic austerity and a deterioration of services that has produced some popular unrest even in areas not directly affected by combat. Protests in Baghdad in the summer of 2014 prompted Abadi to push for significant restructuring of the Iraqi government, and to counter corruption and excessive government spending. These efforts were supported by Iraq's highest Shiite leadership based in Najaf, but have been blunted by Iraqi politicians whose positions are threatened by reform and by many citizens who do not want their salaries cut. Factions supporting reform, including Shiites loyal to cleric Moqtada Al Sadr, have mobilized to pressure Abadi to push forward despite the entrenched resistance.

As part of an overarching effort to defeat the Islamic State, the United States is helping the Iraqi government try to recapture territories in Iraq that have fallen under Islamic State control. The United States is conducting airstrikes against the group and has deployed over 3,500 U.S. military personnel to advise and training the Iraqi Security Forces (ISF), the Kurdish *peshmerga* militia, and Sunni tribal fighters. For detail on the U.S.-led efforts to defeat the Islamic State forces in Iraq, see CRS Report R43612, *The Islamic State and U.S. Policy*, by Christopher M. Blanchard and Carla E. Humud

## Contents

Introduction .....	1
Brief Historical Overview .....	1
The U.S. Intervention and Post-Saddam Transition .....	3
Construction of the Post-Saddam Political System.....	3
Permanent Constitution.....	6
December 15, 2005, Elections Put Maliki at the Helm.....	7
2006-2011: Sectarian Conflict and U.S. “Surge” .....	7
Governance Strengthens and Sectarian Conflict Abates .....	8
Second Provincial Elections in 2009 .....	8
The March 7, 2010, National Elections .....	9
U.S. Involvement Winds Down: 2009-2011 .....	10
The Post-2011 Diplomatic and Economic Relationship .....	11
Iraqi Security Forces (ISF) and Post-Withdrawal U.S. Support.....	12
Office of Security Cooperation-Iraq (OSC-I) .....	12
Major Arms Sales 2011-2013 .....	13
Other Post-2011 Security Assistance and Training Programs.....	14
Unresolved Schisms after the U.S. Withdrawal .....	14
Armed Sunni Groups.....	15
Al Qaeda in Iraq/Islamic State of Iraq and the Levant (ISIL)/Islamic State.....	15
Naqshabandi Order (JRTN) and Ex-Saddam Military Commanders.....	15
Sunni Tribal Leaders/Sons of Iraq Fighters .....	16
Shiite Militias and their Relations with Political Leaders .....	16
Sadrist Militias .....	17
Other Mahdi Army Offshoots: Kata’ib Hezbollah and Asa’ib Ahl Al Haq .....	18
The Badr Organization.....	18
Shiite Militias Formed after the U.S. Withdrawal .....	19
The Kurds and the Kurdistan Regional Government (KRG) .....	19
KRG Structure/Intra-Kurdish Divisions .....	20
KRG-Baghdad Disputes.....	21
KRG Oil Exports .....	21
Tier Three Designations of the KDP and PUK .....	22
Unrest and Insurgency since 2011 .....	22
Sunni Unrest Escalates in 2013 .....	23
ISIL Begins to Capture Cities in Anbar in Late 2013 .....	24
Effect of the Islamic State Challenge on Stability.....	24
Government Formation Process amid Security Collapse.....	25
Abbadi’s Policies and Political Position.....	28
Popular Unrest Compels Reform Measures.....	29
U.S. Policy Response to the Islamic State .....	30
Results of Operation Inherent Resolve in Iraq and Way Forward .....	31
Human Rights Issues .....	31
Trafficking in Persons .....	32
Media and Free Expression.....	32
Corruption.....	32
Religious Freedom/Situation of Religious Minorities .....	33

Women’s Rights .....	34
Economic Development and the Energy Sector .....	34
Regional Relationships .....	35
Iran .....	35
Syria .....	36
Turkey .....	37
Saudi Arabia/Gulf States .....	37

## **Figures**

Figure 1. Map of Iraq .....	2
-----------------------------	---

## **Tables**

Table 1. Major Political Factions in Post-Saddam Iraq .....	5
Table 2. Major Coalitions in April 30, 2014, COR Elections .....	28
Table 3. U.S. Assistance to Iraq Since FY2003 .....	39

## **Contacts**

Author Contact Information .....	40
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## Introduction

This report provides background and analysis on the politics of Iraq, including its communities, its governing personalities and factions, security forces and militias, and the government's human rights record. The report does not provide a detailed analysis of the U.S.-led campaign to defeat Islamic State forces in Iraq. For analysis on that issue, see CRS Report R43612, *The Islamic State and U.S. Policy*, by Christopher M. Blanchard and Carla E. Humud

## Brief Historical Overview

The territory that is now Iraq fell under the rule of the Ottoman Empire in the 16<sup>th</sup> Century, divided into three provinces: Mosul Province, Baghdad Province, and Basra Province. Ottoman rule lasted until World War I, in which that empire was defeated and its dominions in the Middle East were taken over by the European powers that had defeated the Ottomans in the war. Britain took over Iraq (then still called “Mesopotamia”) under a League of Nations mandate, but ruled via Faysal I, a leader of the Hashemite family (which still rules modern-day Jordan). Iraq gained independence in 1932, with Faysal as King. Arab nationalist military leaders led by Abd al-Qarim Qasim overthrew the monarchy (King Faysal II) in July 1958, proclaiming a republic. Qasim invited Kurdish leader Mullah Mustafa Barzani to return to Iraq but, beginning in 1961, Barzani led Kurdish forces in a war for autonomy from Baghdad, with the ultimate objective of forming a separate Kurdish state. Separately, the Ba’th (“Renaissance”) Party organized against Qasim and took power briefly in a 1963 coup, but the first Ba’thist government was ousted in late 1963 by nationalist military leaders, who ruled until a successful second Ba’th takeover in 1968. In July 1979, Saddam Hussein ousted then-President Ahmad Hasan Al Bakr and assumed his position.

Saddam Hussein came to power in Iraq about six months after Ayatollah Ruhollah Khomeini’s Islamic revolution ousted the U.S.-backed Shah in neighboring Iran. Saddam apparently perceived Iran’s revolution as an existential threat with a potential to inspire a Shiite-led revolution in Iraq, which is about 60% Shiite Arab, 20% Sunni Arab, and 18% Kurdish. In September 1980, Saddam attacked Iran in a war that bogged down into a rough stalemate until the summer of 1988, when Iraq and Iran accepted a ceasefire encapsulated in U.N. Security Council Resolution 598, adopted a year prior.

In August 1990, Saddam ordered an invasion and occupation of Kuwait, which along with the other Persian Gulf monarchies had underwritten Iraq’s war effort against Iran. A U.S.-led coalition expelled Iraqi forces by the end of March 1991, and Iraq accepted an intrusive U.N.-led inspection regime to dismantle its weapons of mass destruction (WMD) programs, including a nuclear program that apparently was close to producing enough fissile material for a nuclear weapon. By the end of the 1990s, the inspection regime broke down over Iraqi objections to its intrusiveness and Iraq’s stated frustrations about a worldwide economic embargo imposed on it after the Kuwait invasion. However, Iraq’s WMD program, it was later determined in a late 2002 investigation by the International Atomic Energy Agency and the U.N. inspections mission in Iraq UNMOVIC (U.N. Monitoring, Verification, and Inspection Commission authorized by U.N. Security Council Resolution 1284 of December 1999, superseding Resolution 687 of April 1991), had not been revived to any meaningful extent.<sup>1</sup>

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<sup>1</sup> The Iraq WMD inspections mandate of UNMOVIC and IAEA were terminated by Resolution 1762 of June 29, 2007.

Figure I. Map of Iraq



Source: Adapted from U.S. Central Intelligence Agency map.

## The U.S. Intervention and Post-Saddam Transition

A U.S.-led military coalition that included about 250,000 U.S. troops crossed the border from Kuwait into Iraq on March 19, 2003, to oust the regime of Saddam Hussein and eliminate suspected remaining WMD programs. After several weeks of combat, the regime of Saddam Hussein fell on April 9, 2003. During the 2003-2011 presence of U.S. forces, Iraq completed a transition from that dictatorship to a plural political system in which varying sects and ideological and political factions compete in elections. A series of elections began in 2005, after a one-year occupation period and a subsequent seven-month interim period of Iraqi self-governance that gave each community a share of power and prestige to promote cooperation and unity. Still, disputes over the relative claims of each community on power and economic resources permeated almost every issue in Iraq and were never fully resolved. These unresolved differences—muted during the last years of the U.S. military presence—reemerged in mid-2012 and have since returned Iraq to major conflict.

After the fall of Saddam Hussein, all U.S. economic sanctions against Iraq were lifted, removing impediments to U.S. business dealings with Iraq. During 2003-2004, Iraq was removed from the list of State Sponsors of Terrorism and from the Iraq Sanctions Act (Sections 586-586J of P.L. 101-513), which codified a U.S. trade embargo imposed after Iraq's invasion of Kuwait, was terminated. In subsequent years, a series of U.N. Security Council resolutions removed most remaining "Chapter VII" U.N. sanctions against Iraq that stemmed from the 1990 invasion of Kuwait—opening Iraq to receiving arms from any country. Iraq still is required to comply with international proliferation regimes that bar it from reconstituting Saddam-era weapons of mass destruction programs, and still pays into a U.N.-run fund to compensate victims of the 1990 Kuwait invasion. The Iraq WMD inspections mandate of UNMOVIC and IAEA were terminated by Resolution 1762 of June 29, 2007. On October 24, 2012, Iraq signed the "Additional Protocol" of the Nuclear Non-Proliferation Treaty.

## Construction of the Post-Saddam Political System

After the fall of Saddam's regime, the United States set up an occupation structure based on concerns that immediate sovereignty would favor established Islamist and pro-Iranian factions over nascent pro-Western secular parties. In May 2003, President Bush named Ambassador L. Paul Bremer to head a Coalition Provisional Authority (CPA), which was recognized by the United Nations as an occupation authority. In July 2003, Bremer ended Iraqi transition negotiations and appointed a non-sovereign Iraqi advisory body, the 25-member Iraq Governing Council (IGC). He also issued orders barring mid to high ranking Ba'athists from holding government posts and disbanded the Iraqi military—steps many experts assert contributed to Sunni alienation (most Ba'athists of significant rank were Sunnis) and the rise of a Sunni-led insurgency by late 2003. U.S. and Iraqi negotiators, advised by a wide range of international officials and experts, drafted a Transitional Administrative Law (TAL, interim constitution), which became effective on March 4, 2004.<sup>2</sup>

On June 28, 2004, Bremer appointed an Iraqi interim government, ending the occupation period. The TAL also laid out a 2005 elections roadmap, based on agreement among all Iraqi factions that elections should determine future political outcomes. The interim government was headed by a prime minister (Iyad al-Allawi) and a president (Sunni tribalist Ghazi al-Yawar), and was heavily populated by parties and factions that had long campaigned to oust Saddam.

<sup>2</sup> Text, in English, is at <http://www.constitution.org/cons/iraq/TAL.html>.

In accordance with the dates specified in the TAL, the first elections process, on January 30, 2005, produced a 275-seat transitional parliament and government that subsequently supervised writing a new constitution, held a public referendum on a new constitution, and then held elections for a full-term government. Elections for four-year-term provincial councils in all 18 provinces (“provincial elections”) and a Kurdistan regional assembly (111 seats) were held concurrently. The election was conducted according to the “proportional representation/closed list” election system, in which voters chose among “political entities” (a party, a coalition of parties, or people). The ballot included 111 entities, 9 of which were multi-party coalitions. Sunni Arabs (20% of the overall population) boycotted and won only 17 seats in the transitional parliament. The government included PUK leader Jalal Talabani as president and Da’wa Party leader Ibrahim al-Jafari as prime minister. Sunni Arabs held the posts of parliament speaker, deputy president, one of the deputy prime ministers, and six ministers, including defense.

**Table I. Major Political Factions in Post-Saddam Iraq**

Faction	Leadership/Description
Da'wa Party/State of Law Coalition	The largest faction of the Da'wa Party has been led since 2006 by Nuri al-Maliki, who displaced former Da'wa leader (and former Prime Minister) Ibrahim al-Jaafari. Da'wa was active against Saddam but also operated in some Persian Gulf states, including Kuwait, where they committed attacks against the ruling family during the 1980s. Da'wa is the core of the "State of Law" political coalition. Maliki remains Da'wa Party leader and Iraq's current Prime Minister, Haydar al-Abbadi, is a senior Da'wa figure.
Islamic Supreme Council of Iraq (ISCI)	Current leader is Ammar al-Hakim, who succeeded his father Abd al-Aziz al-Hakim upon his death in 2009. The Hakims descend from the revered late Grand Ayatollah Muhsin Al Hakim, who hosted Iran's Ayatollah Ruhollah Khomeini when he was in exile in Iraq during 1964-1978. Abd al-Aziz's elder brother, Mohammad Baqr al-Hakim, headed the movement when it was an underground armed opposition group against Saddam, but he was killed outside a Najaf mosque shortly after returning to Iraq following Saddam's overthrow. Its ally is the Badr Organization, which fields a Shiite militia force commanded by parliamentarian Hadi al Ameri.
Sadrist and Offshoot Militias	Shiite cleric Moqtada Al Sadr is the son of revered Ayatollah Mohammad Sadiq Al Sadr, who was killed by Saddam's security forces in 1999, and a relative of Mohammad Baqr Al Sadr, a Shiite theoretician and colleague of Ayatollah Khomeini. Moqtada formed a Shiite militia called the Mahdi Army during the U.S. military presence, which was formally disbanded in 2009 but has regrouped under an alternate name to combat the Islamic State organization. The Sadrists have competed in all Iraqi elections since 2006. In 2014, the group competed under the "Al Ahrar" (Liberal) banner. Runs its own Shiite militia, now called the "Peace Brigades." Several major Iran-allied Shiite militias are offshoots of Sadr's militia but are no longer closely associated with him.
Kurdish Factions: Kurdistan Democratic Party (KDP), Patriotic Union of Kurdistan (PUK), and Gorran	Masoud Barzani heads the KDP and remains the elected President of the Kurdistan Regional Government (KRG), although his term expired in August 2015. The PUK is led by the ailing Jalal Talabani, who was President of Iraq until the 2014 government selection process. Iraq's current president, Fouad Masoum, is a senior PUK leader as well. Gorran ("Change") is an offshoot of the PUK and has begun obtaining senior positions in the KRG and Iraqi government.
Iraqi National Alliance/"Iraqiyya"	Led by Iyad al-Allawi, a longtime anti-Saddam activist who was transitional Prime Minister during June 2004-February 2005. Allawi is a Shiite Muslim but most of his bloc's supporters are Sunnis, of which many are ex-Baath Party members. Iraqiyya bloc fractured after the 2010 national election into blocs loyal to Allawi and to various Sunni leaders including ex-COR peaker Osama al-Nujaifi and deputy Prime Minister Saleh al-Mutlaq. Allawi and Nujaifi are both vice presidents in the government formed in September 2014, and Mutlaq retained his deputy prime ministerial post.
Iraqi Islamic Party	Sunni Islamist faction that was underground during Saddam's rule, and members or allies of the faction might have been responsible for the 1996 assassination attempt on Saddam's elder son, Uday. The party joined post-Saddam politics, and was headed by then Vice President Tariq al-Hashimi. The group was part of the Iraqiyya alliance in the 2010 election. Hashimi fled a Maliki-ordered arrest warrant in late 2011 and has remained mostly in Turkey since.

**Sources:** Various press reports and author conversations with Iraq experts.

### Permanent Constitution<sup>3</sup>

A 55-member drafting committee, in which Sunnis were underrepresented, produced a draft constitution, which was adopted in a public referendum of October 15, 2005. Its major provisions are as follows:

- It does not stipulate any ethnic or sectarian-based distribution of positions. An informal agreement developed in the process of forming successive governments in which a Shiite Muslim is Prime Minister, a Kurd is President, and a Sunni is Speaker of the Council of Representatives (COR, parliament).
- In Article 113, it acknowledges that the three Kurdish-controlled provinces of Dohuk, Irbil, and Sulaymaniyah constitute a legal “region” administered by the Kurdistan Regional Government (KRG). Such regions are able to organize internal security forces, legitimizing the Kurds’ fielding of their *peshmerga* militia (Article 117), and continuing a TAL provision. A December 31, 2007, deadline was set for a referendum on whether Kirkuk (Tamim Province) would join the Kurdish region (Article 140).
- Any two or more provinces may join together to form a new “region,” as clarified in an October 2006 law on formation of regions. Holding a referendum on region formation requires obtaining signatures of 10% of the provinces’ voters, or the support of one-third of the members of their provincial councils.
- Islam was designated as “a main source” of legislation.
- A “Federation Council” (Article 62) would be formed by future law as a second parliamentary chamber with size and powers to be determined. (The body was not formed.)
- There is a goal that elected bodies have 25% women (Article 47).
- Families are to choose which courts to use for family issues (Article 41), and only primary education is mandatory (Article 34). Islamic law experts and civil law judges would serve on the federal supreme court (Article 89).
- The central government is to distribute oil and gas revenues from “current fields” in proportion to population, and “regions” will have a role in allocating revenues from new energy discoveries (Article 109).

These provisions left many disputes unresolved, particularly the balance between central government and regional and local authority. The TAL made approval of the constitution subject to a veto if a two-thirds majority of voters in any three provinces voted it down. Sunnis registered in large numbers (70%-85%) to try to defeat the constitution, despite a U.S.-mediated agreement of October 11, 2005, to have a future vote on amendments to the constitution. The Sunni provinces of Anbar and Salahuddin had a 97% and 82% “no” vote, respectively, but the constitution was adopted because Nineveh Province voted 55% “no”—short of the two-thirds “no” majority needed to vote the constitution down.

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<sup>3</sup> Text of the Iraqi constitution is at <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>.

## **December 15, 2005, Elections Put Maliki at the Helm**

The December 15, 2005, elections were for a full-term (four-year) national government (also in line with the schedule laid out in the TAL). Each province contributed a set number of seats to a “Council of Representatives” (COR), a formula adopted to attract Sunni participation. There were 361 political “entities,” including 19 multi-party coalitions, competing in a “closed list” voting system (in which votes are cast only for parties and coalitions, not individual candidates). The Shiites and Kurds again emerged dominant. The COR was inaugurated on March 16, 2006, and Jafari was replaced with a then-obscure Da’wa figure, Nuri Kamal al-Maliki, as Prime Minister. Talabani was selected to continue as president, with deputies Adel Abd al-Mahdi (incumbent) of ISCI and Tariq al-Hashimi, leader of the Sunni Iraqi Islamic Party (IIP). Of the 37 Cabinet posts, there were 19 Shiites; 9 Sunnis; 8 Kurds; and 1 Christian. Four were women.

## **2006-2011: Sectarian Conflict and U.S. “Surge”**

The 2005 elections did not resolve the Sunnis’ grievances over their diminished positions in the power structure, and subsequent events reinforced their political weakness and sense of resentment. The bombing of a major Shiite shrine (Al Askari Mosque) in the Sunni-dominated city of Samarra (Salahuddin Province) in February 2006 set off major Sunni-Shiite violence that became so serious that many experts, by the end of 2006, were considering the U.S. mission as failing. The “Iraq Study Group” concluded that U.S. policy required major change.<sup>4</sup>

In August 2006, the United States and Iraq agreed on “benchmarks” that, if implemented, might achieve political reconciliation. Under Section 1314 of a FY2007 supplemental appropriation (P.L. 110-28), “progress” on 18 political and security benchmarks—as assessed in Administration reports due by July 15, 2007, and September 15, 2007—was required for the United States to provide \$1.5 billion in Economic Support Funds (ESF) to Iraq.<sup>5</sup> In early 2007, the United States began a “surge” of about 30,000 additional U.S. forces—bringing U.S. troop levels from their 2004-2006 levels of 138,000 to a high of about 170,000—intended to blunt insurgent momentum and take advantage of growing Sunni Arab rejection of Islamist extremist groups. As 2008 progressed, citing the achievement of many of the agreed benchmarks and a dramatic drop in sectarian violence, the Bush Administration asserted that political reconciliation was advancing but that the extent and durability of the reconciliation would depend on further compromises among ethnic groups.

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<sup>4</sup> “The Iraq Study Group Report.” Vintage Books, 2006. The Iraq Study Group was funded by the conference report on P.L. 109-234, FY2006 supplemental, which provided \$1 million to the U.S. Institute of Peace for operations of an Iraq Study Group. The legislation did not specify the Group’s exact mandate or its composition.

<sup>5</sup> President Bush exercised the waiver provision of that law in order to provide that aid. The law also mandated an assessment by the Government Accountability Office, by September 1, 2007, of Iraqi performance on the benchmarks, as well as an outside assessment of the Iraqi Security Forces (ISF).

### **United Nations Assistance Mission—Iraq (UNAMI)**

The United Nations contributes to political reconciliation through its U.N. Assistance Mission—Iraq (UNAMI). The head of UNAMI is also the Special Representative of the Secretary General for Iraq. The mandate of UNAMI was established in 2003 and has been renewed each July since in a U.N. Security Council resolution. UNAMI's primary activities have been to help build civil society, assist vulnerable populations, consult on possible solutions to the Arab-Kurd dispute over Kirkuk Province, and resolve the status of the Iranian opposition group People's Mojahedin Organization of Iran that remains in Iraq (see below). The first head of the office was killed in a car bombing on his headquarters in August 2003. In February 2015, Jan Kubis, the former head of UNAMA in Afghanistan, replaced Bulgarian diplomat Nickolay Mladenov as head of UNAMI.

## **Governance Strengthens and Sectarian Conflict Abates**

The passage of Iraqi laws in 2008 that were considered crucial to reconciliation, continued reductions in violence accomplished by the U.S. surge, and the Sunni militant turn away from violence, facilitated political stabilization. A March 2008 offensive ordered by Maliki against the Sadr faction and other militants in Basra and environs (Operation Charge of the Knights) pacified the city and caused many Sunnis and Kurds to see Maliki as willing to take on armed groups even if they were Shiite. This contributed to a decision in July 2008 by several Sunni ministers to end their one-year boycott of the Cabinet.

U.S. officials also pressed Maliki to devolve power from Baghdad, in large part to give Iraq's Sunnis more ownership of their own affairs and regions. Such devolution could take the form of establishment of new "regions," modeled after the KRG, or allowing provinces or groups of provinces more autonomy and powers. Opponents of that proposal asserted that devolving power from the central government would lead to the breakup of Iraq.

In part to address U.S. advice, in 2008, a "provincial powers law" (Law Number 21, replacing the 1969 Provinces Law Number 159) was adopted that assigned substantial powers for provincial governing councils, such as enacting provincial legislation, regulations, and procedures, and choosing the province's governor and two deputy governors. That added to the duties of the provincial administrations, which serve four-year terms, to draft provincial budgets and implement federal policies. Some central government funds are given as grants directly to provincial administrations for their use. Provinces have a greater claim on Iraqi financial resources than do districts, and for that reason many communities support converting their areas into provinces.

Law 21 has been amended on several occasions to try to accommodate restive areas of Iraq. A June 2013 amendment gave provincial governments substantially more power—a move intended to satisfy Sunnis. In December 2013, the government announced it would convert the district of Halabja into a separate province—Halabja is symbolic to the Kurds because of Saddam's use of chemical weapons there in 1988. In January 2014, the government announced other districts that would undergo similar conversions, including Fallujah (Anbar Province), a hotbed of Sunni restiveness; Tuz Khurmato (in Salahuddin Province) and Tal Affar (in Nineveh Province), both of which have Turkmen majorities; and the Nineveh Plains (also in Nineveh), which has a mostly Assyrian Christian population. These conversions were not implemented.

## **Second Provincial Elections in 2009**

The second set of provincial elections were delayed until January 21, 2009, because of differences between the KRG and the central government over the province of Kirkuk. The dispute caused provincial elections in the three KRG provinces to be postponed to an unspecified future time. About 14,500 candidates (including 4,000 women) vied for the 440 provincial

council seats in the 14 Arab-dominated provinces of Iraq. About 17 million Iraqis (any Iraqi 18 years of age or older) were eligible for the vote, which was run by the Iraqi Higher Election Commission (IHEC). Pre-election violence was minimal but turnout was lower than expected at about 51%.

The certified vote totals (March 29, 2009) gave Maliki's State of Law Coalition a very strong 126 out of the 440 seats available (28%). Its main Shiite rival, ISCI, went from 200 council seats to only 50, a result observers attributed to its perceived close ties to Iran. Iyad al-Allawi's faction won 26 seats, a gain of 8 seats, and a Sunni faction loyal to IIP leader Tariq al-Hashimi won 32 seats, a loss of 15. Sunni tribal leaders who boycotted the 2005 elections participated in the 2009 elections. Their slate came in first in Anbar Province. Although the State of Law coalition fared well, the party still needed to strike bargains with rival factions to form provincial administrations.

### **The March 7, 2010, National Elections**

With the strong showing of his slate in the provincial elections, Maliki seemed poised to retain his position after the March 7, 2010, COR elections. Yet, as 2009 progressed, Maliki's image as protector of order was tarnished by several high-profile attacks, including major bombings in Baghdad on August 20, 2009. A strong rival Shiite slate took shape—the “Iraqi National Alliance (INA)”—consisting of ISCI, the Sadrists, and other Shiite figures. Sunni Arabs rallied around the outwardly cross-sectarian but mostly Sunni-supported “Iraq National Movement” (Iraqiyya) of former Prime Minister Iyad al-Allawi.

The election law passed by the COR in November 2009 expanded the size of the COR to 325 total seats, of which 310 were allocated by province and constituency sizes ranged from Baghdad's 68 seats to Muthanna's seven. The remaining 15 seats were minority reserved seats and “compensatory seats”—seats allocated from “leftover” votes for parties and slates that did not meet a minimum threshold to win a seat.

The U.S. and Iraqi goal of bringing Sunni Arabs further into the political structure was jeopardized when the Justice and Accountability Commission (JAC, the successor to the De-Baathification Commission that purged former Ba'athists from government) invalidated the candidacies of 499 individuals (out of 6,500 candidates running) on various slates. Appeals reinstated many of them. The JAC continues to operate—a source of significant complaints from Sunnis.

The final candidate list contained about 6,170 total candidates spanning 85 coalitions. Turnout was about 62%, and certified results announced on June 1, 2010, showed Iraqiyya winning two seats more than did State of Law. The Iraqi constitution (Article 73) mandates that the COR “bloc with the largest number” of members should be afforded the first opportunity to form a government. In March 2010, Iraq's Supreme Court ruled that a coalition that forms *after* the election could be deemed to meet that requirement. On October 1, 2010, a six-month deadlock among major blocs over major positions broke when Maliki received the backing of the Sadr faction. The Obama Administration initially appeared to favor Allawi's efforts to form a governing coalition but later acquiesced to a second Maliki term.

On November 10, 2010, an “Irbil Agreement” was reached in which (1) Maliki and Talabani would serve another term; (2) Iraqiyya would be extensively represented in government; (3) Allawi would form an oversight body called the “National Council for Strategic Policies”;<sup>6</sup> and

<sup>6</sup> Fadel, Leila and Karen DeYoung. “Iraqi Leaders Crack Political Deadlock.” *Washington Post*, November 11, 2010.

(4) de-Baathification laws would be eased. At the November 11, 2010, COR session to implement the agreement, Iraqiyya figure Usama al-Nujaifi (brother of Nineveh Governor Atheel Nujaifi) was elected COR speaker. Several days later, Talabani was reelected president and subsequently tapped Maliki as prime minister-designate. Maliki met the December 25, 2010, to achieve COR confirmation of a Cabinet, which divided the positions among the major factions, but Maliki formally held the positions of Defense Minister, Interior Minister, and Minister of State for National Security. Other officials headed these ministries on an “acting” basis, without the full authority they would normally have as COR-approved ministers.

## **U.S. Involvement Winds Down: 2009-2011**

As the second full-term government took shape in Iraq, the United States began implementing its long-planned military withdrawal from Iraq. A November 2008 U.S.-Iraq “Security Agreement” (SA), which took effect on January 1, 2009, stipulated that the withdrawal was to be completed by the end of 2011. On February 27, 2009, President Obama announced that U.S. troop levels in Iraq would decline to 50,000 by September 2010 (from 138,000 in early 2009) and the U.S. mission would shift from combat to training the ISF. By the formal end of the U.S. combat mission on August 31, 2010, the size of the U.S. force was 47,000 and it declined steadily thereafter until the last U.S. troop contingent crossed into Kuwait on December 18, 2011.

With the final withdrawal deadline approaching, fears of expanded Iranian influence, deficiencies in the Iraqi Security Forces (ISF), and continuing sectarian rifts caused U.S. officials to seek to revise the SA to keep some U.S. troops in Iraq after 2011. U.S. officials emphasized that the ISF remained unable to defend Iraq’s airspace and borders, and Iraqi commanders indicated that the ISF would be unable to execute full external defense until 2020-2024.<sup>7</sup> Renegotiating the SA to allow for a continued U.S. troop presence required discussions with the Iraqi government and, in accordance with Iraq’s constitution, ratification by the Iraqi COR.

Several high-level U.S. visits and statements urged the Iraqis to consider extending the U.S. troop presence. U.S.-Iraq negotiations on a post-2011 U.S. presence reportedly ranged from 3,000 to 15,000 remaining U.S. troops.<sup>8</sup> Some statements by Maliki suggested he would welcome a continued U.S. troop presence, but that doing so required a “consensus” among political blocs (which he later defined as 70%+ concurrence). That position represented an apparent effort to isolate the Sadr faction, the most vocal opponent of a continuing U.S. presence. On August 3, 2011, most major factions gave Maliki their backing to negotiate an SA extension, but Sadr threatened to activate his Mahdi Army militia to oppose any extension of the U.S. presence.

On October 5, 2011, Iraq stated that it would not extend the legal protections contained in the existing SA. Extending those protections was a Defense Department requirement to ensure that U.S. soldiers not be subject to prosecution under Iraq’s constitution and its laws. On October 21, 2011, President Obama announced that the United States and Iraq had agreed that, in accordance with the SA, all U.S. troops would be out of Iraq by the end of 2011. Whether the Obama Administration made substantial efforts to overcome the Iraqi resistance remains an issue of debate in the United States. In his 2011 Iraq withdrawal announcement, President Obama stated that, through U.S. assistance programs, the United States would be able to continue to develop all facets of the bilateral relationship with Iraq and help strengthen its institutions.<sup>9</sup> He and other U.S.

<sup>7</sup> “Iraq General Says Forces Not Ready ‘Until 2020.’” *Agence France Presse*, October 30, 2011.

<sup>8</sup> Author conversations with Iraq experts in Washington, DC, 2011; Eric Schmitt and Steven Lee Myers. “Plan Would Keep Military in Iraq Beyond Deadline.” September 7, 2011.

<sup>9</sup> Remarks by the President on Ending the War in Iraq. <http://www.whitehouse.gov>, October 21, 2011.

officials asserted that the United States would continue to help Iraq secure itself, using programs commonly provided for other countries. Administration officials stressed that the U.S. political and residual security presence would be sufficient to ensure that Iraq remained stable, allied to the United States, moving toward full democracy, and economically growing.

U.S. officials asserted that, even though it would not retain forces in Iraq, the United States could help defend Iraq through the significant force it maintained in the Persian Gulf. Information on the U.S. military presence in the Gulf is analyzed in detail in CRS Report RL32048, *Iran, Gulf Security, and U.S. Policy*, by Kenneth Katzman.

## **The Post-2011 Diplomatic and Economic Relationship**

With U.S. troops departing in 2011, the cornerstone of the bilateral relationship was to be the Strategic Framework Agreement (SFA), which entered into effect at the same time as the SA. The SFA outlined long-term U.S.-Iraqi relations with the intent of orienting Iraq's politics and its economy toward the West and the developed nations, and reducing its reliance on Iran or other regional states. It set up a Higher Coordination Committee (HCC) as an institutional framework for high-level U.S.-Iraq meetings, and subordinate Joint Coordinating Committees. The SFA provides for the following (among other provisions):

- U.S.-Iraq cooperation “based on mutual respect,” and that the United States will not use Iraqi facilities to launch any attacks against third countries and will not seek permanent bases.
- U.S. support for Iraqi democracy and support for Iraq in regional and international organizations.
- U.S.-Iraqi dialogue to increase Iraq's economic development, including through the Dialogue on Economic Cooperation and a Trade and Investment Framework Agreement (TIFA). The two countries Iraq finalized a TIFA on March 6, 2013.
- U.S. promotion of Iraq's development of its electricity, oil, and gas sector and Iraqi participation in agricultural programs run by the U.S. Department of Agriculture and USAID.
- Cultural cooperation through several exchange programs, such as the Youth Exchange and Study Program and the International Visitor Leadership Program. At least 1,000 Iraqi students are studying in the United States.

State Department-run aid programs, implemented mainly through Economic Support Funds (ESF), are intended at least in part to fulfill the objectives of the SFA. Most U.S. economic aid since 2011 has funded programs—in the KRG as well as Baghdad-controlled Iraq—to promote democracy, adherence to international standards of human rights, rule of law, and conflict resolution. Programs funded by the State Department Bureau of International Narcotics and Law Enforcement (INL) focused during 2011-2014 on rule of law, moving away from previous use of INL funds for police training. Funding continued for counterterrorism operations (NADR funds), and for anti-corruption initiatives. U.S. officials stress that, for programs run by USAID in Iraq, Iraq matches one-for-one the U.S. funding contribution. Since 2014, however, U.S. aid programs have shifted somewhat to helping Iraq deal with the effects of the war against the Islamic State and cope with falling oil prices.

The State Department became the lead U.S. agency in Iraq as of October 1, 2011, and closed its “Office of the Iraq Transition Coordinator” in March 2012. In July 2011, as part of the transition to State leadership in Iraq, the United States formally opened consulates in Basra, Irbil, and Kirkuk. An embassy branch office was considered for Mosul but cost and security issues kept the

U.S. facility there limited to a diplomatic office (until the Islamic State capture of that city in 2014, which caused any U.S. personnel there to leave the city). The Kirkuk consulate closed at the end of July 2012 in part to save costs. The State Department has planned to replace the U.S. consulate in Irbil with a New Consulate Compound in Irbil, and the FY2014 Consolidated Appropriation, P.L. 113-76, provided \$250 million for that purpose. The U.S. Embassy in Baghdad, built at a cost of about \$750 million, controlled over 16,000 personnel at the time of the 2011 U.S. withdrawal—about half of which were contractors—a number that fell to about 5,500 at the end of 2013.<sup>10</sup> Of the contractors, most were on missions to protect the U.S. Embassy and consulates, and other U.S. personnel and facilities throughout Iraq. The U.S. Ambassador in Iraq is Stuart Jones, who was sworn in on September 17, 2014.

## **Iraqi Security Forces (ISF) and Post-Withdrawal U.S. Support**

At the time of the U.S. withdrawal, the Iraqi Security Forces (ISF) was assessed as a relatively well-trained and disciplined force of about 800,000, of which about 350,000 were Iraqi Army and the remainder were mostly Iraqi Police Service personnel. Of the military forces, a mostly-Shiite Counter-Terrorism Service (CTS), of which about 4,100 are Iraqi Special Operations Forces (ISOF), were considered highly capable but reported directly to Maliki's "Office of the Commander-in-Chief." The ISF ground forces were also relatively well armed, utilizing heavy armor supplied by the United States. However, the Air Force's capabilities were limited, using mostly propeller-driven aircraft.

Following the U.S. withdrawal, many commanders were replaced by Maliki loyalists, some of whom viewed their positions as financial and political rewards. Iraqi investigations in 2014 found that about 50,000 ISF personnel on the rolls were "ghost" or "no-show" forces. During his April 2014 visit to the United States, Prime Minister Haydar al-Abbadi did not dispute assertions that the Iraqi military is about 80% Shiite Muslim—possibly explaining why some Iraqi Sunnis say they considered the ISF an "occupation force" or an "Iranian force" and might not have cooperated with it against the Islamic State's offensives. The collapse of the ISF in northern Iraq in the face of the Islamic State offensive in 2014 might have left the Iraqi Army regular force with as few as 50,000 personnel, and very low morale.

## **Office of Security Cooperation-Iraq (OSC-I)**

The Office of Security Cooperation-Iraq (OSC-I), operating under the authority of the U.S. Ambassador to Iraq, was to be the primary Iraq-based U.S. entity tasked with interacting with the post-2011 Iraqi military. Its primary mission is to administer the foreign military sales (FMS) programs (U.S. arms sales to Iraq), funded with foreign military financing (FMF) funds, discussed in the aid table below, and Iraqi national funds. Prior to the 2014 ISIL-led challenge, it worked out of the U.S. Embassy in Baghdad and five other locations around Iraq (Kirkuk Regional Airport Base, Tikrit, Besmaya, Umm Qasr, and Taji). It left the facility in Tikrit before the Islamic State captured that city in June 2014.

Total OCS-I personnel number over 3,500, most of which are security contractors. Of the staff, about 175 are U.S. military personnel and an additional 45 are Defense Department civilians. Some of these personnel have been seconded to anti-Islamic State missions, but some remain as OSC-I personnel performing the functions they have since 2012. About 50 members of the staff

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<sup>10</sup> Ernesto Londono. "U.S. Clout Wanes in Iraq." *Washington Post*, March 24, 2013.

administer the FMS program and other security assistance programs such as the International Military Education and Training (IMET) program.

### **Major Arms Sales 2011-2013**

A pillar of the post-2011 U.S. security effort was to continue to supply Iraq with substantial quantities of arms. In August 2012, the United States completed delivery to Iraq of 140 M1A1 Abrams tanks. Iraq paid for \$800 million of the \$860 million cost of the tanks with national funds. In December 2012, the U.S. Navy delivered two support ships to Iraq to assist Iraq's fast-attack and patrol boats in securing its offshore oil platforms and other coastal locations. The United States also sold Iraq equipment that its security forces can use to restrict the ability of insurgent and terrorist groups to move contraband across Iraq's borders and checkpoints (RAPISCAN system vehicles), at a cost of about \$600 million. Some refurbished air defense guns were provided gratis as excess defense articles (EDA).

#### ***F-16s***

The largest FMS case is the sale of 36 U.S.-made F-16 combat aircraft to Iraq, notified to Congress in two equal tranches, the latest of which was made on December 12, 2011 (Transmittal No. 11-46). The total value of the sale of 36 F-16s is up to \$6.5 billion when all parts, training, and weaponry are included. Deliveries of the aircraft began in July 2014 at a U.S. air base in Arizona because of the Islamic State presence near their permanent home at Balad Air Base, north of Baghdad. The aircraft and their trained pilots began deploying to Iraq late in mid-2015 and have been engaged in air strikes against Islamic State positions.

#### ***Apache Attack Helicopters, Air Defense Equipment, and Stingers***

In 2013 Iraq requested to purchase from the United States Apache attack helicopters and other military equipment including Stinger shoulder-held anti-aircraft weapons.<sup>11</sup> A \$2.4 billion sale to Iraq of 681 Stinger units, three Hawk anti-aircraft batteries, and other equipment was notified to Congress on August 5, 2013, as was \$2.3 billion worth of additional sales to Iraq including Stryker nuclear, chemical, and biological equipment reconnaissance vehicles and 12 Bell helicopters. The provision of Apaches was to involve leasing of six of the helicopters, with an estimated cost of about \$1.37 billion, and the sale of 24 more, with an estimated value of \$4.8 billion. As noted below, the provision of the Apaches was held up by some in Congress until the December 2013 Islamic State gains in Anbar Province. Iraq subsequently allowed the deal to lapse because of a lack of trained manpower.<sup>12</sup>

*Other Suppliers.* The United States is not the only arms supplier to Iraq. In October 2012, Iraq and Russia signed deals for Russian arms worth about \$4.2 billion. In November 2013, Russia delivered four Mi-35 attack helicopters to Iraq, and Russia quickly delivered several combat aircraft in late June 2014 that Iraq sought to fill a gap in its air attack capabilities. In October 2012, Iraq agreed to buy 28 Czech-made military aircraft, a deal valued at about \$1 billion.<sup>13</sup> In December 12, 2013, South Korea signed a deal to export 24 FA-50 light fighter jets to Iraq at an estimated cost of \$1.1 billion.<sup>14</sup>

<sup>11</sup> John Hudson. "Iraqi Ambassador: Give Us Bigger Guns, And Then We'll Help on Syria." July 17, 2013.

<sup>12</sup> <http://www.janes.com/article/43680/iraq-passes-on-apache-buy>

<sup>13</sup> Adam Schreck. "Iraq Presses US For Faster Arms Deliveries." Yahoo.com, October 18, 2012.

<sup>14</sup> Defense News. December 12, 2013.

## **Other Post-2011 Security Assistance and Training Programs**

OSC-I's mandate included training and assistance programs for the Iraq military. Because the United States and Iraq did not conclude a long-term Status of Forces Agreement (SOFA) that granted legal immunities to U.S. military personnel, the 160 OSC-I personnel involved in these programs, which focused mostly on counterterrorism and naval and air defense, were mostly contractors. Some were embedded with Iraqi forces not only tactically, but at the institutional level by advising Iraqi security ministries and its command structure.

As Sunni unrest increased in 2012, Iraq sought additional U.S. security assistance, including expanded U.S. training of the ISF and joint exercises. Subsequently, a unit of Army Special Operations forces reportedly deployed to Iraq to advise on counterterrorism and help with intelligence against AQ-I/ISIL,<sup>15</sup> operating under a limited SOFA drafted for this purpose. In December 5-6, 2012, Iraq and the United States signed a Memorandum of Understanding (MOU) providing for high level U.S.-Iraq military exchanges, professional military education cooperation, counterterrorism cooperation, the development of defense intelligence capabilities, and joint exercises.

During his November 1, 2013, meeting with President Obama in the United States, Maliki reportedly discussed enhanced security cooperation, including expanded access to U.S. intelligence.<sup>16</sup> The joint statement issued at the conclusion of the meeting did not specify any U.S. commitments to this level of cooperation, but expressed a "shared assessment of al Qaeda affiliated groups threatening Iraq." Aside from increasing U.S. training for the ISF, the United States arranged Iraq's participation in the regional Eager Lion military exercise series in Jordan and participation in the U.S.-led international mine countermeasures exercise off Bahrain in 2013. In July and November 2013, the United States convened a strategic dialogue that included Iraq, Jordan, the United Arab Emirates, and Egypt.

### ***Police Development Program***

A separate program, the Police Development Program, was intended to maintain the proficiency of Iraq's police forces. It was the largest program that in 2012 transitioned from DOD to State Department lead, using International Narcotics and Law Enforcement (INCLE) funds. However, Iraq's drive to emerge from U.S. tutelage produced apparent Iraqi disinterest in the PDP. By late 2012, it consisted of only 36 advisers, about 10% of what was envisioned, and it was phased out entirely during 2013. Two facilities built with over \$200 million in U.S. funds (Baghdad Police College Annex and part of the U.S. consulate in Basra) were turned over to the Iraqi government at the end of 2012.

## **Unresolved Schisms after the U.S. Withdrawal**

Numerous armed groups and the political contributing factors to the post-Saddam insurgency and sectarian conflict remained after the U.S. withdrawal in 2011. These factors undoubtedly contributed to the successes of the Islamic State in Iraq in 2014 and the difficulty Iraqi forces have had in defeating the Islamic State since then.

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<sup>15</sup> Tim Arango. "Syrian Civil War Poses New Peril For Fragile Iraq." *New York Times*, September 25, 2012.

<sup>16</sup> Michael Gordon and Eric Schmitt. "As Security Deteriorates at Home, Iraqi Leader Arrives in U.S. Seeking Aid." *New York Times*, November 1, 2013.

## Armed Sunni Groups

At the time of the 2011 U.S. withdrawal, some Sunni antigovernment armed groups—including Baath Party and Saddam Hussein supporters as well as hardline Islamists, some of whom were linked to Al Qaeda—were still operating, although at low levels of activity. After the U.S. military departure in 2011, these groups increased their armed opposition to the Maliki government, drawing on increasing Sunni resentment of Shiite political domination.

## Al Qaeda in Iraq/Islamic State of Iraq and the Levant (ISIL)/Islamic State

Iraq's one-time Al Qaeda affiliate constitutes the most violent component of the Sunni rebellion that has become a major threat to Iraqi stability and a significant terrorism threat to Western countries including the United States. Its antecedent called itself Al Qaeda in Iraq (AQ-I), which was led by Jordanian militant Abu Musab al-Zarqawi until his death by U.S. airstrike in 2006.<sup>17</sup> In October 2012, Jordanian authorities disrupted an alleged plot by AQ-I to bomb multiple targets in Amman, Jordan, possibly including the U.S. Embassy there. The Iraqi members of the Islamic State constitute an amalgam of Sunni Iraqis who became Islamists during Saddam's rule or after his ouster; some reportedly became radicalized during U.S.-led incarceration of insurgents and suspected insurgents from 2003 to 2011.

In 2013, the group adopted the name Islamic State of Iraq and the Levant (ISIL) or, alternately, Islamic State of Iraq and Syria (ISIS). In June 2014, the group changed its name to the Islamic State (IS), and declared its leader, Abu Bakr Al Baghdadi, as the “Commander of the Faithful”—a term essentially declaring him leader of all Muslims. It also declared a caliphate in the territory it controls in Iraq and Syria. The group's attacks on the government began to escalate significantly after an assault on Sunni protesters in the town of Hawija on April 23, 2013. The group increased its violent activity to about 40 mass casualty attacks per month, far more than the 10 per month of 2010.<sup>18</sup> In 2013, the group began asserting control of territory and operating training camps close to the Syria border.<sup>19</sup> The head of the National Counterterrorism Center, Matt Olsen, told Congress on November 14, 2013, that ISIL was the strongest it had been since its peak in 2006.<sup>20</sup> The Islamic State's subsequent activities, and the U.S.-led response, are analyzed in significant detail in CRS Report R43612, *The Islamic State and U.S. Policy*, by Christopher M. Blanchard and Carla E. Humud, and CRS Report R44276, *The Islamic State—Frequently Asked Questions: Threats, Global Implications, and U.S. Policy Responses*, coordinated by John W. Rollins and Heidi M. Peters.

## Naqshabandi Order (JRTN) and Ex-Saddam Military Commanders

Some insurgent groups are composed of members of the Saddam-era regime or Iraqi military. These groups include the 1920 Revolution Brigades, the Islamic Army of Iraq, and, most prominently, the Naqshabandi Order—known by its Arabic acronym “JRTN.”<sup>21</sup> The JRTN, based

<sup>17</sup> An antecedent of AQ-I was named by the United States as a Foreign Terrorist Organization (FTO) in March 2004 and the designation applies to AQ-I and now the Islamic State.

