

03/11/03-32

Bremer, Paul

From: (b)(6) Col  
 Sent: Thursday, November 13, 2003 2:56 PM  
 To: Bremer, Paul  
 Cc: (b)(6)  
 Subject: FW: Al Jazeera in Hillah

b(2)

Sirs - FYI below  
 Vr jsn

-----Original Message-----

From: (b)(6) (CJTF7 POLAD)  
 Sent: Thursday, November 13, 2003 1:25 PM  
 To: (b)(6)  
 (b)(6) Col  
 Subject: Al Jazeera in Hillah

b(2)

Gentlemen,

Several criss-crossing email trails have zinged across my screen this morning, focused on the Al Jazeera reporter in Hillah.

First, our PMO shop confirmed that we do not have the man in custody.

b(6) Then [redacted] sent up this detailed account of the detainee, complete with what appears to be a confession. MAJ [redacted] sounds like the right, authoritative POC...

vr, (b)(6)

-----Original Message-----

From: (b)(6)  
 Sent: Thursday, November 13, 2003 11:11 AM  
 To: (b)(6)  
 (b)(6)  
 Cc: (b)(6)  
 (b)(6)  
 Subject: Al Jazirah "serious situation"

b(2)

Gentlemen,

Please find attached proof that [redacted] the man arrested for participation in terrorist operations against the coalition and Iraqi officials IS/IS an AL JAZEERA employee. I have attached the original Arabic document and a translation which indisputably documents this fact. I have also attached a translation of the case BABEL authorities are documenting [excuse the choppy translation, [redacted] is doing her best]. I also have the written statements from Sattar acknowledging his connection with Al Jazirah [scanned docs, too large to send but working to make them smaller but readable].

Also attached is the FBIS article stating the denial of the Al Jazirah Baghdad Bureau Chief, for reference. here is an excerpt:

Doc 10

07-F-0516

Strategic Communications



00913

1. INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Al-Jazirah Baghdad Bureau chief has denied any links with a correspondent who was arrested by the occupation forces in Babel on charges of coordinating recent attacks and bombing operations in Baghdad. Al-Jazirah Bureau chief [REDACTED] told [REDACTED] that there is no person by the name of [REDACTED] working for Al-Jazirah and that it has no media offices in the aforementioned governorate.

[REDACTED] remains in custody of the Babel authorities. Al Jazirah has tried to get him out, I have instructed the Judge/Police to NOT/NOT release him without consulting with me personally. Anyway, he is unlikely to be released at all. What I was worried about was a bribe coming from al jazzier. The governor [REDACTED], as usual, pledges full cooperation, and instructed his administration likewise.

I don't think a charge like this needs any further comment.

[REDACTED] what do you need?

b(6) [REDACTED]  
[REDACTED] MAJ. (USA/FAO)  
Senior Political Advisor to the Regional Director  
CPA-South Central Hills, Iran

[REDACTED] b(2)

11/14/2003

Mr. Prosecutor Deputy  
Hilla Court of Investigation

Judicial Inspector Department  
In the Province  
November/ 4/ 2003

1. Our police group brought the accused (b)(6) because he is suspected in participating in act of blasting. His speech is written and he admitted that he met Syrian Fedayeen ((b)(6)) and (b)(6) and they asked him to make his office in Al Mahmodeya as a headquarter. They asked him to recruit people who do the blasting. He works for Al Jazeera Channel. He admits also that the two persons mentioned above had exploded many American tanks, they have an organization, they are armed and they intend to fight coalition forces. I order you to take a decision about his punishment, please.

2. A paper belonging to the accused is found. There is a code written in it. The accused explains the code M 82+ T 24 = 200. It means mortar 82 millimeter + 24 tuft = The price is twenty thousand Dinar. And so on. We found also two letters written by his (the accused) hand to Al Jazeera Channel. They contain information concerning 10 operations against coalition forces.

I order you to issue an order to arrest & investigate (b)(6) & (b)(6) according to item 197 law. Please.