<sup>18</sup> Michael Knights. “Rebuilding Iraq's Counterterrorism Capabilities.” *Washington Institute for Near East Policy*, July 31, 2013.

<sup>19</sup> Ben Van Heuvelen. “Al Qaeda-Linked Group Gaining Ground in Iraq.” *Washington Post*, December 8, 2013.

<sup>20</sup> Eileen Sullivan. “Official: Al-Qaida in Iraq Strongest Since 2006.” *Associated Press*, November 14, 2013.

<sup>21</sup> The acronym stands for Jaysh al-Rijal al-Tariq al-Naqshabandi, which translated means Army of the Men of the Naqshabandi Order.

primarily in Nineveh Province, has been designated by the United States as a Foreign Terrorist Organization (FTO).

In mid-2012, JRTN attacks on U.S. facilities in northern Iraq apparently contributed to the State Department decision to close the Kirkuk consulate. In February 2013 Sunnis linked to the JRTN circulated praise for the protests from the highest-ranking Saddam regime figure still at large, Izzat Ibrahim al Duri. He reportedly issued anti-Iraq government statements during the course of the 2014 Islamic State offensive. Iraqi officials maintain that they killed Duri during a battle in northern Iraq in early May 2015, but that claim has not been confirmed.

The JRTN and related ex-Ba’thist groups disagree with the Islamic State’s ideology but apparently support it as a Sunni organization opposed to the Iraqi government. Some of these ex-military officers reportedly are helping the Islamic State by providing tactical and strategic military planning. Some JRTN ex-Saddam military officers operate under a separate structure called the “General Military Council for Iraqi Revolutionaries,” which includes Sunni tribal fighters and other ex-insurgent figures.

### **Sunni Tribal Leaders/Sons of Iraq Fighters**

Approximately 100,000 Iraqi Sunnis fighters known as “Sons of Iraq” (also called Awakening, or “Sahwa” fighter) were part of the insurgency against the U.S. military during 2003-2006 but then cooperated with U.S. and Iraqi forces against AQ-I during 2006-2011. The Iraqi government promised all of the Sons of Iraq integration into the Iraqi Security Forces (ISF) or government jobs but, by the time of the U.S. withdrawal in 2011, only about two-thirds of the Sons had received these benefits. The remainder continued to man checkpoints in Sunni areas and were paid about \$500 per month by the government, but they were not formally added to ISF rolls. As a result, some of these fighters became disillusioned with the Maliki government and some (numbers unknown) reportedly joined the Islamic State offensives in 2014.

Many of the Sons of Iraq belong to the tribes of Anbar Province that seek more Sunni influence in the central government and oppose the Islamic State. The leaders of these tribes include Ahmad Abu Risha, Ali Hatem Suleiman al-Dulaymi, and Majid al-Ali al-Sulayman al-Dulaymi. Abu Risha is the brother of the slain tribal leader Abdul Sattar Abu Risha, who, with Ali Hatem, were key figures in starting the Awakening movement. These leaders generally oppose the involvement of Shiite militiamen in Iraqi efforts to recapture Sunni-inhabited territory from the Islamic State, and instead are trying to recruit Sunni tribal fighters to spearhead government offensives against Islamic State positions. Some Anbar tribal leaders and other Sunni figures visited Washington, DC, in the spring of 2015, in part to request direct transfer of U.S. weaponry to Sunnis who oppose the Islamic State.

Some of the Sons of Iraq and their tribal recruiters have supported the Muslim Scholars Association (MSA), a Sunni Islamist organizations that is far less violent than AQ-I or the Islamic State. The MSA is led by Harith al-Dari, who in 2006 fled U.S. counterinsurgency operations to live in Jordan and who has been sanctioned by the United States. Harith al-Dari’s son, Muthana, is reportedly active against the government, possibly in cooperation with the Islamic State.

### **Shiite Militias and their Relations with Political Leaders**

The 2006-2008 period of sectarian conflict was fueled in part by Shiite militias, such as those formed by Moqtada Al Sadr. Sadr is considered an Iraqi “nationalist,” who did not go into exile during Saddam’s rule, and has a large following particularly among lower class Shiites. Sadr has sometimes tried to reach out to Sunni leaders in an effort to demonstrate opposition to

sectarianism and bolster his nationalist credentials, and he has also criticized purported government failings such as governmental corruption and the failure to reliably deliver services.

Iran reportedly armed some of these militias with upgraded rocket-propelled munitions, such as Improvised Rocket Assisted Munitions (IRAMs). Shiite militias are estimated to have killed about 500 U.S. military personnel during 2003-2011.<sup>22</sup> Until the U.S. withdrawal in December 2011, rocket attacks continued against the U.S. consulate in Basra. Some Shiite militia forces went to Syria after 2012 to protect Shiite shrines and fight in support of the government of Bashar Al Assad.<sup>23</sup> Many of these militiamen returned to Iraq after the Islamic State capture of Mosul in 2014, in part to fend off a potential threat to Baghdad.

Current estimates of the total Shiite militiamen in Iraq number about 110,000 - 120,000, including the long-standing Iran-backed militias discussed below. Collectively, all of the Shiite militias—those that are Iran-associated as well as those that work directly with the ISF—are known as Popular Mobilization Forces or Units (PMFs or PMUs), also known by the Arabic name of *Hashid al-Shaabi*. All the PMFs are not part of the formal ISF command structure, but report to a Popular Mobilization Committee that is headed by National Security Adviser Falih Al Fayyad. The deputy head of the Committee is the head of Kata'ib Hezbollah, Abu Mahdi Al Muhandis. The PMFs received about \$1 billion from the government budget in the 2015 budget, which was increased to \$2 billion for the 2016 budget year. The PMFs might also receive funds from Iran and from various parastatal organizations in Iran.<sup>24</sup>

Approximately 17,000 Sunni fighters are included in the PMFs, for the primary purpose of freeing Sunni inhabited areas from Islamic State rule. As of May 2015, the United States has provided air strike support to those PMFs that are under ISF command.

The militias, and particularly some of their commanders, reportedly are an increasingly influential force in Iraqi politics as the war against the Islamic State progresses. Their political fortunes have risen at times when the performance of the ISF against the Islamic State has faltered, such as the May 2015 fall of Ramadi to the Islamic State. The commanders of the long-standing and most powerful militias, including Asa'ib Ahl Al Haq's Qais Khazali, the Badr Organization's Hadi al-Amiri, and Kata'ib Hezbollah's Muhandis, are said to wield growing influence. They all have close ties to Iran dating from their Iran-backed underground struggle against Saddam Hussein in the 1980s and 1990s, and the commanders are publicly pressuring Abbadi to reduce his reliance on the United States and instead ally more closely with Iran. The key militia commanders are pressing Abbadi to increase official government funding for the militias as well as to form a separate ministry to oversee and service the functioning of the PMFs.

## Sadrist Militias

Sadr's professed Iraqi nationalism in part explains his opposition to the United States during 2003-2011. He formed his "Mahdi Army" militia in 2004 to combat the U.S. military presence in Iraq, and U.S. troops fought several major battles with the Mahdi Army, an offshoot called the "Special Groups," and several other offshoots including Asa'ib Ahl Al Haq and Kata'ib Hezbollah, from 2004 to 2008. Sadr's campaign meshed with Iran's policy to ensure that the United States completely withdrew from Iraq. Much of the Mahdi Army had already been slowly

<sup>22</sup> <http://www.militarytimes.com/story/military/capitol-hill/2015/07/14/iran-linked-to-deaths-of-500-us-troops-in-iraq-afghanistan/30131097/>

<sup>23</sup> Abigail Hauslohner. "Iraqi Shiites Take Up the Cudgels for Syrian Government." *Washington Post*, May 27, 2013.

<sup>24</sup> Ned Parker. "Power Failure in Iraq as Militias Outgun State." Reuters, October 21, 2015.

integrating into the political process as a charity and employment network called *Mumahidoon* (“those who pave the way”). In response to the Islamic State capture of Mosul in 2014, former Mahdi Army militiamen reorganized as the “Salaam (Peace) Brigade.” The militia fields an estimated 15,000 fighters.

### **Other Mahdi Army Offshoots: Kata’ib Hezbollah and Asa’ib Ahl Al Haq**

Sadrism pressure on the U.S. forces during 2003-2011 was amplified by the activities of several other Shiite militias, some of which left Sadr’s control and fell increasingly under the sway of Iran its Islamic Revolutionary Guard-Qods Force (IRGC-QF) and its commander, Major General Qasem Soleimani. The Sadrism offshoot militias the IRGC-QF most intensively advised and armed include Asa’ib Ahl al-Haq (AAH, League of the Family of the Righteous), Kata’ib Hezbollah (Hezbollah Battalions), and the Promised Day Brigade, the latter organization of which might still be affiliated to some degree with Sadr.<sup>25</sup> In June 2009, Kata’ib Hezbollah was designated by the State Department as a Foreign Terrorist Organization (FTO). In July 2009, the Treasury Department designated Kata’ib Hezbollah and its commander, Abu Mahdi Al Muhandis, as threats to Iraqi stability under Executive Order 13438. On November 8, 2012, the Treasury Department designated several Kata’ib Hezbollah operatives as terrorism supporting entities under Executive Order 13224.

Muhandis was a Da’wa party operative during Saddam’s rule, and was convicted in absentia by Kuwaiti courts for the Da’wa attempt on the life of then Amir Jabir Al Ahmad Al Sabah in May 1985, and for the 1983 Da’wa bombings of the U.S. and French embassies in Kuwait City. After these attacks, he served as leader of the Badr Corps (Badr Organization, see below) of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), but he broke with SCIRI after the U.S. invasion of Iraq in 2003 because SCIRI did not oppose the U.S. military presence in Iraq. He associated with Sadr and the Mahdi Army during 2003-2006 but then broke from Sadr to form Kata’ib Hezbollah. KAH has an estimated 20,000 fighters.<sup>26</sup>

AAH’s leader, Qais al-Khazali, headed the Mahdi Army “special groups” during 2006-2007, until his capture and incarceration by U.S. forces for his alleged role in a 2005 raid that killed five American soldiers. During his imprisonment, his followers formed the Mahdi Army offshoot as AAH. After his release in 2010, Khazali took refuge in Iran, returning in 2011 to take resume command of AAH while also converting it into a political movement and social service network. AAH did not compete in April 2013 provincial elections, but allied with Maliki in the 2014 elections (Al Sadiqun, “the Friends,” slate 218).<sup>27</sup> AAH resumed its military activities after the 2014 Islamic State offensive that captured Mosul. It has an estimated 15,000 fighters.

### **The Badr Organization**

One major Shiite militia is neither a Sadrism offshoot nor an antagonist of U.S. forces during 2003-2011. The Badr Organization was the armed wing of the Islamic Supreme Council of Iraq, a mainstream Shiite party, headed now by Ammar al-Hakim. The Badr Corps was the name of the organization’s underground military wing during Saddam’s rule. It received training and support from the IRGC-QF in its failed efforts to overthrow Saddam, and particularly during the failed Shiite uprising in southern Iraq that took place after Iraq’s expulsion from Kuwait in 1991. The

<sup>25</sup> Department of State. Bureau of Counterterrorism. Country Reports on Terrorism 2014. Released June 19, 2015.

<sup>26</sup> <http://www.aljazeera.com/indepth/opinion/2016/02/iraq-popular-demobilisation-160224050939178.html>

<sup>27</sup> Liz Sly. “Iran-Tied Group Is On Rise in Iraq.” *Washington Post*, February 19, 2013.

Badr Organization largely disarmed after Saddam's fall and integrated immediately into the political process. It did not oppose the U.S. presence in Iraq, instead apparently viewing the United States as facilitating Iraq's transition to Shiite rule. Its leader is Hadi al-Amiri, an elected member of the National Assembly who is viewed as a hardliner advocating extensive use of the Shiite militias to recapture Sunni-inhabited areas. However, the militia is reported to be increasing its influence in the mixed province of Diyala in an apparent effort to solidify Shiite rule over the province. In addition, the militia is said to be gaining influence in the Interior Ministry, which is led by a Badr member, Mohammad Ghabban. Badr has an estimated 20,000 militia fighters.<sup>28</sup>

### **Shiite Militias Formed after the U.S. Withdrawal**

Some Shiite militias formed after the U.S. withdrawal. Some formed mainly to assist Assad in Syria, while others have gained strength since the 2014 Islamic State offensive. Those that formed to assist Assad include the Harakat Hezbollah al-Nujaba or "Nujaba Movement," which organized in 2013. It is led by Shaykh Akram al-Ka'bi, its secretary general, and remains engaged in Syria as well as in Iraq. It receives some backing from the IRGC-QF. Another Shiite militia that formed in 2013 is the "Mukhtar Army," reportedly formed to help the government suppress Sunni protests. It was led by Wathiq al-Battat, who reportedly was killed in late 2014.<sup>29</sup> The Mukhtar Army claimed responsibility for a late October 2015 attack on Iranian dissidents inhabiting the "Camp Liberty" facility, discussed further below. The numbers of these militias are not known.

*"Fatwa" PMFs.* As noted above, the Islamic State offensive prompted many young Shiite men to answer a call from Grand Ayatollah Ali al-Sistani to rally with the government to combat the Islamic State. These men joined the newly-formed PMF organization to fight alongside the ISF against the Islamic State. These recently recruited PMFs work directly with the ISF and have received U.S. air strike support in some battles since mid-2015. The numbers of such "fatwa" PMF fighters are estimated at about 40,000.<sup>30</sup>

### **The Kurds and the Kurdistan Regional Government (KRG)<sup>31</sup>**

The United States and Iraq's Kurds have had a strong bond since the U.S.-led war to end Iraq's occupation of Kuwait in early 1991. U.S. support for the Iraqi Kurds is also driven by apparent sympathy for Saddam's abuses of the Kurds, including the use of chemical weapons against the town of Halabja in March 1987 and the "Anfal Campaign" that depopulated Kurds from areas of Iraq bordering Iran. The United States has helped ensure Iraqi Kurdish autonomy, while opposing any Iraqi Kurdish move toward outright independence as a potentially destabilizing action. Iraq's Kurds have tried to preserve a special relationship with the United States and use it to their advantage. The collapse of the ISF in northern Iraq in mid-2014 enabled the Kurds to seize long-coveted Kirkuk and many of its oilfields. However, that collapse also contributed to the advance of the Islamic State force close to the KRG capital Irbil before U.S. airstrikes beginning on August 8, 2014, drove Islamic State fighters away from KRG-controlled territory. The KRG region now shares a tense and long border with Islamic State forces. The physical seizure of

<sup>28</sup> <http://www.aljazeera.com/indepth/opinion/2016/02/iraq-popular-demobilisation-160224050939178.html>

<sup>29</sup> [http://www.longwarjournal.org/archives/2014/12/leader\\_of\\_iran-suppo.php](http://www.longwarjournal.org/archives/2014/12/leader_of_iran-suppo.php)

<sup>30</sup> <http://www.aljazeera.com/indepth/opinion/2016/02/iraq-popular-demobilisation-160224050939178.html>

<sup>31</sup> For more information on Kurd-Baghdad disputes, see CRS Report RS22079, *The Kurds in Post-Saddam Iraq*, by Kenneth Katzman.

Kirkuk gives the Kurds even more control over economic resources, so much so that in early 2016 KRG President Masoud Barzani said that the region might hold a non-binding referendum on independence by the end of 2016.

As permitted in the Iraqi constitution, the KRG fields its own force of *peshmerga* and Zeravani ground forces, which together number about 150,000 active duty fighters. The KRG has about 350 tanks and 40 helicopters. The Kurdish militias are under the KRG's Ministry of *Peshmerga* Affairs and are paid out of the KRG budget. Prior to the June 2014 Islamic State offensive, the KRG had made some headway in its plans to transform the *peshmerga* into a smaller but more professional and well trained force, and the *peshmerga* is benefitting from the U.S. training discussed below.

### **KRG Structure/Intra-Kurdish Divisions**

The Iraqi Kurds' two main factions—the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP)—are the dominant factions in the KRG. Barzani, the son of the revered Kurdish resistance fighter Mullah Mustafa Barzani, is not only President of the KRG but also head of the KDP. The PUK is led by Jalal Talabani, who served two terms as Iraq's President and is still ailing following a 2012 stroke. Masoud Barzani is President of the KRG, directly elected in July 2009. The KRG has an elected Kurdistan National Assembly (KNA, sometimes called the Kurdistan Parliament of Iraq, or KPI), and an appointed Prime Minister. Since January 2012, the KRG Prime Minister has been Nechirvan Barzani (Masoud's nephew), who replaced PUK senior figure Barham Salih. Masoud Barzani's son, Suroor, heads KRG security institutions. In July 2014, another senior PUK figure, Fouad Masoum, succeeded Talabani as Iraq's President—continuing the informal understanding that a PUK figure serve in that role.

Disputes between the KDP and PUK have sometimes clashed over territorial control and resources; a serious armed conflict between them flared in 1996. Since the fall of Saddam, the two parties have generally abided by a power-sharing arrangement. However, their dynamic has been altered since 2005 as the Gorran (Change) party has become a significant factor. Gorran, a PUK breakaway, is headed by Neshirvan Mustafa, a longtime critic of the PUK. In 2014, Aram al-Sheikh Mohammad, a Gorran leader, became second deputy COR speaker, becoming the first Gorran leader to obtain a senior leadership post in the central government.

The latest KNA elections were held on September 21, 2013. About 1,130 candidates registered to run for the 111 available seats, 11 of which are reserved for minority communities such as Yazidis, Shabaks, Assyrians, and others. Gorran continued to increase its political strength, winning 24 seats, second to the KDP's 38 (which was up from 30 in 2010) and ahead of the PUK that won only 18 seats (down from 29 in the 2010 election). In part because of Gorran's increased representation, the Kurds did not agree on a new government for the KRG region until June 2014. Nechirvan Barzani remained KRG prime minister. Jalal Talabani's son, Qubad, who headed the KRG representative office in Washington, DC, until 2012, became deputy prime minister. Provincial elections in the KRG-controlled provinces were held concurrent with the Iraq-wide parliamentary elections on April 30, 2014.

The issue of the Barzani presidency of the KRG has caused rifts within the KRG structure. On July 1, 2013, the KNA voted to extend Barzani's term two years, until August 20, 2015. No consensus emerged among the KRG factions over how to choose a replacement, and he remains as President while the parties try to negotiate a resolution. The KDP argues that there are no obvious successors and that, in the interests of stability, his term should be extended. The PUK and Gorran, which together control more seats in the KNA than does the KDP, want the KNA to choose a successor. In September 2015 the KDP expelled Gorran party members from several

KRG ministerial positions<sup>32</sup> because of the party's position on this issue. Some observers assert that unity might be restored if Barzani agrees to substantial political reforms within the KRG as a condition of receiving PUK and Gorran support to continue as president.

### **KRG-Baghdad Disputes**

The common threat from the Islamic State has not prompted a permanent resolution of the various disputes between the Kurds and the central government. The most emotional of these is the Kurdish insistence that Tamim/Kirkuk Province (which includes oil-rich Kirkuk city) is "Kurdish land" and must be formally affiliated to the KRG. Most of the oil in northern Iraq is in Kirkuk, and legal KRG control over the province would give the KRG substantial economic leverage. However, the Kirkuk dispute has been put aside, at least temporarily, by the Kurds' seizure of Kirkuk in 2014. Many experts assess that the Kurds will be hesitant to yield back their positions to the central government if the government succeeds in defeating the Islamic State challenge.

Under the Iraqi constitution, there was to be a census and referendum on the affiliation of the province by December 31, 2007 (Article 140). The Kurds agreed to repeated delays in order to avoid antagonizing Iraq's Arabs. Nor has the national census that is pivotal to any such referendum been held it was scheduled for October 24, 2010, but then repeatedly postponed by the broader political crises. A Property Claims Commission that is adjudicating claims from the Saddam regime's forced resettlement of Arabs into the KRG region is still functioning.

### **KRG Oil Exports**

The KRG and Baghdad have been at odds over the Kurds' insistence on being able to export oil that is discovered and extracted in the KRG region. Baghdad terms the KRG's separate oil exports and energy development deals with international firms such as Genel and DNO "illegal," insisting that all KRG oil exports go through the national oil export pipeline grid and that revenues earned under that arrangement go to the central government. Under an agreement forged shortly after the fall of Saddam, a fixed 17% share of those revenues goes to the KRG. The Obama Administration has generally sided with Baghdad's position that energy projects and exports be implemented through a unified central government.

In recent years, KRG oil exports were repeatedly suspended over KRG-central government disputes on related issues, such as Baghdad's arrears due to the international firms operating Kurdish-controlled oil fields. In January 2014, the Iraqi government suspended almost all of its payments to the KRG of about \$1 billion per month on the grounds that the KRG was not contributing oil revenue to the national treasury. In what it described as an effort to compensate for that loss of revenue, the KRG began exporting oil through a pipeline to Turkey that bypasses the Iraqi national grid. The pipeline is capable of carrying 300,000 barrels per day of oil.<sup>33</sup>

The need to cooperate against the Islamic State organization has paved the way for temporary resolutions of the dispute. In December 2014, the KRG and Baghdad signed a deal under which the KRG would provide to the State Oil Marketing Organization (SOMO, the national body that

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<sup>32</sup> Denise Natali. "Countering ISIS with the Kurds: A View from the Ground Up" National Defense University Institute of Strategic Studies, November 2, 2015.

<sup>33</sup> Much of the dispute centers on differing interpretations of a 1976 Iraq-Turkey treaty, which was extended in 2010, and which defines "Iraq" (for purposes of oil issues) as the "Ministry of Oil of the Republic of Iraq." See "Analysis: Iraq-Turkey Treaty Restricts Kurdistan Exports." Iraq Oil Report, April 18, 2014.

market Iraqi oil abroad) nearly 550,000 barrels per day of oil (300,000 from the Kirkuk fields now controlled by the KRG and 250,000 barrels from fields in the KRG itself) in exchange for a restoration of the 17% share of national revenues (about \$600 million per month).<sup>34</sup> In addition, Baghdad would provide the KRG with approximately \$100 million per month to pay for *peshmerga* salaries and weapons purchases and facilitate the transfer of some U.S. weapons to the *peshmerga*.<sup>35</sup> The agreement was incorporated into the 2015 Iraqi budget, adopted by the COR on January 29, 2015. However, in mid-2015, the Kurds complained that Baghdad was making only partial payments, and the pact broke down. The KRG reportedly has been exporting its oil on its own, including some from Kirkuk fields, and without involvement of government institutions, and it has been directly paying the international firms involved in the exportation. In early 2016, the KRG and Baghdad reportedly agreed to return to the arrangement under which SOMO markets all of Iraq's oil. KRG fields, excluding those in Kirkuk, have the potential to export 500,000 barrels per day and are expected to eventually be able to increase exports to 1 million barrels per day,<sup>36</sup> although in 2016 some international energy firms announced that some of the KRG fields contain less oil than was previously believed.

### Tier Three Designations of the KDP and PUK

In 2001, U.S. immigration officials placed the KDP and PUK in a Tier Three category that makes it difficult for members of the parties to obtain visas to enter the United States. The categorization was based on a determination that the two parties are “groups of concern”—meaning some of their members committed acts of political violence (to try to overthrow Saddam). A provision of the FY2015 National Defense Authorization Act (P.L. 113-291) gave the Administration authority, without judicial review, to revoke the Tier 3 designation. The designation was subsequently removed.

## Unrest and Insurgency since 2011

A fragile power-sharing arrangement among all Iraqi factions largely unraveled in 2011-2012, casting doubt on President Obama's assertion, stated at the time of the final U.S. withdrawal, that Iraq is now “sovereign, stable, and self-reliant.” On December 19, 2011, the day after the final U.S. withdrawal (December 18, 2011)—and one week after Maliki met with President Obama in Washington, DC, on December 12, 2011—the government announced an arrest warrant against Vice President Tariq al-Hashimi, a major Sunni figure, for allegedly ordering his security staff to commit acts of assassination. He fled to the KRG region and then to Turkey, where he remains. Maliki's opponents also cited his retaining the three main security portfolios for himself as an indication that he sought to concentrate power.<sup>37</sup>

In an effort to try to restore Sunni trust in the Maliki government, U.S. officials intervened with various political factions and obtained Maliki's agreement to release some Baathists prisoners and to give provinces more autonomy (discussed above). The concessions prompted Sunni COR members and ministers to resume their duties.<sup>38</sup> In March 2012, all factions tentatively agreed to

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<sup>34</sup> Ibid.

<sup>35</sup> Tim Arango, “Iraq Government Reaches Accord with the Kurds.” *New York Times*, December 3, 2014.

<sup>36</sup> Jane Arraf, “Iraq's Unity Tested by Rising Tensions Over Oil-Rich Kurdish Region.” *Christian Science Monitor*, May 4, 2012.

<sup>37</sup> Sadun Dulaymi, a Sunni Arab, is acting Defense Minister; Falih al-Fayad, a Shiite, is acting Minister of State for National Security; and Adnan al-Asadi, another Shiite, is acting Interior Minister.

<sup>38</sup> Tim Arango. “Iraq's Prime Minister Gains More Power After Political Crisis.” *New York Times*, February 28, 2012.

hold a “national conference” to try to reach a durable political solution, but no such conference was held. Maliki critics subsequently collected signatures from 176 COR deputies to request a no-confidence vote against Maliki. Under Article 61 of the constitution, signatures of 20% of the 325 COR deputies (65 signatures) are needed to trigger a vote, but then President Talabani stated on June 10, 2012, that there were an insufficient number of valid signatures to proceed.<sup>39</sup>

The disputes flared again after Talabani suffered a stroke on December 18, 2012, and left Iraq for treatment in Germany. Two days later, Maliki moved against another Sunni leader, Finance Minister Rafi al-Issawi, by arresting 10 of his bodyguards. Al Issawi took refuge in Anbar Province with Sunni tribal leaders, sparking anti-Maliki demonstrations in the Sunni cities in several provinces and in Sunni districts of Baghdad. Demonstrators demanded the release of prisoners; repeal of antiterrorism laws under which many Sunnis are incarcerated; reform or end to the de-Baathification laws; and improved government services in Sunni areas.<sup>40</sup>

## Sunni Unrest Escalates in 2013

During January-March 2013, the use of small amounts of force against Sunni demonstrators caused the unrest to worsen. On January 25, 2013, the ISF killed nine protesters, causing Sunni demonstrators to set up protest camps in some cities. Extremist Sunni elements, including ISIL (now called the Islamic State), stepped up attacks on the ISF. On April 23, 2013, three days after the first group of provinces voted in provincial elections, the ISF stormed a Sunni protest camp in the town of Hawijah and killed about 40 civilians. In the following days, many Sunni demonstrators and tribal leaders took up arms, and some gunmen took over government buildings in the town of Suleiman Pak. Maliki attempted to calm the unrest by undertaking some measures of conciliation, including amending (in June 2013) the 2008 provincial powers law (No. 21, see above) to give the provinces substantially more authority and transferring province-based operations of central government to the provincial governments.<sup>41</sup> In July 2013, the Cabinet approved reforms easing de-Baathification laws to allow former Baathists to serve in government.

*April 2013 Provincial Elections Occur Amid Tensions.* The April 20, 2013, provincial elections were affected by the growing unrest. The government postponed the elections in two Sunni provinces, Anbar and Nineveh, until June 20, 2013, but the election in the remaining provinces went forward as planned. The COR’s law to govern the election for the 447 provincial council seats (including those in Anbar and Nineveh that voted on June 20, 2013), passed in December 2012, provided for an open list vote. A total of 50 coalitions registered, including 261 political entities as part of those coalitions or running separately, and comprising about 8,150 individual candidates. With the April 20, 2013, vote being held mostly in Shiite areas, the election was largely a test of Maliki’s popularity. Maliki’s State of Law coalition remained relatively intact, including Fadilah (virtue) and the Badr Organization (see above). The coalition won 112 of the 447 seats up for election, a decrease from 2009. ISCI registered its own Citizen Coalition, which won 75 seats. Sadr registered a separate “Coalition of Liberals” that won 59 seats.

Among the mostly Sunni groupings, Allawi’s Iraqiyya and 18 smaller entities ran as the Iraqi National United Coalition. A separate United Coalition consisted of supporters of the Nujaifi brothers (then COR speaker Osama and Nineveh governor Atheel), Vice President Tariq al-Hashimi, and Rafi al-Issawi. A third Sunni coalition was loyal to Saleh al-Mutlaq. The two main

<sup>39</sup> “Embattled Iraqi PM Holding On To Power for Now.” Associated Press, June 12, 2012.

<sup>40</sup> Author conversations with Human Rights Watch researchers, March 2013.

<sup>41</sup> Reidar Vissar. “Provincial Powers Revisions, Elections Results for Anbar and Nineveh: Is Iraq Headed for Complete Disintegration?” June 27, 2013.

Kurdish parties ran under the Co-Existence and Fraternity Alliance. The June 20, 2013, election in Anbar and Nineveh was primarily a contest among these blocs. In Anbar, the Nujafis won a slight plurality, but in Nineveh, where the Nujafis previously held an outright majority of provincial council seats (19 or 37), Kurds won 11 out of the province's 39 seats and the Nujafis came in second with 8 seats. However, Atheel Nujafi was selected to another term as Nineveh governor. The results suggested that Sunnis want to avoid a return to sectarian conflict.<sup>42</sup>

### **ISIL Begins to Capture Cities in Anbar in Late 2013**

Unrest in Sunni areas escalated sharply at the end of 2013, after yet another arrest order by Maliki against a prominent Sunni leader—parliamentarian Ahmad al-Alwani. The order, which followed an ISIL attack that killed 17 ISF officers, prompted a gun battle with security forces that killed Alwani's brother and several of his bodyguards. Maliki subsequently ordered security forces to close down a protest tent camp in Ramadi (capital of Anbar Province), prompting ISIL to attack and take over Ramadi, Fallujah, and some smaller Anbar cities. ISIL fighters were joined by some Sunni protesters, defectors from the ISF, and some Sons of Iraq and other tribal fighters.

Partly at the urging of U.S. officials, Maliki opted primarily to arm and fund loyal Sunni tribal leaders and Sons of Iraq fighters to help them expel the ISIL fighters. By early January 2014, these loyalists had helped the government regain most of Ramadi, but Fallujah remained in insurgent hands. In April 2014, ISIL-led insurgents also established a presence in Abu Ghraib, only about 10 miles from Baghdad, prompting the government to close the prison. Some ISF officers told journalists that the ISF effort to recapture Fallujah and other areas suffered from disorganization and ineffectiveness.<sup>43</sup>

## **Effect of the Islamic State Challenge on Stability**

Any assessment that Islamic State gains would be limited to Anbar were upended on June 10, 2014, when Islamic State fighters—apparently assisted by large numbers of its fighters moving into Iraq from the Syria theater—captured the large city of Mosul amid mass surrenders and desertions by the ISF. The group later that month formally changed its name to “The Islamic State.” Apparently supported by many Iraqi Sunni residents, Islamic State-led fighters subsequently advanced down the Tigris River valley as far as Tikrit, east into Diyala Province, and further in Anbar Province to within striking distance of Baghdad. The offensive also threatened KRG-controlled territory when Islamic State forces advanced to within 30 miles of the KRG capital of Irbil. The relatively lightly armed Kurdish forces withdrew from numerous towns inhabited mostly by Christians and other Iraqi minorities, particularly the Yazidis—a Kurdish-speaking people who practice a mix of ancient religions, including Zoroastrianism, which held sway in Iran before the advent of Islam.<sup>44</sup>

In response, the PMF and established Shiite militias mobilized and provided time for the ISF to regroup to some extent. These developments, coupled with the fact that Islamic State fighters faced resistance from any location not dominated by Sunni inhabitants, appeared to lessen the threat to Baghdad itself. The defense of Baghdad and of Irbil was aided by U.S. advisers

<sup>42</sup> Kirk Sowell. “Sunni Voters and Iraq’s Provincial Elections.” July 12, 2013.

<sup>43</sup> Loveday Morris. “Iraqi Army Struggles in Battles Against Islamist Fighters in Anbar Province.” *Washington Post*, February 27, 2014.

<sup>44</sup> Ishaan Tharoor. “Who Are the Yazidis?” *Washington Post*, August 7, 2014.

(discussed below), U.S.-led airstrikes, and by Iran's sending of military equipment as well as IRGC-QF advisers into Iraq.

## Government Formation Process amid Security Collapse

U.S. officials considered the outcome of the April 30, 2014, national elections as crucial to reversing Islamic State gains by giving Sunni voters an opportunity to signal a rejection of Sunni extremist violence. The law to regulate the vote, passed on November 4, 2013, expanded the COR to 328 seats (from 325). A total of 39 coalitions, comprising 275 political entities (parties), registered. Turnout was about 62% and violence was unexpectedly minimal. Elections for 89 total seats on the provincial councils in the three KRG provinces were held simultaneously.

Maliki appeared positioned to secure a third term because his State of Law bloc had remained relatively intact, whereas rival blocs had fractured. On June 17, 2014, the Independent Higher Election Commission (IHEC) announced certified election results showing Maliki's State of Law winning 92 seats—three more than it won in 2010 and far more than those won by ISCI (29) or the Sadrists (32). Major Sunni slates won a combined 53 seats—far fewer than the 91 seats they won in 2010 as part of the Iraqiyya bloc.<sup>45</sup> The Kurdish slates collectively won about 62 seats. Maliki's individual candidate vote reportedly was exceptionally strong, most notably in Baghdad Province, which sends 69 deputies to the COR—results that had appeared to put Maliki in a commanding position to retain his post.

Maliki's route to a third term was upended by the IS offensive, which U.S. officials publicly blamed on Maliki's efforts to marginalize Sunni leaders and citizens (see above). Grand Ayatollah Ali al-Sistani appeared to undermine Maliki by calling for an inclusive government that “avoids mistakes of the past.” The factions ultimately agreed to start filling some key positions before reaching consensus on a Prime Minister. The process unfolded as follows:

- On July 15, the COR named Salim al-Jabburi, a moderate Sunni Islamist (IIP), as speaker. The two deputy speakers selected were Aram al-Sheikh Mohammad of Gorran (Kurdish faction discussed above) and Haydar al-Abbadi of Maliki's Da'wa Party. Jabburi, who is about 46 years old, was a former law professor at the University of Mesopotamia. He visited the United States in June 2015.
- On July 24, the COR selected a senior PUK leader, Fouad Masoum, as Iraq's President. Masoum is about 77 years old and helped draft Iraq's constitution. He is a close ally of Jalal Talabani.
- On August 11, Masoum tapped Abbadi as leader of the “largest bloc” in the COR as Prime Minister-designate, giving him a 30-day period (until September 10) to achieve COR confirmation of a government. Abbadi's designation came after several senior figures in the State of Law bloc abandoned Maliki—apparently bowing to pressure from the United States, Iran, Iraq's Sunnis and Kurds, and others. Maliki's opposition to the Abbadi promotion failed after U.S. and Iranian officials and senior Iraqi Shiite clerics welcomed the Abbadi designation.

*The Cabinet.* The Abbadi cabinet, confirmed on September 8, 2014, appeared to satisfy U.S. and Iraqi demands for inclusiveness. Factional disputes caused Abbadi to delay selecting the key Defense and Interior ministers until October 23, when the COR confirmed Mohammad Salem al-Ghabban as Interior Minister and Khalid al-Ubaydi as Defense Minister. The selection of

<sup>45</sup> “Iraq: PM's Group Is Biggest Election Winner.” Associated Press, May 19, 2014.

Ghabban drew criticism from many Sunni figures because he is a leader of the Badr Organization (see above) and his appointment was viewed as reflecting and increasing the influence of Shiite militias. Ubaydi, a Sunni, was an aircraft engineer during the rule of Saddam Hussein, and became a university professor after Saddam's downfall.

A major feature of the Abbadi government is that it incorporated many senior faction leaders, although some posts lack significant authority. At the same time, it gave enhanced security details and prestige and influence to some figures that might represent challenges to Abbadi's authority, particularly Maliki.

- Maliki, Iyad al-Allawi, and Osama al-Nujaifi, all major faction leaders, became Vice Presidents—a position that lacks authority but ensures that their views are heard in government deliberations. Maliki reportedly has used his vice presidential post to exert authority independently, in part by holding meetings of the State of Law bloc and advertising himself as commander of the PMF.
- Ex-Foreign Minister Hoshyar Zebari, a KDP leader whom Maliki ousted in mid-2014 over the KRG-Baghdad rift, became deputy prime minister and Finance Minister. The two other deputy prime ministers are Saleh al-Mutlaq (Sunni Arab, discussed above) and Baha al-Araji, who heads the Sadrist bloc in the COR.
- Ibrahim al-Jafari, who served as transitional Prime Minister in 2005 and part of 2006, is Foreign Minister. A senior leader of ISCI, Adel Abdul Mahdi, is Minister of Oil. Hussein Shahristani, a senior member of Maliki's State of Law bloc, is Minister of Higher Education.



**Prime Minister  
Haydar al-Abbadi**

Abbadi is about 62 years old and holds a doctorate in engineering from the University of Manchester. He is from a traditional elite family. He is fluent in English and often speaks in English in press conferences in Western countries.

He is a longtime Da'wa Party member but his exile during the Saddam Hussein regime was spent mostly in London, and not in Iran or Syria. During his time as a Da'wa underground activist, he assisted the party by writing tracts and promoting its message, and he apparently was not involved in planning or executing any of the attacks carried out by the Da'wa Party in Iraq or Kuwait during the 1980s.<sup>46</sup> His familiarity with Western culture and his lack of ties to senior Iranian leaders apparently contributed to Iran's initial reluctance to support him for the prime ministership. However, Abbadi reportedly attracted strong support from Ayatollah Ali al-Sistani and within Da'wa ranks, and Iran acquiesced to his selection.

Photograph from Wikipedia

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<sup>46</sup> Adam Taylor. "Meet Haider al-Abbadi, the Man Named Iraq's New Prime Minister." *Washingtonpost.com*, August 11, 2014.

**Table 2. Major Coalitions in April 30, 2014, COR Elections**

Coalition	Leaders and Components	Seats Won
State of Law (277)	Maliki and Da'wa Party; deputy P.M. Shahrستاني; Badr Organization	92-95
Muwatin (Citizens Coalition) (273)	ISCI list. Includes former Interior Minister Bayan Jabr Solagh; Ahmad Chalabi; many Basra politicians	29
Al Ahrar (Liberals) (214)	Sadrists. Allied with ISCI in 2010 but separate in 2014.	32
Wataniya (Nationalists) (239)	Iyad al-Allawi (ran in Baghdad), Includes Allawi followers from former Iraqiyya bloc	21
Mutahiddun (United Ones) (259)	COR Speaker Nujaifi (ran in Nineveh). No candidates in Shiite-dominated provinces. Was part of Allawi Iraqiyya bloc in 2010.	23
Arabiyya (Arabs) (255)	Deputy P.M. Saleh al-Mutlaq (ran in Baghdad) Also limited to mostly Sunni provinces. Was part of Iraqiyya bloc in 2010.	9
Kurdish parties	KDP, PUK, and Gorran ran separately in most constituencies.	62 (combined)
Fadilah (219)	Shiite faction, was allied with ISCI in 2010 election but ran separately in 2014.	Not available
Da'wa (Jaafari) (205)	Da'wa faction of former P.M. Ibrahim al-Jafari (who ran in Karbala). Was allied with ISCI in 2010.	Not available

**Source:** Reidar Vissar, "Iraq and Gulf Analysis."

## Abbadi's Policies and Political Position

U.S. officials say that Abbadi is attempting to heal the underlying rifts in Iraqi society but that his efforts are often thwarted by hardliners on all sides, by the state of conflict in Iraq, and by vested interests within the political system. President Obama praised Abbadi in the course of their bilateral meeting at the White House on April 14, 2015, saying

And in a significant change from some past practices, I think both Sunni leaders and Kurdish leaders feel that they are heard in the halls of power, that they are participating in governance in Baghdad ... Prime Minister Abbadi has kept true to his commitments to reach out to them and to respond to their concerns and to make sure that power is not solely concentrated within Baghdad....<sup>47</sup>

Since taking office, Abbadi has restored a formal chain of military command by abolishing the "Office of the Commander-in-Chief." In February 2015, the Cabinet approved an amendment to the "de-Baathification" laws (see above) to further re-integrate former members of Saddam's Baath Party into the political process and presumably reduce Sunni resentment of the

<sup>47</sup> White House. "President Obama Holds a Media Availability with Iraqi Prime Minister Haider Al-Abbadi. April 14, 2015.

government. Abbadi has also sought to move against corruption: he announced in November 2014 that 50,000 ISF personnel on the payrolls were not actually performing military service and, in early 2016, the cases of several officials were referred to prosecutors on allegations of corruption.

With U.S. support, Abbadi has promoted formation of a “National Guard” force based on locally recruited fighters, reporting to provincial governments, to protect their home provinces from the Islamic State. The program appears mostly intended to entice Iraq’s Sunnis to resist Islamic State influence—an apparent attempt to revive the concept of the earlier U.S.-led “Awakening”/Sons of Iraq program. The program is planned to also apply to Shiite militias who want to secure Shiite areas.<sup>48</sup> The initiative received Cabinet approval in February 2015 but has remained stalled in the COR, where the dominant Shiite factions apparently do not want to arm Sunni fighters extensively.

Yet, many Sunnis continue to mistrust the Abbadi government. His visits to Iran (October 2014 and June 2015) continue to fuel Sunni suspicions that Abbadi is susceptible to arguments from some Iranian leaders not to compromise with Sunni factions. Many experts assess that Abbadi remains dependent politically and militarily on the Shiite militias, and the commanders of the Iran-backed Shiite militias have become politically influential and assertive to the point where some experts assess them as able and willing to undermine Abbadi’s authority. Former Prime Minister Maliki continues to seek to exert his influence by holding meetings of the State of Law parliamentary bloc and by cultivating an image of personal affinity for and control over the PMF. The militia commanders express suspicions of the United States and want Abbadi to ally more closely with Iran as well as with Russia, which has intervened in Syria in part to help keep President Bashar Al Assad in power. However, Abbadi’s standing improved with the ISF recapture of Ramadi in early 2016, which was accomplished without involvement of Shiite militias and with the assistance of U.S. airstrikes and other support.

### **Popular Unrest Compels Reform Measures**

Since mid-2015, the economic strains of confronting the Islamic State challenge manifested as popular unrest in some government-controlled areas. Even though observers reported that the Islamic State threat to Baghdad had receded substantially and some of the security measures in the city had been eased, large demonstrations took place in Baghdad and elsewhere in the summer of 2015 protesting government failure to reliably deliver key services, particularly electricity that was crucial to coping with a particularly hot summer. In response, Abbadi proposed a reform package to address public grievances but also potentially sideline key rivals such as Maliki. The most controversial part of the reforms was the abolition of the three vice presidential posts, which would remove Maliki (and the other Vice Presidents) from formal positions and reduce their security protections and legal immunities. The reform package had the support of Grand Ayatollah Sistani and apparently the public as well, and the COR generally endorsed the reforms in August 2015. U.S. officials assert that Abbadi’s reform package reflects Abbadi’s stated goals of creating a more effective, accountable Iraqi government.<sup>49</sup>

However, support for the reforms has been eroded by vested interests and others affected. Ayatollah Sistani came out in opposition to Abbadi’s October 2015 pay cut of 20% for government employees. The three vice presidents have refused to vacate their positions, asserting

<sup>48</sup> Loveday Morris. “Iraq’s Plans for Force to Fight Islamic State Meet Distrust.” *Washington Post*, September 14, 2014.

<sup>49</sup> “Iraqi leader wins backing for reforms but walks a dangerous line,” *Washington Post*, August 11, 2015.

Abbadi had acted outside the constitution. On November 2, 2015, the COR essentially shut down the reform program by voting to require that any anti-corruption or governmental reorganization measures, such as the proposal to eliminate redundant ministerial posts (or reduce the number of deputy prime ministers) require COR approval.

In early 2016, Abbadi proposed a broad cabinet reshuffle that he said would replace many factional loyalists with technocrats and other skilled personnel without regard to their factional allegiances. That proposed reform, too, has been largely stymied by entrenched resistance. Abbadi's failure to push through reforms has provided an opening for other political leaders, including Moqtada Al Sadr, to mobilize popular demonstrations criticizing government failures and particularly Abbadi's inability to institute his proposed reforms. Still, the proposed reforms include proposals for salary and subsidy cuts to deal with the dramatic fall in oil prices and resulting budgetary difficulties. Experts predict there could be significant anti-government demonstrations if some of these benefits are reduced.

At the same time, experts have taken note of the increasing intrusiveness of the normally reserved Ayatollah Sistani into the political process, in some cases comparing him to the clerical supervisory role pioneered by the late Ayatollah Ruhollah Khomeini, leader of Iran's Islamic revolution.<sup>50</sup> Apparently expressing disappointment with the progress of the reform effort, Ayatollah Sistani did not meet with Abbadi when the Prime Minister visited Najaf in November 2015, during which he met with other Shiite clerics. On the other hand, perhaps seeking to protect his reputation from the major divisions in Iraq, in February 2016 Sistani announced he would cease giving regular weekly sermons on national political affairs.

## U.S. Policy Response to the Islamic State<sup>51</sup>

The gains by the Islamic State in Iraq in mid-2014 posed a threat to the territorial and political integrity of Iraq, and caused the Obama Administration to resume an active military role in Iraq. President Obama stated on September 10, 2014, that U.S. policy is "to degrade and ultimately defeat the Islamic State." That statement represented an escalation of the U.S. response well beyond the responses undertaken as the ISIL challenge increased in late 2013. From late 2013 until the ISIL capture of Mosul in June 2014, the United States took several actions:

- *Delivered and sold additional weaponry.* The Defense Department supplied Iraq with several hundred HELLFIRE air-to-surface missiles for use against ISIL training camps.<sup>52</sup>
- *Additional Training.* The Department of Defense increased bilateral and regional training opportunities for Iraqi counterterrorism (CTS) units to help burnish ISF counterinsurgency skills. By June 2014, U.S. Special Operations Forces had conducted two sessions of training for Iraqi CT forces in Jordan.<sup>53</sup>

After the Islamic State's capture of Mosul in June 2014, the U.S. response broadened significantly into a multifaceted strategy to try to degrade and ultimately defeat the Islamic State.

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<sup>50</sup> Matt Bradley and Safa Majeed. "Iraq Parliament Curbs Premier's Powers." *Wall Street Journal*, November 2, 2015.

<sup>51</sup> For a comprehensive analysis of U.S. policy against the Islamic State in both Iraq and Syria, see CRS Report R43612, *The Islamic State and U.S. Policy*, by Christopher M. Blanchard and Carla E. Humud

<sup>52</sup> <http://www.defensenews.com/article/20140106/DEFREG02/301060019/US-Speeds-Up-Drone-Missile-Deliveries-Aid-Iraq>.

<sup>53</sup> Missy Ryan. "U.S. Renews Training of Elite Forces in Jordan." *Reuters*, May 7, 2014.

The military component of the strategy, conducted in partnership with several dozen other countries playing various roles, is termed “Operation Inherent Resolve.”

- **Advice and Training.** The United States has deployed over 3,500 U.S. military personnel to train and advise the ISF, *peshmerga* forces, and Sunni tribal fighters.
- **Air Strikes.** Since August 8, 2014, U.S. military action in Iraq has included airstrikes on Islamic State positions and infrastructure.
- **Weapons Resupply.** Since mid-2014, the United States has delivered to Iraq significant quantities of additional weapons, HELLFIRE missiles, and the F-16s previously purchased. In addition to support for the ISF, the Administration has supplied weaponry and ammunition to the *peshmerga* of the KRG, via the Iraqi government. Under the Arms Export Control Act, all U.S. foreign military sales (FMS) go to central governments, not sub-national forces. However, Section 1223 of the FY2016 National Defense Authorization Act (P.L. 114-92) grants the President authority to provide arms directly to the *peshmerga* and to Sunni security tribal security forces if the President reports that Iraq has failed to increase inclusiveness of ethnic and sectarian minorities in governance and in security institutions. The legislation appeared intended to address KRG complaints that their efforts against the Islamic State suffers from Baghdad’s slow passage to the KRG of U.S-supplied weaponry although numerous sources say the flow to the *peshmerga* has improved substantially since late 2015. KRG officials continue to assert that they have a deficiency of heavy weapons—particularly those that can stop suicide attacks from long range.
- **Military Aid.** The Administration is providing substantial amounts of military aid to help the Iraqi government counter the Islamic State threat. For FY2015, over \$1.6 billion in “Overseas Contingency Operation (OCO)” funding for an “Iraq Train and Equip Fund” has been provided. For FY2016, the Administration is providing \$715 million for those purposes, supplemented by a request for \$250 million in Foreign Military Financing (FMF) for Iraq. That amount is provided in the FY2016 Consolidated Appropriation (P.L. 114-113). For FY2017, the Administration has requested \$620 million in Train and Equip funds as well as \$150 million in FMF-OCO.

## Results of Operation Inherent Resolve in Iraq and Way Forward

Operation Inherent Resolve appears to be progressing toward the stated goals in Iraq. The campaign gained some momentum in late 2015 with the *peshmerga*-led recapture of Sinjar and the ISF recapture of Ramadi and Iraq and *peshmerga* forces are reportedly beginning to close off Islamic State supply routes around the key city of Mosul, its major remaining center in the country.

## Human Rights Issues

The State Department human rights report for 2014 largely repeated previous years’ criticisms of Iraq’s human rights record, while also analyzing gross violations of human rights committed in Iraq by the Islamic State. The report cites a wide range of human rights problems committed by Iraqi government security and law enforcement personnel—as well as by KRG security institutions—including unlawful killings; torture and other cruel punishments; poor conditions in prison facilities; denial of fair public trials; arbitrary arrest; arbitrary interference with privacy and home; limits on freedoms of speech, assembly, and association due to sectarianism and

extremist threats; lack of protection of stateless persons; wide-scale governmental corruption; human trafficking; and limited exercise of labor rights.<sup>54</sup> Many of these same abuses and deficiencies are alleged in reports by outside groups such as Human Rights Watch.

Additional human rights issues have arisen from the reemergence of the Shiite militias. Some of these militias reportedly have executed Sunnis for alleged collaboration with the Islamic State. The militias have also, in some cases, allegedly prevented Sunnis from returning to their homes in towns recaptured from the Islamic State.

### **Trafficking in Persons**

The State Department's Trafficking in Persons report for 2015 again placed Iraq in Tier 2, as did the reports for 2013 and 2014.<sup>55</sup> The Tier 2 placement is an upgrade from the Tier 2 Watch List rating for Iraq for the four years prior to 2013, and was based on a U.S. assessment, repeated in the report for 2015, that Iraq is making "significant efforts" to comply with the minimum standards for the elimination of trafficking. The report for 2015 blamed much of the human trafficking that is taking place in Iraq on the Islamic State, which conducts such activities—particularly the trafficking of women and girls for forced marriages, sexual slavery, and rape—in areas of Iraq that are outside the control of the Iraqi government.

### **Media and Free Expression**

While State Department and other reports attribute most of Iraq's human rights difficulties to the security situation and factional infighting, some curbs on free expression are independent of such factors. Human rights activists criticized a law, passed by the COR in August 2011, called the Journalist Rights Law, that purported to protect journalists but left many of the provisions of Saddam-era libel and defamation laws in place. State Department human rights reports have noted continuing instances of harassment and intimidation of journalists who write about corruption and the lack of government services, including raids on media offices. Much of the private media that operate is controlled by individual factions or powerful personalities. There are no overt government restrictions on access to the Internet.

In early 2013, the COR adopted an Information Crimes Law to regulate the use of information networks, computers, and other electronic devices and systems. Human Rights Watch and other groups criticized that law as "violat[ing] international standards protecting due process, freedom of speech, and freedom of association,"<sup>56</sup> and the COR revoked it in February 2013.

### **Corruption**

The State Department human rights report for 2014 repeated previous years' reports that political interference and other factors such as tribal and family relationships regularly thwart the efforts of anti-corruption institutions, such as the Commission on Integrity (COI). The report says that corruption among officials across the government is widespread. In addition to the COI (formerly called the Public Integrity Committee), which investigates allegations of governmental corruption and refers cases to the courts for prosecution, there is a Supreme Board of Audits, which monitors the use of government funds. The Central Bank's Money Laundering Reporting Office leads the

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<sup>54</sup> <http://www.state.gov/documents/organization/236812.pdf>

<sup>55</sup> <http://www.state.gov/documents/organization/243559.pdf>

<sup>56</sup> Human Rights Watch. "Iraq's Information Crimes Law: Badly Written Provisions and Draconian Punishments Violate due Process and Free Speech." July 12, 2012.

government's efforts to combat money laundering and terrorism financing. A Joint Anti-Corruption Council, which reports to the Cabinet, is tasked with implementing the government's 2010-2014 Anti-Corruption Strategy. No new anti-corruption strategy was issued in 2014 but, as noted above, the Abbadi government has stepped up its attempts to investigate and prosecute officials accused of corruption. The KRG has its own separate anti-corruption institutions, including an Office of Governance and Integrity in the KRG Cabinet.

### **Religious Freedom/Situation of Religious Minorities**

The Iraqi constitution provides for religious freedom, but heightened sectarian tensions produced by the overall conflict with the Islamic State caused limitations in religious freedom and substantial discrimination, according to the most recent State Department report on International Religious Freedom.<sup>57</sup> In addition, reflecting the conservative Islamic attitudes of many Iraqis, Shiite and Sunni clerics seek to enforce aspects of Islamic law and customs, sometimes coming into conflict with Iraq's generally secular traditions as well as constitutional protections. In February 2014, the Cabinet adopted a Shiite "personal status law" that would permit underage marriages—an apparent attempt by the government to shore up support among Shiite Islamists.

A major concern is the safety and security of Iraq's Christian and other religious minority populations which are concentrated in northern Iraq as well as in Baghdad. These groups include the Yazidis, which number about 500,000-700,000; the Shabaks, which number about 200,000-500,000 and most of whom are Shiites; the Sabeans, who number about 4,000; the Baha'i's that number about 2,000; and the Kakai's of Kirkuk, which number about 24,000. Conditions for these communities have deteriorated sharply since the Islamic State-led offensives that began in June 2014. Of the 325 seats in the Council of Representatives, the law reserves eight seats for members of minority groups: five for Christian candidates from Baghdad, Ninewa, Kirkuk, Erbil, and Dahuk; one Yezidi; one Sabean-Mandaean; and one Shabak.

*Christians.* Even before the 2014 Islamic State-led offensives, recent estimates indicate that the Christian population of Iraq had been reduced to 400,000-850,000, from an estimated 1 million-1.5 million during Saddam's time. About 10,000 Christians in northern Iraq, fearing bombings and intimidation, fled the areas near Kirkuk during October-December 2009. After the Islamic State capture of Mosul in June 2014, the city's remaining Christians were expelled and some of their churches and other symbolic locations destroyed. There is one Christian in the central government cabinet.

Prior to the Islamic State capture of much of Nineveh Province, Iraqi Assyrian Christian groups advocated a Nineveh Plains Province Solution, in which the Nineveh Plains would be turned into a self-administering region, possibly its own province. Supporters of the idea claimed such a zone would pose no threat to the integrity of Iraq, but others say the plan's inclusion of a separate Christian security force could set the scene for violence and confrontation. The Iraqi government adopted a form of the plan in its January 2014 announcement that the Cabinet had decided to convert the Nineveh Plains into a new province. The Islamic State's takeover of much of the north has probably mooted this concept. One prominent Iraqi human rights NGO, the Hammurabi Organization, is largely run by Iraqi Assyrians.

*U.S. Policy and Funding and Issues.* Even at the height of the U.S. military presence in Iraq, U.S. forces did not specifically protect Christian sites at all times, partly because Christian leaders do not want to appear closely allied with the United States. The Deputy Assistant Secretary of State

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<sup>57</sup> <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

for Iraq in the Bureau of Near Eastern Affairs served as the State Department's special coordinator for Iraq's religious and ethnic minority groups.

Appropriations for FY2008 and FY2009 each earmarked \$10 million in ESF to assist the Nineveh Plain Christians. The Consolidated Appropriations Act of 2010 (P.L. 111-117) made a similar provision for FY2010, although focused on Middle East minorities generally and without a specific dollar figure mandated for Iraqi Christians. The State Department International Religious Freedom report for 2012 said that the United States funded more than \$73 million for projects to support minority communities in Iraq from 2003 up to that time. Subsequent reports did not update that figure.

### **Women's Rights**

Iraq has a tradition of secularism and liberalism, and women's rights issues have not been as large a concern for international observers and rights groups as they have in Afghanistan or the Persian Gulf states, for example. Women serve at many levels of government, as discussed above, and are well integrated into the work force in all types of jobs and professions. By tradition, many Iraqi women wear traditional coverings but many adopt Western dress. In October 2011, the COR passed legislation to lift Iraq's reservation to Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women.

### **Economic Development and the Energy Sector**

Iraq's energy sector has enabled the economy to continue to develop despite the setbacks on governance and human rights. The growth of oil exports has fueled rapid expansion of the economy. Iraqi officials estimated that growth averaged 5% growth per year during 2004-2014. GDP now exceeds \$150 billion per year. However, violence and the dramatic fall in oil prices have stalled Iraq's economy in 2014 and 2015, with perhaps even worse economic performance forecast for 2016 unless oil prices recover.

Iraq implemented a \$150 billion budget for 2014, but, addressing falling oil prices, on January 29, 2015, the COR adopted a much smaller \$105 billion budget for 2015. On December 16, 2015, the COR adopted an \$88 billion budget for 2016, which projects \$68 billion in revenue and a \$20 billion deficit. However, the 2016 budget is based on an oil price of \$45 per barrel, which is higher than the current world price. Experts assess that the deficit could easily top \$40 billion for all of 2016.

The KRG region is suffering from similar budgetary difficulties, compounded by the need to host displaced persons, lower oil production and reserves than were estimated, and the periods of blockage of the oil flow to Turkey because of Islamic State and other attacks on pipelines. Payment of salaries to KRG employees and the *peshmerga* have been delayed or reduced.

The government expresses an interest not to draw down its estimated \$60 billion in foreign exchange reserves to finance its deficit. The government has begun to try to raise more revenue domestically through user fees, such as for hospital stays, and it plans increased charges for electricity and customs duties. The country received a \$1.25 billion emergency loan from the IMF in 2015 and is exploring with international bankers the floating of bond issues and other financing mechanisms. Germany lent Iraq \$550 million in 2015 for capital improvements. Iraq also opened discussions about \$500 million in short-term funding from the Export-Import Bank to purchase Boeing commercial aircraft for a reviving Iraqi Airways. The FY2017 Administration aid request includes \$260 million that would guarantee another Iraqi sovereign loan of \$1 billion, and the aid request includes a \$2.7 billion loan for Iraqi purchases of U.S. military equipment.

Iraq's budgetary problems are due, at least in part, to the fact that the energy sector provides 90% of Iraq's budget. Iraq possesses a proven 143 billion barrels of oil. After long remaining below the levels achieved prior to the ouster of Saddam Hussein, Iraq's oil exports recovered to Saddam-era levels of about 2.1 million barrels per day by March 2012. Production reached the milestone 3 million barrels per day mark in February 2012, and expanded further to about 3.6 million barrels per day as of mid-2014. Exports are at about Saddam-era/pre-1990 sanctions levels of about 2.4 million barrels per day.

Iraqi leaders say they plan to increase production to over 10 million barrels per day by 2017. The International Energy Agency estimates more modest but still significant gains: it sees Iraq reaching 6 mbd of production by 2020 if it attracts \$25 billion in investment per year, and potentially 8 mbd by 2035. Helping Iraqi production grow is the involvement of foreign firms, including BP, Exxon-Mobil, Occidental, and Chinese firms. China now buys about half of Iraq's oil exports.

Adopting national oil laws has been considered key to developing and establishing rule of law and transparency in a key sector. Substantial progress appeared near in August 2011 when both the COR and the Cabinet drafted the oil laws long in the works to rationalize the energy sector and clarify the rules for foreign investors. However, there were differences in their individual versions: the version drafted by the Oil and Natural Resources Committee was presented to the COR in August 2011. The Cabinet adopted its separate version on August 28, 2011, but the KRG opposed it as favoring too much "centralization" (i.e., Baghdad control) in the energy sector. A 2012 KRG-Baghdad agreement on KRG oil exports included a provision to set up a six-member committee to review the different versions of the oil laws under consideration and decide which version to submit to the COR for formal consideration. There has been little subsequent movement on this issue. The KRG-Baghdad interim deal on oil sales—coupled with an improved working relationship between the KRG and the Abadi government as compared to the Maliki government—increased the potential for agreement on the issue, but the breakdown of the oil deal in 2015 has stalled progress again.

## Regional Relationships

Iraq's neighbors have significant interest in Iraq's stability and in defeating the Islamic State, but Sunni-run governments in the region have been hesitant to work closely with the Shiite-dominated government in Baghdad. Iraq's instability also has interrupted its efforts to reintegrate into the Arab fold after more than 20 years of ostracism following Iraq's invasion of Kuwait in August 1990. That reintegration took a large step forward with the holding of an Arab League summit in Baghdad during March 27-29, 2012, even though only 9 heads of state out of the 22 Arab League members attended. Only one of them was a Persian Gulf state leader (Amir Sabah al-Ahmad Al Sabah of Kuwait). On May 23-24, 2012, Iraq hosted nuclear talks between Iran and six negotiating powers. Iraq has also begun to assist other Arab states, for example by assisting post-Qadhafi authorities in Libya to destroy chemical weapons stockpiles from the Qadhafi regime.

### Iran

Iran is the chief regional supporter and ally of the Baghdad government and its influence in Iraq has increased steadily since the fall of Saddam Hussein. Iran's leverage over Baghdad has increased further since mid-2014 as a result of Tehran's military assistance to the Iraqi government against the Islamic State. Iran has reportedly sent as many as 1,000 advisers from the

IRGC-QF to help the ISF and to re-activate, re-arm, and train some Iraqi Shiite militia forces discussed above.

Iran also has provided to Baghdad substantial quantities of military equipment including a reported five to seven Su-25 combat aircraft; flown drone surveillance flights over Iraq; and conducted at least one airstrike (December 2014) against Islamic State forces that were within about 40 miles of Iran's border. The aircraft Iran has provided to Iraq might have been from among 100+ combat aircraft that Iraq flew to Iran at the beginning of the 1991 war against the United States and which Iran integrated into its own air force.<sup>58</sup> (Iran had not previously returned the jets, asserting that they represented "reparations" for Saddam's invasion of Iran in 1980.) KRG leaders have also praised Tehran for delivering military equipment to the *peshmerga* almost immediately after the Islamic State's major offensive in northern Iraq began in mid-2014.

Iran's military assistance to Iraq furthers the overall U.S. objective in Iraq of countering the Islamic State, but senior U.S. officials say there is no formal U.S. coordination with Iran in Iraq. By many accounts, Iran cooperated with U.S. efforts to achieve a replacement for Maliki as Prime Minister. The United States is supporting anti-Islamic State operations by only those Shiite PMF that are associated with the ISF, and not those directed by Iran.

Iran has also apparently viewed Iraq as an avenue for reducing the effects of international sanctions. In July 2012, the Treasury Department imposed sanctions on the Elaf Islamic Bank of Iraq for allegedly conducting financial transactions with the Iranian banking system in violation of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA, P.L. 111-195). Those sanctions were lifted in May 2013 when Elaf ended its business with Iran.

The Iraqi government treatment of the population of Camp Liberty, in which about 2,000 Iranian oppositionists (People's Mojahedin Organization of Iran, PMOI) remain, is another indicator of the government's close ties to Iran. The residents of the camps accuse the Iraqi government and some Shiite militias of periodic attacks on the camp. As noted above, the Mukhtar Army claimed responsibility for the late October 2015 attack on Camp Liberty, which killed 23 PMOI residents. This issue is discussed in CRS Report RL32048, *Iran: Politics, Gulf Security, and U.S. Policy*, by Kenneth Katzman.

Iran has periodically acted against other Iranian opposition groups based in Iraq, including the Free Life Party (PJAK) that consists of Iranian Kurds and is allied with the Kurdistan Workers' Party that opposes the government of Turkey. Iran has shelled purported camps of the group on several occasions. Iran is also reportedly attempting to pressure the bases and offices in Iraq of such Iranian Kurdish parties as the Kurdistan Democratic Party of Iran (KDP-I) and Komaleh.

The close Iran-Iraq relationship today contrasts sharply with the 1980-1988 Iran-Iraq war, in which an estimated 300,000 Iraqi military personnel (Shiite and Sunni) died. Still, Iraq's Shiite clerics resist Iranian interference and take pride in Najaf as a more prominent center of Shiite theology than the Iranian holy city of Qom.

## Syria

One of the major disagreements between the United States and the government of Iraq has been on Syria, in which Iraqi leaders see President Bashar Al Assad as an ally. (Assad's Alawite community practices a religion that is an offshoot of Shiism.) In August 2015, Iraq joined with Iran, Syria, and Russia to form an intelligence fusion cell to cooperate against the Islamic State.

<sup>58</sup> Gareth Jennings. "Iraq Receives Additional Su-25 Jets, Purportedly from Iran." *Jane's Defence Weekly*, July 2, 2014.

The Administration interpreted that arrangement as intended to assist Assad and to provide Russia with inroads into anti-Islamic State activities in Iraq. Administration officials, including Chairman of the Joint Chiefs of Staff Joseph Dunford in a visit to Iraq in October 2015, warned Iraq that allowing Russia a military role in Iraq would jeopardize U.S. support. At the same time, perhaps following Iran's lead, Iraq is publicly supporting a 2015 multilateral agreements on a transition of power in Syria, although that agreement does not specifically stipulate that Assad will leave office.

An issue that divided Iraq and the United States in 2012-2014 was Iraq's reported permission for Iranian arms supplies to overfly Iraq en route to Syria.<sup>59</sup> Iraq searched a few of these flights, particularly after specific high-level U.S. requests to do so, but routinely allowed the aircraft to proceed after finding no arms aboard, sometimes because the Iranian aircraft had already dropped off their cargo in Syria. Following a March 24, 2013, visit of Secretary of State Kerry to Baghdad, the United States agreed to provide Iraq with information on the likely contents of the Iranian flights, and the overflights decreased in frequency.

Separately from ISF operations, the KRG has trained some Syrian Kurdish militia forces to secure an autonomous Kurdish area if Assad loses control and sent about 200 *peshmerga* to assist Syrian Kurdish forces (YPG, a successor to the Kurdistan Workers' Party, PKK) in the successful defense of the town of Kobane in 2014-2015.

## Turkey

Turkey's policy toward Iraq has historically focused almost exclusively on the Iraqi Kurdish insistence on autonomy and possible push for independence. Turkey has always expressed concern that Iraqi Kurdish independence could embolden Kurdish oppositionists in Turkey. The anti-Turkey Kurdistan Workers' Party (PKK) has long maintained camps inside Iraq, along the border with Turkey. During the 1990s and 2000s, and again since late 2015, Turkey has conducted periodic cross-border military operations against the group's camps in Iraq. However, the PKK issue has not prevented Turkey from building a pragmatic and positive relationship with the KRG and becoming the largest outside investor in northern Iraq. Turkey did not openly oppose the KRG's seizure of Kirkuk in June 2014, even though the capture would presumably help a KRG independence drive.

Turkey's positive relations with the KRG have complicated relations between Turkey and the Iraqi government. In August 2012, then Turkish Foreign Minister (now Prime Minister) Ahmet Davutoglu visited the disputed city of Kirkuk, prompting Iraq's Foreign Ministry to criticize the visit as an inappropriate interference in Iraqi affairs. In an effort to improve relations with Baghdad, Davutoglu visited Najaf and Karbala in November 2013—Iraqi cities holy to Shiites—apparently to signal Turkish sectarian evenhandedness. Still, Turkey's permission as of mid-2015 for the KRG to sell oil without coordinating the sales with Baghdad remains an irritant in Iraq-Turkey relations. And, the relationship was strained in November-December 2015 when Turkey added trainers to its contingent in the KRG area, near Mosul, prompting Abadi to insist that the extra forces withdraw.

## Saudi Arabia/Gulf States

The Sunni-led Arab states of the Persian Gulf (Gulf Cooperation Council, GCC: Saudi Arabia, Kuwait, UAE, Qatar, Bahrain, and Oman) have consistently criticized Iraq's domination by Shiite

<sup>59</sup> Kristina Wong, "Iraq Resists U.S. Prod, Lets Iran Fly Arms to Syria." *Washington Times*, March 16, 2012.

factions and the government's widely reported discrimination against Sunni Iraqis. Iraq-GCC relations worsened during 2012-2014 as the Maliki government marginalized key Iraqi Sunni leaders as discussed above. The GCC states have joined the U.S.-led coalition against the Islamic State, but have to date limited their airstrikes to Syria, not Iraq, apparently not wanting to directly materially support the Shiite-dominated government in Baghdad.

Saudi Arabia had been widely criticized by Iraqi leaders for delaying opening an embassy in Baghdad, a move Saudi Arabia pledged in 2008. This issue faded somewhat after February 2012, when Saudi Arabia announced that it had named its ambassador to Jordan, Fahd al-Zaid, to serve as a nonresident ambassador to Iraq concurrently—although still not opening an embassy in Baghdad. On September 15, 2014, Saudi Arabia announced that it would open an embassy in Baghdad and, during the visit of Prime Minister Abbadi to Washington, DC, in mid-April 2015, Saudi Arabia named a resident Ambassador to Iraq. The appointment coincided with comments by Abbadi during his U.S. visit that were critical of Saudi intervention against Zaidi Shiite Houthi rebels in Yemen. Using language similar to that used by Iran, Abbadi said “There is no logic to the [Saudi] operation [in Yemen] at all in the first place.”<sup>60</sup> Saudi Arabia formally opened its embassy in Baghdad in December 2015 with Thamer al-Sabhan as Ambassador. However, some of Sabhan's comments since taking up his post – such as direct criticism in January 2016 that Iraqi PMF are stoking sectarian tensions – have caused diplomatic friction between the two countries. And, Iraq generally did support Iran's strident criticism of the Saudi execution of a dissident Shiite cleric in January 2016. The other Gulf countries maintain embassies in Iraq.

Iraq's relationship with Kuwait is always fraught with sensitivity because of the legacy of the 1990 Iraqi invasion. However, the two countries have built a close relationship as Kuwait has been the most accepting of Iraq's government among the GCC states. Amir Sabah of Kuwait was the only Gulf head of state to attend the March 27-29, 2012, Arab League summit in Baghdad; the other Gulf states sent low-level delegations. These issues are discussed in detail in CRS Report RS21513, *Kuwait: Governance, Security, and U.S. Policy*, by Kenneth Katzman.

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<sup>60</sup> Michael Gordon and Eric Schmitt. “Tensions Flare Between Allies in U.S. Coalition.” *New York Times*, April 16, 2015.

**Table 3. U.S. Assistance to Iraq Since FY2003**

(appropriations/allocations in millions of dollars)

	FY '03	04	05	06	07	08	09	10	11	12	13	14	15	16	17 (req)
IRRF	2,475	18,389	—	10	—	—	—	—	—	—	—	—	—	—	—
ESF	—	—	—	1,535.4	1,677	429	541.5	382.5	325.7	250	72.3	72.3	54	72.5	332.5
Democracy Fund	—	—	—	—	250	75	—	—	—	—	—	—	—	—	—
IFTA (Treasury Dept. Asst.)	—	—	—	13.0	2.8	—	—	—	—	—	—	—	—	—	—
NADR	—	—	3.6	—	18.4	20.4	35.5	30.3	29.8	32	31.1	31.1	23.86	—	26.86
Refugee Accounts (MRA and ERMA)	39.6	.1	—	—	78.3	278	260	316	280	—	—	—	—	—	—
IDA	22	—	7.1	.3	45	85	51	42	17	—	—	—	—	—	—
Other USAID Funds	470	—	—	—	—	23.8	—	—	—	—	—	—	—	—	—
INCLE	—	—	—	91.4	170	85	20	702	114.6	137	13.5	13.5	1.0	11	0
FMF	—	—	—	—	—	—	—	—	—	850	471.3	471.3	150	250	150
IMET	—	1.2	—	—	1.1	—	2	2	1.7	2	1.1	1.7	.902	1.0	1.0
DOD- ISFF	—	—	5391	3007	5542	3000	1000	1000	1155	—	—	—	1618	715	620
DOD— Iraq Army	51.2	—	210	—	—	—	—	—	—	—	—	—	—	—	—
DOD— CERP	—	140	718	708	750	996	339	263	44.0	—	—	—	—	—	—
DOD— Oil Repair	802	—	—	—	—	—	—	—	—	—	—	—	—	—	—
DOD— Business Support	—	—	—	—	50.0	50.0	74.0	—	—	—	—	—	—	—	—
<b>Total</b>	<b>3,859</b>	<b>18548</b>	<b>6329</b>	<b>5365</b>	<b>8584</b>	<b>5042</b>	<b>2323</b>	<b>2738</b>	<b>1968</b>	<b>1519</b>	<b>589.4</b>	<b>590</b>	<b>1927</b>	<b>1050</b>	<b>1130</b>

**Sources:** State Department budget documents, and CRS calculations. Figures include regular and Overseas Contingency Operations (OCO) funding.

**Notes:** This table does not contain separate agency operational costs. IMET=International Military Education and Training; IRRF=Iraq Relief and Reconstruction Fund; INCLE=International Narcotics and Law Enforcement Fund; ISFF=Iraq Security Force Funding; NADR=Nonproliferation, Anti-Terrorism, Demining and Related; ESF=Economic Support Fund; IDA=International Disaster Assistance; FMF=Foreign Military Financing; ISF= Iraqi Security Forces; CERP = Commanders Emergency Response Program. ISFF funding are funds to equip and train the ISF, peshmerga, and Sunni tribal fighters. FY2016 figures represent authorized and/or appropriated amounts, with actual totals not available because the fiscal year is in progress. FY2017 ESF request includes \$260 million to guarantee a \$1 billion sovereign loan. Request also includes \$2.7 billion loan for Iraq to purchase U.S. arms.

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# EXHIBIT C

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# State Department Terrorist Designations of Asa'ib Ahl al-Haq and Its Leaders, Qays and Laith al-Khazali

MEDIA NOTE

OFFICE OF THE SPOKESPERSON

JANUARY 3, 2020

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Today, the Secretary of State announced his intent to designate Aas'ib Ahl al-Haq — also known as AAH — as a Foreign Terrorist Organization (FTO) under section 219 of the Immigration and Nationality Act. Additionally, the Secretary has designated AAH and two of its leaders, brothers Qays and Laith al-Khazali, as Specially Designated Global Terrorists (SDGT) under Executive Order (E.O.) 13224.

“AAH and its leaders are violent proxies of the Islamic Republic of Iran,” said Secretary of State Mike Pompeo. “Acting on behalf of their masters in Tehran, they use violence and terror to further the Iranian regime’s efforts to undermine Iraqi sovereignty.” AAH is extensively funded and trained by Iran’s Islamic Revolutionary Guard Corps (IRGC) Quds Force, an entity that was part of the IRGC designation as an FTO in April 2019.

These designations seek to deny AAH and its leadership the resources to plan and carry out terrorist attacks. Among other consequences of designations, all of AAH and the al-Khazali brothers’ property and interests that are within the United States or that come within the United States or that come within the possession or control of U.S. persons, are blocked, and U.S. persons are generally prohibited from engaging in any transactions with them. In addition, as a designated FTO, it is a federal crime to knowingly provide, or attempt or conspire to provide, material support or resources to AAH.

AAH, led by Qays and Laith al-Khazali, is an Iran-backed, militant organization that has claimed responsibility for more than 6,000 attacks against U.S. and Coalition forces since its creation in 2006. AAH has carried out highly sophisticated operations, including mortar attacks on an American base, the downing of a British helicopter, and an attack on the Karbala Provincial Headquarters that resulted in the capture and murder of five American soldiers.

Today’s designations follow an action taken by the U.S. Department of the Treasury on December 6, 2019, to designate Qays and Laith al-Khazali pursuant to E.O. 13818 for their involvement in serious human rights abuses in Iraq, including approving the use of lethal force against protesters for the purpose of public intimidation. The FTO designation of AAH will take effect after a statutory 7-day congressional notification period. The SDGT designations of AAH and the al-Khazali brothers are effective immediately.

Today's actions notify the U.S. public and the international community that this group is a terrorist organization and its leaders, the Khazali brothers, who have participated in its terrorist acts, are SDGTs. Terrorist designations expose and isolate entities and individuals, and deny them access to the U.S. financial system. Moreover, designations can assist the law enforcement activities of U.S. agencies and other governments.

A list of State Department-designated FTOs and SDGTs is available here: <http://2017-2021.state.gov/j/ct/list/index.html>.

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#### TAGS

Bureau of Counterterrorism

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# EXHIBIT D

# Asa'ib Ahl al-Haq



## AT A GLANCE

**Overview**  
**Organization**  
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**Maps**

## HOW TO CITE

Mapping Militant Organizations. "Asa'ib Ahl al-Haq." Stanford University. Last modified July 2018. <https://cisac.fsi.stanford.edu/mappingmilitants/profiles/asaib-ahl-al-haq>

## SUMMARY

**Formed:** 2006

**Disbanded:** Group is active

**First Attack:** July-August 2006: Elements of Asa'ib Ahl al-Haq fought alongside Hezbollah in the 2006 Lebanon-Israeli War (casualties unknown).<sup>1</sup>

**Last Attack:** November 2017: AAH participated in the offensive on Abu Kamal. This town is very strategically significant and enables Iran to set up a supply route from Iran to Lebanon, which facilitated Iranian assistance to Hezbollah (unknown killed, unknown wounded).

## OVERVIEW

Asa'ib Ahl al-Haq (AAH) is an Iranian-funded Shiite militant and political organization that split off from the Mahdi Army in 2006 under the leadership of Qais al-Khazali. The group is funded by Iran and promotes Iran's interests in Iraq. It primarily targeted U.S. troops prior to the U.S. withdrawal from Iraq in 2011 after which point AAH rebranded itself as a political organization. Since the rise of the Islamic State (IS) in late 2013, the AAH has been fought alongside the Iraq government against IS. In 2017 it became a member of the Fatah coalition in the Iraqi government and won 14 seats in the Iraqi Parliament.

## NARRATIVE SUMMARY

Asa'ib Ahl al-Haq (AAH) is an Iranian-funded Shiite militant organization. It is also sometimes called the Khazali Network. It formed in January 2006 by Qais al-Khazali as a splinter group from the Mahdi Army. It is often referred to as one of the Special Groups, a term used by the U.S. military to denote the Iranian-controlled Shiite militias operating in Iraq.<sup>2</sup> Prior to founding AAH, Khazali was the commander of a military brigade within Muqtada al-Sadr's Mahdi Army. However, Khazali and his followers had already begun to act independently of Sadr and the Mahdi Army by 2004. Most notably, Khazali's brigade continued to fight U.S. troops in the summer of 2004 despite Sadr's orders that the Mahdi Army to lay down its arms.<sup>3</sup> Khazali quickly reconciled with Sadr; however, in 2006, he was recruited by the Iranian Revolutionary Guard Corps (IRGC) to lead a new militia that they had recently begun training in Iraq. He and the majority of his brigade split from the Mahdi Army in early 2006, joining Iran's newly trained militia and founding AAH. Since its inception, AAH has relied heavily on Iranian funding, training, and logistical support, and in return has acted as an Iranian proxy in Iraq, carrying out its agenda and promoting its interests.<sup>4</sup>

Shortly after or perhaps even simultaneously to its creation, AAH elements fought alongside its fellow Iranian-proxy organization Hezbollah in the 2006 Israel-Lebanon War.<sup>5</sup> AAH's fighters performed well, having been extensively trained and funded by the Iranian Republican Guard Corps (IRGC).<sup>6</sup> The group was, and continues to be, under the personal supervision of Qasem Soleimani, the commander of the IRGC Quds Force, and has retained close ties with Hezbollah since its inception.<sup>7</sup>

Despite fighting against Israel in 2006, AAH's main targets at the time were the U.S. coalition troops in Iraq. Between 2006 and 2011, the group claimed responsibility for over 6,000 attacks on U.S. forces.<sup>8</sup> Following one particularly deadly attack in March 2007 in which five Americans were killed in Karbala, U.S. forces captured Khazali and Hezbollah commander Ali Musa Daqduq. Akram al-Kabi, a close confidante of Khazali's and one of the AAH's top military commanders, temporarily assumed command of the organization until Khazali's release. Shortly following, in 2008, Muqtada al-Sadr demanded that al-Kabi re-unite AAH with the Mahdi Army but he refused.<sup>9</sup> Following the Iraqi Army's seizure of Basra in 2008, many of AAH's leaders fled to Iran. In contrast, the Mahdi Army negotiated a peace with the government.

While in Iran, exiled AAH members received additional training and logistical support from the Iranian government and IRGC.<sup>10</sup> AAH members who remained in Iraq continued to target coalition forces as well as the former Mahdi Army fighters who made peace with the Iraqi government.<sup>11</sup> In December 2009, the AAH orchestrated Khazali's release in exchange for Peter Moore, a British computer consultant that the AAH had taken hostage along with his four bodyguards in May 2007. Moore's four bodyguards were killed by AAH while in captivity.<sup>12</sup> In February 2010 the group took another Western hostage, U.S. Department of Defense contractor Issa T. Salomi. Salomi was released in March 2010 in exchange for the release of four AAH fighters who were being held by the Iraqi government.<sup>13</sup>

Following the withdrawal of American troops from Iraq in 2011, AAH reoriented itself towards politics, rebranding itself from an anti-Western Islamist militia to an Iraqi nationalist political party. It shifted its goals from attacking U.S. troop installations to maintaining a Shiite-controlled Iraqi state, expanding Iranian influence in Iraq, eclipsing the Sadrist as the most influential Shiite group in Iraq, and providing social services to Iraq's Shiite population. AAH also expanded its operations and established a political office in Beirut, Lebanon, where it maintained close ties to Hezbollah. Yet despite its new focus, the group did not renounce its former militancy and refused to surrender its weapon caches to the Iraqi government.<sup>14</sup>

Shortly after the U.S. withdrew in 2011, Iraqi Prime Minister Nouri al-Maliki invited the group to enter the political process.<sup>15</sup> In 2012, the group attempted to garner support for its pro-Iranian political agenda by launching a massive poster campaign, in which it distributed over 20,000 posters of Ayatollah Khamenei throughout Iraq.<sup>16</sup> It also conducted a series of assassinations of Sadrist leaders, hoping to weaken the group and take its place as the preeminent Shiite political faction in the country.<sup>17</sup> In the 2014 Iraqi parliamentary elections, AAH's political party, al-Sadiqoon, allied with Maliki's Dawlat al-Qanoon coalition and won a single seat in the parliament.<sup>18</sup>

From 2011-2014, the AAH also became known for its commitment to use violence on behalf of the Maliki government and for stoking sectarian violence. Following its entrance into the political process, the group quickly earned itself a reputation for being the military muscle behind Maliki's Shiite political faction.<sup>19</sup> For instance, in 2013, the Maliki government allegedly used AAH fighters to police the Anbar province in lieu of the Iraqi police.<sup>20</sup> Then towards the end of 2013 and into 2014, reports surfaced of AAH fighters rounding up and either jailing or executing anti-Maliki Sunni Arab tribesmen in southern and central Iraq. For instance, Human Rights Watch reported that AAH fighters killed 109 Sunni men in the outskirts of Baghdad between March and early July of 2014.<sup>21</sup>

During this period, the AAH has also been active in the conflicts in Syria and the fight against the Islamic State (IS).<sup>22</sup> AAH initially entered the Syrian civil war in 2011, fighting alongside Hezbollah to prop up the pro-Iranian Assad regime. Other than Hezbollah, AAH is considered the most important foreign militant organization fighting for Assad. In 2013, AAH in conjunction with Kata'ib Hezbollah (KH), established Hakarat Hizb Allah al-Nujaba, a front organization used to channel AAH and KH fighters into Syria.<sup>23</sup> More recently, as the most powerful pro-Maliki militia in Iraq, AAH has been deployed to some of the most contested areas in Iraq in the battle against IS. For instance, the group has recently been leading the Shiite militias in the heavily contested city of Amerli.<sup>24</sup> Iran has continued to provide AAH with significant amounts of financial and logistical aid. New AAH recruits are often taken to Iran for two weeks of intense training with the IRGC before being sent to the front lines. The Iranian government also pays the families of those soldiers who die in battle up to \$5,000 in addition to the cost of the burial.<sup>25</sup> Currently the group also seeks to shore up the Assad regime in Syria, to turn

back the advance of the Islamic State (IS) in both Syria and Iraq, and to secure Iranian strategic interests.<sup>26</sup>

The AAH's operations are primarily conducted under the framework of the Popular Mobilization Forces (PMF), an alliance of Shia militant groups organized in 2014. As part of the PMF, AAH played an instrumental role in retaking ISIS territory. The PMF is an important source of influence and recruitment for the AAH—through it, the AAH gained many recruits amongst the Shia tribesman of Iraq.<sup>27</sup> The PMF's enjoy widespread support among the Iraqi people and receive financial and military support from both Iran and Iraq. The PMF's remain partially integrated in the Iraqi state system.<sup>28</sup>

Despite having opposed the U.S. during its occupation of Iraq, AAH shifted when the IS threat emerged. In 2015, an AAH spokesman released a statement announcing that it was willing to accept a U.S. military presence in Iraq, under the supervision of the Iraqi government. He reiterated that AAH leadership does not trust the Americans and believes their ultimate goal is to fragment Iraq so as to increase the relative strength of Israel.<sup>29</sup> In March 2016, reports surfaced that AAH was in possession of a number of U.S. vehicles and military equipment, including at least two M113 armored personnel carriers.<sup>30</sup> However, on March 21, 2016, AAH released a statement via its TV channel, al-Ahd, stating, "If the U.S. administration doesn't withdraw its forces immediately, we will deal with them as forces of occupation." The statement is believed to have been released in response to Washington's announcement the previous week that it had sent a detachment of the 26<sup>th</sup> Marine Expeditionary Unit to Iraq to bolster coalition efforts against the Islamic State.<sup>31</sup>

In 2017, AAH played integral roles in multiple offensives in conjunction with the PMFs. Perhaps most notably, the AAH participated in the al-Qa'im and Kirkuk offensives against the Islamic State.<sup>32</sup> Photos of the al-Qa'im offensive show the AAH using expensive military equipment, and what allegedly appears to be an Iranian T-72 tank.<sup>33</sup> The AAH also continued its sectarian activities and reportedly raided the houses of many Sunnis in Kirkuk.<sup>34</sup> Despite the fact that the AAH is deploying under the PMU framework, it appears to have significant independence as AAH banners were reportedly flying over areas in Kirkuk.

Crucially, AAH also helped take the town of Abu Kamal on the eastern border of Syria in November of 2017.<sup>35</sup> While this episode occurred as part of the counter-ISIS program in Syria, it is illustrative of the ways that Iran has used its proxy forces to pursue strategic depth in the Middle East, particularly vis-à-vis Israel. Analysts describe this as a town of great strategic importance as it enables Iran to create a land route from Iran to Lebanon, enabling the supplying of ordnance to Hezbollah.<sup>36</sup> This capture served as precursor to a visit by Qais al-Khazali to the Israel-Lebanon border with a Hezbollah escort.<sup>37</sup> Khazali stated that "We declare our full readiness to stand united with the Lebanese people and the Palestinian cause in the face of the Israeli occupation."<sup>38</sup> An AAH spokesperson later clarified that "It's a clear message to the Israeli entity, as well as solidarity with the Lebanese people if the Israeli entity attacks them."<sup>39</sup> This appearance indicates the links between different militant groups that are supported by Iran and also the ability for

movement of ordinance and forces between these groups through an Iranian-supported network.

In 2017, AAH also made significant political moves. In May 2017, the Iraqi electoral commission approved the Asa'ib Ahl al-Haq Party, replacing the previous political wing of the group called al-Sadiqoon.<sup>40</sup> In January of 2018, the party joined a coalition called Fatah al Mubin (Manifest Victory) which consists primarily of PMF militias supported by Iran.<sup>41</sup> It appears as if though this party is an Iranian attempt to gain more influence in Iraq. Spokesmen for AAH indicated a clear desire to expel US forces during the run up to the election.<sup>42</sup>

AAH and the Fatah coalition ended up being quite successful during the election: out of the 329 seats in the Iraqi parliament, Fatah won the second most at 47 seats, behind Muqtada al-Sadr's Sairoon alliance (who won 54 seats). In particular, AAH won 14 of these seats.<sup>43</sup> The Sairoon alliance and Fatah were able to form a coalition,<sup>44</sup> which former Iraqi PM Abadi soon joined.<sup>45</sup> This three-way coalition has 143 seats, still short of the 165 seats required for a ruling bloc. Following the election, the US House of Representatives voted unanimously to pass a bill that would sanction members of AAH.<sup>46</sup> As of July 2018, this bill was still before the Senate.

## **ORGANIZATIONAL STRUCTURE**

### **A. LEADERSHIP**

**Qais al-Khazali** (2006-present): Khazali is the founder and current leader of AAH. He was a pupil of the prominent Shiite cleric Mohammad Sadiq al-Sadr and served as a military commander in Sadr's son Muqtada al-Sadr's Mahdi Army until he broke with the group in 2006. The U.S. captured Khazali in May 2007, held him prisoner until they released him in a prisoner exchange in March 2010, during which time Akram al-Kabi led AAH.<sup>47</sup>

**Laith al-Khazali** (2006-present): Laith al-Khazali is Qais al Khazali's brother, and has been a member of AAH's core leadership since its inception in 2006.<sup>48</sup>

**Mohammed al-Tabatabai** (unknown-present): Tabatabai is among AAH's core leaders. He became a trusted friend of Qais al-Khazali while studying under Mohammed Sadiq al-Sadr in the 1990s.<sup>49</sup>

**Akram al-Kabi** (2006 to present): Kabi has been one of the key leaders of AAH since its creation in 2006, before which he was one of the foremost military commanders in the Mahdi Army. Kabi assumed leadership of AAH after Khazali's capture in March 2007, relinquishing the position in May 2010 when Khazali was released. He is currently serving as the leader of Hakarat Hizb Allah al-Nujaba, which is a front organization established by AAH and Kata'ib Hezbollah (KH) in 2013 to which they send fighters to support Assad in Syria.<sup>50</sup>

**Ali Mussa Daqduq** (unknown-present): While not officially a member of AAH, Daqduq is a senior Hezbollah operative who is in charge of coordinating AAH and Hezbollah operations and often has served as a liaison between AAH and the Iranian government. He is also a senior advisor to Qais al-Khazali and was captured by the U.S. with the Khazali brothers in 2007. He was released on November 16, 2012 by the Iraqi government.<sup>51</sup>

**Hassan Salem** (unknown-unknown): Salem was believed to be the head of AAH's militia branch in 2012 when the group carried out a series of political assassinations.<sup>52</sup>

**Qasem Soleimani** (2006-present): Soleimani is the commander of the Iranian Quds Force, the division within the Iranian Revolutionary Guard Corps in charge of extra-national militant activities and clandestine services. Although not a member of AAH, Soleimani is responsible for establishing and funding the group and is believed to have personally supervised and directed AAH's activities.<sup>53</sup>

## **B. NAME CHANGES**

Asa'ib Ahl al-Haq is also known as the Khazali Network or the Khazali Special Groups Network.<sup>54</sup>

## **C. SIZE ESTIMATES**

- 2007: 3000 (Associated Press/Fox News)<sup>55</sup>
- February 9, 2014: 1,000 – 5,000 (The Washington Post)<sup>56</sup>
- March 15, 2015: 10000 (Voice of America)<sup>57</sup>

## **D. RESOURCES**

AAH is an Iranian proxy-organization in Iraq and as such receives extensive funding from the Iranian government. Iraqi intelligence officials estimate that AAH receives between \$1.5-\$2 million a month from the Iranian government.<sup>58</sup> Much of this money is channeled through the Quds Force under the direction of Qasem Soleimani. The Quds Force and IRGC also help to train and equip AAH soldiers. New recruits to AAH are often sent to either Iran or to Hezbollah training camps in Lebanon for a two-week training course before being deployed in the field.<sup>59</sup> Iran also pays the families of killed AAH fighters up to \$5,000 and will often also cover the cost of the fallen fighter's burial.<sup>60</sup>

Additionally, there are unconfirmed reports that AAH has received funding from former Prime Minister Nouri al-Maliki and that some AAH fighters have been recruited into a special paramilitary force led by Maliki himself. Maliki, too, receives significant aid and support from Iran.<sup>61</sup>

In March 2016, reports surfaced on international media outlets that AAH and Kata'ib Hezbollah (KH), another Iranian-funded Iraqi Shiite militia, were seen transporting and manning U.S. made vehicles and other military equipment in Samarra, where the two militias were engaged fighting IS. It remains somewhat unclear how the vehicles and equipment came into AAH and KH possession.<sup>62</sup>

## E. GEOGRAPHIC LOCATIONS

**Disclaimer:** This is a partial list of where the militant organization has bases and where it operates. This does not include information on where the group conducts major attacks or has external influences.