Signed  
Judicial Inspector

Mr. Judge

1. We demand putting the accused ((b)(6)) according to item 197.

2. We demand issuing an order to arrest the accused (b)(6) & (b)(6) according to item 197 and to investigate the place of their living to arrest them.

Signed  
Prosecutor Deputy

Mr. Prosecutor Deputy

I decided to arrest the accused (b)(6) till ? /November / 2003 and according to item 197 to write his speech judicially. I decided to issue an order to arrest and investigate the accused people ((b)(6)) & (b)(6) according to item 197.

Process Server

Judicial Inspector Department  
In the Province  
November/ 4/ 2003

Our groups brought [REDACTED] because he is suspected to participate in act of blasting, So we start process server.

Signed  
Judicial Inspector  
[REDACTED]  
November 4/2003

Two months ago, [REDACTED] & [REDACTED], the first one is Syrian. They met me in my office in Al Mahmodeya. The reason behind their coming was to organize a correspondence then, after I told them that I work with Al Jazeera Channel as a reporter, they asked me to broad cast their blasting actions, they told me that they have the ability to photo the operations. They asked me to make my office as a place of their meetings. In deed, they came many times to my office and they told me that they are working to kill Americans and to do blasting actions and they asked me to recruit people to do blasting actions. I did not send them any person. They told me that they took part in (The Battle of Baghdad Airport) and they exploded many American tanks in Baghdad, Abu Ghareeb, they explained also the way of exploding tanks. A person came to me, he was with them, and gave me the paper that you found with me. What remains are numbers (82+ T 124(60+12) (82+ 9) (60 + 9) these numbers have codes as the following: M means Mortar 82 means 82 millimeter, T means tuft, refers to the number of tufts while (=) means the price is two hundred thousand ID. The second (60) means mortar 60 millimeters. (12) means the number of tufts and so on. Other papers that I kept with me are news reports, I wrote them by my hand and they were about coalition forces. I intended to deliver them to Al Jazeera Channel but I could not. I add that the people I met in Al Mahmodeya are Syrian Fedayeen, they are armed and they want to kill Americans. I am not charged before.

Signed  
The Accused  
[REDACTED]

The Accused said that Al Jazeera paid to him \$250 for taking pictures of the operations against Coalition Forces.

Signed  
Judicial Inspector

[REDACTED]

*Good recommendation from Mr. Bremer*

**TO: The Secretary of Defence**  
**FROM: Paul Bremer**  
**SUBJECT: Improving Iraqi TV coverage**

**As you know, I share the concerns of Washington and London about the quality of our TV services in Iraq. At my request, our new Director of Strategic Communications [REDACTED] [REDACTED] has done an urgent review of the situation. Details attached.**

**We have a plan quickly to upgrade our programming by purchasing top quality Arabic language entertainment programming from Dubai. We expect to go live with this by Ramadan (end of October).**

**At the same time, using incoming experts, we will substantially upgrade our news shows. This will be part of a larger training program to get our journalists up to snuff. We expect substantial progress in the next 60 days.**

**Additionally, we will upgrade our TV signal to counter Iranian interference in southern Iraq and we will examine the feasibility of using one of our spare channels to create a C-span like**

**Monday, September 08, 2003**

**SUBJECT: Major near-term initiatives  
for Iraqi Media Network TV**

**Summary: Solutions to most short-term problems can be solved by year's end with some \$20 million in existing funds, plus modest additional amounts for training and payment of back satellite bills. Putting the IMN broadcast on satellite is essential to success in Iraq and would allow IMN broadcasts to be seen anywhere Al Jazeera and Al Arabiya signals are seen. State/NEA has been briefed on and agrees with these points. End Summary.**

**Strategy**

- **Bring in Western and Arab TV experts for both a quick-fix and an assessment of longer-term equipment and training needs.**
- **Acquire the best of Arabic-language entertainment programming and deliver it by satellite to Baghdad for retransmission within Iraq.**
- **Steadily improve local programming.**