AAH operates primarily within Iraq and is headquartered in Baghdad where it has two political offices. It also maintains offices in al-Khalis, Basra, Tal Afar, Hillah, and Najaf and has contacts with tribal leaders in the Dhi Qar, Muthanna, and Maysan provinces.<sup>63</sup> After his release from custody in 2010, Khazali and other AAH leaders relocated to Iran, from where they continued to dictate AAH operations. After the U.S. withdrawal in 2011, the majority of the AAH leadership returned to Baghdad.<sup>64</sup> In 2013, reports surfaced that the Maliki government was using AAH fighters in lieu of the Iraqi police force in the Anbar province and subsequently as riot police in Baghdad.<sup>65</sup> Most recently, in 2016 AAH and Kata'ib Hezbollah have been engaged fighting IS in and around the central Iraqi city of Samarra.<sup>66</sup>

After the U.S. withdrawal in 2011, AAH began to operate outside of Iraq. Although elements of AAH had fought alongside Hezbollah in the 2006 Israel-Lebanon war, up until 2011 the group's area of operations was predominantly limited to Iraq. In 2011, however, the group established a political presence in Lebanon and sent representatives to meet with Hezbollah, Hamas, and Lebanese government officials.<sup>67</sup> The same year, AAH began to send fighters to Syria on Iran's orders to fight alongside Hezbollah and Assad government forces.<sup>68</sup>

In 2013, AAH joined with Kata'ib Hezbollah to form a front group, Hakarat Hizb Allah al-Nujaba, to which they route their soldiers to fight for Assad in Syria.<sup>69</sup> After AAH helped take the town of Abu Kamal in Syria,<sup>70</sup> a town which analysts say has great strategic importance as it enables the supplying of ordnance to Hezbollah,<sup>71 72</sup> Qais al-Khazali visited the Israel-Lebanon border with a Hezbollah escort.<sup>73</sup> Khazali stated that "We declare our full readiness to stand united with the Lebanese people and the Palestinian cause in the face of the Israeli occupation."<sup>74</sup> An AAH spokesperson later clarified that "It's a clear message to the Israeli entity, as well as solidarity with the Lebanese people if the Israeli entity attacks them."<sup>75</sup> This appearance indicates the links between different militant groups that are supported by Iran and also the ability for movement of ordnance and forces between these groups through an Iranian-supported network.

In November 2017, social media images of an AAH offensive in Al-Qa'im show the AAH using what appears to be an Iranian T-72 tank, although this is unconfirmed. AAH fighters also appear to be wearing extensive military equipment.<sup>76</sup>

## **STRATEGY**

### **A. IDEOLOGY AND GOALS**

AAH is a Shiite organization that promotes the ideals of the Iranian Revolution, most notably the wilayat al-faqih (guardianship of the jurists). This is the complete implementation of political Islam under a faqih, or Islamic jurist, who has guardianship over God's people. Ayatollah Khomeini was the first to put this theory into practice when he established the Iranian theocracy and established the Grand Ayatollah in the image of the theoretical faqih.<sup>77</sup> As such, AAH is often called a Khomeinist organization and continues to look to Iran's current Grand Ayatollah, Ayatollah Khamenei, for political and spiritual guidance. In line with its allegiance to Iran and the principles of the Iranian Revolution, AAH seeks to institute a Shi'a Islamic government in Iraq and establish Shariah Law throughout the country. In addition to looking to Iran for spiritual guidance, AAH also retains a close spiritual allegiance to Mohammed Sadiq al-Sadr, one of Iraq's most famous and revered clerics.<sup>78</sup>

During the U.S. occupation of Iraq, AAH's main goal was the expulsion of U.S. troops from Iraq and thus directed the majority of its attacks against U.S. forces in the region.<sup>79</sup> However, since the U.S. withdrawal in 2011, AAH has rebranded itself from an anti-Western resistance militia to an Iraqi nationalist political organization. Yet, despite attempting to portray itself as nationalist, AAH continues to promote Iranian interests in Iraq and pursue closer links between the two states.<sup>80</sup> The group continues to work to establish a Shi'ite controlled state and the implementation of Shariah Law throughout Iraq. Currently the group also seeks to shore up the Assad regime in Syria and to turn back the advance of the Islamic State (IS) in both Syria and Iraq.<sup>81</sup>

### **B. POLITICAL ACTIVITIES**

Following the U.S. withdrawal from Iraq in December 2011, AAH declared its intention to join the Iraqi political process—a transition that was overseen and facilitated personally by Maliki. In 2012, AAH began the process of rebranding itself from an Islamist resistance militia to a nationalist Shiite political party.<sup>82</sup> It established political offices in Baghdad, al-Khalis, Basra, Tal Afar, Hillah, and Najaf, sent political delegations to meet with tribal leaders in the Dhi Qar, Muthanna, and Maysan provinces, and began providing charitable services to Shiite communities. As a result of these efforts the group has grown rapidly as a political party. In the 2014 Iraqi parliamentary elections, AAH's political party, al-Sadiqoon, allied with Maliki's Dawlat al-Qanoon coalition and won one seat in the Iraqi National Assembly.<sup>83</sup>

In 2017, AAH also made significant political moves. In May of 2017, the Iraqi electoral commission approved the Asa'ib Ahl al-Haq Party, replacing the previous political wing

of the group called al-Sadiqoon.<sup>84</sup> The party proved to be adept at campaigning, with a lively and polished social media presence.<sup>85</sup> The party also provided various public services such as the building of schools and the sponsoring of soccer games.<sup>86</sup> The party also provided humanitarian aid following the earthquakes in November.<sup>87</sup> However, there were also incidents of violence on the campaign trail, with the AAH opening fire on students at Al-Qadisiyah after they threw their shoes at Qais al-Khazali.<sup>88</sup> In January of 2018, the party joined a coalition called Fatah al Mubin (Manifest Victory) which consists primarily of PMF militias supported by Iran.<sup>89</sup> The leader of the Fatah coalition is Hadi al-Ameri, the leader of the Badr Organization. He has extensive ties to Iran and the Qods force, with Qassem Soleimani describing him as “a living martyr,” and his exile there for several years during the Sadaam Hussein regime.<sup>90</sup> It appears as if though this party is an Iranian attempt to gain more influence in Iraq. Spokesmen for AAH indicated a clear desire to expel US forces during the run up to the election.<sup>91</sup>

AAH and the Fatah coalition ended up being quite successful during the election: out of the 329 seats in the Iraqi parliament, Fatah won the second most at 47 seats, behind Muqtada al-Sadr’s Sairoon alliance (who won 54 seats). In particular, AAH won 14 of these seats.<sup>92</sup> Despite previous bad blood between Sadr and Ameri, as well as the fact that Sadr ran on a platform that wanted to decrease all foreign influence and Ameri was staunchly pro-Iran, the Sairoon alliance and Fatah were able to form a coalition.<sup>93</sup> Additionally, the Sairoon alliance later formed a coalition with the former Iraqi PM Abadi.<sup>94</sup> This three-way coalition has 143 seats, still short of the 165 seats required for a ruling bloc, and shorter still of a coalition that would include Sunni Arab or Kurdish politicians.<sup>95</sup> It is unclear whether these seat counts will stay pending a nationwide manual recount following a series of irregularities, including the arson of several ballots, but they are not expected to change much.<sup>96</sup>

AAH has also expanded its political influence into Lebanon where it established a political office and sent delegations to meet with Hamas, Hezbollah, and Lebanese government officials in 2011.<sup>97</sup>

### **C. TARGETS AND TACTICS**

During the U.S. occupation of Iraq, Asa’ib Ahl al-Haq primarily targeted American troops and their Iraqi allies, claiming responsibility for over 6,000 attacks on American soldiers between 2006 and 2011. The group was known for its use of explosively formed penetrators (EFPs) and improvised rocketed-assisted mortars (IRAMs) against U.S. troops and for its high-profile kidnappings and executions of westerner nationals and Iraqi citizens working for western corporations. Yet, the rise of the Islamic State (IS) in 2013 brought AAH and the United States a common enemy. Although AAH was open to limited cooperation with the U.S., it released a statement in 2016 threatening to attack U.S. personnel in Iraq. The statement was released in response to the U.S.’s announcement the previous week that it was sending additional troops to fight IS in Iraq.<sup>98</sup>

Following the U.S. withdrawal in 2011, AAH ostensibly reoriented itself towards political participation. Yet despite its pledged commitment to non-violence, the group refused to surrender its weapons to the Iraqi government and in 2012 used them to assassinate several Sadrist candidates for the 2013 elections.<sup>99</sup> Shortly thereafter, in 2013, AAH was accused not only of standing in for the police force in Anbar on Maliki's orders but also of conducting purges of anti-Maliki Sunni tribesman in Iraq's southern provinces in order to assure Maliki a Shiite majority in those governorates.<sup>100</sup> These claims were corroborated by a report conducted by Human Rights Watch in July 2014 that accused AAH of killing 109 Sunni men between March and July 2014 in the towns surrounding Baghdad.<sup>101</sup>

In 2017, despite maintaining an active presence as a militant organization, AAH has also gained much political capital becoming a member of the Fatah coalition<sup>102</sup> and gaining 14 seats.<sup>103</sup> AAH is expected to become a part of the ruling coalition of Iraq.<sup>104</sup> For more, see the Political Activities section of this profile.

AAH has also fought in Syria alongside Hezbollah and the Assad government since 2011 and with the Iraqi government against the Islamic State (IS) since 2014.<sup>105</sup>

## MAJOR ATTACKS

**Disclaimer:** These are some selected major attacks in the militant organization's history. It is not a comprehensive listing but captures some of the most famous attacks or turning points during the campaign.

**July-August 2006:** Elements of Asa'ib Ahl al-Haq fought alongside Hezbollah in the 2006 Lebanon-Israeli War (unknown killed, unknown wounded).<sup>106</sup>

**October 10, 2006:** AAH used mortars to attack American Forward Operating Base Falcon (unknown killed, unknown wounded).<sup>107</sup>

**May 6, 2006:** AAH shot down a British Lynx helicopter in Basra. (5 killed, unknown wounded).<sup>108</sup>

**January 20, 2007:** AAH militants attacked and captured the Karbala Provincial Headquarters, killing five American soldiers in the process. The Khazali brothers and Ali Musa Daqduq, who had helped to plan and lead the attack, were captured by U.S. forces shortly after (5 killed, unknown wounded).<sup>109</sup>

**May 29, 2007:** AAH forces attacked the Iraqi Finance Ministry, capturing a British contractor named Peter Moore and his four bodyguards. AAH released Moore in December 2009 in exchange for the Iraqi Government's release of Qais al-Khazali. However, by the time that Moore was released, AAH had killed his four bodyguards (4 killed, unknown wounded).<sup>110</sup>

**February 2010:** AAH captured U.S. Department of Defense contractor Issa T. Salomi. Salomi was released in March 2010 in return for the release of four of their fighters who were held by the Iraqi government (0 killed, 0 wounded).<sup>111</sup>

**November 2011:** AAH was responsible for a roadside bomb that killed the last American to die before the U.S. withdrawal in November 2011 (1 killed, unknown wounded).<sup>112</sup>

**August 10, 2012:** AAH forces captured a Sunni Mosque in the Al-Amin al-Thaniyah district of Baghdad, subsequently converting it to a Shiite mosque (unknown killed, unknown wounded).<sup>113</sup>

**September 2012:** AAH was the main force fighting against IS in the city of Amerli (unknown killed, unknown wounded).<sup>114</sup>

**March-April 2014:** According to a Human Rights Watch report, AAH killed 109 Sunni men in the villages surrounding Baghdad between March and April 2014 (unknown killed, unknown wounded).<sup>115</sup>

**April 17, 2015:** AAH killed Izzat Ibrahim al-Douri in mountains between Kirkuk and Tikrit. Douri was Saddam Hussein's second in command and subsequently the leader of the Jaysh al-Rijal al-Tariq al-Naqshbandia (JRTN) (1+ killed, unknown wounded).<sup>116</sup>

**October 2017:** AAH participated in the offensive on Kirkuk. It is suspected that Iran played a heavy role in the seizure of the territory (unknown killed, unknown wounded).<sup>117</sup>

**November 2017:** AAH participated in the offensive on Al-Qa'im. They were spotted using what appears to be an Iranian T-52 (unknown killed, unknown wounded).<sup>118</sup>

**November 2017:** AAH participated in the offensive on Abu Kamal. This town is very strategically significant and enables Iran to set up a supply route from Iran to Lebanon, facilitating the furnishing of ordinance to Hezbollah (unknown killed, unknown wounded).<sup>119</sup>

## **INTERACTIONS**

### **A. DESIGNATED/LISTED**

Asa'ib Ahl al-Haq has never been designated as a terrorist organization by the U.S., EU, or UN. Interestingly, the other main Iranian-sponsored Shiite militia, Kata'ib Hezbollah, has been listed as a terrorist organization by the U.S. even though its activities and goals are almost identical to AAH's. As of July 2, 2018, there is currently a bill in the U.S. Senate that would designate the AAH as a terrorist organization.<sup>120</sup>

### **B. COMMUNITY RELATIONS**

While before 2011 AAH does not appear to have had a significant relationship with the Iraqi Shiite community, the group has built widespread support among Shiite Iraqis since entering the political process in 2011.<sup>121</sup> The group has not only established political offices across Iraq but has also sent political delegations to tribal leaders. AAH has also begun providing social services to the southern Iraqi Shiite tribes, most notably establishing a network of religious schools across the region as well as sponsoring public entertainment events such as soccer games.<sup>122</sup> In November 2017, AAH provided humanitarian assistance following an earthquake.<sup>123</sup>

AAH appears to have a tenuous relationship with members of the Sunni community in Iraq. They repeatedly raided the houses of Sunni communities in Kirkuk and have been accused of many war crimes.<sup>124</sup>

### **C. RELATIONSHIPS WITH OTHER GROUPS**

AAH is one of the Iranian-backed Special Groups, the U.S. Army's name for the Iranian-sponsored Shiite militias fighting in Iraq, and as such has always had good relations with other Iranian-sponsored Shiite militias, both Iraqi and foreign. In particular, AAH has often cooperated with Kata'ib Hezbollah, the second largest of the Special Groups after AAH. In 2013, the two groups co-founded Hakarat Hizb Allah al-Nujaba, a front group located in Syria to which the two groups send their fighters to fight alongside the Assad regime and Hezbollah.<sup>125</sup> AAH has also always maintained close relations with Hezbollah. Hezbollah operatives were responsible for training many of AAH's initial recruits and Hezbollah leader Ali Mussa Daqduq has often served as a liaison between the Iranian government and AAH. Furthermore, members of AAH fought along side Hezbollah in the 2006 Lebanon-Israel War and in support of the Assad regime in Syria starting in 2011.<sup>126</sup> During a visit to the Israeli-Lebanon border, Khazali stated that "We declare our full readiness to stand united with the Lebanese people and the Palestinian cause in the face of the Israeli occupation."<sup>127</sup> An AAH spokesperson later clarified that "It's a clear message to the Israeli entity, as well as solidarity with the Lebanese people if the Israeli entity attacks them."<sup>128</sup>

AAH has had a tense relationship with Muqtada al-Sadr's Mahdi Army and his Sadrist supporters since splitting from the Mahdi Army in 2006. While Khazali was being imprisoned by the U.S. in 2008, Sadr called for AAH to rejoin the Mahdi Army. Akram al-Kabi, who was leading AAH in Khazali's absence, refused Sadr's offer. Violent clashes subsequently broke out between former Mahdi Army members—Sadr had signed a truce with the U.S. and disbanded the group in 2008—and AAH militants in and around Basra.<sup>129</sup> Relations did not improve between the two groups when AAH entered the Iraqi political process in 2011. The two groups competed for the support of the Iraqi Shiite community, each trying to paint itself as the heir to Mohammed Sadiq al-Sadr's legacy. Each had claim to the title as both Khazali and Muqtada al-Sadr has been Sadiq al-Sadr's pupils. This competition led AAH to launch an assassination campaign against Sadrist political leaders in 2012 in an attempt to weaken the Sadrist's standing prior to the 2013 regional elections. Although both groups are currently fighting the Islamic State (IS),

tensions have not eased between the groups. For instance, in 2014 Sadr wrote off AAH as little more than a Maliki-sponsored militia and accused it of carrying out purges of anti-Maliki Sunni tribesmen in southern Iraq. AAH responded by attacking Sadrists.<sup>130</sup> However, despite this past bad blood, and the fact that Sadr ran on a platform that wanted to decrease all foreign influence and Ameri was staunchly pro-Iran, the Sairoon alliance and Fatah were able to form a coalition following the results of 2018 Iraqi Parliamentary elections.<sup>131</sup>

Since the rise of IS in 2013, AAH has joined the Iraqi government's fight against the Islamic State. As the most powerful pro-Maliki militia in Iraq, AAH has been deployed to some of the most contested areas in Iraq in the battle against IS. For instance, the group led the Shiite militias in the battle for Amerli in 2013-2014 and in Samarra in 2015-2016.<sup>132</sup> In retaliation, IS carried out a suicide attack at a soccer match sponsored by AAH in a town south of Baghdad in March 2016. 31 people were killed, among whom at least five were AAH members.<sup>133</sup>

The AAH's operations in the Iraqi theatre, although it has independent command, are primarily conducted under the framework of the Popular Mobilization Forces (PMF), an alliance of Shia militant groups organized in 2014. The largest groups in the PMF, in decreasing order of size, are Kata'ib Hezbollah(30000),<sup>134</sup> the Badr Organization (10000-15000),<sup>135</sup> and the AAH (10000).<sup>136</sup> As part of the PMF, AAH played an instrumental role in retaking ISIS territory, but it is also attacked as a human rights abuser and being a source of Iranian influence. The PMF is an important source of influence and recruitment for the AAH—through it, the AAH gained many recruits amongst the Shia tribesman of Iraq.<sup>137</sup> The PMF's enjoy widespread support among the Iraqi people and receive financial and military support from both Iran and Iraq. The PMF's remain partially integrated in the Iraqi state system.<sup>138</sup>

There are speculated tensions between AAH and the Jaysh al-Rijal al-Tariq al-Naqshabandia (JRTN), as indicated by AAH's claimed assassination of Izzat Ibrihim al-Douri, Saddam Hussein's former second in command and the leader of the JRTN, on April 17, 2015. Although initial claims of Douri's assassination could not be corroborated, the Iraqi government has recently confirmed Douri's death.<sup>139</sup>

#### **D. STATE SPONSORS/EXTERNAL INFLUENCES**

AAH has maintained close ties with Iran since its inception in 2006 and is often referred to as its proxy organization in Iraq. Iran not only provides the group with significant financial aid and training resources, but also influences the group's goals and activities. Although Qais al-Khazali is the leader of AAH and controls the group's day-to-day activities, the commander of the Iranian Quds Force, Qasem Soleimani, supervises the group and is thought to have the ultimate say in the group's targets, attacks, and overall strategy.<sup>140</sup>

**MAPS**

- Iraq
- Syria

<sup>1</sup> Wyer, Sam. "The Resurgence of Asa'ib Ahl al-Haq." Middle East Security Report 7, Institute for the Study of War, December 2012. Web. 30 July 2015.

<sup>2</sup> Jawad al-Tamimi. "Iraq: Who are Asa'ib Ahl al-Haq Islamists." Islamist Gate, 6 March 2014. Web. 20 July 2015; Wyer, Sam. "The Resurgence of Asa'ib Ahl al-Haq." Middle East Security Report 7, Institute for the Study of War, December 2012. Web. 30 July 2015; Cochrane, Marisa. "Asaib Ahl al-Haq and the Khazali Special Groups Network." Institute for the Study of War, 13 Jan. 2008. Web. 31 July 2015.

<sup>3</sup> Cochrane, Marisa. "Asaib Ahl al-Haq and the Khazali Special Groups Network." Institute for the Study of War, 13 Jan. 2008. Web. 31 July 2015.

<sup>4</sup> Wyer, Sam. "The Resurgence of Asa'ib Ahl al-Haq." Middle East Security Report 7, Institute for the Study of War, December 2012. Web. 30 July 2015; Cochrane, Marisa. "Asaib Ahl al-Haq and the Khazali Special Groups Network." Institute for the Study of War, 13 Jan. 2008. Web. 31 July 2015.

<sup>5</sup> Heras, Nicholas. "Iraqi Shi'a Militia Asa'ib Ahl al Haq Expands Operations to Syria." The Jamestown Foundation, Terrorism Monitor 12(10), 15 May 2014. Web. 31 July 2015.

<sup>6</sup> Mamouri, Ali. "The Rise of 'Cleric Militias' in Iraq." Al-Monitor (trans. T. Huffman), 23 July 2013. Web. 30 July 2015; Heras, Nicholas. "Iraqi Shi'a Militia Asa'ib Ahl al Haq Expands Operations to Syria." The Jamestown Foundation, Terrorism Monitor 12(10), 15 May 2014. Web. 31 July 2015.

<sup>7</sup> Wyer, Sam. "The Resurgence of Asa'ib Ahl al-Haq." Middle East Security Report 7, Institute for the Study of War, December 2012. Web. 30 July 2015.

<sup>8</sup> Wyer, Sam. "The Resurgence of Asa'ib Ahl al-Haq." Middle East Security Report 7, Institute for the Study of War, December 2012. Web. 30 July 2015.

<sup>9</sup> Cochrane, Marisa. "Asaib Ahl al-Haq and the Khazali Special Groups Network." Institute for the Study of War, 13 Jan. 2008. Web. 31 July 2015.

<sup>10</sup> Mamouri, Ali. "The Rise of 'Cleric Militias' in Iraq." Al-Monitor (trans. T. Huffman), 23 July 2013. Web. 30 July 2015.

<sup>11</sup> Jawad al-Tamimi. "Iraq: Who are Asa'ib Ahl al-Haq Islamists." Islamist Gate, 6 March 2014. Web. 20 July 2015.

<sup>12</sup> "Hostage Peter Moore 'surprised' by Asaib Ahl al-Haq apology." BBC News, 8 July 2014. Web. July 31 2015; Rayner, Gordon. "Peter Moore: US 'arranged secret prisoner exchange.'" The Telegraph, 1 Jan 2010. Web. 31 July 2015.

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# EXHIBIT E

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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vs. 5:20-CR-241  
CHASIB HAFEDH SAADOON AL FAWADI,  
Defendant.

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Transcript of a Change of Plea  
October 6, 2021  
Federal Building and Courthouse  
15 Henry Street  
Binghamton, New York

The HONORABLE THOMAS J. McAVOY Presiding.

A P P E A R A N C E S

For The Government: UNITED STATES ATTORNEY'S OFFICE  
BY: STEVEN D. CLYMER, AUSA

For Defendant: PAUL CAREY, ESQ.

*Ruth I. Lynch, RPR, RMR, NYSRCR  
Official United States Court Reporter  
Binghamton, New York 13901*

1 THE CLERK: Case is United States of America  
2 V. Chasib Hafedh Saadoon Al Fawadi, case number  
3 5:20-CR-241.

4 Can we please have the appearances for the  
5 record?

6 MR. STEVEN CLYMER: Good afternoon, your  
7 Honor, Steven Clymer for the United States, assisted  
8 by Special Agent Daria Egan.

9 THE COURT: Good afternoon, Mr. Clymer.  
10 Good afternoon, Special Agent.

11 MS. DARIA EGAN: Good afternoon.

12 MR. PAUL CAREY: Good afternoon, Judge. I'm  
13 sorry. Paul Carey present, Judge, with the defendant,  
14 who is also present, and a certified interpreter.

15 THE COURT: Good afternoon, gentlemen.

16 All right. As I understand it, Mr. Clymer,  
17 first of all I guess the clerk's going to swear the  
18 defendant.

19 THE CLERK: Will the interpreter please rise  
20 first?

21 Please state your name and raise your right  
22 hand.

23 THE INTERPRETER: Mohamed Aly.

24 THE CLERK: Please raise your right hand.

25 (The interpreter was duly sworn.)

1 THE CLERK: Will the defendant please raise  
2 your right hand?

3 (The defendant was duly sworn.)

4 THE CLERK: Thank you.

5 THE COURT: All right, Mr. Carey, as I  
6 understand it, your client wishes to enter a plea of  
7 guilty this morning to counts 1 and 2 of the  
8 indictment that's current in this case. Is that your  
9 understanding?

10 MR. CAREY: That is true, Judge.

11 THE COURT: Mr. Clymer, is that your  
12 understanding?

13 MR. CLYMER: Yes, your Honor.

14 THE COURT: All right. Let me ask the  
15 defendant to please state his full name?

16 THE DEFENDANT (in English): Chasib Hafedh  
17 Saadoon Al Fawadi.

18 THE COURT: And how old are ya?

19 THE DEFENDANT (in English): 36.

20 THE COURT: What's your date of birth?

21 THE DEFENDANT (in English): [REDACTED],  
22 1985.

23 THE COURT: All right, are you married?

24 THE DEFENDANT (in English): I am divorced.

25 THE COURT: Do you have any children?

1 THE DEFENDANT (in English): Yes.

2 THE COURT: Tell me their gender and their  
3 ages.

4 THE DEFENDANT (in English): Three boys.  
5 Eight and seven and four years old.

6 THE COURT: Okay. How far did you go in  
7 school?

8 THE DEFENDANT (in English): Yes.

9 THE INTERPRETER: High school, your Honor.

10 THE COURT: Okay. What kind of work have  
11 you done over the years?

12 THE DEFENDANT (in English): Taxi driver.

13 THE COURT: All right.

14 MR. CAREY: Judge, just for your  
15 information, he was a police officer in Baghdad.

16 THE DEFENDANT (in English): Yes.

17 THE COURT: Okay. Have you had any alcohol  
18 or narcotics in the past 48 hours?

19 THE DEFENDANT (in English): No.

20 THE INTERPRETER: No, your Honor.

21 THE COURT: Are you currently or have you  
22 recently been under the care of any physician,  
23 psychiatrist, or other medical care provider for any  
24 physical or mental condition?

25 THE INTERPRETER: Yes, your Honor, he's been

1 treated for anxiety within the last seven month.

2 THE COURT: For anxiety?

3 THE INTERPRETER: Yes, your Honor.

4 THE COURT: Any other kind of condition  
5 besides the anxiety?

6 THE INTERPRETER: No, your Honor.

7 THE COURT: What kind of medication are you  
8 taking?

9 THE INTERPRETER: They are giving him some  
10 medication that puts him to sleep, he doesn't know  
11 what kind.

12 THE COURT: Doesn't know the name?

13 THE INTERPRETER: He doesn't know the name.

14 THE COURT: Let me ask you this: Is this  
15 medication, no matter what it's called, in any way  
16 interfering with your ability to understand the  
17 charges and the consequences?

18 THE INTERPRETER: No, your Honor.

19 THE COURT: All right. And is Mr. Carey  
20 your attorney?

21 THE DEFENDANT (in English): Yes, sir.

22 THE COURT: Did you hire him? Or was he  
23 appointed by the Court?

24 THE INTERPRETER: He -- he appointed him,  
25 your Honor.

1 MR. CAREY: I was retained, Judge.

2 THE COURT: Okay. Has he explained the  
3 charges to you?

4 THE INTERPRETER: I'm sorry, your Honor?

5 THE COURT: Has he explained the charges to  
6 you that you're pleading to?

7 THE DEFENDANT (in English): Yes.

8 THE INTERPRETER: Yes, your Honor.

9 THE COURT: Do you understand them?

10 THE INTERPRETER: Yes.

11 THE COURT: All right. In a few moments I'm  
12 going to be asking you some additional questions in  
13 order to learn if you're pleading guilty freely and  
14 voluntarily with an understanding of the charges and  
15 the consequences.

16 THE INTERPRETER: Yes, your Honor.

17 THE COURT: I'm going to be asking you if  
18 anyone has made any promises of leniency to you to  
19 induce you to plead guilty or threatened you with the  
20 use of force to induce you to plead guilty.

21 THE INTERPRETER: No, your Honor.

22 THE COURT: And I'm going to be asking you  
23 to reaffirm the information you just gave me about  
24 your personal history and background. And I want to  
25 advise you that if your answers are not truthful they

1 may later be used against you in a prosecution for  
2 perjury, or making a false statement. Do you  
3 understand that?

4 THE INTERPRETER: Yes, your Honor.

5 THE COURT: Now, before I ask you those  
6 additional questions and before the clerk takes the  
7 plea, I have to advise you of certain rights that you  
8 have in connection with this matter.

9 First of all, you have the right to persist  
10 in your original plea of not guilty as to all counts  
11 in the indictment.

12 You have the right to a speedy and a public  
13 trial by an impartial jury of 12 persons or a trial by  
14 the Court alone if you were to waive, or give up, your  
15 right to a jury trial.

16 At such a trial you would be presumed to be  
17 innocent under the law, and the burden would be upon  
18 the Government to establish your guilt beyond a  
19 reasonable doubt to the satisfaction of all 12 jurors  
20 or the satisfaction of the Court if you waived your  
21 right to a jury trial.

22 You'd have the right to use a subpoena or  
23 subpoenas or other processes of Court to compel  
24 witnesses to attend the trial and testify and to  
25 provide any evidence you wish to offer in your own

1 defense.

2 Now, if the Court accepts your plea of  
3 guilty here this afternoon, you're going to waive, or  
4 give up, all those rights, there won't be a trial of  
5 any kind, and the Court will have the same power to  
6 sentence you as if you had been found guilty after a  
7 trial on the two counts to which you're pleading.

8 Now, you told me a few moments ago that you  
9 talked to Mr. Carey about the meaning of the charges  
10 against you, that he explained that to you, you  
11 understood that. Was that true?

12 THE DEFENDANT (in English): Yes.

13 THE INTERPRETER: Yes, your Honor.

14 THE COURT: Okay. Did you also talk to  
15 Mr. Carey about the potential sentences or the  
16 consequences of pleading guilty?

17 THE INTERPRETER: Yes, your Honor.

18 THE COURT: Did he explain those to you?

19 THE INTERPRETER: Yes, your Honor.

20 THE COURT: Do you understand them?

21 THE INTERPRETER: Yes, your Honor.

22 THE COURT: Did you also talk to Mr. Carey  
23 about your chances of winning or losing if you decided  
24 to go to trial, trial strategy and defenses?

25 THE INTERPRETER: Yes, your Honor.

1           THE COURT: Also I want to advise you that  
2 your plea of guilty constitutes a waiver, or giving  
3 up, of your right against self-incrimination, and I  
4 want to warn you not to plead guilty unless you are in  
5 fact guilty of the charges made against you in the  
6 indictment. Do you still wish to plead guilty?

7           THE INTERPRETER: Your Honor, can you  
8 restate the statement?

9           THE COURT: Sure. Lastly I want to ask you  
10 if your attorney explained to you that pleading guilty  
11 is a waiver, or giving up, of your right against  
12 self-incrimination. And I want to warn you not to  
13 plead guilty unless you are in fact guilty of the  
14 charges we discussed in the indictment. Do you still  
15 wish to plead guilty?

16           THE INTERPRETER: Yes, your Honor.

17           THE COURT: Okay. Mr. Clerk?

18           THE CLERK: As to the grand jury indictment  
19 introduction, on or about March 17, 2015, Defendant  
20 Chasib Hafedh Saadoon Al Fawadi, an Iraqi citizen,  
21 while in Turkey, signed a United States Citizenship  
22 and Immigration Service form I-590 to apply for  
23 classification as a refugee and to be admitted to the  
24 United States along with his family. Defendant Chasib  
25 Hafedh Saadoon Al Fawadi's application for refugee

1 status was based in large part on his claim that while  
2 in Iraq he was prosecuted -- or persecuted and  
3 threatened by Asa'ib Ahl al-Haq, an Iranian backed  
4 Shi'ites militia and paramilitary organization and  
5 group, because he had refused to assist in kidnappings  
6 of Sunni Muslims.

7 On or about September 1st, 2015, an official  
8 of the United States Citizenship and Immigration  
9 Services interviewed Defendant Chasib Hafedh Saadoon  
10 Al Fawadi in connection with his refugee application.  
11 Therefore, the application was approved and the  
12 Defendant Chasib Hafedh Saadoon Al Fawadi and his  
13 family were admitted to the United States on or about  
14 January 12th, 2016.

15 On or about June 8th, 2017, Defendant Chasib  
16 Hafedh Saadoon Al Fawadi signed a United States  
17 Citizen and Immigration Services form I-485 to apply  
18 to become a lawful permanent resident of the United  
19 States. He mailed the completed application form from  
20 Syracuse, New York. On or about April 9th, 2019,  
21 Defendant Chasib Hafedh Saadoon Al Fawadi was  
22 interviewed in Syracuse, New York, by an official of  
23 the United States Citizenship and Immigration Services  
24 concerning his form I-485 application to become a  
25 lawful permanent resident of the United States.

1                   On or about October 30th, 2019, Defendant  
2 Chasib Hafedh Saadoon Al Fawadi was interviewed in  
3 Syracuse, New York, by another official of the United  
4 States Citizenship and Immigration Services concerning  
5 his form I-485 application to become a lawful  
6 permanent resident of the United States.

7                   As to the grand jury charges count 1, false  
8 statements in an immigration application, on or about  
9 June 8th, 2017, in Onondaga County in the Northern  
10 District of New York, Defendant Chasib Hafedh Saadoon  
11 Al Fawadi knowingly subscribed to as a -- as true  
12 under penalty of perjury under Section 1746 of  
13 Title 28 of the United States Code one or more false  
14 statements as described below.

15                   THE INTERPRETER: Yes.

16                   THE CLERK: With respect to material facts  
17 in an application to adjust his immigration status to  
18 become a lawful permanent resident of the United  
19 States, specifically a United States Citizenship and  
20 Immigration Services form I-485, an application to  
21 register permanent residence or adjust status, a  
22 document required by the immigration laws and  
23 regulations prescribed thereunder. These false  
24 statements made under penalty of perjury included the  
25 following:

1           One. When asked on the form I-485 to list  
2 your present and past membership in or affiliation  
3 with every organization, association, fund,  
4 foundation, party, club, society, or similar group in  
5 the United States or in other places since your 16th  
6 birthday, Defendant Chasib --

7           THE INTERPRETER: I'm sorry.

8           THE COURT: Defendant Chasib Hafedh Saadoon  
9 Al Fawadi falsely stated in writing none, when --

10          THE INTERPRETER: Go ahead.

11          THE CLERK: When in fact, as he then well  
12 knew, since after his 16th birthday, while living in  
13 Iraq, he was a member of and affiliated with Asa'ib  
14 Ahl al-Haq, an Iranian backed Shi'ite militia and  
15 paramilitary organization and group.

16          When asked on the form I-485 have you ever  
17 engaged in a conspiracy to engage in or have you  
18 through any means ever assisted or provided any type  
19 of material support to any person or organization that  
20 has ever engaged in or conspired to engage in  
21 sabotage, kidnappings, political assassination,  
22 highjacking, or any other form of terrorist activity,  
23 Defendant Chasib Hafedh Saadoon Al Fawadi falsely  
24 stated no by checking a box, when in fact, as he then  
25 well knew, he had assisted and provided material

1 support to a Asa'ib Ahl al-Haq, an Iranian backed  
2 Shi'ite militia and paramilitary organization and  
3 group.

4 THE DEFENDANT (in English): That is not me.

5 THE COURT: Look, the interpreter  
6 interprets. The defendant does not respond. He just  
7 listens. But once the interpreter is finished saying  
8 what he is saying, then you may respond orally to the  
9 Clerk of Court.

10 Okay.

11 MR. CLYMER: Your Honor, if I may, it may  
12 avoid some confusion if the defendant knows that these  
13 are just the charges. This is -- he has not admitted  
14 to all of this. And so some of his confusion might  
15 be --

16 THE COURT: You're probably right.

17 MR. CLYMER: -- these are just the charges  
18 against him now.

19 THE COURT: To help that, as stated by the  
20 prosecutor, these are the charges made against you by  
21 the grand jury. You are not being asked at this time  
22 to admit to those charges. Later the prosecutor will  
23 state what he could prove if we went to trial. Then  
24 you will be asked to admit or deny that that's what  
25 you did or didn't do.

1           Okay, go ahead.

2           THE CLERK: Organization and group that, as  
3 he then well knew, had engaged in and conspired to  
4 engage in sabotage, kidnapping, political  
5 assassination, highjacking, and other forms of  
6 terrorist activity.

7           Three. When asked on the form I-485  
8 whether, quote, by fraud or willful misrepresentation  
9 of a material fact he had ever sought to procure or  
10 procured entry into the United States or any  
11 immigration benefit, Defendant Chasib Hafedh Saadoon  
12 Al Fawadi falsely stated, quote, no, by checking a  
13 box, when in fact he knew then well -- he then well  
14 knew he had willfully misrepresented material facts  
15 when in 2015 in Turkey he applied for admission to the  
16 United States as a refugee.

17           Including by falsely stating that he had  
18 never traveled to or been to any countries other than  
19 Iraq and Turkey, when, as he then well knew, he had  
20 traveled to and been inside Iran, Syria, and Jordan.

21           Four. When asked on the form I-485 whether  
22 he had, quote, ever served in, been a member of,  
23 assisted in, or participated in any military unit,  
24 paramilitary unit, police unit, self-defense unit,  
25 vigilante unit, rebel group, guerrilla group, militia,

1 or insurgent organization, Defendant Chasib Hafedh  
2 Saadoon Al Fawadi falsely stated, quote, no, by  
3 checking a box, when in fact, as he then well knew, he  
4 had served and been a member of, assisted in, and  
5 participated in Asa'ib Ahl al-Haq, an Iranian backed  
6 Shi'ite paramilitary unit, vigilante unit, rebel  
7 group, guerrilla group, militia, and insurgent  
8 organization.

9 Five. When asked on form I-485 whether he  
10 had, quote, ever been a member of, assisted in, or  
11 participated in any group, unit, or organization in  
12 any kind in which you or other persons used any type  
13 of weapon against any person or threatened to do so,  
14 Defendant Chasib Hafedh Saadoon Al Fawadi falsely  
15 stated no by checking a box when, in fact he, as he  
16 then well knew, he had been a member of, assisted in,  
17 and participated in Asa'ib Ahl al-Haq, an Iranian  
18 backed Shi'ite militia and paramilitary organization  
19 and group whose members routinely used weapons against  
20 other persons or threat -- and threatened to do so.

21 Six. When asked on the form I-485 whether  
22 he had ever received any type of military,  
23 paramilitary, or weapons training, end quote,  
24 Defendant Chasib Hafedh Saadoon Al Fawadi falsely  
25 stated, quote, no, end quote, by checking a box, when

1 in fact, as he then well knew, he had received  
2 military, paramilitary and weapons training.

3 All in violation of Title 18 United States  
4 Code Section 1546(a).

5 As to count 1, how do you plead?

6 THE DEFENDANT (in English): Can I say  
7 something, Judge, please?

8 THE INTERPRETER: He would like to say  
9 something, your Honor.

10 THE COURT: All right, you may.

11 THE DEFENDANT (in English): My English  
12 isn't very good.

13 (The defendant conferred with the  
14 interpreter.)

15 THE DEFENDANT (in English): Judge, I'm --  
16 I'm -- I told my lawyer, Mr. Carey, he changed all  
17 this stuff, what they say, what they say about me,  
18 when I was 16 years old. 16 years old, Saddam  
19 Hussein, he was there. This people is not in my  
20 country in this -- in this time.

21 THE INTERPRETER: What he is trying to say  
22 is that when he was 16 years old, at that time Saddam  
23 Hussein was in power. And any of this organization  
24 did not exist, would not exist during Saddam Hussein  
25 rule.

1 MR. CLYMER: Your Honor, may I address the  
2 Court? Because I can clear up this misunderstanding.

3 THE COURT: Excuse me?

4 MR. CLYMER: I think I can clear up the  
5 misunderstanding.

6 THE COURT: Okay, ahead.

7 MR. CLYMER: And if Mr. Al Fawadi will  
8 listen to me. He had some concerns about the  
9 allegations as written in the indictment.

10 THE COURT: Right.

11 MR. CLYMER: Including the allegation that  
12 says over 16 years old. Mr. Carey, his attorney,  
13 communicated those concerns to me. And so the plea  
14 agreement as opposed to the charges, we made  
15 modifications to address Mr. Al Fawadi's concerns.

16 THE COURT: Okay.

17 MR. CLYMER: So, so although all he's being  
18 asked to do is plead guilty to the indictment charge  
19 now, we're not asking that he plead guilty to every  
20 single fact that the clerk just read. As I'll explain  
21 to the Court later, Mr. Al Fawadi changed some of the  
22 facts, and we accepted those changes as part of the  
23 plea agreement.

24 THE DEFENDANT (in English): He say they  
25 change it. And they never change it.

1 MR. CAREY: It's in here.

2 (Mr. Carey conferred with the defendant.)

3 MR. CLYMER: May I approach, your Honor?

4 THE COURT: Sure.

5 MR. CLYMER: All the things, all the changes  
6 Mr. Al Fawadi requested, we made to the plea  
7 agreement.

8 THE COURT: Okay.

9 MR. CLYMER: And I'll explain those to the  
10 Court later when I get to that point.

11 THE COURT: Okay. All right, so right at  
12 the present time the Court understands that the  
13 defendant will not plead guilty to count 1 as stated  
14 by the clerk. But in a short period of time the  
15 prosecutor will tell us exactly what the agreement was  
16 whereby the defendant would plead guilty to the charge  
17 as amended in the agreement. Right?

18 MR. CAREY: We're all set, Judge.

19 THE COURT: Okay, that's the best we can do  
20 right now. Let's go on and have count 2 read. If  
21 it's the same story you can tell us that, if not he  
22 can plead, or not plead, and then I'm going to ask  
23 some more questions, and the prosecutor ultimately  
24 will tell us what he could prove if we went to trial.  
25 The defendant will be able to hear that and say yes, I

1 did that or no, I didn't do that. Whichever way it  
2 is, the Court will say okay, I accept your plea, or I  
3 don't, and you're going to trial. That's the choice.

4 Do you understand?

5 THE DEFENDANT (in English): Yes.

6 THE COURT: Okay, good.

7 Mr. Clerk?

8 THE CLERK: Count 2. False statements to a  
9 government agency. On or about April 9th, 2019, in  
10 Onondaga County in the Northern District of New York,  
11 Defendant Chasib Hafedh Saadoon Al Fawadi willfully  
12 and knowingly made one or more material -- materially  
13 false, fictitious, and fraudulent statements and  
14 representations as described below, in a matter within  
15 the jurisdiction of the executive branch of the -- of  
16 the Government of the United States, by making false  
17 oral statements during an interview with an official  
18 of the United States Citizenship and Immigration  
19 Services, a component of the Department of Homeland  
20 Security, in connection with his application to adjust  
21 his immigration status to become a lawful permanent  
22 resident of the United States. These false statements  
23 included the following:

24 One. Defendant Chasib Hafedh Saadoon Al  
25 Fawadi orally confirmed the truth of a written

1 statement on his previously submitted form I-485, used  
2 to apply to adjust his immigration status,  
3 specifically his written statement of, quote, none,  
4 unquote, in response to a question on the form I-485  
5 asking him to, quote, list your present and past  
6 membership in or affiliation with every organization,  
7 association, fund, foundation, party, club, society,  
8 or similar group in the United States or in other  
9 places since your 16th birthday, unquote. In fact, as  
10 Defendant Chasib Hafedh Saadoon Al Fawadi then well  
11 knew, his oral confirmation of this written statement  
12 was materially false because since after his 16th  
13 birthday, while living in Iraq, he was a member of and  
14 affiliated with Asa'ib Ahl al-Haq, an Iranian backed  
15 Shi'ite militia and paramilitary organization and  
16 group.

17 Two. Defendant Chasib Hafedh Saadoon Al  
18 Fawadi orally confirmed the truth of a written  
19 statement on his previously submitted form I-485 used  
20 to apply to adjust his immigration status,  
21 specifically his written statement by checking a box  
22 marked, quote, no, unquote, in response to a question  
23 asking, quote, have you ever engaged in, conspired to  
24 engage in, or have you through any means ever assisted  
25 or provided any type of material support to any person

1 or organization that has ever engaged in or conspired  
2 to engage in sabotage, kidnapping, political  
3 assassination, highjacking, or any other form of  
4 terrorist activity, end quote.

5 In fact, as defendant Chasib Hafedh Saadoon  
6 Al Fawadi then well knew, his oral confirmation of  
7 this written statement was materially false because he  
8 had assisted and provided material support to Asa'ib  
9 Ahl al-Haq, an Iranian backed Shi'ite militia and  
10 paramilitary organization and group that, as he then  
11 well knew, had engaged in and conspired to engage in  
12 sabotage, kidnapping, political assassination,  
13 highjacking, and other forms of terrorist activity.

14 Three. Defendant Chasib Hafedh Saadoon Al  
15 Fawadi orally confirmed the truth of a written  
16 statement on his previously submitted form I-485 used  
17 to apply to adjust his immigration status,  
18 specifically his written statement by checking a box  
19 marked, quote, no, unquote, in response to a question  
20 asking whether he had, quote, ever been a member of,  
21 assisted in, or participated in any group, unit, or  
22 organization of any kind in which you or other persons  
23 used any type of weapon against any person or  
24 threatened to do so, end quote. In fact, as Defendant  
25 Chasib Hafedh Saadoon Al Fawadi then well knew, his

1 oral confirmation of this written statement was  
2 materially false because he had been a member of,  
3 assisted in, and participated in Asa'ib Ahl al-Haq, an  
4 Iranian backed Shi'ite militia and paramilitary  
5 organization and group whose members routinely used  
6 weapons against other persons and threatened to do so.

7 All in violation of Title 18 United States  
8 Code Section 1001(A)(2).

9 As to count 2 how do you plead?

10 THE DEFENDANT (in English): Yes.

11 THE INTERPRETER: Yes.

12 THE CLERK: Guilty or not guilty?

13 THE DEFENDANT (in English): Yes. Yes.

14 Guilty.

15 THE COURT: Okay. I understand. A few  
16 moments ago I asked you your name, your age, your date  
17 of birth, a little bit about your family, your  
18 educational background, your employment history,  
19 whether or not you were under the care and treatment  
20 of any medical care providers, were you taking any  
21 medication, or had anything you ingested in any way  
22 interfered with your ability to understand the charge  
23 and the consequences. If I ask you all those same  
24 questions again, would you give me the same answers?

25 THE DEFENDANT (in English): Yes.

1 THE COURT: All right. Now, has Mr. Carey  
2 advised you of your rights in this case?

3 THE INTERPRETER: Yes, your Honor, he was  
4 advised by his lawyer to either deny or refuse or not  
5 to admit any of the charges.

6 THE COURT: Has he told you about your other  
7 rights in this case?

8 THE DEFENDANT (in English): Yes.

9 THE COURT: Okay. Is there anything you'd  
10 like to ask me about your rights this afternoon?

11 THE INTERPRETER: Yes, your Honor, please.

12 THE COURT: Yes?

13 THE INTERPRETER: Yes, he was told to --

14 THE COURT: Go ahead. Ask.

15 (Mr. Carey conferred with the defendant.)

16 MR. CAREY: He doesn't have a question,  
17 Judge.

18 THE COURT: What's that? I can't hear you.

19 THE CLERK: Continue with the charges or no?

20 THE COURT: We're done with that.

21 What question do you want to ask me, if any?

22 THE DEFENDANT (in English): Yes, sir. I  
23 want -- I want to save my life. And I don't want to  
24 be in a country and my children in another country.  
25 These -- I want to -- sometime I don't remember but I

1 write in Arabic. Can I read it and translate it?

2 THE INTERPRETER: Your Honor, he is saying  
3 that he --

4 THE COURT: You want to take your mask down  
5 so I can understand what you're saying?

6 THE INTERPRETER: He is saying that he has  
7 something written in Arabic and he would like me to  
8 translate it in response to your question if he has  
9 any inquiries.

10 THE COURT: Okay, well, has Mr. Carey or the  
11 prosecutor or any public official or anyone made any  
12 promises to you that you'd be treated leniently in  
13 exchange for your plea of guilty?

14 THE INTERPRETER: No, your Honor.

15 THE COURT: Has anybody threatened you with  
16 the use of force to induce you to plead guilty?

17 THE INTERPRETER: No, your Honor.

18 THE COURT: Are you pleading guilty freely  
19 and voluntarily with an understanding of the charges  
20 and the consequences?

21 THE INTERPRETER: Yes.

22 THE COURT: All right. As far as it went,  
23 right?

24 So, Mr. Clymer, does the Government have  
25 sufficient evidence to prove Mr. Al Fawadi guilty

1 beyond a reasonable doubt of the charges in count 1  
2 and count 2?

3 MR. CLYMER: Yes, your Honor.

4 THE COURT: What would you prove if we went  
5 to trial?

6 MR. CLYMER: Your Honor, I'm going to  
7 summarize rather than going through the same level of  
8 detail as the indictment. But I would like to say up  
9 front that Mr. Al Fawadi expressed concerns about two  
10 things that were in the charges that we are not going  
11 to ask him to admit to.

12 THE COURT: Okay.

13 MR. CLYMER: One, he joined Asa'ib Ahl  
14 al-Haq not at age 16 but at age 26.

15 THE COURT: Okay.

16 MR. CLYMER: Second, he didn't -- the  
17 indictment alleges that Asa'ib Ahl al-Haq was an  
18 organization that engaged in, I'll find the language,  
19 give me a second, your Honor.

20 THE COURT: He's going to change his plea to  
21 count 1 and 2 of the indictment. That's what you read  
22 to him. So what more can I tell ya?

23 THE CLERK: Yeah, no, you're right.

24 THE COURT: I didn't write that.

25 THE CLERK: No.

1 THE COURT: Yes, sir.

2 MR. CLYMER: Your Honor, the indictment  
3 alleges that Mr. Al Fawadi knew that this  
4 organization, Asa'ib Ahl al-Haq, engaged in sabotage,  
5 kidnapping, political assassination, highjacking, and  
6 other forms of terrorist activity. Mr. Al Fawadi is  
7 not admitting that.

8 THE COURT: Okay.

9 MR. CLYMER: So now I'm going to describe to  
10 the Court briefly, in summary fashion, what the  
11 evidence the Government would present would be if this  
12 case went to be trial.

13 THE COURT: Before you do that, I want to  
14 say to Mr. Carey; apparently the Government is taking  
15 the position that what the defendant either did or  
16 didn't just admit to was not correct as stated in the  
17 indictment because he did not join the organization,  
18 the Iranian organization, at age 16 but did join it at  
19 age 36.

20 MR. CLYMER: 26, your Honor.

21 THE COURT: 26. So that's a variance as to  
22 what was stated in the indictment, isn't it?

23 MR. CAREY: It is.

24 THE COURT: Maybe some defense counsel might  
25 say, your Honor, I move to dismiss the indictment as

1 being defective. Whether I would do that or not you  
2 don't now. But you might make that motion.

3 MR. CLYMER: Judge, I want to clarify.  
4 We're not saying we couldn't prove it. I'm saying he  
5 won't admit to it. So we're happy to live with the  
6 admissions he's making. If we had to prove it we  
7 could but I'm not asking him to admit it here.

8 THE COURT: That's fine, and I understand  
9 that.

10 MR. CLYMER: Okay.

11 THE COURT: I want to protect this record --

12 MR. CLYMER: Understand.

13 THE COURT: -- that the Second Circuit may  
14 read. And I think it's the defendant's obligation at  
15 this time to move to dismiss at least count 1 of the  
16 indictment to which he wouldn't admit because of the  
17 discrepancies that have been explained. If you don't  
18 want to do that, that's fine, we'll just move on.

19 MR. CAREY: Judge, I have --

20 THE COURT: All right, denied. It's on the  
21 record.

22 MR. CAREY: Okay.

23 THE COURT: Now Mr. Clymer's going to tell  
24 us what can the Government prove if this case went to  
25 trial as to count 1 and count 2?

1           MR. CLYMER: Judge, on June 8th, 2017, the  
2 defendant in Syracuse, New York, filled out a form  
3 I-485 to submit for purposes of lawful permanent  
4 resident status.

5           THE COURT: Okay.

6           MR. CLYMER: In that form Mr. Al Fawadi made  
7 several false statements as to material matters  
8 including false statements other than the ones that he  
9 is now contesting. For example, your Honor, he was  
10 asked -- for example, he was asked about whether he  
11 was a membership -- ever a member of any organization,  
12 association, fund, or party, et cetera, since his 16th  
13 birthday. Not as of but since his 16th birthday.

14           He answered that question none, despite  
15 knowing that at age 26 he had joined this organization  
16 Asa'ib Ahl al-Haq. That was a material fact.

17           Another example. He was asked if by fraud  
18 or willful misrepresentation of a material fact he had  
19 ever procured entry into the United States or any  
20 other immigration. He falsely stated no by checking a  
21 box, when in fact he knew that when he applied for  
22 refugee status he lied about never being in any  
23 country other than Iraq and Turkey, when in fact he  
24 had been in Syria in addition to that, and had been in  
25 Iran in addition to that.

1           There were other false statements that he  
2 made that are -- he acknowledged in his plea agreement  
3 on that date, I'm not going to go into those, but I'll  
4 move on to count 2 now.

5           With respect to count 2, he was brought in  
6 in person to the immigration office in Syracuse and  
7 asked follow-up questions based on the earlier form he  
8 submitted. That occurred April 9, 2019. In that  
9 interview he orally confirmed that he had answered  
10 the -- answered none, N-O-N-E, in response to the  
11 question about past membership, which was again false  
12 because, as he admitted, or as we can prove, since his  
13 26th birthday he was a member of Asa'ib Ahl al-Haq.  
14 He answered no. Or he -- he confirmed that he  
15 answered no on his form I-485 and agreed that it was  
16 -- what he said he meant when he was asked have you  
17 ever been a member of or assisted any group that used  
18 weapons of any kind against any person or threatened  
19 to do so, when in fact, as he knew, members of Asa'ib  
20 Ahl al-Haq had done this. And those false statements  
21 were material.

22           The Government would -- the Government would  
23 have other evidence, but for today's proceeding, your  
24 Honor, that, I think, is sufficient to establish the  
25 factual basis.

1           THE COURT: All right, Mr. Al Fawadi, did  
2 you hear and understand what Mr. Clymer just said  
3 about what you did in this case?

4           THE INTERPRETER: Yes, your Honor.

5           THE COURT: Is that what you did?

6           THE DEFENDANT (in English): Yes.

7           THE COURT: Okay. All right, Mr. Clymer,  
8 would you please advise the defendant and the Court  
9 what the maximum penalty would be for the counts  
10 involved?

11           MR. CLYMER: Your Honor, with respect to  
12 count 1, the statutory maximum penalty is 10 years  
13 imprisonment, 3 years of supervised release, a fine of  
14 25 -- \$250,000, and an assessment of \$100.

15           As to count 2, the maximum penalty in terms  
16 of imprisonment is 5 years, the supervised release  
17 term maximum is 3 years, the fine is \$250,000, and the  
18 special assessment's \$100. The Court could impose  
19 consecutive sentences under terms of imprisonment if  
20 it so chose.

21           THE COURT: All right, Mr. Al Fawadi, in  
22 addition to what Mr. Clymer has just told you about  
23 the sentences, the Court must also tell you that if I  
24 were to sentence you to a period of incarceration,  
25 followed by a period of supervised release, if you

1 violated any of the terms and conditions of supervised  
2 release, the Court could sentence you to a further  
3 term of imprisonment. Do you understand that?

4 THE DEFENDANT (in English): Yes.

5 THE INTERPRETER: Yes, your Honor.

6 THE COURT: Okay. Now, also, under and  
7 pursuant to certain sentencing guidelines adopted by  
8 the United States that used to be mandatory but are no  
9 longer mandatory, the Court will be influenced or must  
10 pay attention to what those guidelines say, whether or  
11 not I sentence you in accordance with those  
12 guidelines. So you should know what those guidelines  
13 are. Mr. Clymer is going to tell us that in just a  
14 minute.

15 Mr. Clymer.

16 MR. CLYMER: Your Honor, this is an estimate  
17 only because I can't be certain but it's our  
18 understanding that Mr. Al Fawadi at this point would  
19 be a criminal history category I and his offense level  
20 would be 13 without credit for acceptance of  
21 responsibility, which would put him in a range of 12  
22 months to 18 months. If Mr. Al Fawadi received credit  
23 for acceptance of responsibility, he would be an  
24 offense level 10 and be looking at a range of 6 months  
25 to 12 months imprisonment if the Court were to

1 sentence him in the guidelines range as opposed to  
2 verge up or down.

3 THE COURT: All right. Once again, none of  
4 us know for sure what that's going to be but that's an  
5 estimate.

6 So, Mr. Al Fawadi, did you sign your plea  
7 agreement in this case?

8 THE DEFENDANT (in English): Yes.

9 THE COURT: Did you talk it over with  
10 Mr. Carey before you signed it?

11 THE DEFENDANT (in English): Yes.

12 THE COURT: Did he explain it to you?

13 THE DEFENDANT (in English): Yes.

14 THE COURT: Did you understand it when you  
15 signed it?

16 THE DEFENDANT (in English): Yes.

17 THE COURT: Did you sign it voluntarily?

18 All right, in your plea agreement on page 13  
19 at paragraph 7, you informed the Court that after  
20 consultation with Mr. Carey, both you and he felt it  
21 was in your best interest to waive, or give up,  
22 certain appeal rights, which I'm now going to read to  
23 you. You agreed to waive, or give up, the right to  
24 appeal your conviction resulting from your guilty plea  
25 today.

1           You agreed to waive, or give up, any claim  
2           that the statutes to which you are pleading guilty are  
3           unconstitutional. You agree to waive, or give up, any  
4           claim that the conduct that you told us you were  
5           involved in does not fall within the scope of those  
6           statutes. And also the right to appeal or  
7           collaterally attack any sentence to a term of  
8           imprisonment of 18 months or less, or any sentence to  
9           a fine within the maximum permitted by law, or any  
10          sentence to a term of supervised release within the  
11          maximum permitted by law, or any order of forfeiture  
12          or restitution imposed by the Court that is consistent  
13          with governing law and is not inconsistent with your  
14          plea agreement.

15                 So did you realize what you were doing when  
16                 you agreed to give up those appeal rights?

17                 THE INTERPRETER: Yes, your Honor.

18                 MR. CAREY: And did you do that voluntarily?

19                 THE DEFENDANT (in English): Yes, sir.

20                 THE COURT: Okay. The Court also must  
21                 advise you that it's not bound by any sentencing  
22                 recommendation contained in your plea agreement, and  
23                 you'll have no right to withdraw your plea of guilty  
24                 if the Court decides not to accept any recommendation.  
25                 The Court will, of course, put off, or defer, as to

1 whether or not it will accept or reject any  
2 recommendation until I've seen the presentence  
3 investigation report or any other materials that are  
4 referred to me that bear on sentencing.

5 So do you understand what I just said about  
6 the Court's ability to reject any nonbinding  
7 recommendation contained in the plea agreement?

8 THE DEFENDANT (in English): Yes.

9 THE INTERPRETER: Yes, sir.

10 THE COURT: Okay. Now that you've heard  
11 about the potential statutory sentence in the  
12 guidelines, do you still wish to plead guilty?

13 THE INTERPRETER: Yes.

14 THE COURT: Okay. And are you pleading  
15 guilty because you are guilty?

16 THE DEFENDANT (in English): Yes, sir.

17 THE INTERPRETER: I'm sorry, your Honor.

18 THE COURT: Are you pleading guilty because  
19 you are in fact guilty?

20 THE DEFENDANT (in English): Yes, sir.

21 THE INTERPRETER: Yes, sir.

22 THE COURT: Okay. All right. The Court  
23 will find, based on the foregoing, that the defendant  
24 pled guilty freely and voluntarily; that he is and was  
25 competent to enter such a plea; that he understands

1 the charges against him and the consequences of  
2 pleading guilty; that there is and was a basis in fact  
3 for the Court accepting and entering the plea.

4 The Court will direct the probation  
5 department to prepare and submit a presentence report.  
6 The Court will set sentencing for Tuesday, March 8th,  
7 2022, at 11:30 a.m. in Binghamton, New York.

8 Now, Mr. Carey, the Court's sentence may be  
9 less than the time involved from now until the  
10 sentencing date. I don't know. I haven't seen the  
11 PSR or submissions by counsel. So if you wish, you  
12 can ask me to move that date up so that if I am in  
13 fact going to sentence him to less time I'll have the  
14 ability to do that. But you have to know more until  
15 you can make that request. But I will -- I'll be open  
16 to it, whenever you make it I'll be open to that  
17 request.

18 MR. CAREY: Judge, I start a homicide trial  
19 on March 8th. It's going to be a couple of weeks.  
20 I'm doing a murder trial on March 8th. If you want me  
21 to wait, I don't think it's going to plead out, but.

22 THE COURT: Well, I'll ask the -- I'll ask  
23 the probation department to expedite the presentence  
24 report.

25 MR. CAREY: Thank you.

1 THE COURT: Because that usually takes the  
2 time. And I'll talk with them about that.

3 MR. CAREY: Thank you.

4 THE COURT: All right?

5 Is there anything further from the  
6 Government?

7 MR. CLYMER: Yes; there are a few things,  
8 your Honor, if the Court will bear with me.

9 First, just so the record's clear, can the  
10 Court confirm with Mr. Al Fawadi that he's pleading  
11 guilty to both counts 1 and 2?

12 THE COURT: Well, I can't do that because he  
13 really didn't plead guilty to count 1 as enunciated by  
14 the clerk, but he pled guilty to the essence of  
15 count 1 as stated by you as to what you could prove.  
16 Because he said yeah, that's what he did.

17 MR. CLYMER: Okay.

18 THE COURT: So based on that, I'll accept  
19 his plea to count 1.

20 MR. CLYMER: Very well, your Honor.

21 THE COURT: It's clear that he pled guilty  
22 to count 2.

23 MR. CLYMER: Yeah. And so the Court's --  
24 the Court, from the Court's position, because  
25 Mr. Al Fawadi agreed to the facts sufficient to make

1 out count 1, the Court's going to find that he's also  
2 guilty as to count 1?

3 THE COURT: That's what I'm saying.

4 MR. CLYMER: Okay.

5 Second, your Honor --

6 THE COURT: Count 1 is amended by your  
7 statement.

8 MR. CLYMER: Fair. Fair enough, your Honor.

9 Second, so that, just so the record's clear,  
10 when Mr. Carey went through the plea agreement with  
11 Mr. Al Fawadi, my understanding is Mr. Carey used an  
12 interpreter at that time, so there was the assistance  
13 of an interpreter with respect to the plea agreement.  
14 I'm just going to ask Mr. -- Mr. Carey just to confirm  
15 that.

16 MR. CAREY: We did that in person, Judge.

17 THE COURT: Okay, and you had an  
18 interpreter, right?

19 MR. CAREY: Yes.

20 THE COURT: All right. Anything further  
21 from the Government?

22 MR. CLYMER: Yeah, a couple other things,  
23 your Honor. First, Mr. Al Fawadi mistakenly dated the  
24 plea agreement as September 1st, when -- I'm sorry,  
25 September 19, when actually he signed it on

1 August 19th, just for the record.

2 THE COURT: Okay.

3 MR. CLYMER: It should be.

4 Finally, your Honor, a couple other things.  
5 One, the plea agreement includes a stipulation as to  
6 judicial order of removal, and Mr. Al Fawadi should be  
7 aware that there are collateral consequences in the  
8 form of his removal from the United States as a result  
9 of his plea. I believe the Court spoke with  
10 Mr. Al Fawadi about that the last time; I want to make  
11 sure that the record's clear that that's a consequence  
12 here.

13 THE COURT: Well, I really didn't cover  
14 that, so maybe I should do that now more --

15 MR. CLYMER: Thank you.

16 THE COURT: -- in more detail.

17 MR. CLYMER: Thank you.

18 THE COURT: Mr. Al Fawadi, when I was  
19 telling you about the consequences of your guilty  
20 pleas, I talked to you about such things as your  
21 rights in connection with your appeal but I did not  
22 mention to you that the fact that you pled guilty may  
23 affect your citizenship status or your right to remain  
24 in this country. That's something I don't have  
25 anything to do with but some other court, other

1 federal court, may have to address you about that.  
2 That's the best I can tell ya.

3 MR. CLYMER: And so the Court's aware, based  
4 on the plea agreement, we'll be submitting papers to  
5 this Court to enter an order of removal, and I will --  
6 I will present that in connection with sentencing.

7 THE COURT: You can try that but I've never  
8 been presented with one.

9 MR. CLYMER: We'll provide the Court with  
10 authority for --

11 THE COURT: That will be fine, I'll take a  
12 look at it and I'll do what I have to do.

13 MR. CLYMER: Thank you. And, your Honor,  
14 the other thing that -- that Mr. Al Fawadi should be  
15 aware of is the plea agreement also requires that he  
16 enter a guilty plea to an unrelated state charge of  
17 contempt in the first degree.

18 THE COURT: I don't know that.

19 MR. CLYMER: That's in the plea agreement.

20 THE COURT: Well, if you guys agreed to  
21 that, that's fine with the Court.

22 MR. CLYMER: I'm just putting that on the  
23 record.

24 MR. CAREY: Yeah, we -- we understand that,  
25 and he is going to enter a plea of guilty, but we want

1 to make sure it's a timely plea and doesn't affect his  
2 rating here in federal court.

3 MR. CLYMER: Understood.

4 THE COURT: All right. No problem.

5 MR. CLYMER: Finally, your Honor, I  
6 appreciate the Court's patience with me, I may have  
7 missed this. But I did not hear the Court advise  
8 Mr. Al Fawadi that he had a right to be represented by  
9 counsel if he went to trial and a right to confront  
10 adverse witnesses and he would waive those rights by  
11 pleading guilty.

12 THE COURT: My recollection is I did tell  
13 him that.

14 MR. CLYMER: Okay.

15 THE COURT: But to make you feel better --

16 MR. CLYMER: Thank you.

17 THE COURT: -- I'll tell him again.

18 MR. CLYMER: Thank you, your Honor.

19 THE COURT: If you choose to go to trial, I  
20 don't know on what because you pled guilty to both  
21 counts; but assuming you go to trial on something, at  
22 trial you'll have the right to be represented by an  
23 attorney. And you'll have the right to confront in  
24 order to cross-examine anybody that makes any  
25 allegations about your conduct. Those rights are

1 preserved for you. Do you understand that?

2 THE DEFENDANT (in English): Yes.

3 THE INTERPRETER: Yes, your Honor.

4 THE COURT: Anything further?

5 MR. CLYMER: If the Court would also ask if  
6 Mr. Al Fawadi still wants to persist in pleading  
7 guilty, despite knowing about those rights.

8 THE COURT: I think I made that clear.

9 MR. CLYMER: Okay, your Honor, thank you  
10 very much.

11 THE COURT: We'll see you later, guys.  
12 Court stands adjourned in this matter.

13 MR. CLYMER: Thank you, Judge.

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CERTIFICATE OF OFFICIAL REPORTER

I, RUTH I. LYNCH, RPR, RMR, NYS Realtime Certified Reporter, Federal Official Court Reporter, in and for the United States District Court for the Northern District of New York, DO HEREBY CERTIFY that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

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RUTH I. LYNCH, RPR, RMR, NYSRCR  
Official U.S. Court Reporter

<p style="text-align: center;"><b>\$</b></p> <p><b>\$100 [2]</b> 30:14, 30:18  <b>\$250,000 [2]</b> 30:14, 30:17</p> <hr/> <p style="text-align: center;"><b>1</b></p> <p><b>1 [16]</b> 3:7, 11:7, 16:5, 18:13, 25:1, 25:21, 27:15, 27:25, 30:12, 36:11, 36:13, 36:15, 36:19, 37:1, 37:2, 37:6  <b>10 [2]</b> 30:12, 31:24  <b>1001(A)(2 - 22:8</b>  <b>11:30 - 35:7</b>  <b>12 [4]</b> 7:13, 7:19, 31:21, 31:25  <b>12th - 10:14</b>  <b>13 [2]</b> 31:20, 32:18  <b>13901 - 1:24</b>  <b>15 - 1:13</b>  <b>1546(a - 16:4</b>  <b>16 [6]</b> 16:18, 16:18, 16:22, 17:12, 25:14, 26:18  <b>16th [6]</b> 12:5, 12:12, 20:9, 20:12, 28:12, 28:13  <b>17 - 9:19</b>  <b>1746 - 11:12</b>  <b>18 [4]</b> 16:3, 22:7, 31:22, 33:8  <b>19 [2]</b> 3:21, 37:25  <b>1985 - 3:22</b>  <b>19th - 38:1</b>  <b>1st [2]</b> 10:7, 37:24</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p><b>2 [12]</b> 3:7, 18:20, 19:8, 22:9, 25:2, 25:21, 27:25, 29:4, 29:5, 30:15, 36:11, 36:22  <b>2015 [3]</b> 9:19, 10:7, 14:15  <b>2016 - 10:14</b>  <b>2017 [3]</b> 10:15, 11:9, 28:1</p>	<p><b>2019 [4]</b> 10:20, 11:1, 19:9, 29:8  <b>2021 - 1:11</b>  <b>2022 - 35:7</b>  <b>25 - 30:14</b>  <b>26 [4]</b> 25:14, 26:20, 26:21, 28:15  <b>26th - 29:13</b>  <b>28 [2]</b> 11:13, 42:8</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p><b>3 [2]</b> 30:13, 30:17  <b>30th - 11:1</b>  <b>36 [2]</b> 3:19, 26:19</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p><b>48 - 4:18</b></p> <hr/> <p style="text-align: center;"><b>5</b></p> <p><b>5 - 30:16</b>  <b>5:20-CR-241 [2]</b> 1:4, 2:3</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p><b>6 [2]</b> 1:11, 31:24</p> <hr/> <p style="text-align: center;"><b>7</b></p> <p><b>7 - 32:19</b>  <b>753 - 42:8</b></p> <hr/> <p style="text-align: center;"><b>8</b></p> <p><b>8th [6]</b> 10:15, 11:9, 28:1, 35:6, 35:19, 35:20</p> <hr/> <p style="text-align: center;"><b>9</b></p> <p><b>9 - 29:8</b>  <b>9th [2]</b> 10:20, 19:9</p> <hr/> <p style="text-align: center;"><b>A</b></p> <p><b>a.m - 35:7</b>  <b>ability [4]</b> 5:16, 22:22, 34:6, 35:14  <b>able - 18:25</b>  <b>above-entitled - 42:11</b>  <b>accept [4]</b> 19:2, 33:24, 34:1,</p>	<p>36:18  <b>acceptance [2]</b> 31:20, 31:23  <b>accepted - 17:22</b>  <b>accepting - 35:3</b>  <b>accepts - 8:2</b>  <b>accordance - 31:11</b>  <b>acknowledged - 29:2</b>  <b>activity [5]</b> 12:22, 14:6, 21:4, 21:13, 26:6  <b>addition [3]</b> 28:24, 28:25, 30:22  <b>additional [2]</b> 6:12, 7:6  <b>address [3]</b> 17:1, 17:15, 39:1  <b>adjourned - 41:12</b>  <b>adjust [6]</b> 11:17, 11:21, 19:20, 20:2, 20:20, 21:17  <b>admission - 14:15</b>  <b>admissions - 27:6</b>  <b>admit [8]</b> 13:22, 13:24, 23:5, 25:11, 26:16, 27:5, 27:7, 27:16  <b>admitted [4]</b> 9:23, 10:13, 13:13, 29:12  <b>admitting - 26:7</b>  <b>adopted - 31:7</b>  <b>adverse - 40:10</b>  <b>advise [6]</b> 6:25, 7:7, 9:1, 30:8, 33:21, 40:7  <b>advised [2]</b> 23:2, 23:4  <b>affect [2]</b> 38:23, 40:1  <b>affiliated [2]</b> 12:13, 20:14  <b>affiliation [2]</b> 12:2, 20:6  <b>afternoon [8]</b> 2:6, 2:9, 2:10, 2:11, 2:12, 2:15, 8:3, 23:10  <b>against [13]</b> 7:1, 8:10, 9:3, 9:5, 9:11, 13:18, 13:20, 15:13, 15:19, 21:23, 22:6, 29:18, 35:1  <b>age [6]</b> 22:16,</p>	<p>25:14, 25:14, 26:18, 26:19, 28:15  <b>agency - 19:9</b>  <b>Agent [2]</b> 2:8, 2:10  <b>ages - 4:3</b>  <b>agree - 33:3</b>  <b>agreed [6]</b> 29:15, 32:23, 33:1, 33:16, 36:25, 39:20  <b>agreement [18]</b> 17:14, 17:23, 18:7, 18:15, 18:17, 29:2, 32:7, 32:18, 33:14, 33:22, 34:7, 37:10, 37:13, 37:24, 38:5, 39:4, 39:15, 39:19  <b>ahead [4]</b> 12:10, 14:1, 17:6, 23:14  <b>Ahl [14]</b> 10:3, 12:14, 13:1, 15:5, 15:17, 20:14, 21:9, 22:3, 25:13, 25:17, 26:4, 28:16, 29:13, 29:20  <b>Al [48]</b> 1:5, 2:2, 3:17, 9:20, 9:25, 10:10, 10:12, 10:16, 10:21, 11:2, 11:11, 12:9, 12:23, 14:12, 15:2, 15:14, 15:24, 17:7, 17:15, 17:21, 18:6, 19:11, 19:24, 20:10, 20:17, 21:6, 21:14, 21:25, 24:25, 25:9, 26:3, 26:6, 28:6, 30:1, 30:21, 31:18, 31:22, 32:6, 36:10, 36:25, 37:11, 37:23, 38:6, 38:10, 38:18, 39:14, 40:8, 41:6  <b>al-Haq [14]</b> 10:3, 12:14, 13:1, 15:5, 15:17, 20:14, 21:9, 22:3, 25:14, 25:17, 26:4, 28:16, 29:13, 29:20  <b>alcohol - 4:17</b>  <b>allegation -</b></p>	<p>17:11  <b>allegations [2]</b> 17:9, 40:25  <b>alleges [2]</b> 25:17, 26:3  <b>alone - 7:14</b>  <b>although - 17:17</b>  <b>Aly - 2:23</b>  <b>amended [2]</b> 18:17, 37:6  <b>America [2]</b> 1:3, 2:1  <b>answered [5]</b> 28:14, 29:9, 29:10, 29:14, 29:15  <b>answers [2]</b> 6:25, 22:24  <b>anxiety [3]</b> 5:1, 5:2, 5:5  <b>apparently - 26:14</b>  <b>appeal [5]</b> 32:22, 32:24, 33:6, 33:16, 38:21  <b>appearances - 2:4</b>  <b>application [10]</b> 9:25, 10:10, 10:11, 10:19, 10:24, 11:5, 11:8, 11:17, 11:20, 19:20  <b>applied [2]</b> 14:15, 28:21  <b>apply [5]</b> 9:22, 10:17, 20:2, 20:20, 21:17  <b>appointed [2]</b> 5:23, 5:24  <b>appreciate - 40:6</b>  <b>approach - 18:3</b>  <b>approved - 10:11</b>  <b>April [3]</b> 10:20, 19:9, 29:8  <b>Arabic [2]</b> 24:1, 24:7  <b>Asa'ib [14]</b> 10:3, 12:13, 13:1, 15:5, 15:17, 20:14, 21:8, 22:3, 25:13, 25:17, 26:4, 28:16, 29:13, 29:19  <b>asking [8]</b> 6:12, 6:17, 6:22, 17:19, 20:5, 20:23, 21:20, 27:7  <b>assassination [5]</b> 12:21, 14:5, 21:3, 21:12, 26:5</p>	<p><b>assessment - 30:14</b>  <b>assessment's - 30:18</b>  <b>assist - 10:5</b>  <b>assistance - 37:12</b>  <b>assisted [12]</b> 2:7, 12:18, 12:25, 14:23, 15:4, 15:10, 15:16, 20:24, 21:8, 21:21, 22:3, 29:17  <b>association [3]</b> 12:3, 20:7, 28:12  <b>assuming - 40:21</b>  <b>attack - 33:7</b>  <b>attend - 7:24</b>  <b>attention - 31:10</b>  <b>attorney [4]</b> 5:20, 9:10, 17:12, 40:23  <b>ATTORNEY'S - 1:20</b>  <b>August - 38:1</b>  <b>AUSA - 1:21</b>  <b>authority - 39:10</b>  <b>avoid - 13:12</b></p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>backed [8]</b> 10:3, 12:14, 13:1, 15:5, 15:18, 20:14, 21:9, 22:4  <b>background [2]</b> 6:24, 22:18  <b>Baghdad - 4:15</b>  <b>bear [2]</b> 34:4, 36:8  <b>become [5]</b> 10:18, 10:24, 11:5, 11:18, 19:21  <b>benefit - 14:11</b>  <b>besides - 5:5</b>  <b>best [3]</b> 18:19, 32:21, 39:2  <b>better - 40:15</b>  <b>beyond [2]</b> 7:18, 25:1  <b>Binghamton [3]</b> 1:14, 1:24, 35:7  <b>birth [2]</b> 3:20, 22:17  <b>birthday [7]</b> 12:6, 12:12, 20:9, 20:13, 28:13, 28:13, 29:13  <b>bit - 22:17</b></p>
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<p><b>bound</b> - 33:21  <b>box [8]</b> 12:24, 14:13, 15:3, 15:15, 15:25, 20:21, 21:18, 28:21  <b>branch</b> - 19:15  <b>briefly</b> - 26:10  <b>brought</b> - 29:5  <b>Building</b> - 1:12  <b>burden</b> - 7:17</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>can't [3]</b> 23:18, 31:17, 36:12  <b>care [4]</b> 4:22, 4:23, 22:19, 22:20  <b>Carey [37]</b>  1:22, 2:12, 2:13, 3:5, 3:10, 4:14, 5:19, 6:1, 8:9, 8:15, 8:22, 16:16, 17:12, 18:1, 18:2, 18:18, 23:1, 23:15, 23:16, 24:10, 26:14, 26:23, 27:19, 27:22, 32:10, 32:20, 33:18, 35:8, 35:18, 35:25, 36:3, 37:10, 37:11, 37:14, 37:16, 37:19, 39:24  <b>case [9]</b> 2:1, 2:2, 3:8, 23:2, 23:7, 26:12, 27:24, 30:3, 32:7  <b>category</b> - 31:19  <b>certain [4]</b> 7:7, 31:7, 31:17, 32:22  <b>CERTIFICATE</b> - 42:1  <b>certified [2]</b> 2:14, 42:5  <b>CERTIFY</b> - 42:7  <b>cetera</b> - 28:12  <b>chances</b> - 8:23  <b>change [4]</b> 1:10, 17:25, 17:25, 25:20  <b>changed [2]</b> 16:16, 17:21  <b>changes [2]</b> 17:22, 18:5  <b>charge [4]</b> 17:18, 18:16, 22:22, 39:16  <b>charges [19]</b> 5:17, 6:3, 6:5, 6:14, 8:9, 9:5,</p>	<p>9:14, 11:7, 13:13, 13:17, 13:20, 13:22, 17:14, 23:5, 23:19, 24:19, 25:1, 25:10, 35:1  <b>Chasib [25]</b> 1:5, 2:2, 3:16, 9:20, 9:24, 10:9, 10:12, 10:15, 10:21, 11:2, 11:10, 12:6, 12:8, 12:23, 14:11, 15:1, 15:14, 15:24, 19:11, 19:24, 20:10, 20:17, 21:5, 21:14, 21:25  <b>checking [8]</b> 12:24, 14:12, 15:3, 15:15, 15:25, 20:21, 21:18, 28:20  <b>choice</b> - 19:3  <b>choose</b> - 40:19  <b>chose</b> - 30:20  <b>Circuit</b> - 27:13  <b>citizen [2]</b> 9:20, 10:17  <b>citizenship [7]</b> 9:21, 10:8, 10:23, 11:4, 11:19, 19:18, 38:23  <b>claim [3]</b> 10:1, 33:1, 33:4  <b>clarify</b> - 27:3  <b>classification</b> - 9:23  <b>clear [7]</b> 17:2, 17:4, 36:9, 36:21, 37:9, 38:11, 41:8  <b>clerk [21]</b> 2:1, 2:19, 2:24, 3:1, 3:4, 7:6, 9:17, 9:18, 11:16, 12:11, 13:9, 14:2, 17:20, 18:14, 19:7, 19:8, 22:12, 23:19, 25:23, 25:25, 36:14  <b>clerk's</b> - 2:17  <b>client</b> - 3:6  <b>Clymer [60]</b> 1:21, 2:6, 2:7, 2:9, 2:16, 3:11, 3:13, 13:11, 13:17, 17:1, 17:4, 17:7, 17:11, 17:17, 18:3, 18:5, 18:9, 24:24, 25:3,</p>	<p>25:6, 25:13, 25:16, 26:2, 26:9, 26:20, 27:3, 27:10, 27:12, 28:1, 28:6, 30:2, 30:7, 30:11, 30:22, 31:13, 31:15, 31:16, 36:7, 36:17, 36:20, 36:23, 37:4, 37:8, 37:22, 38:3, 38:15, 38:17, 39:3, 39:9, 39:13, 39:19, 39:22, 40:3, 40:5, 40:14, 40:16, 40:18, 41:5, 41:9, 41:13  <b>Clymer's</b> - 27:23  <b>Code [4]</b> 11:13, 16:4, 22:8, 42:8  <b>collateral</b> - 38:7  <b>collaterally</b> - 33:7  <b>communicated</b> - 17:13  <b>compel</b> - 7:23  <b>competent</b> - 34:25  <b>completed</b> - 10:19  <b>component</b> - 19:19  <b>concerning [2]</b> 10:24, 11:4  <b>concerns [4]</b> 17:8, 17:13, 17:15, 25:9  <b>condition [2]</b> 4:24, 5:4  <b>conditions</b> - 31:1  <b>conduct [2]</b> 33:4, 40:25  <b>Conference</b> - 42:13  <b>conferred [3]</b> 16:13, 18:2, 23:15  <b>confirm [2]</b> 36:10, 37:14  <b>confirmation [3]</b> 20:11, 21:6, 22:1  <b>confirmed [5]</b> 19:25, 20:18, 21:15, 29:9, 29:14  <b>conformance</b> - 42:12  <b>confront [2]</b> 40:9, 40:23  <b>confusion [2]</b></p>	<p>13:12, 13:14  <b>connection [5]</b> 7:8, 10:10, 19:20, 38:21, 39:6  <b>consecutive</b> - 30:19  <b>consequence</b> - 38:11  <b>consequences [8]</b> 5:17, 6:15, 8:16, 22:23, 24:20, 35:1, 38:7, 38:19  <b>consistent</b> - 33:12  <b>conspiracy</b> - 12:17  <b>conspired [5]</b> 12:20, 14:3, 20:23, 21:1, 21:11  <b>constitutes</b> - 9:2  <b>consultation</b> - 32:20  <b>contained [2]</b> 33:22, 34:7  <b>contempt</b> - 39:17  <b>contesting</b> - 28:9  <b>Continue</b> - 23:19  <b>conviction</b> - 32:24  <b>correct [2]</b> 26:16, 42:9  <b>couldn't</b> - 27:4  <b>counsel [3]</b> 26:24, 35:11, 40:9  <b>count [23]</b> 11:7, 16:5, 18:13, 18:20, 19:8, 22:9, 25:1, 25:2, 25:21, 27:15, 27:25, 27:25, 29:4, 29:5, 30:12, 30:15, 36:13, 36:15, 36:19, 36:22, 37:1, 37:2, 37:6  <b>countries</b> - 14:18  <b>counts [6]</b> 3:7, 7:10, 8:7, 30:9, 36:11, 40:21  <b>County [2]</b> 11:9, 19:10  <b>couple [3]</b> 35:19, 37:22, 38:4  <b>course</b> - 33:25  <b>court [166]</b> 1:1,</p>	<p>1:24, 2:9, 2:15, 3:5, 3:11, 3:14, 3:18, 3:20, 3:23, 3:25, 4:2, 4:6, 4:10, 4:13, 4:17, 4:21, 5:2, 5:4, 5:7, 5:12, 5:14, 5:19, 5:22, 5:23, 6:2, 6:5, 6:9, 6:11, 6:17, 6:22, 7:5, 7:14, 7:20, 7:23, 8:2, 8:5, 8:14, 8:18, 8:20, 8:22, 9:1, 9:9, 9:17, 12:8, 13:5, 13:9, 13:16, 13:19, 16:10, 17:2, 17:3, 17:6, 17:10, 17:16, 17:21, 18:4, 18:8, 18:10, 18:11, 18:12, 18:19, 19:2, 19:6, 22:15, 23:1, 23:6, 23:9, 23:12, 23:14, 23:18, 23:20, 24:4, 24:10, 24:15, 24:18, 24:22, 25:4, 25:12, 25:15, 25:20, 25:24, 26:1, 26:8, 26:10, 26:13, 26:21, 26:24, 27:8, 27:11, 27:13, 27:20, 27:23, 28:5, 30:1, 30:5, 30:7, 30:8, 30:18, 30:21, 30:23, 31:2, 31:6, 31:9, 31:25, 32:3, 32:9, 32:12, 32:14, 32:17, 32:19, 33:12, 33:20, 33:20, 33:24, 33:25, 34:10, 34:14, 34:18, 34:22, 34:22, 35:3, 35:4, 35:6, 35:22, 36:1, 36:4, 36:8, 36:10, 36:12, 36:18, 36:21, 36:24, 37:3, 37:6, 37:17, 37:20, 38:2, 38:9, 38:13, 38:16, 38:18,</p>	<p>38:25, 39:1, 39:5, 39:7, 39:9, 39:11, 39:18, 39:20, 39:21, 40:2, 40:4, 40:7, 40:12, 40:15, 40:17, 40:19, 41:4, 41:5, 41:8, 41:11, 41:12, 42:5, 42:6, 42:19  <b>Court's [7]</b> 34:6, 35:8, 36:23, 36:24, 37:1, 39:3, 40:6  <b>Courthouse</b> - 1:12  <b>cover</b> - 38:13  <b>credit [2]</b> 31:20, 31:22  <b>criminal</b> - 31:19  <b>cross-examine</b> - 40:24  <b>current</b> - 3:8  <b>currently</b> - 4:21</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>Daria [2]</b> 2:8, 2:11  <b>date [5]</b> 3:20, 22:16, 29:3, 35:10, 35:12  <b>dated</b> - 37:23  <b>decided</b> - 8:23  <b>decides</b> - 33:24  <b>defective</b> - 27:1  <b>defendant [76]</b> 1:6, 1:22, 2:13, 2:18, 3:1, 3:3, 3:15, 3:16, 3:19, 3:21, 3:24, 4:1, 4:4, 4:8, 4:12, 4:16, 4:19, 5:21, 6:7, 8:12, 9:19, 9:24, 10:9, 10:12, 10:15, 10:21, 11:1, 11:10, 12:6, 12:8, 12:23, 13:4, 13:6, 13:12, 14:11, 15:1, 15:14, 15:24, 16:6, 16:11, 16:13, 16:15, 17:24, 18:2, 18:13, 18:16, 18:25, 19:5, 19:11, 19:24, 20:10, 20:17, 21:5, 21:14, 21:24, 22:10, 22:13, 22:25,</p>
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<p>23:8, 23:15, 23:22, 26:15, 28:2, 30:6, 30:8, 31:4, 32:8, 32:11, 32:13, 32:16, 33:19, 34:8, 34:16, 34:20, 34:23, 41:2 <b>defendant's</b> - 27:14 <b>defense</b> [2] 8:1, 26:24 <b>defenses</b> - 8:24 <b>defer</b> - 33:25 <b>degree</b> - 39:17 <b>denied</b> - 27:20 <b>deny</b> [2] 13:24, 23:4 <b>department</b> [3] 19:19, 35:5, 35:23 <b>describe</b> - 26:9 <b>described</b> [2] 11:14, 19:14 <b>despite</b> [2] 28:14, 41:7 <b>detail</b> [2] 25:8, 38:16 <b>direct</b> - 35:4 <b>discrepancies</b> - 27:17 <b>discussed</b> - 9:14 <b>dismiss</b> [2] 26:25, 27:15 <b>District</b> [6] 1:1, 1:2, 11:10, 19:10, 42:6, 42:7 <b>divorced</b> - 3:24 <b>document</b> - 11:22 <b>doubt</b> [2] 7:19, 25:1 <b>driver</b> - 4:12 <b>duly</b> [2] 2:25, 3:3</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>earlier</b> - 29:7 <b>educational</b> - 22:18 <b>Egan</b> [2] 2:8, 2:11 <b>Eight</b> - 4:5 <b>either</b> [2] 23:4, 26:15 <b>employment</b> - 22:18 <b>engage</b> [6] 12:17, 12:20, 14:4, 20:24, 21:2, 21:11 <b>engaged</b> [8] 12:17, 12:20, 14:3, 20:23,</p>	<p>21:1, 21:11, 25:18, 26:4 <b>English</b> [36] 3:16, 3:19, 3:21, 3:24, 4:1, 4:4, 4:8, 4:12, 4:16, 4:19, 5:21, 6:7, 8:12, 13:4, 16:6, 16:11, 16:11, 16:15, 17:24, 19:5, 22:10, 22:13, 22:25, 23:8, 23:22, 30:6, 31:4, 32:8, 32:11, 32:13, 32:16, 33:19, 34:8, 34:16, 34:20, 41:2 <b>enter</b> [5] 3:6, 34:25, 39:5, 39:16, 39:25 <b>entering</b> - 35:3 <b>entry</b> [2] 14:10, 28:19 <b>enunciated</b> - 36:13 <b>ESQ</b> - 1:22 <b>essence</b> - 36:14 <b>establish</b> [2] 7:18, 29:24 <b>estimate</b> [2] 31:16, 32:5 <b>et</b> - 28:12 <b>evidence</b> [4] 7:25, 24:25, 26:11, 29:23 <b>exactly</b> - 18:15 <b>example</b> [3] 28:9, 28:10, 28:17 <b>exchange</b> - 24:13 <b>Excuse</b> - 17:3 <b>executive</b> - 19:15 <b>exist</b> [2] 16:24, 16:24 <b>expedite</b> - 35:23 <b>explain</b> [4] 8:18, 17:20, 18:9, 32:12 <b>explained</b> [5] 6:2, 6:5, 8:10, 9:10, 27:17 <b>expressed</b> - 25:9</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>facts</b> [4] 11:16, 14:14, 17:22, 36:25 <b>factual</b> - 29:25 <b>Fair</b> [2] 37:8,</p>	<p>37:8 <b>fall</b> - 33:5 <b>false</b> [16] 7:2, 11:7, 11:13, 11:23, 19:8, 19:13, 19:16, 19:22, 20:12, 21:7, 22:2, 28:7, 28:8, 29:1, 29:11, 29:20 <b>falsely</b> [8] 12:9, 12:23, 14:12, 14:17, 15:2, 15:14, 15:24, 28:20 <b>family</b> [3] 9:24, 10:13, 22:17 <b>fashion</b> - 26:10 <b>Fawadi</b> [46] 1:5, 2:2, 3:17, 9:20, 10:10, 10:12, 10:16, 10:21, 11:2, 11:11, 12:9, 12:23, 14:12, 15:2, 15:14, 15:24, 17:7, 17:21, 18:6, 19:11, 19:25, 20:10, 20:18, 21:6, 21:15, 21:25, 24:25, 25:9, 26:3, 26:6, 28:6, 30:1, 30:21, 31:18, 31:22, 32:6, 36:10, 36:25, 37:11, 37:23, 38:6, 38:10, 38:18, 39:14, 40:8, 41:6 <b>Fawadi's</b> [2] 9:25, 17:15 <b>federal</b> [4] 1:12, 39:1, 40:2, 42:5 <b>feel</b> - 40:15 <b>felt</b> - 32:20 <b>fictitious</b> - 19:13 <b>filled</b> - 28:2 <b>Finally</b> [2] 38:4, 40:5 <b>fine</b> [7] 27:8, 27:18, 30:13, 30:17, 33:9, 39:11, 39:21 <b>finished</b> - 13:7 <b>Five</b> - 15:9 <b>follow-up</b> - 29:7 <b>followed</b> - 30:25 <b>force</b> [2] 6:20, 24:16 <b>foregoing</b> [2] 34:23, 42:9 <b>forfeiture</b> -</p>	<p>33:11 <b>format</b> - 42:12 <b>forms</b> [3] 14:5, 21:13, 26:6 <b>foundation</b> [2] 12:4, 20:7 <b>fraud</b> [2] 14:8, 28:17 <b>fraudulent</b> - 19:13 <b>freely</b> [3] 6:13, 24:18, 34:24 <b>front</b> - 25:9 <b>full</b> - 3:15 <b>fund</b> [3] 12:3, 20:7, 28:12</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gave</b> - 6:23 <b>gender</b> - 4:2 <b>gentlemen</b> - 2:15 <b>giving</b> [3] 5:9, 9:2, 9:11 <b>governing</b> - 33:13 <b>government</b> [12] 1:20, 7:18, 19:9, 19:16, 24:24, 26:11, 26:14, 27:24, 29:22, 29:22, 36:6, 37:21 <b>grand</b> [3] 9:18, 11:7, 13:21 <b>group</b> [17] 10:5, 12:4, 12:15, 13:3, 14:2, 14:25, 14:25, 15:7, 15:7, 15:11, 15:19, 20:8, 20:16, 21:10, 21:21, 22:5, 29:17 <b>guerrilla</b> [2] 14:25, 15:7 <b>guess</b> - 2:17 <b>guidelines</b> [6] 31:7, 31:10, 31:12, 31:12, 32:1, 34:12 <b>guilt</b> - 7:18 <b>guilty</b> [49] 3:7, 6:13, 6:19, 6:20, 7:10, 8:3, 8:6, 8:16, 9:2, 9:4, 9:5, 9:6, 9:10, 9:13, 9:13, 9:15, 17:18, 17:19, 18:13, 18:16, 22:12, 22:12, 22:14, 24:13, 24:16, 24:18, 24:25,</p>	<p>32:24, 33:2, 33:23, 34:12, 34:15, 34:15, 34:18, 34:19, 34:24, 35:2, 36:11, 36:13, 36:14, 36:21, 37:2, 38:19, 38:22, 39:16, 39:25, 40:11, 40:20, 41:7 <b>guys</b> [2] 39:20, 41:11</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>Hafedh</b> [24] 1:5, 2:2, 3:16, 9:20, 9:25, 10:9, 10:12, 10:16, 10:21, 11:2, 11:10, 12:8, 12:23, 14:11, 15:1, 15:14, 15:24, 19:11, 19:24, 20:10, 20:17, 21:5, 21:14, 21:25 <b>happy</b> - 27:5 <b>haven't</b> - 35:10 <b>he's</b> [6] 4:25, 17:17, 25:20, 27:6, 36:10, 37:1 <b>hear</b> [4] 18:25, 23:18, 30:2, 40:7 <b>heard</b> - 34:10 <b>held</b> - 42:10 <b>Henry</b> - 1:13 <b>HEREBY</b> - 42:7 <b>highjacking</b> [5] 12:22, 14:5, 21:3, 21:13, 26:5 <b>hire</b> - 5:22 <b>history</b> [3] 6:24, 22:18, 31:19 <b>Homeland</b> - 19:19 <b>homicide</b> - 35:18 <b>Honor</b> [55] 2:7, 3:13, 4:9, 4:20, 4:25, 5:3, 5:6, 5:18, 5:25, 6:4, 6:8, 6:16, 6:21, 7:4, 8:13, 8:17, 8:19, 8:21, 8:25, 9:7, 9:16, 13:11, 16:9, 17:1, 18:3, 23:3, 23:11, 24:2, 24:14,</p>	<p>24:17, 25:3, 25:6, 25:19, 26:2, 26:20, 26:25, 28:9, 29:24, 30:4, 30:11, 31:5, 31:16, 33:17, 34:17, 36:8, 36:20, 37:5, 37:8, 37:23, 38:4, 39:13, 40:5, 40:18, 41:3, 41:9 <b>HONORABLE</b> - 1:16 <b>hours</b> - 4:18 <b>Hussein</b> [3] 16:19, 16:23, 16:24</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>I-485</b> [16] 10:17, 10:24, 11:5, 11:20, 12:1, 12:16, 14:7, 14:21, 15:9, 15:21, 20:1, 20:4, 20:19, 21:16, 28:3, 29:15 <b>I-590</b> - 9:22 <b>immigration</b> [17] 9:22, 10:8, 10:17, 10:23, 11:4, 11:8, 11:17, 11:20, 11:22, 14:11, 19:18, 19:21, 20:2, 20:20, 21:17, 28:20, 29:6 <b>impartial</b> - 7:13 <b>impose</b> - 30:18 <b>imposed</b> - 33:12 <b>imprisonment</b> [6] 30:13, 30:16, 30:19, 31:3, 31:25, 33:8 <b>Incarceration</b> - 30:24 <b>included</b> [2] 11:24, 19:23 <b>includes</b> - 38:5 <b>including</b> [3] 14:17, 17:11, 28:8 <b>inconsistent</b> - 33:13 <b>indictment</b> [15] 3:8, 7:11, 9:6, 9:14, 9:18, 17:9, 17:18, 25:8, 25:17, 25:21, 26:2, 26:17, 26:22, 26:25, 27:16</p>
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<p><b>induce [3]</b> 6:19, 6:20, 24:16</p> <p><b>influenced -</b> 31:9</p> <p><b>information [2]</b> 4:15, 6:23</p> <p><b>informed -</b> 32:19</p> <p><b>ingested -</b> 22:21</p> <p><b>innocent -</b> 7:17</p> <p><b>inquiries -</b> 24:9</p> <p><b>inside -</b> 14:20</p> <p><b>insurgent [2]</b> 15:1, 15:7</p> <p><b>interest -</b> 32:21</p> <p><b>interfered -</b> 22:22</p> <p><b>interfering -</b> 5:16</p> <p><b>interpreter [54]</b> 2:14, 2:19, 2:23, 2:25, 4:9, 4:20, 4:25, 5:3, 5:6, 5:9, 5:13, 5:18, 5:24, 6:4, 6:8, 6:10, 6:16, 6:21, 7:4, 8:13, 8:17, 8:19, 8:21, 8:25, 9:7, 9:16, 11:15, 12:7, 12:10, 13:5, 13:7, 16:8, 16:14, 16:21, 22:11, 23:3, 23:11, 23:13, 24:2, 24:6, 24:14, 24:17, 24:21, 30:4, 31:5, 33:17, 34:9, 34:13, 34:17, 34:21, 37:12, 37:13, 37:18, 41:3</p> <p><b>interprets -</b> 13:6</p> <p><b>interview [2]</b> 19:17, 29:9</p> <p><b>interviewed [3]</b> 10:9, 10:22, 11:2</p> <p><b>introduction -</b> 9:19</p> <p><b>investigation -</b> 34:3</p> <p><b>involved [3]</b> 30:10, 33:5, 35:9</p> <p><b>Iran [2]</b> 14:20, 28:25</p> <p><b>Iranian [9]</b> 10:3, 12:14, 13:1, 15:5, 15:17, 20:14, 21:9, 22:4,</p>	<p>26:18</p> <p><b>Iraq [5]</b> 10:2, 12:13, 14:19, 20:13, 28:23</p> <p><b>Iraqi -</b> 9:20</p> <p><b>isn't [2]</b> 16:12, 26:22</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>January [2]</b> 3:21, 10:14</p> <p><b>join [2]</b> 26:17, 26:18</p> <p><b>joined [2]</b> 25:13, 28:15</p> <p><b>Jordan -</b> 14:20</p> <p><b>Judge [15]</b> 2:12, 2:13, 3:10, 4:14, 6:1, 16:7, 16:15, 18:18, 23:17, 27:3, 27:19, 28:1, 35:18, 37:16, 41:13</p> <p><b>judicial [2]</b> 38:6, 42:13</p> <p><b>June [3]</b> 10:15, 11:9, 28:1</p> <p><b>jurisdiction -</b> 19:15</p> <p><b>jurors -</b> 7:19</p> <p><b>jury [6]</b> 7:13, 7:15, 7:21, 9:18, 11:7, 13:21</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>kidnapping [4]</b> 14:4, 21:2, 21:12, 26:5</p> <p><b>kidnappings [2]</b> 10:5, 12:21</p> <p><b>knowing [2]</b> 28:15, 41:7</p> <p><b>knowingly [2]</b> 11:11, 19:12</p> <p><b>knows -</b> 13:12</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>language -</b> 25:18</p> <p><b>Lastly -</b> 9:9</p> <p><b>later [5]</b> 7:1, 13:22, 17:21, 18:10, 41:11</p> <p><b>law [4]</b> 7:17, 33:9, 33:11, 33:13</p> <p><b>lawful [6]</b> 10:18, 10:25, 11:5, 11:18, 19:21, 28:3</p> <p><b>laws -</b> 11:22</p>	<p><b>lawyer [2]</b> 16:16, 23:4</p> <p><b>learn -</b> 6:13</p> <p><b>least -</b> 27:15</p> <p><b>leniency -</b> 6:18</p> <p><b>leniently -</b> 24:12</p> <p><b>less [3]</b> 33:8, 35:9, 35:13</p> <p><b>Let's -</b> 18:20</p> <p><b>level [3]</b> 25:7, 31:19, 31:24</p> <p><b>lied -</b> 28:22</p> <p><b>listen -</b> 17:8</p> <p><b>listens -</b> 13:7</p> <p><b>living [2]</b> 12:12, 20:13</p> <p><b>longer -</b> 31:9</p> <p><b>looking -</b> 31:24</p> <p><b>losing -</b> 8:23</p> <p><b>Lynch [4]</b> 1:23, 42:4, 42:17, 42:18</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>mailed -</b> 10:19</p> <p><b>makes -</b> 40:24</p> <p><b>making [3]</b> 7:2, 19:16, 27:6</p> <p><b>mandatory [2]</b> 31:8, 31:9</p> <p><b>March [4]</b> 9:19, 35:6, 35:19, 35:20</p> <p><b>marked [2]</b> 20:22, 21:19</p> <p><b>married -</b> 3:23</p> <p><b>mask -</b> 24:4</p> <p><b>material [12]</b> 11:16, 12:19, 12:25, 14:9, 14:14, 19:12, 20:25, 21:8, 28:7, 28:16, 28:18, 29:21</p> <p><b>materially [4]</b> 19:12, 20:12, 21:7, 22:2</p> <p><b>materials -</b> 34:3</p> <p><b>matter [5]</b> 5:15, 7:8, 19:14, 41:12, 42:11</p> <p><b>matters -</b> 28:7</p> <p><b>maximum [6]</b> 30:9, 30:12, 30:15, 30:17, 33:9, 33:11</p> <p><b>maybe [2]</b> 26:24, 38:14</p> <p><b>McAVOY -</b> 1:16</p> <p><b>meaning -</b> 8:9</p> <p><b>means [2]</b> 12:18, 20:24</p> <p><b>meant -</b> 29:16</p> <p><b>medical [2]</b> 4:23, 22:20</p>	<p><b>medication [4]</b> 5:7, 5:10, 5:15, 22:21</p> <p><b>member [11]</b> 12:13, 14:22, 15:4, 15:10, 15:16, 20:13, 21:20, 22:2, 28:11, 29:13, 29:17</p> <p><b>members [3]</b> 15:19, 22:5, 29:19</p> <p><b>membership [4]</b> 12:2, 20:6, 28:11, 29:11</p> <p><b>mental -</b> 4:24</p> <p><b>mention -</b> 38:22</p> <p><b>military [3]</b> 14:23, 15:22, 16:2</p> <p><b>militia [9]</b> 10:4, 12:14, 13:2, 14:25, 15:7, 15:18, 20:15, 21:9, 22:4</p> <p><b>minute -</b> 31:14</p> <p><b>misrepresentatio [2]</b> 14:8, 28:18</p> <p><b>misrepresented -</b> 14:14</p> <p><b>missed -</b> 40:7</p> <p><b>mistakenly -</b> 37:23</p> <p><b>misunderstanding [2]</b> 17:2, 17:5</p> <p><b>modifications -</b> 17:15</p> <p><b>Mohamed -</b> 2:23</p> <p><b>moments [3]</b> 6:11, 8:8, 22:16</p> <p><b>month -</b> 5:1</p> <p><b>months [5]</b> 31:22, 31:22, 31:24, 31:25, 33:8</p> <p><b>morning -</b> 3:7</p> <p><b>motion -</b> 27:2</p> <p><b>move [5]</b> 26:25, 27:15, 27:18, 29:4, 35:12</p> <p><b>murder -</b> 35:20</p> <p><b>Muslims -</b> 10:6</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N-O-N-E -</b> 29:10</p> <p><b>narcotics -</b> 4:18</p> <p><b>nonbinding -</b> 34:6</p> <p><b>none [5]</b> 12:9, 20:3, 28:14, 29:10, 32:3</p> <p><b>Northern [4]</b> 1:2, 11:9, 19:10, 42:7</p>	<p><b>NYS -</b> 42:4</p> <p><b>NYSRCR [2]</b> 1:23, 42:18</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>obligation -</b> 27:14</p> <p><b>occurred -</b> 29:8</p> <p><b>October [2]</b> 1:11, 11:1</p> <p><b>offense [2]</b> 31:19, 31:24</p> <p><b>offer -</b> 7:25</p> <p><b>office [2]</b> 1:20, 29:6</p> <p><b>officer -</b> 4:15</p> <p><b>official [9]</b> 1:24, 10:7, 10:22, 11:3, 19:17, 24:11, 42:1, 42:5, 42:19</p> <p><b>ones -</b> 28:8</p> <p><b>Onondaga [2]</b> 11:9, 19:10</p> <p><b>open [2]</b> 35:15, 35:16</p> <p><b>opposed [2]</b> 17:14, 32:1</p> <p><b>oral [4]</b> 19:17, 20:11, 21:6, 22:1</p> <p><b>orally [5]</b> 13:8, 19:25, 20:18, 21:15, 29:9</p> <p><b>order [5]</b> 6:13, 33:11, 38:6, 39:5, 40:24</p> <p><b>organization [23]</b> 10:4, 12:3, 12:15, 12:19, 13:2, 14:2, 15:1, 15:8, 15:11, 15:18, 16:23, 20:6, 20:15, 21:1, 21:10, 21:22, 22:5, 25:18, 26:4, 26:17, 26:18, 28:11, 28:15</p> <p><b>original -</b> 7:10</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>papers -</b> 39:4</p> <p><b>paragraph -</b> 32:19</p> <p><b>paramilitary [11]</b> 10:4, 12:15, 13:2, 14:24, 15:6, 15:18, 15:23, 16:2, 20:15, 21:10, 22:4</p> <p><b>participated [6]</b> 14:23, 15:5, 15:11, 15:17, 21:21, 22:3</p> <p><b>party [3]</b> 12:4, 20:7, 28:12</p> <p><b>past [4]</b> 4:18, 12:2, 20:5, 29:11</p> <p><b>patience -</b> 40:6</p> <p><b>Paul [3]</b> 1:22, 2:12, 2:13</p> <p><b>pay -</b> 31:10</p> <p><b>penalty [5]</b> 11:12, 11:24, 30:9, 30:12, 30:15</p> <p><b>period [3]</b> 18:14, 30:24, 30:25</p> <p><b>perjury [3]</b> 7:2, 11:12, 11:24</p> <p><b>permanent [7]</b> 10:18, 10:25, 11:6, 11:18, 11:21, 19:21, 28:3</p> <p><b>permitted [2]</b> 33:9, 33:11</p> <p><b>persecuted -</b> 10:2</p> <p><b>persist [2]</b> 7:9, 41:6</p> <p><b>personal -</b> 6:24</p> <p><b>persons [5]</b> 7:13, 15:12, 15:20, 21:22, 22:6</p> <p><b>physical -</b> 4:24</p> <p><b>physician -</b> 4:22</p> <p><b>places [2]</b> 12:5, 20:9</p> <p><b>plea [34]</b> 1:10, 3:6, 7:7, 7:10, 8:2, 9:2, 17:13, 17:23, 18:6, 19:2, 24:13, 25:20, 29:2, 32:6, 32:18, 32:24, 33:14, 33:22, 33:23, 34:7, 34:25, 35:3, 36:19, 37:10, 37:13, 37:24, 38:5, 38:9, 39:4, 39:15, 39:16, 39:19, 39:25, 40:1</p> <p><b>plead [18]</b> 6:19, 6:20, 9:4, 9:6, 9:13, 9:15, 16:5, 17:18, 17:19, 18:13, 18:16, 18:22, 18:22, 22:9, 24:16, 34:12, 35:21, 36:13</p> <p><b>pleading [13]</b></p>
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6:6, 6:13, 8:7, 8:16, 9:10, 24:18, 33:2, 34:14, 34:18, 35:2, 36:10, 40:11, 41:6 <b>pleas</b> - 38:20 <b>please</b> [9] 2:4, 2:19, 2:21, 2:24, 3:1, 3:15, 16:7, 23:11, 30:8 <b>pled</b> [5] 34:24, 36:14, 36:21, 38:22, 40:20 <b>point</b> [2] 18:10, 31:18 <b>police</b> [2] 4:15, 14:24 <b>political</b> [5] 12:21, 14:4, 21:2, 21:12, 26:5 <b>position</b> [2] 26:15, 36:24 <b>potential</b> [2] 8:15, 34:11 <b>power</b> [2] 8:5, 16:23 <b>prepare</b> - 35:5 <b>prescribed</b> - 11:23 <b>present</b> [7] 2:13, 2:14, 12:2, 18:12, 20:5, 26:11, 39:6 <b>presented</b> - 39:8 <b>presentence</b> [3] 34:2, 35:5, 35:23 <b>preserved</b> - 41:1 <b>Presiding</b> - 1:16 <b>presumed</b> - 7:16 <b>previously</b> [3] 20:1, 20:19, 21:16 <b>probably</b> - 13:16 <b>probation</b> [2] 35:4, 35:23 <b>problem</b> - 40:4 <b>proceeding</b> - 29:23 <b>proceedings</b> - 42:10 <b>processes</b> - 7:23 <b>procure</b> - 14:9 <b>procured</b> [2] 14:10, 28:19 <b>promises</b> [2] 6:18, 24:12 <b>prosecuted</b> -	10:2 <b>prosecution</b> - 7:1 <b>prosecutor</b> [5] 13:20, 13:22, 18:15, 18:23, 24:11 <b>protect</b> - 27:11 <b>prove</b> [9] 13:23, 18:24, 24:25, 25:4, 27:4, 27:6, 27:24, 29:12, 36:15 <b>provide</b> [2] 7:25, 39:9 <b>provided</b> [4] 12:18, 12:25, 20:25, 21:8 <b>provider</b> - 4:23 <b>providers</b> - 22:20 <b>PSR</b> - 35:11 <b>psychiatrist</b> - 4:23 <b>public</b> [2] 7:12, 24:11 <b>purposes</b> - 28:3 <b>pursuant</b> [2] 31:7, 42:8 <b>puts</b> - 5:10 <b>putting</b> - 39:22	<b>recollection</b> - 40:12 <b>recommendation</b> [4] 33:22, 33:24, 34:2, 34:7 <b>record</b> [5] 2:5, 27:11, 27:21, 38:1, 39:23 <b>record's</b> [3] 36:9, 37:9, 38:11 <b>referred</b> - 34:4 <b>refugee</b> [5] 9:23, 9:25, 10:10, 14:16, 28:22 <b>refuse</b> - 23:4 <b>refused</b> - 10:5 <b>register</b> - 11:21 <b>regulations</b> [2] 11:23, 42:12 <b>reject</b> [2] 34:1, 34:6 <b>release</b> [5] 30:13, 30:16, 30:25, 31:2, 33:10 <b>remain</b> - 38:23 <b>removal</b> [3] 38:6, 38:8, 39:5 <b>report</b> [3] 34:3, 35:5, 35:24 <b>reported</b> - 42:10 <b>Reporter</b> [5] 1:24, 42:1, 42:5, 42:5, 42:19 <b>representations</b> - 19:14 <b>represented</b> [2] 40:8, 40:22 <b>request</b> [2] 35:15, 35:17 <b>requested</b> - 18:6 <b>required</b> - 11:22 <b>requires</b> - 39:15 <b>residence</b> - 11:21 <b>resident</b> [6] 10:18, 10:25, 11:6, 11:18, 19:22, 28:4 <b>respect</b> [4] 11:16, 29:5, 30:11, 37:13 <b>respond</b> [2] 13:6, 13:8 <b>response</b> [5] 20:4, 20:22, 21:19, 24:8, 29:10 <b>responsibility</b> [2] 31:21,	31:23 <b>restate</b> - 9:8 <b>restitution</b> - 33:12 <b>result</b> - 38:8 <b>resulting</b> - 32:24 <b>retained</b> - 6:1 <b>rights</b> [11] 7:7, 8:4, 23:2, 23:7, 23:10, 32:22, 33:16, 38:21, 40:10, 40:25, 41:7 <b>rise</b> - 2:19 <b>RMR</b> [3] 1:23, 42:4, 42:18 <b>routinely</b> [2] 15:19, 22:5 <b>RPR</b> [3] 1:23, 42:4, 42:18 <b>rule</b> - 16:25 <b>Ruth</b> [4] 1:23, 42:4, 42:17, 42:18	30:23 <b>sentencing</b> [6] 31:7, 33:21, 34:4, 35:6, 35:10, 39:6 <b>September</b> [3] 10:7, 37:24, 37:25 <b>served</b> [2] 14:22, 15:4 <b>Service</b> - 9:22 <b>Services</b> [6] 10:9, 10:17, 10:23, 11:4, 11:20, 19:19 <b>seven</b> [2] 4:5, 5:1 <b>several</b> - 28:7 <b>Shi'ite</b> [7] 12:14, 13:2, 15:6, 15:18, 20:15, 21:9, 22:4 <b>Shi'ites</b> - 10:4 <b>short</b> - 18:14 <b>sign</b> [2] 32:6, 32:17 <b>signed</b> [5] 9:21, 10:16, 32:10, 32:15, 37:25 <b>similar</b> [2] 12:4, 20:8 <b>single</b> - 17:20 <b>Six</b> - 15:21 <b>sleep</b> - 5:10 <b>society</b> [2] 12:4, 20:7 <b>sometime</b> - 23:25 <b>sorry</b> [5] 2:13, 6:4, 12:7, 34:17, 37:24 <b>sought</b> - 14:9 <b>special</b> [3] 2:8, 2:10, 30:18 <b>specifically</b> [4] 11:19, 20:3, 20:21, 21:18 <b>speedy</b> - 7:12 <b>spoke</b> - 38:9 <b>stands</b> - 41:12 <b>start</b> - 35:18 <b>state</b> [4] 2:21, 3:15, 13:23, 39:16 <b>stated</b> [12] 12:9, 12:24, 13:19, 14:12, 15:2, 15:15, 15:25, 18:13, 26:16, 26:22, 28:20, 36:15 <b>statement</b> [12] 7:2, 9:8, 20:1, 20:3, 20:11, 20:19, 20:21, 21:7, 21:16, 21:18, 22:1,	37:7 <b>statements</b> [11] 11:8, 11:14, 11:24, 19:8, 19:13, 19:17, 19:22, 28:7, 28:8, 29:1, 29:20 <b>States</b> [34] 1:1, 1:3, 1:20, 1:24, 2:1, 2:7, 9:21, 9:24, 10:8, 10:13, 10:16, 10:19, 10:23, 10:25, 11:4, 11:6, 11:13, 11:19, 11:19, 12:5, 14:10, 14:16, 16:3, 19:16, 19:18, 19:22, 20:8, 22:7, 28:19, 31:8, 38:8, 42:6, 42:8, 42:13 <b>stating</b> - 14:17 <b>status</b> [10] 10:1, 11:17, 11:21, 19:21, 20:2, 20:20, 21:17, 28:4, 28:22, 38:23 <b>statutes</b> [2] 33:2, 33:6 <b>statutory</b> [2] 30:12, 34:11 <b>stenographically</b> - 42:10 <b>Steven</b> [3] 1:21, 2:6, 2:7 <b>stipulation</b> - 38:5 <b>strategy</b> - 8:24 <b>Street</b> - 1:13 <b>stuff</b> - 16:17 <b>submissions</b> - 35:11 <b>submit</b> [2] 28:3, 35:5 <b>submitted</b> [4] 20:1, 20:19, 21:16, 29:8 <b>submitting</b> - 39:4 <b>subpoena</b> - 7:22 <b>subpoenaes</b> - 7:23 <b>subscribed</b> - 11:11 <b>sufficient</b> [3] 24:25, 29:24, 36:25 <b>summarize</b> - 25:7 <b>summary</b> - 26:10 <b>Sunni</b> - 10:6 <b>supervised</b> [5]
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<p>30:13, 30:16, 30:25, 31:1, 33:10 <b>support [4]</b> 12:19, 13:1, 20:25, 21:8 <b>swear -</b> 2:17 <b>sworn [2]</b> 2:25, 3:3 <b>Syracuse [5]</b> 10:20, 10:22, 11:3, 28:2, 29:6 <b>Syria [2]</b> 14:20, 28:24</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>takes [2]</b> 7:6, 36:1 <b>taking [3]</b> 5:8, 22:20, 26:14 <b>Taxi -</b> 4:12 <b>telling -</b> 38:19 <b>term [4]</b> 30:17, 31:3, 33:7, 33:10 <b>terms [3]</b> 30:15, 30:19, 31:1 <b>terrorist [5]</b> 12:22, 14:6, 21:4, 21:13, 26:6 <b>testify -</b> 7:24 <b>thank [10]</b> 3:4, 35:25, 36:3, 38:15, 38:17, 39:13, 40:16, 40:18, 41:9, 41:13 <b>Therefore -</b> 10:11 <b>thereunder -</b> 11:23 <b>thing -</b> 39:14 <b>THOMAS -</b> 1:16 <b>threat -</b> 15:20 <b>threatened [8]</b> 6:19, 10:3, 15:13, 15:20, 21:24, 22:6, 24:15, 29:18 <b>timely -</b> 40:1 <b>Title [4]</b> 11:13, 16:3, 22:7, 42:8 <b>today -</b> 32:25 <b>today's -</b> 29:23 <b>training [2]</b> 15:23, 16:2 <b>transcript [3]</b> 1:10, 42:9, 42:11 <b>translate [2]</b> 24:1, 24:8 <b>traveled [2]</b> 14:18, 14:20</p>	<p><b>treated [2]</b> 5:1, 24:12 <b>treatment -</b> 22:19 <b>trial [22]</b> 7:13, 7:13, 7:15, 7:16, 7:21, 7:24, 8:4, 8:7, 8:24, 8:24, 13:23, 18:24, 19:3, 25:5, 26:12, 27:25, 35:18, 35:20, 40:9, 40:19, 40:21, 40:22 <b>true [4]</b> 3:10, 8:11, 11:11, 42:9 <b>truth [3]</b> 19:25, 20:18, 21:15 <b>truthful -</b> 6:25 <b>Tuesday -</b> 35:6 <b>Turkey [4]</b> 9:21, 14:15, 14:19, 28:23 <b>type [5]</b> 12:18, 15:12, 15:22, 20:25, 21:23</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>U.S -</b> 42:19 <b>ultimately -</b> 18:23 <b>unconstitutional</b> <b>-</b> 33:3 <b>understand [18]</b> 2:16, 3:6, 5:16, 6:9, 7:3, 8:20, 19:4, 22:15, 22:22, 24:5, 27:8, 27:12, 30:2, 31:3, 32:14, 34:5, 39:24, 41:1 <b>understanding</b> <b>[6]</b> 3:9, 3:12, 6:14, 24:19, 31:18, 37:11 <b>understands [2]</b> 18:12, 34:25 <b>understood [2]</b> 8:11, 40:3 <b>unit [9]</b> 14:23, 14:24, 14:24, 14:24, 14:25, 15:6, 15:6, 15:11, 21:21 <b>United [34]</b> 1:1, 1:3, 1:20, 1:24, 2:1, 2:7, 9:21, 9:24, 10:8, 10:13, 10:16, 10:18, 10:23, 10:25, 11:3, 11:6, 11:13, 11:18,</p>	<p>11:19, 12:5, 14:10, 14:16, 16:3, 19:16, 19:18, 19:22, 20:8, 22:7, 28:19, 31:8, 38:8, 42:6, 42:8, 42:13 <b>unless [2]</b> 9:4, 9:13 <b>unquote [4]</b> 20:4, 20:9, 20:22, 21:19 <b>unrelated -</b> 39:16 <b>upon -</b> 7:17 <b>usually -</b> 36:1</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>variance -</b> 26:21 <b>verge -</b> 32:2 <b>vigilante [2]</b> 14:25, 15:6 <b>violated -</b> 31:1 <b>violation [2]</b> 16:3, 22:7 <b>voluntarily [5]</b> 6:14, 24:19, 32:17, 33:18, 34:24</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>wait -</b> 35:21 <b>waive [7]</b> 7:14, 8:3, 32:21, 32:23, 33:1, 33:3, 40:10 <b>waived -</b> 7:20 <b>waiver [2]</b> 9:2, 9:11 <b>wants -</b> 41:6 <b>warn [2]</b> 9:4, 9:12 <b>we'll [4]</b> 27:18, 39:4, 39:9, 41:11 <b>we're [5]</b> 17:19, 18:18, 23:20, 27:4, 27:5 <b>weapon [2]</b> 15:13, 21:23 <b>weapons [5]</b> 15:19, 15:23, 16:2, 22:6, 29:18 <b>weeks -</b> 35:19 <b>What's [2]</b> 3:20, 23:18 <b>whenever -</b> 35:16 <b>whereby -</b> 18:16 <b>whether [10]</b></p>	<p>14:8, 14:21, 15:9, 15:21, 21:20, 22:19, 27:1, 28:10, 31:10, 34:1 <b>Whichever -</b> 19:1 <b>whose [2]</b> 15:19, 22:5 <b>willful [2]</b> 14:8, 28:18 <b>willfully [2]</b> 14:14, 19:11 <b>winning -</b> 8:23 <b>wish [5]</b> 7:25, 9:6, 9:15, 34:12, 35:11 <b>wishes -</b> 3:6 <b>withdraw -</b> 33:23 <b>within [5]</b> 5:1, 19:14, 33:5, 33:9, 33:10 <b>witnesses [2]</b> 7:24, 40:10 <b>won't [2]</b> 8:4, 27:5 <b>wouldn't -</b> 27:16 <b>writing -</b> 12:9 <b>written [11]</b> 17:9, 19:25, 20:3, 20:11, 20:18, 20:21, 21:7, 21:15, 21:18, 22:1, 24:7</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>ya [3]</b> 3:18, 25:22, 39:2 <b>yeah [5]</b> 25:23, 36:16, 36:23, 37:22, 39:24 <b>York [11]</b> 1:2, 1:14, 1:24, 10:20, 10:22, 11:3, 11:10, 19:10, 28:2, 35:7, 42:7 <b>you'd [3]</b> 7:22, 23:9, 24:12 <b>you'll [3]</b> 33:23, 40:22, 40:23</p>		
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# EXHIBIT F

Department of Homeland Security  
U.S. Citizenship and Immigration Services

OMB No.1615-0068;Expires 12/31/06

**I-590, Registration for Classification as Refugee**

Type or print the following information in black ink (Read instructions on Page 2) A File No: A 212 851 949

1. Name: (First) (Middle) (Last)  
Chasib Hafedh Saadon AL-FAWADI ① See G-325C

2. Present Address: (Street Number and Name of Town or City/State or Province Country)  
Kanlica Mahallesi, [REDACTED] Afyonkarahisar 03 Turkey

3. Date of Birth: (mm/dd/yyyy) [REDACTED] 1985	Place of Birth: (City/Town) Baghdad	Province: BG	Country: Iraq	Present Citizenship/Nationality: Iraq
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4. Country from which I fled or was displaced: Iraq  
On or about (mm/dd/yyyy): Jun 5 2014 ② No returns ✓

5. Reasons (State in detail):  
Claim is too long, attached under scanned images. CWEzgi,17MAR2015



6. My present immigration status in Turkey is Refugee  
(Country in which residing)

Evidence of Immigration status is  
(Describe)

7. Name of Spouse: AL-AZZAWI , Maryam Zaidan Khalaf	8. Present Address of Spouse (if different): Kanlica Mahallesi, [REDACTED] Afyonkarahisar, Turkey	9. Citizenship/Nationality of Spouse: Iraq <span style="color:red">③ Married IX</span>
--------------------------------------------------------	------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------

10. My spouse  will  will not accompany me to the United States

11. Name Of Child(ren)	Date of Birth	Place of Birth	Present Address (if different)
See Supplemental Sheet			

Place a mark (X) in front of name of each child who will accompany you to the United States

12. Schooling or Education			
Name and location of school	Type	Dates attended	Title of degree or diploma
Al Thaer Al Arabi Intermediate School in Baghdad, Iraq	Intermediate	01 Sep 2001-01 Jun 2003	NC , 2nd grade

13. Military Service				
Country	Branch and Organization	Dates	Serial No.	Rank Attained
Iran	none			none

Form I-590(rev. 01/27/06)Y



JAN 14 2016 5596

107

14.  Political, professional or social organizations of which I am now or have been a member or with which I am now or have been affiliated since my 16<sup>th</sup> birthday (if you have never been a member of any organization, state "None.")

NONE

15. I  have  have not been charged with a violation of law (If you have even been charged with a violation of law give date, place and nature of each charge and final result.)

NONE

16. I  have  have not been in the United States (If you have ever been in the United States), show the dates of entry and departure and the purpose of your entry (visitor, permanent resident, student, seaman, etc.)

NONE

Never entered U.S. embassy/  
No U.S. visa app

File or Alien Registration  
Number:

17. I have the following close relatives in the United States:

Name	Relationship	Present Address
AL FAWADI, Hassan Jasim	Distant Relative	[REDACTED] San Antonio TX 78238
AL FAWADI, Abbas Jasim	Distant Relative	[REDACTED] San Antonio TX 78238

18. I am being sponsored by (Name and address of Sponsor in United States):

AL FAWADI Hassan Jasim [REDACTED] San Antonio, TX 78238

Date:

17 SEP 2015

Signature of Registrant:

AL-FAWADI, Chasib Hafedh Saadoon

*[Handwritten Signature]*

**Do not write below this line. For Government use only.**

I, AL-FAWADI, Chasib Hafedh Saadoon, do swear (affirm) that I know the contents of this registration subscribed by me including attached documents, that the same are true to the best of my knowledge, and that corrections numbered ( 1 ) to ( 6 ) were made by me or at my request, and that this registration was signed by me with my full, true name.

(Complete and true signature of Registrant)

Subscribed and sworn to before me by the above named registrant at

IST, TU

on SEP 01 2015  
(Month/Day/Year-mm/dd/yyyy)

*[Handwritten Signature]*

(Signature and Title of Officer)

Joseph E. Roeschke

<p><b>Interview</b></p> <p>Date</p> <p>At</p> <p>Immigration Officer</p>		<p><b>Action Block</b></p> <p>Refugee Officer</p>
--------------------------------------------------------------------------	--	---------------------------------------------------

RE-1

**Execution of Form-** This form should be executed, signed and submitted to the District Director or Officer in Charge of the nearest overseas office of U.S Citizenship and Immigration Services. When your name has been reached as a Registrant you will be furnished additional instructions.

**Registration-** A separate Registration Form I-590 must be executed by each registrant and submitted in one copy. A Registration Form I-590 on behalf of a child under 14 years of age shall be executed by the parent of guardian.

**Public Reporting Burden-** A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This collection of information is estimated to average 35 minutes per response. If you have comments regarding the accuracy of this estimate or suggestions for simplifying this form, write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Washington, D.C. 20529; OMB No. 1615-0068. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

TU-400474 -1 A 212 851 949 A1 WADI , Chasib Hafedh Saadon

**I-590 Report Supplemental Worksheet Additional Children**

Name : AL-FAWADI , Chasib Hafedh Saadon  
 Date of Birth [REDACTED] 1985

**11. Additional Children**

	Name of Children	Date of Birth	Place of Birth	Present Address
X	AL-FAWADI, [REDACTED]	[REDACTED] 2012	Baghdad, Iraq	Kanlica Mahallesi, [REDACTED] Afyonkarahisar, 03 Turkey
X	AL-FAWADI, [REDACTED]	[REDACTED] 2013	Baghdad, Iraq	Kanlica Mahallesi, [REDACTED] Afyonkarahisar, 03 Turkey

X -- Children Accompanying Member to the United States

I-590 Supplemental Sheet

(6) NOC

109

# EXHIBIT G

**TU-400474 AL-FAWADI , Chasib Hafedh Saadoon**

**PA's Background**

PA is a married Iraqi male of Arab ethnic origin and of Muslim Shia faith. PA was born on [REDACTED] 1985 in Baghdad, IZ. PA married to his wife AL-AZZAWI, Maryam Zaidan Khalaf, on 10 August 2011 in Baghdad, IZ. They have two sons from this marriage. Prior to entering Turkey, PA used to live in Baghdad, IZ along with his family. PA and his family left Iraq on 05 June 2014 and entered Turkey legally on the same day. PA currently lives in Afyonkarahisar, TU along with his family members.

PA attended Al Thaer Al Arabi Intermediate School in Baghdad, IZ in which he attended approximately from 2001 until 2003. PA dropped out of 2<sup>nd</sup> grade.

PA worked as a Freelance Taxi driver in Baghdad, IZ approximately from 2008 until 2014. PA currently does not work.

PA did not serve his military service as he turned 18 just about three months before the fall of the regime in 2003 and was never called.

PA has never been a member of any paramilitary, political organizations or Baath Party.

PA has no law violation.

**PA's claim:**

PA fled Iraq due to the sectarian violence in Iraq and the threats he received from Asaib Ahl Al Haq on account of his refusal to cooperate with them in their special operations to kidnap Sunnis.

PA stated that in 2006, PA used to live with his family in Al Haswa area, Sunni dominated area, in Ramadi, IZ. PA stated that on 13 July 2006, PA's mother found writing on the wall of their house which said 'leave or you, Safawis, (referring to Shias) will be killed'. PA stated that as PA and his family were told by the neighbors, this note was written by an unknown number of masked men. PA suspected of his family to be targeted on account of their Shia religious identity as they were one of the few Shia families living in Al Haswa area. PA added that he did not know who might have targeted them however he suspected of these people to be Sunni militias. PA stated that upon this incident, on the same day, PA, along with his family, left their house in Ramadi to Baghdad, IZ as they feared to be harmed due to the sectarian violence in the area.

PA stated that approximately a month later this incident, on 12 August 2006, while PA's father was on his way to Baghdad from Al Haswa area Ramadi, IZ as he went to Ramadi to get money from a friend in Al Haswa, he was shot in his head and died. PA stated that he did not know who killed his father whoever PA suspected of his father to be killed by the same people who left the writing on their wall previously on 13 July 2006. PA added that he suspected of his father to be killed by these unknown Sunni militias on account of his Shia religious identity. PA stated that he and his family did not report this incident to the police as they did not think that police would help them.

PA stated that he got married to his current wife on 10 August 2011. PA added that upon their marriage, PA and his wife started living in to Al Shuala area, Um Najm, Baghdad, IZ.

148



MAR 2015

PA stated that on 19 March 2014, at around 6:00pm, while PA was at his house in Al Shuala area, PA received a phone call from an unknown number. PA stated that as he answered, the person on the phone said 'Are you Chasib?' PA stated that as he answered yes, the man on the phone said 'you have to help us in our special operation. Otherwise, we will kill your family in front of you. If any Sunnis enter your taxi, you have to bring them to us!' PA then said 'I have family. I have children. I do not want to be involved in such matters'. PA stated that the unknown man then said 'the choice is yours' and hung up the phone. PA stated that he did not know who the caller was and why they targeted PA personally.

PA stated that on the next day, on 20 March 2014, PA opened a law suit in Al Khadimiya Court in Baghdad, IZ regarding the call and filed a complaint to Al Shuala Police Station in Baghdad, IZ against the owner of the unknown number who called him (documents regarding PA's testimony is enclosed in the physical file).

PA stated that on 29 May 2014, in the morning, as PA approached to his car, found an envelope attach to the windshield of the front window of his car. PA stated that in the envelope, there was a bullet and a threat letter with the logo of Islamic Resistance Movement- Asaib Ahl Al Haq. PA stated that the letter said 'To Chasib Hafedh, we have warned you. We will kill you and your family if you do not cooperate with us in our special jihad operations.' PA stated that after he received this letter, he realized that the unknown caller who told PA to cooperate with them in their special operation was affiliated with Asaib Ahl Al Haq who sent the threat letter. PA stated that he suspected of Asaib Ahl Al Haq to target him as he was a taxi driver with regular Sunni customers.

PA stated that after he found the letter, he immediately took this letter to Al Shuala Police Station in Baghdad, IZ. PA stated that as he informed the officer about the incident, the officer took a copy of the threat letter, inserted the copy in his packet and said 'we will call you later'. PA stated that he then left the police station and returned to his house.

PA stated that on 02 June 2014, at around 9:00pm, PA went out to buy milk and to pay the rent of the taxi to its owner, Ahmed. PA stated that at around 9:30pm, three masked, armed men wearing black clothing came to PA's house in Al Shuala area in Baghdad, IZ. PA stated that as he was informed by his wife, these unknown men asked whereabouts of PA and after his wife answered that PA was not at home and she did not know where he was, these unknown men started hitting PA's wife and their children. PA stated that upon the hitting, PA's son, M [REDACTED] suffered from brain concussion. PA stated that as these men went to the second floor of the house to search for PA, PA's wife used the chance and immediately left the house along with her kids. PA stated that as his wife informed him, his wife then took a taxi from the area to her family's house in Al Ghazaliya area in Baghdad, IZ.

PA stated that as she arrived at her family house, she called PA and said 'Your son is injured. Come to my family's house in Al Ghazaliya.' PA stated that upon this call, he immediately went to PA's wife's family house and was informed by his wife about the incident that occurred at the house after his leave. PA suspected of the unknown men, who came to his house while he was out, to belong to Asaib Ahl Al Haq as they were behind PA for him to cooperate with them.

PA stated that on the same night, he took his son, M [REDACTED] to A Khadimiya Hospital in Baghdad, IZ due to his concussion. PA stated that on the next day, on 03 June 2014, a friend of PA's brother in-



17 MAR 2015

law, Ali sent a picture of PA's burnt down house in Al Shuala area in Baghdad, IZ through Ali (picture is enclosed in the file). PA stated that he did not know the name of the person who took the picture and informed Ali. PA stated that he suspected of his house to be burnt down by Asaib Ahl Al Haq members as they have been threatening him for a while due to his refusal to cooperate with them.

PA stated that after they gathered their belongings, for the safety of PA and his family members, PA his wife and children all fled Iraq on 05 June 2014 and entered Turkey legally on the same day.

PA stated that since their flight to Turkey, he and his family members have not returned to Iraq.

PA stated that he cannot return to Iraq as he fears of himself and his family members to be killed by Asaib Ahl Al Haq who threatened PA several times on account of his refusal to cooperate with them in their special operations to kidnap Sunnis. PA added that he also fears for himself to be targeted and killed due to the sectarian violence in Iraq like his father. PA also stated that it would not be safe for him to live in a Sunni dominated area as a Shia and his wife would not be safe living in a Shia dominated area as a Sunni.

**Case processing info read to the applicant. Claim read back to applicant. Claim taken by Caseworker Ezgi, interpreted by Nadia. 17MAR2015**

عزجي  
17 MAR 2015

17 MAR 2015

# EXHIBIT H

**U.S. Department of Justice**  
Immigration and Naturalization Service

**Sworn Statement of Refugee Applying for Admission into the United States**

**Authority.** The Authority to collect this information is contained in 8 U.S.C. 1157. Failure to provide all requested information could delay the final decision or result in denial of your request. The information collected will be used to make a determination on your application for admission. It may, however, be provided to other U.S. government agencies.

**Penalties.** If you knowingly and willfully falsify or conceal a material fact or submit a false document with this application, you will face penalties provided by law and may be subject to criminal prosecution.

**Public Reporting Burden.** Under the Paperwork Reduction Act (5 U.S.C. 1320), a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is 20 minutes per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, 425 I Street, N.W., Room 5307, Washington, DC 20536. (Do not mail your completed application to this address.)

**All Applicants For Refugee Status Must Establish That They Are Admissible.**

<b>Applicant Name:</b> AL-FAWADI, Chasib HAFEDH SAADOON	<b>Alien Number:</b> 212851949
---------------------------------------------------------	--------------------------------

Please answer the following questions truthfully. Check the appropriate box below. Answering "Yes" will not necessarily exclude you from admission to the United States. If it is determined that your admission into the United States presents a foreign policy danger to the United States, you may be found inadmissible. If you answer "Yes" to any of the following questions, please provide an explanation on the reverse side of these pages.

**Yes No**

- 1. Have you ever been arrested, or have you ever committed, or helped someone else commit, any crimes?**
- If no, proceed to 2 below. If yes, have you ever:**
- a. knowingly committed any crime (excluding traffic violations) for which you have not been arrested?**
- b. been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic violations?**
- c. been the beneficiary of a pardon, amnesty, rehabilitation decree or other act of clemency or similar action?**
- d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States?**
- e. illicitly trafficked (illegally transported, traded, dealt or sold) in any illegal narcotic or other controlled substance, or knowingly assisted, abetted or conspired in the illicit trafficking of such substance?**
- f. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling?**
- g. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the United States illegally?**
- h. within the past 10 years been a prostitute or procured anyone for prostitution?**

132

**Applicant Name:** AL-FAWADI, Chasib HAFEDH SAADOON

**Case Number:** TU-400474

**Yes No**

**2. Have you ever been to the United States?**

**If no, proceed to 3 below. If yes, have you ever:**

- a.** been subject to deportation or removal from the United States?
- b.** voted illegally in the United States?
- c.** been a citizen of the United States who has renounced that citizenship to avoid taxation?
- d.** left the United States to avoid being drafted into the United States armed forces?
- e.** been subject to a civil document fraud final order for violating section 274C of the Immigration and Nationality Act of the United States?

**3. Are you now withholding custody of a United States citizen child outside the United States from a person granted custody of the child?**

**4. Have you ever:**

- a.** engaged in, conspired to engage in, or incited, sabotage, kidnapping, assassination, hijacking, or any other form of terrorist activity?
- b.** solicited membership or funds for any person or organization that has ever engaged in or conspired to engage in sabotage, kidnapping, assassination, hijacking, or any other form of terrorist activity?
- c.** provided support, including, housing, transportation, communications, funds, documents, weapons or training for any person or organization that has ever engaged in or conspired to engage in sabotage, kidnapping, assassination, hijacking, or any other form of terrorist activity?
- d.** been a representative or member of a terrorist organization or a member of a group which endorses terrorist activity?
- e.** [If married] Has your spouse ever engaged in terrorist activity or been a member of a terrorist organization?
- NA f.** [If between 14 and 21] Has your parent ever engaged in terrorist activity or been a member of a terrorist organization?

**5. While in the United States, do you intend to engage in:**

- a.** espionage?
- b.** terrorism or any activity a purpose of which is opposition to, or the control or overthrow of the Government of the United States, by force, violence or other unlawful means?
- c.** any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information?
- d.** polygamy (simultaneous marriage to more than one spouse)?
- e.** prostitution?

**6. Have you ever been a member of, or in any way affiliated with, the Communist party or any other totalitarian party?**

133

**Applicant Name:** AL-FAWADI, Chasib HAFEDH SAADOON

**Case Number:** TU-400474

**Yes No**

- 7. [Where Applicable] Did you, during the period March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? NA
- 8. Have you ever ordered, incited, assisted in or participated in the harm of any other person because of the person's race, religion, nationality, ethnic origin or political opinion? If no, proceed to 9 below. If yes, have you ever:
  - a. engaged in genocide?
  - b. as a foreign government official at any time in the preceding 24 month period been responsible for:
    - i. prolonged, arbitrary, or secretive detention or abduction of a person or persons with the purpose of restricting their religious freedom, beliefs or activities?
    - ii. torture or cruel, inhuman, or degrading treatment or punishment of a person or persons with the purpose of restricting their religious freedom, beliefs or activities?
    - iii. any other flagrant denial of the right to life, liberty or the security of a person or persons with the purpose of restricting their religious freedom, beliefs or activities?
- 9. Have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any other immigration benefit?
- 10. Are you a narcotics abuser or addict?

I, the undersigned, swear or affirm under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I understand all the foregoing statements, having asked for and obtained a translation or explanation of every point that was not understood or clear to me.

\_\_\_\_\_  
Signature of Applicant

SEP 01 2015  
\_\_\_\_\_  
Date:

*Subscribed and sworn to (Affirmed) by the above named applicant before me*

ISTANBUL, TURKEY

SEP 01 2015

\_\_\_\_\_  
Location

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Interpreter:

Amgad Fathi

\_\_\_\_\_  
Signature

\_\_\_\_\_  
USCIS Officer

\_\_\_\_\_  
Signature

Joseph E. Roeschke  
Refugee Officer

134

# EXHIBIT I

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 1 of 12

**REFUGEE APPLICATION ASSESSMENT**

USCIS OFFICER: Joseph E. Roeschke	DATE: 09/01/15
INTERVIEW LOCATION: ISTANBUL, TURKEY	DESIGNATED PRIORITY: P1

I. APPLICANT	
Name: <b>Chasib Hafedh Saadoon AL-FAWADI</b>	Case Number: <b>TU-400474</b>
Country(ies) of Citizenship/Nationality: <b>Iraq</b>	A#: <b>212 851 949</b>
Accompanying family members/Cross-referenced cases: <b>WI; 2SO/No Cross Ref</b>	
Applicant's native language: <b>Arabic</b>	Language in which interview was conducted: <b>Arabic</b>
Was interpreter used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does Applicant testify to understanding Interpreter/Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Oath Administered? <input checked="" type="checkbox"/> Yes	Money Paid or Received for Access? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

II. SPECIAL HUMANITARIAN CONCERN	
Does the applicant meet the criteria for special humanitarian concern to the U.S.?	
<input checked="" type="checkbox"/> Yes—Select applicable option:	<input checked="" type="checkbox"/> P-1 <input type="checkbox"/> P-2 (Explain) <input type="checkbox"/> No—Does not meet qualifications. (Explain Below)
<input type="checkbox"/> P-3 <input type="checkbox"/> Add-On (Explain Below) <input type="checkbox"/> Other (Explain Below)	

III. INA §101(A)(42)—APPLICANT'S CLAIM	
A. Past Persecution	
1. Does the applicant claim to have been harmed or mistreated in his/her country(ies) in the past? If no, go to Part III B. If yes, identify the perpetrator(s) of, and describe, the harm or mistreatment: Perpetrator(s): <b>Asa'ib Ahl al-Haq (AAH)</b> Harm/Mistreatment: <b>Phone threat; letter death threat; house attacked</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. Is the claimed harm or mistreatment on the basis of one of the five protected grounds? If no, go to Part III B. If yes, designate applicable ground(s): <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Nationality <input checked="" type="checkbox"/> Political Opinion <input type="checkbox"/> Membership in a Particular Social Group Specify Characteristic(s): <b>Anti-AAH political opinion, PA refused to support AAH</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Does the claimed harm or mistreatment rise to the level of persecution? If no, explain below:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
B. Well-Founded Fear of Future Persecution	
1. Did the applicant describe a fear of returning to his or her country(ies)? If no, go to Part IV. If yes, identify perpetrator(s) of, and describe, the feared harm or mistreatment: Perpetrator(s): <b>Asa'ib Ahl al-Haq (AAH)</b> Harm/Mistreatment: <b>Forced recruitment; Death</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. Is the feared harm on the basis of at least one of the five protected grounds? If no, go to Part IV. If yes, designate protected grounds(s): <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Nationality <input checked="" type="checkbox"/> Political Opinion <input checked="" type="checkbox"/> Membership in a Particular Social Group Specify Characteristic(s): <b>1) Anti-AAH political opinion, PA refused to support AAH; 2) PSG: Members of mixed Sunni/Shia marriages in Iraq</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Does the feared harm rise to the level of persecution? If no, explain below:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
4. Is the fear of future persecution well-founded? If no, explain below:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 2 of 12

**IV. BARS AND INADMISSIBILITIES**

<p><b>A. PERSECUTOR BAR</b> Has it been determined that the applicant or any derivative ever ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion?</p>	<p><input type="checkbox"/> Yes—Explain Below <input checked="" type="checkbox"/> No</p>
<p><b>B. FIRM RESETTLEMENT BAR</b> Has it been determined that the applicant ever firmly resettled in a foreign country after leaving the country of nationality?</p>	<p><input type="checkbox"/> Yes—Explain Below <input checked="" type="checkbox"/> No</p>
<p><b>C. INADMISSIBILITY</b> Has it been determined that the applicant or any derivative is inadmissible to the U.S.?</p>	<p><input type="checkbox"/> Yes—Explain Below (Cite specific provision). <input checked="" type="checkbox"/> No—Explain Below (As required).</p>
<p><b>D. CARRP</b> Does the applicant or any derivative have an articulable link to a national security concern, which requires further vetting?</p>	<p><input type="checkbox"/> Yes—Explain Below <input checked="" type="checkbox"/> No—Explain Below (As required).</p>
<p>Explanation:</p>	

**V. CREDIBILITY**

<p><b>A. Did applicant provide credible testimony regarding all material facts related to INA 207(c) in this case?</b></p>	<p><input checked="" type="checkbox"/> YES -Go to VI. <input type="checkbox"/> NO -Go to V.B below</p>
<p><b>B. Select the issue(s) that the non-credible evidence affects:</b>  <input type="checkbox"/> Special Humanitarian Concern   <input type="checkbox"/> Refugee Definition   <input type="checkbox"/> Firm Resettlement   <input type="checkbox"/> Persecutor Bar   <input type="checkbox"/> Admissibility  <input type="checkbox"/> Other</p> <p>Select the description(s) below that best describes the non-credible evidence and provide a summary of the evidence.  <input type="checkbox"/> Material inconsistency[ies] within testimony.  <input type="checkbox"/> Material inconsistency[ies] between testimony and other evidence (i.e. country conditions, x-referenced case, other case member's testimony, other case file documents, etc.).  <input type="checkbox"/> Insufficiently detailed or reliable answer[s] presented to material question[s].  <input type="checkbox"/> Material part[s] of testimony or other evidence implausible.  <input type="checkbox"/> Other.</p> <p>Explain the non-credible evidence in detail:</p>	
<p><b>C. Was applicant informed of these specific credibility concerns and given the opportunity to address them?</b>   <input type="checkbox"/> YES   <input type="checkbox"/> NO                  After explaining the specific credibility concern(s) to the applicant, and requesting an explanation, provide the applicant's response(s):</p>	
<p><b>D. After consideration of the applicant's response(s), the applicant is determined to be:</b>  <input type="checkbox"/> - Credible  <input type="checkbox"/> - Credible in part (Split Credibility)  <input type="checkbox"/> - Not Credible</p> <p>Explain basis for final determination:</p>	

137

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 3 of 12

VI. DECISION	
<b>CASE ON HOLD</b> -- Include Explanation and Sequence Numbers for Applicants/Derivatives:	<b>Hold Resolved:</b>
<input type="checkbox"/> CLASS:	<input type="checkbox"/> YES Initials/Date\
<input type="checkbox"/> SAO:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> IAC:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> Fingerprints:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> Security Check Requiring HQ Review:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> TRIG Indefinite Hold:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> HQ TRIG Exemption:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> Field TRIG Exemption:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> Pending CARRP Review:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> Possible/Probable 3 <sup>rd</sup> Country Resettlement:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> Persecution under duress:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> Pending USCIS HQ Review (for Desk Officer review):	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> Other:	<input type="checkbox"/> YES Initials/Date
<input type="checkbox"/> <b>HOLD LIFTED ON</b> _____ <b>BY</b> _____ <div style="display: flex; justify-content: space-between; width: 100%;"> <span>(DATE)</span> <span>(PRINT OR STAMP NAME)</span> </div>	

<b>IS THE APPLICANT ELIGIBLE FOR REFUGEE RESETTLEMENT PURSUANT TO INA §207?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, issue Grant Letter. If no, select each reason that forms a basis for the decision:	
IF NO, SELECT EACH REASON THAT FORMS A BASIS FOR THE DECISION:	
<input type="checkbox"/> NOT QUALIFIED AS SPECIAL HUMANITARIAN CONCERN TO THE U.S. [Either NO letter or Denial Letter Item 1 & [5 &/or 6]]	
<input type="checkbox"/> NOT A REFUGEE PURSUANT TO INA §101(a)(42) [Applicable Denial Letter Item(s) 1,2,3 4 and/or 6]	
<input type="checkbox"/> PERSECUTOR PURSUANT TO INA §101(a)(42) [Denial Letter Item 3]	
<input type="checkbox"/> FIRMLY RESETTLED PURSUANT TO 8 C.F.R. §207.1(b) [Denial Letter Item 4]	
<input type="checkbox"/> INADMISSIBLE PURSUANT TO INA §212(a) [Denial Letter Item 5]	
<input type="checkbox"/> TESTIMONY LACKED CREDIBILITY ON A MATERIAL ELEMENT OF INA§207(c) [Denial Letter Item 6]	
<input type="checkbox"/> OTHER -- Explain below. [Denial Letter Item 7]	
<b>JUSTIFICATION:</b>	
<p>Note: Message sent to SVPI regarding tattoos of Seq 1. See testimony below (in yellow). Seq 1 testified that these tattoos had no significant meaning, and he removed them because he was ashamed to have tattoos.</p> <p style="text-align: center;">↓</p> <p style="text-align: center;">E-MAIL TO R. RIVIER, SVPI DESK, w/ PICS - SW</p>	

138

Case#: TU-400474

Page 4 of 12

**VII. SUPERVISORY REVIEW**

**CASE NUMBER: TU-400474**

REVIEWING OFFICER CONCURS WITH THE ADJUDICATING OFFICER'S DECISION:

REVIEWING OFFICER REMANDS THIS CASE FOR RE-INTERVIEW AS EXPLAINED BELOW:

REVIEWING OFFICER OVERTURNS THE ADJUDICATING OFFICER'S DECISION AS EXPLAINED BELOW:

Print or Stamp Name/Title:

J. KAMINSKI, SAs

Date:

9/1/15

**VIII. POST INTERVIEW NOTES (INCLUDE OFFICER'S NAME AND DATE OF NOTES)**

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(use additional pages as needed)

(VERSION/HQRAD Ed. 01-04-12)

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 5 of 12

Seq

	PA	Seq. 2	Seq. 3	Seq. 4	Seq. 5
What is the name of your tribe? Your clan?	AL-FAWADI	AL-AZZAWI			
<b>Have you ever...</b>					
used any other DOBs?	N	N			
presented yourself as the national or citizen of another country?	N	N			
traveled to any other countries besides Iraq and this country?	N	N			
(Male applicants only) Do you have a military book?	N (No service, too young)	NA			
been affiliated in any way with the Baath Party, even involuntarily?	N	N			
worked for the Iraqi government at any time prior to 2003? Since 2003?	N	N			
applied for any type of legal status in any other countries besides the U.S.?	N	N			
previously applied for refugee status with the U.S.?	N	N			
applied for an SIV?	N	N			
been administered a security screening or background check by a US entity? (ONLY If applicant claims U.S. affiliation)	NA	NA			
<b>Have you ever...</b>					
been questioned or detained by police or military in any country, including U.S. or multi-national forces?	N	N			
appeared before a judge or any court of law at any time in your life, for any reason other than divorce or marriage?	Y (filed a complaint in court related to threat in IZ in March 20, 2014)	N			
interacted with, or known members of any armed group or militia, including JAM, AQI, Badr Forces, or ISIS/ISIL? (If yes, details must be recorded)	N	N			
given any money-- bribe, tribute, protection money or tax-- to any armed group or militia, including JAM, AQI, Badr Forces, or ISIS/ISIL?	N	N			
resided in an area controlled by non-government forces?	N	N			
outside of mandatory military service, used a gun, bomb, or any other type of weapon, including for protection or self-defense?	N	N			
obtained or used any fraudulent documents?	N	N			
had your fingerprints taken with ink or by a machine at any time in your life?	Y (IZ passport, and citizenship ; TU for refugee process)	Y (IZ passport, and citizenship ; TU for refugee process)			
Is there anyone presently on your case who is not a member of your family?	N	N			
Have you ever provided false information when registering with UNHCR or the RSC?	N	N			
Have you ever paid or received money to or from anyone to add someone to your case?	N	N			
Has anyone ever offered to expedite your case in any way?	N	N			

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 6 of 12

Has anyone ever provided you with details of a story to tell during your refugee interview?	N	N			
(Males only) Do you have any tattoos?	Y (see notes)	N			

NOTES**Refugee Interview**

Q: Have you paid anyone at any point to be part of the refugee/resettlement process? If so, who and what did you pay? What did you pay for?

A: No

Q: Have you traveled to any countries besides IZ and TU?

A: No

Q: Did you ever serve in the IZ military?

A: No

Q: Why not?

A: I was young. I turned 18 right before the regime fell. I hadn't been called to service yet.

Q: Do you have a military book?

A: No. I hadn't served, so I didn't get one.

Tattoos:

Q: Do you have any tattoos?

A: Yes.

Q: How many tattoos do you have?

A: 4. But I removed them.

Q: Why did you get these tattoos.

A: When I put them on my body, I was young. When I grew up I thought they didn't look good, so I removed them.

Q: Why did you remove these tattoos?

A: They are stupid, I didn't like having them, so I removed them. I didn't want them on my body anymore.

Q: What did you use to remove them?

A: Lemon juice and water mixture.

Q: How could you use lemon juice and water to take off a tattoo?

A: I used a lot of lemon in a plastic sack and very little water.

Q: Tell me what they mean?

A: left hand, my name Chasib (in English all that remains is the ...SB). Left forearm was a line with a cross, it could be a sword. I don't know.

Q: Who put this tattoo on you?

A: My brother.

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 7 of 12

Q: Why did he do this to you?

A: I was young and I wanted to have drawings on me, I wanted a tattoo.

Q: What is the mark below the line or sword?

A: I wanted to write my brother's, but I didn't finish it. It says "kh" but in Arabic.

Q: What is your brother's name?

A: Ahmed

Q: why would you put "Kh" if his name is Ahmed?

A: I wanted to write the words "my brother Ahmed".

Q: What is this other tattoo on your left arm?

A: This is the word "my brother" [interpreter sees "kh" and "a" which would be first 2 characters of "my brother."].

Q: What's on your right arm?

A: I wanted to draw a snake.

Q: Are you right handed?

A: Yes. But I wanted to put in on my right arm, b/c I already had one on my left arm. I tried to make this one myself.

Q: How long ago did you remove these tattoos?

A: A long time ago, about 14 or 15 years ago..

Q: Were you ever a member of any groups?

A: No

Q: Do any of these symbols, the snake, the sword, and of these have any connections to any groups, armed groups, political groups?

A: No

Claim:

Q: What did you do back in your country, for work, for school?

A: I was a taxi driver.

Q: Did you have any other jobs?

A: No

Q: Tell me why did you leave your country?

A: I got threatened.

Q: How many times were you threatened?

A: 1 time when they called me

Q: Who called you?

A: A group of people called me.

Q: How many people spoke to you on the phone?

A: 1 person.

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 8 of 12

Q So how do you know it was a group?

A: I was threatened later by a letter.

Q: Were you threatened 1x or 2x?

A: 1 time by phone call, and then they raided my house. They sent me a letter May 29, 2014.

Q: When did they call you?

A: March 19, 2014.

Q: How do you remember these dates?

A: I can't forget these dates b/c they are the very reason I left IZ.

Q: How many times total were you threatened?

A: I was threatened once over the phone, and the other time when they raided my house.

Q: So when did you receive the letter?

A: May 29, 2014.

Q: Were you threatened in this letter?

A: Yes

Q: So were you threatened 3 times or 2 times?

A: 3 times.

Q: Why did you first say you were threatened 1x, then 2x, then 3x?

A: I didn't count that as threats initially, but the way we are talking about them now I am thinking of them as threats.

Q: Did you receive this letter when they raided your house?

A: No, it was before.

Q: When did they raid your house?

A: June 2, 2014.

Q: Where were you living when all of this happened?

A: In a rented house in Baghdad, in Al Shaola area

Q: What was said to you over the phone?

A: They told me I must work with them and help them in their work.

Q: Did they mention who they were?

A: No

Q: How would they expect you to help them if they didn't say who they are?

A: They told me to wait for another phone call from them, but they did not call, b/c I told them I wouldn't help them. I then filed a complaint against them.

Q: Did you tell them why you didn't want to work for them?

A: I did not tell them why I didn't want to work with them, but they told me I had to work for them b/c I was a taxi driver and they wanted me to bring the passengers to them.

143

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 9 of 12

Q: Did they tell you to bring certain types of passengers?

A: Yes. They wanted me to bring sunnis to them.

Q: Why did they want you to bring Sunnis to them?

A: B/c I'm a taxi driver and I get all types of customers.

Q: But why would they want Sunni's specifically?

A: B/c they were Shias

Q: How do you know that?

A: B/c of the threat letter they sent me.

Q: Tell me about the threat letter?

A: The letter said they would kill me and my family if I did not cooperate with them in their special operations for Jihad.

Q: How many pages was this letter?

A: 1 page

Q: where did you find it?

A: It was on the wind screen under the sealer of the wind screen, on my taxi. My taxi.

Q: Was it in an envelope?

A: Yes

Q: Was it addressed to anyone?

A: It had my name on it

Q: Full name?

A: My name and my father's name Chasib Hafedh

Q: Did it say who this letter was from?

A: It said it was from Asaeb Ahl Al-Haq, it had their symbol on it.

Q: What does the symbol look like?

A: It was a green seal, with swords in it.

Q: how many swords?

A: 2

Q: Did it say anything on it?

A: It said their name Asaeb Ahl Al-Haq

Q: Did this letter contain any threats?

A: Yes. It said to the so called Chasib Hafedh, if I didn't cooperate with them in their jihad operations, they will kill me and my family.

Q: When did they raid your home?

A: June 2, 2014.

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 10 of 12

Q: Were you home when this happened?

A: No. I was out.

Q: What happened?

A: My wife was home and they spoke to my wife. I was out getting milk. They asked her about her husband, they knocked at the door, they pushed her and asked her about her husband. They wanted to know where I was, they even hit my child. They went up to the 2<sup>nd</sup> floor, and my child ran away with the children.

Q: What else did they say to her?

A: They did not tell her anything else. They wanted to know where I was. One of them was talking about killing her, but one of the others said not yet. She ran away.

Q: Did they ever mention anything about you working for them?

A: No. I had refused before. Then I filed a complaint.

Q: Did you file a complaint after receiving the phone call?

A: Yes. Immediately, I filed it.

Q: What happened?

A: Nothing. The govt didn't do anything. I had gone to the court, I filed paperwork, but nothing happened.

Q: Why did nothing happened?

A: The judge had signed it, and sent me to speak to the police about it. I don't know why they don't do things. I wanted their help but they did nothing. After I received the threat letter I took a copy to the police station and I gave it to them. I told them I had received this letter with a bullet inside it. B/c I went to the same officer before to check on the complaint. I gave him this threat letter, he took it, and told me to go home and he would call me.

Q: Did the police do anything about this threat letter?

A: No. The police officer didn't put it in the file, I saw him put it in his pocket instead. They don't do anything b/c they are afraid of AAH.

Q: Did you report the raid on your home?

A: No. We escaped after that.

Q: Did anything else happen to you in IZ?

A: No

Q: Do you want to return to IZ?

A: No

Q: Why not?

A: I will be killed

Q: By who?

A: AAH, the same people as before.

Q: Why would AAH want to kill you?

A: Because I refused to work for them.

Q: Why is that a problem?

A: I don't know. They want people to work for them, and if you refuse, they kill you.

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 11 of 12

Q: Why do they kill people that refuse to work for them?

A: They are sectarians, they kill Sunnis. I don't want to work with them.

Q: If someone refuses to work for them, why would they kill them?

A: I don't know. Those who refuse to work for them, they will think that you are helping the Sunnis, or that you are against them.

Q: Are you Sunni or Shia?

A: Shia

Q: Is AAH sunni or Shia?

A: Shia

Q: Why would a Shia group want to kill a Shia man?

A: b/c they asked me to cooperate with them, and I refused, I think they will kill me for this.

Q: Do you support AAH?

A: No

Q: Why not?

A: I don't support anyone like this. I don't support groups that kill people. How could I support a group like this.

Q: What would happen if you returned to IZ and they asked you to help again?

A: They would kill me b/c it's impossible for me to support them, I won't do it.

Q: How would AAH know you don't support them?

A: When they ask me, I would refuse to do it. I won't help them.

Q: Why would they think you support the Sunni?

A: Because they know that those who don't help them, will be considered as agents, people that are against them.

Q: Is your wife Sunni or Shia?

A: Sunni

Q: Is it normal to be in a mixed Sunni/Shia marriage?

A: It used to be, now it is a problem. They don't know my wife is Sunni.

Q: Would you have any problems b/c of this?

A: If AAH finds out it would be a problem. It would be another reason to harm me. They don't like mixed marriages.

Q: How would AAH know that your wife is Sunni?

A: Her tribe name AL-AZZAWI is a Sunni name. It is listed on our national IDs. [confirmed by interpreter].

Q: Could the govt of IZ protect you from AAH?

A: No

Q: Why not?

146

Officer: Joseph E. Roeschke

Case#: TU-400474

Page 12 of 12

A: The govt of IZ won't help me. I reported them before, and nothing happened. They are very strong, they have domination over the govt.

Q: Are there any safe parts of IZ you could move to?

A: No

Q: Why not?

A: I can't b/c my wife is Sunni and I'm Shia, we can't go anywhere.

Q: Does AAH operate in one area?

A: They are all over IZ except the Sunni areas. But I can't mover their either, I'm Shia. It's not possible.

Q: Are there any other reason you don't want to return to IZ?

A: No

**Applicant's Questions:**

Is there anything else you feel is important for me to know today that we have not yet discussed?	No
Do you have any questions for me at this time?	No
Have you been able to understand the interpreter today?	Yes

**END OF INTERVIEW NOTES**

147

# EXHIBIT J

July 31, 2014 12:00AM EDT

Available In English العربية

## Iraq: Pro-Government Militias' Trail of Death

Attacks on Sunnis in At Least 3 Provinces



Iraqi Prime Minister Nuri al-Maliki speaks during a news conference in Baghdad July 26, 2014 © 2014 Reuters

(Baghdad) – Government-backed militias have been kidnapping and killing Sunni civilians throughout [Iraq's](#) Baghdad, Diyala, and Hilla provinces over the past five months. The killings and abductions mark a serious escalation in sectarian violence at a time when the armed conflict between government forces and Sunni insurgents is intensifying.

Human Rights Watch documented the killings of 61 Sunni men between June 1 and July 9, 2014, and the killing of at least 48 Sunni men in March and April in villages and towns around Baghdad, an area known as the “Baghdad Belt.” Witnesses

and medical and government sources said that militias were responsible in each case. In many cases, witnesses identified the militia as Asa'ib Ahl al-Haqq (League of the Righteous), commonly referred to as Asa'ib. Case 5:20-cr-00241-GTS Document 37-12 Filed 02/22/22 Page 3 of 10

“The government seems to think that if people blame militias for killings it can wash its hands of the matter,” said Joe Stork, deputy Middle East and North Africa director. “In fact, the government needs to rein in these militias and call a halt to killing people just because of their sect.”

As the government has lost control over large portions of the country in the wake of an offensive by the Islamic State of Iraq and Sham (ISIS, now renamed the Islamic State) and allied Sunni insurgents, Prime Minister al-Maliki has been forming new security forces made up of militias and is taking little or no action as they kill people, Human Rights Watch found. The government should hold those responsible for these killings to account.

In March, media reports said that Prime Minister al-Maliki had met with senior security advisers and told them that he would form a new security force consisting of three militias to police Baghdad – Asa'ib, Kita'ib Hezbollah, and the Badr Brigades, which is run by Transport Minister Hadi al-Ameri. A government official who provides national security advice to the prime minister's office told Human Rights Watch in June that while Asa'ib fighters “take orders” from the militia's military leader, Qais al-Khalazy, “ultimately they're loyal to Maliki, who gives Qais orders.”

In four of the killings documented by Human Rights Watch in Baghdad, in June and July, witnesses said that men in civilian clothing driving military vehicles without license plates kidnapped the victims, who were all Sunni males ranging in age from their early 20s to late 50s, from the Sha`ab, Baya`a, Za`afraniyya, and Ghazaliyya neighborhoods. In each instance, their bodies were found a few hours or days later with bullet wounds to their heads. In another instance in June, two men in civilian clothing, with their faces loosely covered, drove up to a well-known café in the Sha`ab neighborhood and shot the two Sunni owners in the head in front of café customers and in view of a military checkpoint 10 meters away, a witness told Human Rights Watch.

Baghdad's forensic medical authority confirmed three other killings in Baghdad that Human Rights Watch had documented through interviews with witnesses and relatives of the dead men. Three forensic doctors told Human Rights Watch they believed militias carried out the three killings, based on what they said was a similar pattern of killing and their observations of militia activity in Baghdad.

Witnesses Human Rights Watch interviewed said that Asa'ib conducts illegal “arrests” in numerous areas in Baghdad and Diyala provinces. One man described to Human Rights Watch how Asa'ib fighters kidnapped him from a mixed Sunni-Shia neighborhood in west Baghdad. He said had he not convinced his kidnappers he was Shia “that would have been the end of me.” When they released him, they identified themselves to him as members of Asa'ib. The sister, wife, and father of another kidnapped man, a Sunni, described how they witnessed militiamen take the man from his shop in a mixed Sunni-Shia neighborhood, on May 28. They said he has been missing ever since.

Sectarian killings have markedly increased since ISIS took over Mosul on June 10. “Sunnis are a minority in Baghdad, but they're the majority in our morgue,” a doctor working in the Health Ministry told Human Rights Watch. He and three other doctors said the number of Sunnis in the morgue who died violent deaths had increased significantly since June 10.

In nearly all the cases Human Rights Watch documented, witnesses described men who dressed similarly and used the same tactics. Without exception, everyone Human Rights Watch interviewed said they believed militias, particularly Asa'ib, were responsible and that they “control” security forces in areas of Baghdad and Diyala provinces. Two

A resident of Baghdad's Dora neighborhood told Human Rights Watch that Abdullah Zilal al-Jibbouri, a student in his final year of high school, was kidnapped and killed on June 17. Abdullah's family told the resident that the last they knew of him he had been driving from Dora to the majority-Shia neighborhood of Baya`a to take his final exams.

A forensic doctor told Human Rights Watch that al-Jibbouri's body arrived in the morgue on June 18. Residents in Hay al-`Amal, a majority-Shia neighborhood next to Baya`a, had found his body, the doctor said. He died of a single gunshot wound to the head. "We don't know who killed him," the doctor said, "We can't tell from the kind of bullet because many people have the same weapons. But there is a heavy Asa'ib presence in street 60 and in the entrance to Abu Sweer in Dora. Everyone knows who is doing this." The Dora resident told Human Rights Watch his area is "full of Asa'ib" and that they frequently "drive by in pickup trucks waving their guns around to intimidate [Sunnis]."

Government officials and Iraqi media have reported mass executions of Sunnis in Hilla, in Babel province, and Muqdadiyya, in Diyala province. On July 9, police found the bodies of 53 men, all bound and shot in the back of the head, north of Hilla. A government source and the brother of one of those killed told Human Rights Watch that an Asa'ib message claiming responsibility was found next to the bodies when police found them. The government source and the brother of one of the victims said that Asa'ib kidnapped the men on about June 11, killed them, and then dumped their bodies in a ditch in north of Hilla approximately one week before they were found.

Murder is a crime against humanity when committed in a widespread or systematic manner as part of a policy of either a government or organized group to commit the crime. Crimes against humanity are international crimes, meaning that those who can be held accountable include: those who commit the crime; those who order it, assist, or are otherwise complicit; and military and civilian commanders who knew or should have known their subordinates were committing the crimes and fail to take reasonable measures to prevent them.

Given the risk that military assistance provided to the Iraqi government may be used to support the militias, governments that are helping Iraq militarily should halt further such aid until the Iraqi government ends support for militias like Asa'ib Ahl al-Haqq, Kita'ib Hezbollah, and the Badr Brigades, and takes steps to hold their leaders and members accountable, Human Rights Watch said.

"These reports of militia murders, often in plain view of security forces, indicate a pattern of sectarian killing that appears to be government-sanctioned," Stork said. "The takeover of state security by militias is a sure sign that the remnants of the rule of law in Iraq are falling apart."

### **Rise of Militias as Security Forces Collapse**

In April 2014, Reuters reported that in order to combat the growing Sunni insurgency in Iraq, Prime Minister al-Maliki planned to deploy militias in a new security force, "Sons of Iraq," consisting of the Shia militias Asa'ib Ahl al-Haqq, Badr Brigades, and Kita'ib Hezbollah.

Of these, Asa'ib is the strongest, according to a government source. Al-Maliki has incorporated Asa'ib fighters into both army and police forces, he said.

Human Rights Watch spoke with an official in the Tourism Ministry who said he has “many friends” who are Asa’ib fighters. He said that they sometimes tell him of their “kills” and that their power has grown significantly in recent months, particularly since June 10, when ISIS fighters took over Mosul, Iraq’s second-largest city.

“Asa’ib is not just kidnapping people in Ma`alif, Ameriyya, Ghazaliyya, Kahdraa’, Dora, and Saidiyya,” said the man, referring to majority-Sunni neighborhoods in Baghdad. “A good friend, a member of Asa’ib in Diyala, told me that when they’re in the company of military and the police, they [Asa’ib] give the orders. Al-Maliki gives them jurisdiction over the security forces to do whatever they want.”

“Before they were just around, now they are high-ranking officers in the military,” he said. “They really don’t care about hiding dead bodies anymore because they’re authorized to kill. So they’ll shoot people and just leave them where they lay.”

He said that one militia member told him that on July 7 he had killed a Sunni from Radwaniyya, an area consisting mostly of farmland adjacent to Abu Ghraib, because they believed him to be a terrorist. “My friend said they go after specific targets,” he said:

In Zeidan [Diyala province], for example, it’s a “hot” zone, so they capture people they suspect are terrorists and torture them. The regular Sunnis, the innocent ones, they let go, he told me. But they kill the ones that confess to be [members of] Da`esh [ISIS] and leave their bodies right there.

The three forensic pathologists told Human Rights Watch they had seen a noticeable increase in violent deaths in Baghdad in the past three months, particularly of Sunnis. “Every day we receive 8-10 [cases of] violent deaths, almost all Sunnis, most of them shot in the head,” said one doctor. “The numbers have only increased since Mosul. They are always shot with pistols and always through-and-throughs [meaning the bullets pass directly through the body], so it’s difficult to tell the caliber of bullet or precise weapons used.”

These latest reports of government-sponsored militia kidnappings and killings indicate that government-affiliated militias are targeting Sunnis in and around Baghdad and in Diyala province for kidnap and murder, Human Rights Watch said.

Human Rights Watch conducted research in April that documented how militias, sometimes in tandem with the federal police or army, killed at least 48 men in the “Belt” towns and villages of al-Wardiyya, Jisr al-Diyala, al-Heetawy, Tarmiyya, and Abu Ghraib in March and April. In Buhriz, a town in Diyala, media reports and Human Rights Watch interviews with witnesses indicate that militias, along with security forces, killed at least 30 people in a single day. A Health Ministry doctor told Human Rights Watch in July:

Asa’ib is trying to cleanse [the “Baghdad Belt”] of Sunnis – we are constantly hearing reports of killings in towns in the belt: al-Mada’in, Latifiyya, Yousifiyya, Abu Ghraib. The pattern is always the same: armed men enter areas with only one entrance, with a checkpoint manned by police or army. They drive in, kill people, and drive out, and the security forces never do anything.

During the week of June 30, they said, the morgue received the bodies of 23 Sunnis from Muqdadiyya, a town south of Baghdad in the “Baghdad Belt” area where there has been considerable sectarian conflict. “It appeared to be a mass execution of tribal sheikhs, because they were all killed at the same time during a meeting,” said one doctor. The doctor said the killings matched a pattern of killings in the area that began in March. “Many times the bodies don’t come here, because their families are too scared,” he said. “But when they do, it’s always the same – groups of Sunni men shot in the head.”

On June 22, the morgue received the bodies of three Sunni men from Hay al-`Amal, a butcher, his son, and an engineer, the forensic doctors said. “They were tortured,” said one doctor, “and there were hematomas all over their bodies. The butcher’s family told me that the militia that took them asked them for ransom and the family paid it, but they shot them anyway.”

Forensic doctors said that many of the bodies of Sunnis shot to death that arrive in the morgue come from Saidiyya, Dora, Ghazaliyya, Shoa`la, Washash, and Mansour, areas throughout Baghdad that are “under the control of Asa’ib.” “The bodies are shot the same way, found the same way,” the doctors said. “The militias have become so strong they don’t care about hiding their executions anymore. Many of the bodies stay here for weeks because their families are too scared to come pick them up, since Asa’ib watches this neighborhood.”

### **Killings in Mixed Sunni-Shia Areas of Baghdad**

In late June, Human Rights Watch interviewed the family of a Sunni man kidnapped on May 28 by men in civilian clothes eight hours after police released him from official custody. The man’s sister and wife said they witnessed his arrest and subsequent kidnapping. His sister said:

My brother owned the shop next door.... [T]wo weeks before the [April 30 parliamentary] elections, police came at night and took him. They didn’t say why. They kept him in the fourth battalion police station for 13 days without charge. Of course, they beat and tortured him, he told us when they released him. He said they used a Taser to put electricity on his arms and beat him in his face – the usual. They were asking him about his neighbors and friends, they didn’t accuse him of any crime.

He was home for about eight hours when six or seven men in civilian cars without license plates pulled up in front of his shop. They wore dark civilian clothes and they covered their faces. Two of the men came into our house, carrying weapons. They didn’t say very much, just searched the house and said, “Where is [name omitted]?” Four men went into the shop, found him, and took him. Of course, they were Asa’ib – how else could men with weapons and no license plates get past the checkpoint?

The man’s sister told Human Rights Watch that they had “searched all over” for him, but were no longer sure he was alive:

We heard he was back in the fourth battalion police station, but when we went there they said he had been transferred to Kadhimiyya [a prison complex in Baghdad]. When we went to Kadhimiyya they told us he’s been moved to General Security. When we went to General Security they told us he was in Kadhimiyya. Who knows?

The family said that shortly before the parliamentary elections at the end of April the militia began “taking so many people, all Sunnis, from this neighborhood.” The kidnapped man’s wife and sister said they knew three other people militias had abducted after elections. One was in his early 20s, in his fourth year of college. The other two were around 50, close to their relative’s age. “It’s becoming common,” they said, “and always the same story. Six or seven men with their faces covered came in the evening and took them from their houses.”

The man’s sister said:

Now everyone is scared. I know of six or seven people who have left the country because they say they are scared Asa’ib will take them. I want to leave, but I can’t because I have to take care of my father. Do you see how he’s sitting now, facing the door? He sits there every day, all day, looking out the front door, waiting for [my brother] to come back home.

Another neighborhood resident, a government employee, said a militia runs an informal detention center in the neighborhood:

Militias are taking people, but obviously they’re doing it with the blessing of the security forces. There is only one exit and one entrance to this neighborhood and they are both manned by federal police checkpoints. How could trucks full of armed men with their faces covered come in and out without the police knowing? Everyone, including the security forces, knows where the prison is. Even the security forces are scared of them.

On July 2, Human Rights Watch interviewed an electrician from a majority Shia neighborhood in west Baghdad. He estimated that his neighborhood is at most 20 percent Sunni and said that “[militias] now control [the neighborhood].” Sunnis in his neighborhood and other nearby majority Shia neighborhoods pretend to be Shia, he said, “because if they don’t they will be killed or kicked out by [militiamen].”

He said that on June 11, the day after ISIS took over Mosul, he was walking to an adjacent neighborhood at about 4 p.m. to do electrical work in a friend’s house when a taxi pulled over and offered him a ride. “When he dropped me in [the next neighborhood] he didn’t want to take money from me, which I thought was strange,” the electrician said. But as soon as the taxi pulled over, two cars, a white Land Cruiser and a brown Opal, positioned themselves in front and behind the taxi:

They came up to the taxi and told me “Come with us.” So I got out of the car.... They put me in the Opal and told me, “You should behave. We have nothing to do with you, we just need to ask you a few questions and then we’ll take you home.” They handcuffed and blindfolded me.

After that, he said, they drove for about 10 minutes. When they stopped, he could see out of the bottom of his blindfold that he was in front of a small stream of water in a desert area, and saw five men wearing civilian shirts with camouflage pants carrying AK-47s and pistols. One was wearing a *dishdasha*, a traditional men’s dress. He said:

I heard one of them refer to me, saying, “Yes, this is him.” I said, “What do you mean ‘that’s him?’” but they didn’t answer me. One of them picked up the phone and said, “Bring the rest so they can see him.” Then four or five

The electrician said he told the men he is Shia, but one of them accused him of faking his identification document to make it look like it came from a Shia area. While still handcuffed, they questioned him repeatedly about Sunni neighborhoods, who he knew there, and how often he went there:

The whole time they were insulting me, “You are Qaeda’s dog, you Sunni.” They hit me on the back, and dragged me across the sand by my collar. They accused me of being in “Omar’s Army” [a reference to a revered figure in Sunni Islam] and wanted me to count down the name of the 12 imams in order, to prove I was Shia. I didn’t know the names so I pretended that I suffer from a head injury and have brain damage. But I told them the names of several Shia people I know in [the neighborhood] and told them to check me out, that they would tell them I am Shia.

After that, he said, he heard one of the men say to others that he was not “one of us” and to “throw him away.” “They took me to some ditch next to a canal and I knew they were going to kill me,” he said. He said he stayed in the ditch for about four hours, bound and afraid to try to leave. “I could smell rotting dead bodies,” he said.

At about midnight, a man came to the ditch and returned his identification documents and told other men to take him home. The electrician said his Shia neighbors saved his life:

[A neighbor] told me later that someone came and asked if he knew me and he told them I am Shia. The same thing happened to [another neighbor], who is always in the pool hall. He also told them I am Shia. When they let me go, they said “We are Asa’ib. Sorry for this, if you need anything just let us know.”

The day after they kidnapped him, he said, he saw men he believed to be Asa’ib kill the *muezzin*, the man who performs the call to prayer, in a nearby Sunni mosque.

On June 12 at about 2 a.m. I saw two men wearing black civilian clothes, with their faces covered, go into his house. They were carrying AK-47s. Three other men stayed in front of the house. My house is the highest house in the neighborhood and I live on the top floor, so I have a view of the whole neighborhood. I didn’t hear any gunshots, but after a short time the *muezzin*’s house was on fire. Then I saw the three cars when they left: one was a brown Opal sedan, another was a Land Cruiser, and I don’t know the name of the third. They were the same cars that they used when they kidnapped me. The next morning, my neighbors told me that the *muezzin*’s family fled after the men killed him in front of them.

The electrician said that as a result of the Asa’ib’s terror tactics, three families have left his neighborhood after receiving death threats from the group. Asa’ib kidnapped a Sunni woman who lived behind his house and held her for several days before releasing her in exchange for the family’s promise to leave the neighborhood, he said:

I know a lot of other people who have been kidnapped: an engineer named Mohamed – Asa’ib came to his house in [name withheld] neighborhood, and interrogated him for hours. A man named Siraj, also living in [the same neighborhood], told me he got “caught by Asa’ib” but didn’t tell me what exactly happened. Both of these things happened the same time they took me, right after Mosul.

Case 5:20-cr-00241-GTS Document 37-12 Filed 02/22/22 Page 9 of 10

He said that SWAT forces and militia members killed three of his wife's cousins in the days preceding his interview with Human Rights Watch. They killed one after taking him from a mosque in Baghdad's Sleikh neighborhood, and the other two in Ba`aquba, the capital of Diyala province.

"These things have been happening for a long time, but got a lot worse after June 10," the electrician said. "It's a common understanding in the neighborhood that they are militia and so no one can do anything to them." He said that the militiamen pass through the army checkpoint at the entrance to his neighborhood without being stopped. "There is only one entrance to [my neighborhood] and the army controls the checkpoint. Within the neighborhood there are also four observation points where policemen sit. I have never seen them do anything to the militiamen."

He said that "Sunni people became very scared" after Ayatollah Ali al-Sistani, Iraq's leading Shia cleric, issued a [fatwa](#) calling on Iraqis to volunteer to fight ISIS. They fear the fatwa has given authority to Shia to kill Sunnis on the grounds they are supporters of ISIS.

Regarding a separate incident on June 16, Human Rights Watch interviewed three residents of Sha'ab, a mixed-sect neighborhood that they characterized as having a "heavy Asa'ib presence." One resident said he witnessed two men he said were Asa'ib members shoot and kill two Sunni brothers, Omar and Fakhry, owners of a neighborhood café:

At around 10:30 p.m. I was about to enter a market next to the café when a small yellow Saiba [Iranian-made cars frequently used as taxis] drove up to the café and parked in front. It was crowded. Two men got out of the car, walked into to the café, brought Omar and Fakhry out in front, and shot them each twice in the head. The people in the café and street were just watching. The 11th division army checkpoint is just 10 meters away, but they didn't even bother to use silencers.

The witness told Human Rights Watch that despite their proximity the soldiers "didn't do anything." After 10 minutes neighborhood residents volunteered to take the bodies to the hospital. "I'm scared to find their families for you, and of course, no one will say they are Asa'ib, they are too scared," he said:

But everyone knows that Asa'ib controls Sha`ab [neighborhood] and that they are the only people capable of doing something like this. They hang out in the Sha`ab police station, they're always bearded, wearing civilian clothes with camouflage pants. When you see a convoy of civilian cars full of men carrying weapons like PKCs [machine guns], it's obviously Asa'ib.

Baghdad's medical forensic authority confirmed that they had received the bodies of Omar and Fakhry in the early morning hours of June 17, and that each bore two bullet wounds in their heads. The forensic authority declined to provide the men's last names.

The witness described the men who killed Omar and Fakhry as bearded, wearing civilian clothes, one a t-shirt and one a button-down shirt and both in camouflage pants, and that their faces were loosely covered by scarves. His description matches numerous residents' reports of the attire of militia members they have seen at checkpoints alongside the police and army, or while conducting parades through their neighborhoods. Since June 10, Human Rights Watch researchers have seen men dressed in clothes that residents ascribe to militias, carrying rocket-propelled grenade launchers and automatic weapons, who appeared to be manning checkpoints along with security forces throughout Baghdad.

On July 9, police announced they had found 53 bodies in a ditch in an area north of Hilla. Their hands were all bound and they all had gunshot wounds in the head. Human Rights Watch interviewed a government official with professional knowledge of the case, who also said he personally knew several of the dead. He said the bodies had been in the ditch for at least three days and were extremely decomposed, in most cases preventing identification.

On July 10, Human Rights Watch spoke with a local man Abu Abdulrahman, who said his brother was most likely among the dead. He said that he heard from witnesses that on about June 11, armed men in civilian clothing raided a small vegetable market called Um Weilha, between al-Haswa and al-Muasayib, north of Hilla, where his 36-year-old brother was shopping. Abu Abdulrahman said that several people who were at the market told him they saw armed men “take everybody” from the market:

They told me the men took between 110 and 120 people. That area is 70 percent Sunni and 30 percent Shia. The armed men released the Shia captives, and released people from the Beni Sa`id and al-Masa`oud tribes [small Sunni tribes] – these people are very poor. After that my tribe and I tried to talk to [the released people] ... but they were almost all too terrified to talk to us. One said he witnessed them segregating Shia from Sunnis, and witnessed the kidnappers, who he called Asa`ib, torturing some of the detainees. We also tried talking to the division commander and police chief and some tribal leaders met those two to ask them to intervene and work on releasing them, but they refused to do anything.

Abu Abdulrahman said that police told him that when they found the bodies they were lying next to a sign that read, “These are the ones from Um Weilha vegetable market.” Police sent the bodies to a morgue in Hilla hospital, Abu Abdulrahman said. He added:

Asa`ib are at the gates of the hospital. Families in the area with missing relatives are too afraid to go to the hospital and check if their relatives are among the dead, because they fear they`ll end up dead next to whoever they came to pick up.

Four men went to recover a dead body a while ago and were killed themselves. Another woman I know had to pay US\$20,000 to recover the dead body of her husband.... I`m scared to go and get my brother`s body. The only ones who can recover bodies are the ones who have influence [with the militias] or can pay.

A government official told Human Rights Watch that all of the 53 people killed near Hilla were men from the Sunni Albu Mustafa, Janabi, and Alwani communities, and gave Human Rights Watch the names of 17 of those killed. He said that due to the advanced state of decomposition of their bodies, their families were only able to identify them from broken bones or other unique characteristics. The names of the 17 are: Wa`el Adnan, Sa`oud Fawaz, Haqi Ismael, Ismael Falah, Natiq Mushir, Mohamed Sa`id, Ahmed Yousif, Abdulrahman Yousif, Haitham Ismael, Hassan Thou`ban, `Omar Taha, Abulhaleem Thamer, Harith Rassam, Othman Haqi, Radwan Ismael, Mohammed Mai`en, and Hussain Thou`ban.

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# EXHIBIT K

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## Iraq: Campaign of Mass Murders of Sunni Prisoners Set International Inquiry Into Massacres by Security Forces, Allied Militias



Members of the Iraqi security forces patrol an area near the borders between Karbala Province and Anbar Province on June 16, 2014  
Reuters.

(Baghdad) – [Iraqi](#) security forces and militias affiliated with the government appear to have unlawfully executed at least 255 prisoners in six Iraqi cities and villages since June 9, 2014. In all but one case, the executions took place while the fighters were fleeing Islamic State of Iraq and Sham (ISIS) and other armed groups. The vast majority of security forces and militias are Shia, while the murdered prisoners were Sunni. At least eight of those killed were boys under age 18.

The mass extrajudicial killings may be evidence of war crimes or crimes against humanity, and appear to be revenge killings for atrocities by ISIS, a Sunni extremist group that in the past month has captured large areas from the Shia-led

“Gunning down prisoners is an outrageous violation of international law,” said [Joe Stork](#), deputy Middle East director at Human Rights Watch. “While the world rightly denounces the atrocious acts of ISIS, it should not turn a blind eye to sectarian killing sprees by government and pro-government forces.”

An international commission of inquiry or a similar mechanism should investigate serious violations of the laws of war and international human rights law by all sides in the Iraq conflict, including by government forces, pro-government militias, and ISIS and associated forces, Human Rights Watch said. The inquiry should be mandated to establish the facts, and identify those responsible for serious violations with a view to ensuring that they are held accountable. The inquiry should collect and conserve information related to abuses for future use by judicial institutions.

Human Rights Watch documented five massacres of prisoners between June 9 and 21 – in Mosul and Tal Afar in northern Nineveh province, in Baaquba and Jumarkhe in eastern Diyala province, and in Rawa in western Anbar province. In each attack, statements by witnesses, security forces and government officials indicate that Iraqi soldiers or police, pro-government Shia militias, or combinations of the three extrajudicially executed the prisoners, in nearly all cases by shooting them. In one case the killers also set dozens of prisoners on fire, and in two cases they threw grenades into cells.

More than a dozen residents and activists in the attack areas told Human Rights Watch they believed that as ISIS began freeing Sunni prisoners elsewhere as it advanced south, Iraqi security forces and militia killed the prisoners to prevent them from joining the rebellion, as well as to avenge ISIS killings of captive government troops. The murder of detainees during armed conflict is a war crime and, if carried out on a large scale or in a systematic manner, as a state policy, would be a crime against humanity.

Iraq’s government has in the past [denied](#) allegations that it summarily executed prisoners. The Defense and Interior Ministries did not reply to requests for comment from Human Rights Watch on the five cases it documented.

Human Rights Watch interviewed more than 35 people in person or by telephone about the five attacks. They included witnesses and relatives of those killed, security and other government officials, and local activists. Many had fled their homes and spoke on condition of anonymity, fearing reprisals by government forces. Human Rights Watch also reviewed video footage, still photos and media reports of the killings.

[Reuters](#) news agency, quoting police sources, reported that in a sixth attack, on June 23 in central Babil province, police executed 69 prisoners in their cells in the city of Hilla before transferring their bodies to Baghdad later that day.

The government has been fighting Sunni armed groups in Anbar since January 1. ISIS and other Sunni armed groups captured Mosul, Iraq’s second-largest city and capital of Nineveh province, on June 10, then moved through other areas across Iraq.

The majority of prisoners killed in the five attacks had been rounded up under article 4 of Iraq’s anti-terrorism law, but had not been charged with any crime. Some had been imprisoned for months, while others were detained shortly after ISIS began its takeover of Mosul on June 9.

In the first attack, on the night of June 9, prison guards removed 15 Sunni prisoners from their cells at the Counterterrorism and Organized Crime prison, in the heart of Mosul, a former prisoner told [CNN](#). The prisoner later told Human Rights Watch that the men were Sunnis from the minority Turkmen community. [Amnesty International](#) quoted a second prisoner as saying the guards removed 13 prisoners and that he then heard gunfire. A short time later, both prisoners said, a prison guard threw a hand grenade into one cell. The prisoner who spoke with Amnesty said six prisoners were killed in the grenade attack.

Two days later, Mosul residents discovered 15 decomposing bodies of men who had been shot, and in some cases handcuffed or blindfolded, near an abandoned potato warehouse in Mosul, two residents and the prisoner who spoke with Human Rights Watch said. That prisoner said he went to the site and recognized two fellow prisoners who had been among the 15 men led away by the prison guards.

In one of the following attacks, on June 16 in Tal Afar, 50 kilometers west of Mosul, three or four gunmen whom witnesses said were Shia militiamen opened fire with assault rifles and other weapons in four cells of that city's Counterterrorism and Organized Crime prison. Witnesses, local government officials, and local civil society activists told Human Rights Watch that the attack killed at least 51 prisoners. The attack took place before dawn, as ISIS was poised to capture Tal Afar, and the dead included three teenage boys, they said.

The counterterrorism prison in Tal Afar is a branch of the counterterrorism prison in Mosul, a local government official said. Both were under the control of the Interior Ministry, whose acting head is Prime Minister Nuri al-Maliki.

That same night, according to police and government sources, 43 detainees were killed inside the al-Wahda police station, near Baaquba, the capital of Diyala province, 50 kilometers northeast of Baghdad. Police sources told Human Rights Watch that the prisoners died in crossfire during an ISIS attack on the prison, but other local civil government officials said that prison guards and Shia militiamen killed the prisoners.

A medical worker at Baaquba general hospital, where first responders took the dead prisoners, told Human Rights Watch that he saw the 43 bodies. All were shot in the head execution-style and their limbs were broken, he said. Another detainee, Ahmed Zeidan, the only known survivor, died the next day an hour after police took him from the hospital where he was being treated.

The medical worker said the police came for Zeidan shortly after he told the Diyala governor, Amer al-Mujamii, from his hospital bed that prison guards and Shia militiamen carried out the attack. When the police returned Zeidan, the medical worker said, he was dead. The medical worker said he saw bullet wounds in Zeidan's stomach and legs, which had not been there before he had been taken away from the hospital.

On the morning of June 17, pro-government Shia militiamen killed at least 43 male prisoners inside an army base in the village of Jumarkhe, also in Diyala. At least three were boys, said a man who saw the bodies and a soldier from the base. All were Sunnis whom Iraqi forces had rounded up a week to 10 days earlier from Jumarkhe and surrounding villages, and all had been burned to death or shot, they said.

In Rawa, on June 21, soldiers from the al-Jazeera and Badiyya operations command, which oversees the Iraqi government's military operations in Anbar province, killed 25 prisoners and injured three others whom they were holding in their military base, according to a Rawa resident who found the bodies in the prison a short while later and spoke to the three survivors. The survivors told him police killed the prisoners, he said, and two were boys ages 12 and 16.

Two days later, on June 23, 69 prisoners were killed in Hilla, according to figures police sources gave to Reuters. Hilla's governor told Reuters that the prisoners were killed as police were transporting them from a prison in Hilla to another prison in Baghdad when armed opposition militants attacked the convoy. But police sources told Reuters that police extrajudicially executed the men in their Hilla prison cells.

Human Rights Watch spoke to 16 residents, two local human rights activists and 10 local government officials. Those with knowledge of each episode said that militia from the Badr brigade, headed by Transport Minister Hadi al-Ameri, were involved in the attacks on the prisoners in Tal Afar and Jumarkhe, and that Asa'ib Ahl al-Haqq, a powerful pro-government Shia militia active in Baghdad, areas around the capitol, and Diyala, also carried out the killings in Jumarkhe and facilitated the police in the prisoner killings in Baaquba.

An international inquiry into violations of the laws of war and international human rights law by all sides in the Iraq conflict investigation should include examining whether security forces, working with pro-government militias, have preemptively killed prisoners. The United States and other countries engaged in Iraq should halt military assistance to the Maliki government until it takes concrete steps to halt crimes like killing prisoners, Human Rights Watch said.

Maliki also needs to remove and prosecute all commanders involved in these slaughters, Human Rights Watch said. Killing prisoners, even those who were combatants, is a war crime.

"In each case that Human Rights Watch investigated, the accounts we heard point directly to Iraqi security forces and pro-government militia slaughtering captive men in large numbers as ISIS and allied fighters were poised to seize the area," Stork said. "This isn't one rogue commander on the loose – this seems to be a widespread campaign of killing Sunni prisoners in cold blood."

**For additional details on the cases Human Rights Watch documented, please see below.**

### **Mosul: Prison Attack and Bodies Outside Potato Warehouse**

On the night of June 9, hours before ISIS captured Mosul the following morning, Iraqi government guards at the city's Counterterrorism and Organized Crime prison appear to have executed 15 prisoners, then dumped them in a ravine, according to interviews with three people who saw the bodies, and three government officials who said they were briefed on the killings. A former prisoner said one guard also threw a grenade into a cell, and a second prisoner told Amnesty International that the grenade attack killed at least six prisoners.

ISIS fighters entered the outskirts of Mosul on June 8. By the time they captured the city the morning of June 10, Iraqi forces had abandoned their posts. Three witnesses told Human Rights Watch that after fighting ended, and residents emerged from their homes on June 11 and 12, they saw about 15 decomposing bodies off the side of the road in an area that had been under army control.

The bodies lay in a ravine next to the Al-Karama industrial zone in eastern Mosul, about 100 meters from a base for the Iraqi army's 2<sup>nd</sup> division and near an abandoned potato warehouse, according to four local and regional officials as well as four local residents. A former prisoner first featured in a [CNN](#) report told Human Rights Watch that at least two of the bodies were of 15 fellow detainees he knew from the Counterterrorism and Organized Crime prison, whom he saw guards take away in handcuffs on January 9. The prison is in the Hayy al-Tayaran neighborhood, near the airport and across the city from the industrial zone.

Two of the Mosul residents said they saw the bodies in the ravine on the afternoon of June 12. One of them, a lawyer, gave Human Rights Watch video footage and photos of the site. He said he was driving by the potato warehouse on the way back from checking on a relative and stopped when he saw a large crowd gathered off the side of the road:

The crowd was filming something. I got out of my car and took a look. Down in a crevice by the side of the road I saw a pile of bodies. Some of them were handcuffed. Some of them were blindfolded. Some appeared burned. Some of them appeared to be in pieces. They were not in uniforms.

The lawyer said he did not know who killed them.

The video clips and photos taken by the lawyer show men lying in contorted positions in the gravel of a ravine, with crowds of onlookers, including children, filming their corpses and stepping over the bodies. Many of their faces were blackened because of decomposition. Human Rights Watch counted 15 bodies in the video and photos, including at least one with handcuffs and one with a blindfold.

Local and regional officials who fled Mosul after it fell to ISIS confirmed the presence of the bodies in the ravine and told Human Rights Watch they had been informed by local government security sources that they were most likely prisoners killed by Iraqi forces. They said they did not have additional information because of their inability to investigate incidents since the city's fall.

[Amnesty International](#) and [CNN](#), each citing a different former prisoner, reported on June 27 and June 28, respectively, that the bodies in the ravine were those of prisoners in Mosul's counterterrorism prison. The former prisoner who spoke with Amnesty said he saw guards take away 13 prisoners on June 9, not 15 as the other prisoner told CNN and Human Rights Watch.

Later that night, both prisoners said, one guard opened a cell and threw a grenade inside. The prisoner who spoke with Amnesty International said the grenade attack killed six prisoners and injured several others.

The prisoner first interviewed by CNN told Human Rights Watch that all 15 prisoners taken by the guards were Sunnis from the minority Turkmen community in Tal Afar. Later that night, he said, ISIS entered the prison and freed the remaining inmates. The former prisoner said that when he heard about the bodies near the potato warehouse, he went to see them on July 11. He said he recognized two friends among the 15 whom he saw guards lead out of the prison.

Local and regional officials told Human Rights Watch that the counterterrorism prison at the time was under the direct control of Prime Minister Maliki, who is also acting interior minister. One regional official said a security source who was in the prison at the time told him that an officer with the counterterrorism unit of Iraq's National Investigation and Information Directorate, which ran the prison, carried out the grenade attack, throwing three grenades and killing as many as 15 prisoners.

### **Tal Afar: Massacre at Castle Prison**

At about 2 a.m. on June 16 in Tal Afar, 50 kilometers west of Mosul, at a second Counterterrorism and Organized Crime Prison inside a historic hilltop fortress known as the Castle, three gunmen killed at least 51 prisoners, at least three of them boys ages 15 to 17, according to a local government official and four former prisoners who witnessed the attack.

The counterterrorism prison in Tal Afar is a sub-section of the Counterterrorism and Organized Crime prison in Mosul, local and regional officials said, and is also under the command of al-Maliki in his capacity as acting interior minister. [Case 5:20-cr-00241-GTS Document 37-13 Filed 02/22/22 Page 7 of 13](#)

Human Rights Watch interviewed four prisoners who survived, the father of one of the slain prisoners, seven regional and local political and security officials, two local journalists, and two local activists who had investigated the attacks.

Most said the pro-Maliki Badr Brigades were de-facto commanders of the counterterrorism base and prison at the Castle. The survivors provided first names of the gunmen, whom they said they heard calling out to each other during the attack. The gunmen could not have been with ISIS because ISIS did not enter the city until dawn, they said.

Human Rights Watch viewed videos of four interviews of prisoners by an Iraqi journalist in Mosul's main hospital hours after the attack, and reviewed photos and video of the slain prisoners, including a video that was aired by [CNN](#) on June 28.

Officials and former prisoners gave varying estimates of the number of prisoners inside the prison but all agreed there were at least 60, most Sunni farmers and laborers from Tal Afar and surrounding areas who had been rounded up in the preceding weeks and months under article 4. The surviving prisoners, local officials and activists told Human Rights Watch that the attack took place a few hours before ISIS entered Tal Afar, as Iraqi security forces fled the city. For the three preceding days, the prisoners said, ISIS had been shelling the castle. But before dawn that day, they awoke to what they said was the sound of heavy vehicles pulling into the castle compound and then gunfire inside the prison cells.

Three of the prisoners were among at least six who survived by huddling in the bathroom at the back of the largest cell, housing about 34 detainees. They said they heard the gunmen shout "Corner! Corner," a routine command for inmates to gather in the corner opposite the door, before storming one cell. They also said they heard the sound of three weapons – two assault rifles and a weapon firing faster rounds that one of them believed to be a machinegun.

One of those survivors, a 52-year-old laborer, said the gunmen moved "very fast:"

I heard a lot of noises and shooting in the other cell rooms. I heard the prisoners crying "Ya Rab Sa'edna!" [God Help us] and "Allahu Akbar!" [God is Greatest] over the sound of the gunfire. I ran into the bathroom to hide. Then I heard the noise of Kalashnikovs and of a machine gun in my cell ... It lasted not more than two minutes. I acted like a dead man, I didn't move for about 5 to 10 minutes.

A 14-year-old survivor who was imprisoned with his 15-year-old brother described the gunmen entering their cell, containing between 16 and 19 inmates:

We heard something strange just outside the door. Then the gunmen opened the small windows in the doors and the doors themselves, and right away they began shooting. I hid behind another prisoner but I was still shot in my upper arm and thigh. I can't describe to you those next three to four hours. I just lay there with those dead bodies around me. One of those dead bodies was my brother.

The survivors in the bathroom said that they could hear the voices of four men, one of whom appeared to be a ringleader who urged the others to follow him with orders including, "Come! There is another room!"

Two survivors said they recognized one of the gunmen's voices and one of the names as those of men who were frequently in the prison but were not regular guards. One prisoner who heard but did not see the gunmen said that the regular guards would have known to search for prisoners in the bathroom.

Once the shooting stopped, the survivors in the bathroom said they heard the sound of vehicles leaving the compound. They waited several more minutes before creeping out. The laborer said he was the first to emerge and had no way out except to pass through the largest cell:

I saw the bodies of my fellow prisoners, their limbs limp, their blood on the bedding on the floor. I only saw two who were still alive, but they were badly injured. They said, "Please help us." I took one of them out to the courtyard of the building, but I couldn't bring myself to go back into the cell. I saw that the gate to the prison was open. Without being able to control myself, I ran away.

But when the sun rose and I saw townspeople heading up to the prison, I decided to go back to help. I saw a lot of my friends were killed in the other rooms as well. In the first room I saw four dead people. In the second room, seven dead people. In the next room, 16 people.

Another prisoner who said he followed the laborer out of the bathroom said the injured prisoners were "crying out for help, shouting things like, 'Oh God, what has happened!'"

Human Rights Watch obtained video and still photos of the attack from a Mosul journalist that showed men lying in heaps on their floor pallets, with blood splattered on their bodies and the cell walls. A human rights activist in Tal Afar said the photos were of the victims.

One relative of a prisoner who was killed told Human Rights Watch that as soon as word spread the night of June 15 that ISIS was poised to enter Tal Afar, he had "begged" local Shia sheikhs to ensure that the police and militiamen did not carry out reprisal attacks:

They told me, "Don't worry, nothing will happen." But when I got to the prison the next morning I really cannot describe what I saw. They were killed so brutally. These were the acts of barbarians.

### **Baaquba: Killings in al-Wahda Police Station**

On June 16, at least 43 detainees were shot to death in the al-Wahda police station near Baaquba, the capital of Diyala province east of Baghdad. Another detainee was severely injured, and died the following day after police took him from the hospital where he was recovering from bullet wounds, and where paramedics took the survivor and bodies of the prisoners. Diyala's police chief told Human Rights Watch that the detainees died in crossfire when armed men attacked the police station, but based on accounts from three government officials and a surviving prisoner, Human RightsWatch concluded that police deliberately killed the detainees.

Diyala's police chief, Brig. Gen. Jamil al-Shimmari, who said he did not witness the attack, told Human Rights Watch that he was in contact with police at the al-Wahda police station via telephone when ISIS fighters attacked the police station at 8 p.m. At the same time, he said, another group of ISIS fighters attacked a police "emergency unit" two kilometers from the police station.

“They launched mortars and hand grenades at the police station and an emergency unit from nearby houses,” he said, “and exploded two car bombs, one in front of the police station and one in front of the emergency unit.” Al-Shimmari said the attack lasted about five hours, and that about 100 ISIS fighters were able to enter the police station with AK-47s. In their ensuing fight with police and a team of Special Weapons and Tactics (SWAT) reinforcements, he said, 44 prisoners and one policeman were killed in crossfire.

Al-Shimmari told Human Rights Watch that nine ISIS fighters also died but none were arrested, and said he could not identify the prisoners or the ISIS fighters who died by name. He identified the policeman who he said was killed in the crossfire as Wissam Kudhair Abbas.

Al-Shimmari’s account differs from that of a military spokesman, Lt. Gen. Qassim al-Moussawi. The Associated Press [reported](#) that al-Moussawi said at a news conference on June 17 that 52 inmates were killed by mortar shells when ISIS fighters attacked the police station.

Despite these accounts, two government officials, one an employee at the hospital where the prisoners’ bodies were taken and the other a relative of one of the prisoners killed, said the prisoners were all shot, most of them “execution style” in the head, and not killed randomly in crossfire or by mortar strikes.

An official close to the Diyala governorate told Human Rights Watch that he saw the prisoners’ bodies on June 17 and that most had bullet wounds in the head. He said that Diyala’s governor, Amer al-Mujamai, visited the sole surviving prisoner in the hospital before police removed him and returned his body one hour later. The governor’s spokesman later [told](#) Reuters that the survivor told the governor that police had attacked the prisoners.

A member of the medical staff at the Baaquba General Hospital, where first responders took the bodies of the murdered prisoners, told Human Rights Watch that he saw ambulance drivers bring 44 bodies to the hospital morgue. He said employees in the morgue told him that, in addition to multiple gunshot wounds, most of the prisoners had broken arms and legs, suggesting that the men were tortured before they were killed.

The medical staff member told Human Rights Watch that the lone surviving prisoner, Ahmed Zeidan, arrived at the hospital alive about 9 a.m. the day after the attack.

“Ambulance drivers at first brought Zeidan to the morgue in a body bag with all the others,” he said. “When the doctors at the morgue opened the bag, they realized he was alive and sent him back to the hospital.”

That was when the governor spoke with Zeidan, the medical staff member said. The medical staff member said he overheard Zeidan telling the governor that no armed group attacked the al-Wahda police station and that police threw two grenades into the cell holding the 44 prisoners, then opened fire on them. Zeidan also told the governor that the men who killed the prisoners broke their arms and legs before throwing the grenades and shooting them so they could not run away, the medical staff member said.

Shortly after the governor’s visit, police arrived at the hospital and removed Zeidan, the medic said. “He could have survived. We were treating him for bullet wounds but he was conscious. When they returned his body an hour later, he was dead. He had additional gunshot wounds in his legs and stomach.”

The medical staff member said he could not identify the police unit that took Zeidan from the hospital.

The official close to the Diyala governorate said that he and the governor tried to visit the prison the day after the attack to look for evidence of mortar shelling that would support the Diyala police account, but they were unable to enter the prison and did not see any signs of a fight outside the police station.

“Prison guards and other men wearing civilian clothes – we think they’re from the [pro-government] militias – prevented us from entering the police station,” the official told Human Rights Watch. “They aimed their guns at us and threatened to kill us if we didn’t leave.”

The official questioned security officials’ accounts of how the prisoners died. “Whether mortars were launched or they were killed in crossfire, how is it that so many prisoners died while only one policeman was killed?” he asked. “They came up with a good story, but it raises questions that need to be answered.”

On June 19, Reuters [reported](#) that the mayor of Baaquba, Abdullah al-Hyali, said he visited the local morgue and saw that most of the prisoners had bullet wounds in their heads, including his nephew. The mayor also told Reuters that his nephew had been “severely tortured and his nails were extracted.” Human Rights Watch could not reach the mayor for confirmation.

Police Chief al-Shimmari called the governor’s statements politicized:

The governor has a conflict with other parties, and this political pressure made him distort the truth. I explained the facts to the governor but he apparently has political gains to be made by lying.

Police Chief al-Shimmari similarly dismissed the mayor’s statements that he saw bullet wounds in the prisoners and that the mayor’s nephew was tortured.

Abu Ahmed, a relative of one of victims of the attack, said some of the prisoners killed had been detained for petty crimes but that most had not been charged. He told Human Rights Watch that police arrested his 18-year-old cousin, whose name he asked be kept confidential, two hours before the attack because “someone overheard him mocking Colonel Hooby [the police chief of al-Wahda police station]” earlier that day:

The next morning we were told that all the prisoners in al-Wahda police station were dead. People at the police station told us that the bodies were at the Baaquba Hospital. We went there, and the morgue employees told us that a lot of people died by bullet wounds and some died of fragments from grenades. I saw bullet wounds in [my cousin’s] head and chest.

Abu Ahmed attributed the killings to the pro-government Shia militia Asa’ib Ahl al-Haqq, which at least 10 Diyala residents told Human Rights Watch had been “in control of security” in Baaquba and surrounding areas. He said that the police station is in his neighborhood, Beni Zeid, and that, “Many policemen in that police station ran away after this attack. “I have seen Asa’ib is in the police station,” he said, adding that their arsenal included RPG-7 anti-tank grenade launchers.

The Baaquba hospital medical staff member told Human Rights Watch that he and other employees wanted to stop police from taking Zeidan, the wounded survivor, but that the presence of Asa’ib Ahl al-Haqq and other militias in the

The hospital is protected by a private security company, and we also have a company of local policemen who are supposed to protect the hospital. But they can't really do anything. These are militias we're talking about. Asa'ib could come and put me in a truck and take me to Baghdad whenever they want and there is nothing I can do about it.

The official close to Diyala's government and residents Reuters interviewed said most of the prisoners were being held for petty crimes rather than terrorism-related charges. Some of the prisoners had judicial orders of release, the official said, but the prison continued to hold them because they wanted money from the families to release them.

### **Jumarkhe: Security forces, Militia Blamed for Killing at Least 45 Local Prisoners**

On June 17, the morning after the killings in Baaquba, fleeing pro-government forces set fire to an Iraqi army base outside Jumarkhe, a village about 25 kilometers northeast of Baaquba. Local residents who rushed to the base after the pro-government forces fled found 43 or 44 dead prisoners inside the base, shot execution-style or burned, according to five villagers who saw the bodies, as well as a soldier from the base, a provincial government official, and a provincial human rights activist who interviewed several other residents about the attack.

All the prisoners were Sunnis from nearby villages whom the pro-government forces had rounded up about a week to 10 days earlier, around the time Mosul fell, they said. At least three of those killed were boys about 15 or 16 years old, a villager and the soldier said, while a second villager said he recognized two boys and had heard that a third boy had been killed.

The pro-government forces took two other prisoners with them as they fled the base that morning and killed them on their way out of the village, the soldier said.

The eight sources blamed a combination of Iraqi soldiers, SWAT members, and the pro-government Asa'ib Ahl al-Haqq and Badr Brigades militias for the attack. Local residents told Human Rights Watch that the Badr Brigades had arrived in the area several days before the attack to bolster beleaguered Iraqi army troops during fighting with ISIS.

The government official and the soldier said that all three groups had been controlling the base. The government official added that he was "certain" that the pro-government forces killed the prisoners because "the insurgents did not take over the army base – they just passed through the area."

The morning of June 17, the second day of heavy fighting in Diyala province, villagers noticed smoke and flames coming from the base, one local man told Human Rights Watch. Shortly afterward, two villagers said, Iraq troops and militia fled in military vehicles with white flags, a sign of surrender. But the pro-government forces were shooting as they went, three villagers said. "They were shooting in all directions and destroyed the power station," one said. Two villagers said the gunfire killed a young child.

Local men rushed to the army base, about one kilometer outside of Jumarkhe, hoping to free the prisoners, all those interviewed said.

Human Rights Watch interviewed four men who said they were among the first to enter the prison inside the army base, while part of it was still in flames. Three of them said they were relatives of those killed. The men said they found four prisoners shot in the back of the head and the rest so badly charred that they only recognized them by the few remaining fragments of their clothes. Many of the bodies had been covered with blankets that were also burned, they said. One of the relatives said he saw a barrel of gasoline in one of the areas that had not caught fire.

One of the villagers said of the dead:

Some of them were burned 100 percent. Others of them were still burning and we tried to stop the flames. Some of them were so badly burned that they only weighed about 20 to 40 kilos. We used blankets and planks of wood to carry the bodies out. The bodies were so small from the burning that in some blankets we put two or three bodies.

Three villagers said many of the prisoners had been part of the so-called Awakening Movement, US-funded Sunni coalitions formed in 2006 to protect their neighborhoods, whom Maliki had promised to integrate into the Iraqi security forces but failed to do so. Most had been seized under article 4 of the anti-terrorism law, they said.

One of the villagers who helped carry out the dead told Human Rights Watch that, “Many were ordinary citizens – local farmers and their children.”

None of those interviewed knew if the burned men had been shot before being set on fire. They said relatives did not bring the prisoners to medical examiners but instead buried them in their villages.

#### **Rawa: Killings of Prisoners at the al-Jazeera and Badiyya Operations Command Base**

On the morning of June 21 in Rawa, a city in Anbar province, Iraqi soldiers killed 25 prisoners before fleeing an attack on their base by armed Sunni militants. Human Rights Watch spoke with one resident of Rawa who said he saw the bodies of the slain detainees inside the prison shortly after they were killed.

The man was fearful for his security and hesitant to speak at length about the case. He said the attack on the prisoners was carried out by members of the al-Jazeera and Badiyya Operations Command, which oversees the Iraqi government’s military operations in Anbar. He said the attack took place around 10:30 a.m., shortly before ISIS and other Sunni fighters [reportedly](#) took over Rawa. He told Human Rights Watch that after he heard reports from other villagers of an attack by Sunni armed groups on the base, he called an officer he knew at the base who told him that the Iraqi army evacuated the base after “negotiating” their departure with “the armed men.”

He said that he and several other men went to the base around 3 p.m. to check on the wellbeing of the prisoners:

When we entered we started hearing moaning and screaming. We followed the sounds of these voices. We reached a cell where we found a pile of dead bodies on the floor. At the beginning we counted 21 dead and seven injured. Another four died on their way to the hospital ... Some of the survivors were beneath the dead; their executioners clearly thought they were all dead.

When I saw the bodies I called back the officer and asked him what happened, why the soldiers killed them. He told me, “All those are terrorists and they deserved it.”

The Rawa resident said one of the dead was the driver of Saba`awy Hussein, the brother of the toppled Iraqi leader Saddam Hussein and the former head of general security and police intelligence. "He was initially still alive, but his body was so riddled with bullets. ... We couldn't even do a tourniquet. He died on the way to the hospital."

The man said that one survivor, a 25-year-old Syrian man, told him police killed his five brothers in the attack, including one who was 16.

The Rawa resident said he and the other men who went to the prisoners also identified a 12-year-old boy from Baghdad among the survivors He said he knew of at least 10 Sunni armed groups fighting in Rawa but that he had not seen the ISIS flag in the city.

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## Iraq: Survivors Describe Mosque Massacre

Militias, Local Police Killed 34 at Friday prayer



(Erbil) – Victims of a massacre in a mosque in Diyala province by [Iraqi](#) pro-government militias and security forces recognized the attackers and knew them by name. The Iraqi government should promptly make public any investigation of the attack on the Musab Bin Omair mosque on August 22, 2014, which killed 34 people, and bring those responsible to justice.

According to accounts by five witnesses, including one survivor of the attack, armed men, some wearing civilian clothes and others in police uniforms, attacked the mosque at midday in the village of Imam Weiss in Hamreen, Diyala province, about 50 kilometers northeast of Baaquba, the provincial capital. The attackers shot to death 32 men, one woman, and one 17-year-old boy, all of whom witnesses said were civilians who were attending Friday prayer when they were killed, with PK-type and AK-47 Russian-made automatic weapons, the witnesses said. All of the witnesses said they recognized the attackers and knew them by name.

### Iraq: Survivors Describe Mosque Massacre



“Pro-government militias are becoming emboldened and their crimes more shocking,” said [Joe Stork](#), deputy Middle East director. “Iraqi authorities and Iraq’s allies alike have ignored this horrific attack and then they wonder why the militant group Islamic State has had such appeal among Sunni communities.”

Witnesses, all of whom asked Human Rights Watch not to reveal their identities for their protection, said the shooting began at about 12:10 p.m., during the imam's Friday speech. A survivor, who was inside the Sunni mosque, said he saw a man enter wearing the dark green T-shirt, pants, and headband typically worn by militiamen affiliated with Asa'ib Ahl al-Haqq, a pro-government militia. He was carrying a PK-type automatic weapon.

"He shouted, 'Do not move. No one leave!'" the witness said. "He aimed his first shot at the sheikh [imam], and then he continued shooting at the rest of us. When I heard the first gunshot I dropped to the ground."

The gunman continued shooting at random, the witness said. "People were on the ground screaming and crying, saying, 'Allahu akbar [God is great], La ilaha illa Allah [there is no God but God]."

Three of the witnesses entered the mosque after this first attack. They said they saw eight armed men leaving the mosque. When they entered, they saw about 10 people who appeared to be already dead and about 30 more injured. "What I saw was indescribable, inhuman," one said. "Most of the people were injured, not dead, and were crying out for water and for help with their injuries. I saw a man whose left side of his head was completely blown off."

Two witnesses said they had begun carrying the wounded into the garden in front of the mosque when, after about 10 minutes, they heard more shooting as a second group of between 20 and 30 armed men headed toward the mosque. The witnesses fled, leaving the wounded behind. Another witness who was watching from his house about 100 meters away confirmed this account.

All of the witnesses said they then heard screams and more gunshots. The second round of shooting lasted approximately 15 minutes, they said.

The witnesses told Human Rights Watch that all of the 34 dead except one were from the Beni Weiss, a Sunni tribe in Diyala. None of the witnesses knew the reason for the attack, but one said he believed it was in retaliation for an attack with an improvised explosive device earlier that day about 20 kilometers north of Imam Weiss that killed five militiamen. The witnesses all said there were no fighters in or around Imam Weiss at the time of the attack.

The witnesses said there was an army checkpoint about 200 meters from the mosque and a police checkpoint about 150 meters from the mosque, but that no security forces responded to the attack even though the shooting was broadcast over the mosque loudspeaker and could be heard from at least 600 meters away, where one witness heard the shooting from his home.

Two witnesses said they called for army assistance and for an ambulance, but none arrived until nearly an hour later. At about 1:30 p.m., they said, soldiers from the 5th brigade of the army's 20th division arrived in an army ambulance and a cargo truck, which carried the dead to the hospital morgue in Muqdadhiyya, 15 kilometers away.

The survivor said that he was among a half dozen people who survived the shootings. He said his cousin sought treatment at the local hospital but left after doctors warned him that militiamen were heading to the hospital to kill survivors seeking treatment there. Human Rights Watch reviewed the cousin's medical records, dated August 22, which indicated that he required an operation and plastic surgery due to a bullet wound in his right arm that crushed the bone and created an abscess.

The witnesses and three other residents said that sectarian tensions in the town had escalated after fighters of the militant group Islamic State (also known as ISIS) took over the city of Mosul on June 10. While the largely Shia militias were already there, working with the security forces, after June 10, militias took control of the police and army, witnesses and residents said. Imam Weiss has a population of about 500 families, 300 of them Sunni and 200 Shia, the residents said.

On October 22, in response to Human Rights Watch's request for information about the attack, Interior Ministry Spokesman General Saad Maan Ibrahim told Human Rights Watch that the Interior Ministry had formed an "investigation commission" to look at the attack, which determined three suspects had carried out the killings. Maan did not know whether the judiciary had set a date for their hearings.

Maan said the killings were in response to an IED explosion that killed a number of volunteer fighters driving into Imam Weiss early morning on August 22. "We heard that some of their relatives, two or three, went to that mosque carrying AKs and opened fired on the mosque, killing them all, which was a normal, spontaneous reaction of revenge," Maan said. "It was a revenge operation for what they lost." None of the relatives of the victims knew whom the investigative committee had held responsible for the crime, the charges against them or whether there would be a public trial.

The August 22 attack is consistent with a pattern of attacks that Human Rights Watch has [documented](#), including kidnappings and [summary executions](#), by Shia militias Asa'ib Ahl al-Haqq, the Badr Brigades, and Kita'ib Hezbollah in Baghdad, Diyala and Babel provinces.

Foreign governments should stop providing Iraq with military support and assistance until the government ensures that such widespread war crimes and crimes against humanity have ended, including ensuring those responsible for such crimes are held accountable, Human Rights Watch said.

The [United States](#) has sent Iraq military aid and in August began air strikes against ISIS targets. Militias have taken over at least some of the areas where the US has carried out air strikes, according to accounts from area residents.

In September, a Human Rights Watch researcher saw a convoy of 10 to 12 cars filled with militiamen carrying heavy weapons and new-model M-16s in Baghdad. The militiamen pointed their weapons at traffic to force other cars to the side to let them pass, and drove through a federal police checkpoint without being stopped.

"Iraq's international allies cannot allow the fight against the abusive extremists of ISIS to be carte blanche for the Iraqi government's allies to callously kill civilians who happen to be Sunnis," Stork said.

### **Witness Accounts of the Attack on the Musab Bin Omair Mosque**

Four witnesses said they heard the imam's Friday speech, which was broadcast over the mosque loudspeaker from the center of the town, interrupted by shooting and screaming at about 12:10 p.m. One witness said he immediately ran toward the mosque:

When I first heard the shooting, I ran to the mosque because my brother was there. I live about 200 meters away, and by the time I got there the shooting had stopped. As I was running to the mosque I saw armed men from Asa'ib Ahl al-Haqq and local police, there were 8 of them altogether, leaving the mosque.

I found a massacre. My father was lying there missing both of his arms. I found my oldest brother next. He had an enormous bullet wound that had entered in the back right side of his neck and exited through his mouth. He was still alive. Then the armed men came back, and I had to run to save my life. After they left, my family was dead. My oldest brother had two new gunshot wounds, one on the right side of chest and another on the left side of his stomach.

The attack survivor said he survived because a large man, around 50 years old, shielded him:

I was located opposite a shooter. When he was firing I was on the ground, stuck between the wall and [the man's] heavy body. I could feel the bullets penetrating him, and coming towards me. But, alhamdulillah [praise be to God], my wounds were not heavy.

The survivor said that seven of his nine family members who were at the mosque at the time died, four on the spot and the others later in the hospital. Only he and a cousin survived, he said. The survivor said he recognized the shooter as his neighbor, and named him.

One of the witnesses who had carried his brother to the mosque garden said he ran to a nearby house as the second group of attackers approached. From there he watched the rest of the scene:

I was scared to stand on the balcony for fear they would see me because I was so close by – the mosque is surrounded by houses and I was in one of the houses right next to it. But I stood there long enough to see [name withheld] entering with about 20 other men. I recognized them all, their faces were uncovered and I've known them for decades – we've lived together for more than 30 years. They were carrying PKs and AK-47s. I heard them shooting for 15 minutes, not continuously. After I saw them leave I went back into the mosque, and almost all the people who were injured before were now dead.

Human Rights Watch viewed [photos and videos](#) witnesses said they took several hours after the attacks. They showed large bullet holes above the mosque minbar, or pulpit, in all of the walls of the mosque, and large blood stains throughout the mosque. Many of the bloodstains were concentrated in the corners of the mosque, indicating that people huddled in corners to avoid being shot.

One witness and a relative of some of those killed who is a high-ranking member of the Beni Weiss tribe said that militiamen shot another witness to the shooting 10 days later after he crossed a checkpoint in the Imam Weiss area. Neither saw the shooting, but said two female relatives, who were in the car with the witness, described how four men in a black Mercedes followed them through the checkpoint, drove up beside their car and shot the witness point blank. He died immediately, they said.

The witnesses said forensic authorities initially refused to issue death certificates for some of their relatives among the dead. "At first they didn't want to release the total number killed," one witness said.

Human Rights Watch reviewed the 34 death certificates. The names and ages corresponded to those of the victims the witnesses named. All listed the date of death as August 22 and the cause of death as “bullet wounds,” but 28 had been issued on August 23 and 6 on August 27.

The witnesses and survivors, who have remained in Imam Weiss, told Human Rights Watch they fear for their lives but that they have no place to go. They said that Ra’id Dahlaqy, a member of parliament, and two Interior Ministry representatives came to Imam Weiss in the days following the attack to investigate, but that they had refused to release results to family members, saying the investigation was secret. The four witnesses and relatives of the victims filed a court case against the 20 to 30 men they saw carrying out the attack, but no date has been set for a hearing, they said.

### **List of the Dead**

Nadir Chelub Shatab, 45  
Ahmed Mohamed Khalil, 30  
Qahlan Mizher Mehdi, 25  
Ali Mehdi Saleh, 45 (imam)  
Bashir Abed Hussein, 25  
Adnan Abdelwahhab, 45  
Abdelwahhab Alsaoud Abbas, 50  
Husseib Hussein Maher, 70  
Ali Jawwad Aidan, 30-35  
Abbas Mohsen Faisal, 40  
Adnan Mohsen Khudhair Faisal, 43  
Abdelsammad Ali Mehdi, 25  
Faisal Mizher Mehdi, 27  
Aysab Abbas Mohsen, 40  
Mizher Mehdi Saleh, 55  
Adnan Lafta Faisal, 52  
Qahtan Khalaf Karkas, 25  
Abelrahman Najim Abdullah, 25  
Ali Ibrahim Lafta, 33  
Habiba Abdelkarim Majid, 41  
Abdullah Lafta Faisal, 50  
Ammar Ahmed Qawwad, 38  
Alwan Nasser Hussein, 46  
Yousif Mohsen Faisal, 38  
Hussein Saleh Bati, 58  
Qassem Hashim Abdullah, 45  
Ghazy Mizher Mehdi, 40  
Suleiman Dawoud Mahmoud, 48  
Othman Najim Abdullah, 17  
Sabbar Abbas Mohsen, 21  
Alaa Abbas Mohsen, 19  
Aws Abdulkarim Murad, 36  
Mohamed Qawwad Manaa, 56  
Ayyoub Abbas Mohsen, 25

# EXHIBIT M

Document #1308510

# Jamestown Foundation

## Iraqi Shi'a Militia Asa'ib Ahl al-Haq Expands Operations to Syria, Terrorism Monitor Volume: 12 Issue: 10

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By: Nicholas A. Heras

A suicide bombing struck an election rally in Baghdad that was being held by the Iranian-backed Iraqi Shi'a militia group and political party Asa'ib Ahl al-Haq (AAH - League of the Righteous) on April 26, killing 37 people (al-Jazeera, April 25; for AAH, see Terrorism Monitor, February 12, 2010). The militant Salafist organization Dawlat al-Islamiya fi Iraq wa'l-Sham (Islamic State of Iraq and Syria - ISIS) claimed credit for the attack in retaliation for what it claimed was AAH's role in targeting, displacing and killing Sunnis in Iraq and the group's support of Bashar al-Assad's war effort in Syria (al-Sharq al-Awsat, April 27). AAH's military involvement in Syria and its growing role as a sectarian-driven militia operating semi-officially within Iraq's military and security forces makes the group an important participant in the Syrian civil war and the Iraqi conflict.

AAH, led by the increasingly powerful Shi'a political figure Qais Khazali, is a breakaway faction of the Shi'a Sadrist Movement and has formed its own political bloc, al-Sadiqun (The Honest Ones), which ran in alliance with Iraqi Prime Minister Nuri al-Maliki's Dawlat al-Qanoon (State of Law) coalition in the April 30 parliamentary elections. The group's militant wing is reported to be extensively trained, funded and supervised by the Iranian Republican Guard Corps (IRGC) (Al-Monitor, July 23, 2013; AP, January 9, 2012). Enjoying the personal patronage of IRGC commander Qassam Solaimani, AAH emerged as one of the most effective militant groups fighting against Coalition forces in Iraq and is considered one of the most important foreign Shi'a jihadist organizations fighting for the Assad government against the armed opposition in the Syrian civil war (al-Sharq al-Awsat, April 14; Guardian, March 12; Al-Monitor, July 23, 2013). Ten of the AAH members killed at the April 26 election rally were veterans of the group's war effort in Syria (al-Sharq al-Awsat, April 27). AAH officials publicly acknowledge their role in the Syrian fighting, even if only in a limited and altruistic capacity. Speaking to the Arab media in April, AAH spokesman Ahmad Kanani, asserted these points and announced:

Asa'ib Ahl al-Haq has already stated that its official position is to defend the holy sites of Islam, which is the sacred duty of every Muslim, Sunni and Shi'a. Attacks on the holy shrines could trigger sectarian strife, which would bring about reprisals, as happened in Iraq with the destruction of the Askari Mosque, which led to sectarian strife. Therefore we are trying to spare the region this conflict by defending the [Damascus] Shrine of Sayida Zaynab and thus avoid the need for targeted reprisals (al-Sharq al-Awsat, April 14).

Nuri al-Maliki's political opponents, including Muqtada al-Sadr and members of the Ayad Allawi-led al-Iraqiya coalition, assert that al-Maliki is allowing sectarian militias to infiltrate and supplant the Iraqi security services. Shi'a fighters from AAH and Jaysh al-Mukhtar are reported to have been recruited into a special paramilitary force named the "Sons of Iraq," which is nominally tasked with conducting operations against ISIS militants in and around Baghdad. This new force is composed of committed Shi'a jihadists and is believed to be directly under the command of al-Maliki himself (Reuters, April 27).

In May 2013, during a period of widespread protests inside Iraq against the policies of the Maliki government, al-Iraqiya released a statement accusing the Maliki government of deploying well-armed Shi'a sectarian militias, including fighters belonging to AAH and Jaysh al-Mukhtar (a.k.a. Kata'ib Hezbollah), and allowing them to fire on and kill scores of peaceful demonstrators in cities throughout Iraq (Mada Press [Baghdad], May 8, 2013).

During this same period, it was also reported that paramilitary fighters belonging to AAH were operating in lieu of the Iraqi police in Anbar governorate and making arrests of al-Iraqiya aligned officials (al-Gharbiya TV [Baghdad], May 8, 2013). Following the protests, AAH fighters, including some wearing official Iraqi security force uniforms, were deployed widely across Baghdad and its suburbs (Al-Monitor, May 29, 2013). Muqtada al-Sadr warned the Maliki government to withdraw AAH fighters from Baghdad, stating that they were "committing criminal acts" (Mada Press [Baghdad], May 28).

The Iraqi security forces' use of sectarian militias such as AAH and Jaysh al-Mukhtar is believed to be particularly pronounced in and around Baghdad, including the central-eastern governorate of Diyala which borders Iran and the Baghdad governorate. Sectarian fighting in Diyala has recently been blamed on ISIS by the Maliki government, prompting the deployment of a significant Iraqi security force presence there (Reuters, April 27). On March 24, the mayor of Baquba, the capital of Diyala governorate, stated that forces seeking out ISIS fighters under the authority of the Ministry of the Interior, but composed of members of AAH, cordoned off the central market in the nearby town of Buhriz and killed 23 civilians (al-Sabeel [Baghdad], March 25). Eyewitness accounts of the killings assert that many of the dead were summarily executed (Reuters, April 27).

AAH fighters operating within the Iraqi military and security forces have increased their activities since the beginning of the armed uprising against the Maliki government in Anbar governorate in late December 2013. These activities are stated to be carried out with sectarian prejudice, similar to what AAH is reported to have executed in Diyala governorate (Ahrar News Agency [Baghdad], February 12). Recently, AAH acknowledged its auxiliary role in the Anbar fighting by burying a member of its military wing who had been killed in the governorate (al-Taghier TV [Baghdad], May 10). AAH fighters that had been deployed to fight in Syria around the Sayida Zainab shrine and are currently fighting in Anbar are reported to be appearing in popular music videos being distributed by the organization (al-Gharbiya [Baghdad], May 5).

The group's fighters are also reported to be conducting purges of anti-Maliki, Sunni Arab tribesmen from areas in and around Iraq's southern coastal city of Basra in order to secure that area's Shi'a sectarian majority (Radikal [Istanbul], November 6, 2013).

Political opposition to the AAH, including within the Iraqi Shi'a community, has been growing. Muqtada al-Sadr, lately positioning himself as an Arab Iraqi nationalist rather than a Shi'a political figure, has been a particularly harsh critic of both AAH's military wing and its role in supporting the security forces of the Maliki government. Al-Sadr once referred to AAH members as "killers that are neither devout nor have religion" (Iraq4All News [Baghdad], December 27, 2011). Recently, al-Sadr stated that a significant number of former AAH members were returning to his political movement and referred to the remaining, pro-Maliki AAH fighters as a "sponsored militia" (al-Sharq al-Awsat, October 18, 2013). Armed clashes between al-Sadr's supporters in the Jaysh al-Mahdi (Mahdi Army) and AAH fighters have sporadically flared up in Shi'a-majority neighborhoods in and around Baghdad, precipitated by the ongoing political disagreements between the two movements' leaders and conflicts caused by inter-tribal animosities (Al-Monitor, August 28, 2013).

Although there is internal opposition to AAH within Iraq, the organization's ties to the IRGC and the close contact it has with the Iraqi security forces complicate efforts to reduce its influence. AAH's military role in Iraq is a destabilizing element in the ongoing conflict. The movement's role as an important auxiliary to the Syrian military in the fight to protect Damascus from the Syrian armed opposition is used as justification for ISIS attacks against the organization and its civilian supporters. Opposition to AAH is tempered, however, by the ongoing concerns within the Iraqi Shi'a community over the suicide bombing campaign launched against Shi'a-majority areas throughout the country. AAH's military wing is perceived as a deterrent against ISIS attacks and its active role in the Anbar and Diyala sectarian conflicts will continue to be a trigger of communal conflict in Iraq.

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**ecoi.net summary:**



Article on Shi'a militia Asa'ib Ahl al-Haq (AAH); information on its involvement in the Syrian conflict and retaliatory attacks by Islamist group Dawlat al-Islamiya fi Iraq wa'l-Sham (Islamic State of Iraq and Syria - ISIS)

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