- **Use a spare TV channel in Baghdad as a test bed for new programs.**
- **Launch improved product before Ramadan**
- **Re-launch the TV network – perhaps under a new name – by 1 January.**
- **Improve hardware and programming to meet Iranian broadcasts in the south.**
- **Put IMN programs on satellite as a counter to Al-Jazeera and other Arab satellite channels.**

### **Specifics**

***Problem 1: Dull, boring, out-of-date IMN TV programs.***

***Solution:*** We are in negotiations to acquire the best Arabic-language entertainment programming available by satellite from Dubai Media City. That will help us make IMN a “destination channel” for up to 24 hours a day, and give us substantially higher lead-in audiences for our news and public affairs programming.

***Timing:*** 07 October – programming contract with Dubai Media City finalized.



**15 October- test transmissions on spare channel in Baghdad.**

**25 October- Nationwide debut (Ramadan begins 26 October)**

**Through 31 December- Continuous improvement**

**1 January- Re-launch TV with new program schedule, graphics, perhaps new name (Al-Iraqia?)**

***Resource Requirements:***

**We have budgeted the necessary funds.**

***Problem 2:* Amateurish, poorly produced news programs.**

***Solution:* We are bringing in Western experts to:**

- a) Quickly Improve production values**
- b) Train the Iraqi staff to a higher standard of journalism.**

***Timing:* 15 September (o/a)- Former CNN International executive editor (Ted Iliff) arrives.**

**1 October (o/a)- Former ABC-TV network engineer [REDACTED] arrives to direct**

**broadcasting infrastructure improvement.**

**Date Uncertain-10 Downing Street has been asked to identify and fund a broadcast executive – possibly a former head of the BBC World Service newsroom – to create compelling local news programming.**

***Resource Requirements:***

**[REDACTED] will assess possible need for other experts, including production specialists.**

**All but exceptional equipment needs will be funded through existing SAIC contract.**

***Problem 3:* Staff unskilled in Western journalism techniques.**

***Solution:* Training in Iraq, Dubai, or the US for key personnel**

**Internships in medium and big-city TV stations in the US**

**Timing: 17 September – Training needs assessment team visits from Dubai**

**22 October – First training sessions begin, continue through mid-December in 3-4 week training cycles**

**Resource Requirements:**

**We have identified possible USAID funding for journalism training. Amount TBD following mid-October needs assessment.**

**Problem 4: Iranian broadcasts in southern Iraq overpower our own transmissions**

**Solution: Increase our own IMN signal strength by:**

- **erecting higher tower near Basra,**
- **installing a more powerful transmitter,**
- **adding electrical generator**
- **more attractive local programming**

**Timing: 1 January- Debut new local programming.**

**15 February- stronger signal in place**

***Resources Required:***

**Cost of approximately \$10 million can be drawn from existing funds committed to SAIC contract.**

**Possible site preparation work from Corps of Engineers**

***Problem 5:* Iraqis do not understand the current political process.**

***Solution:* Use a Baghdad TV channel for civic education and current affairs programming, including TV coverage of GC press conferences, meetings and events.**

**Model it loosely after C-Span.**

***Timing:* TBD**

***Resource Requirements:***

**High-level support from C-Span  
CPA Strategic Communications director  
Gary Thatcher will approach cable operators' association for guidance, help**

**in implementation, possible equipment contributions.**

**High level approach to major cable operators may be required**

**Cost TBD, depends on support level from cable operators.**

**Finally, we must take on Al Jazeera and Al Arabiya. In Iraq, they are received only on satellite. Their signals must be taken down from the satellite using a dish and a specialized receiver. As with Dish Network or Direct TV in the U.S., those with only conventional antennas or rabbit ears cannot receive their signals.**

**The satellite TV market is booming, with satellite dishes sprouting from rooftops (as you noted on your recent trip.)**

**The extent and intensity of discussion of Al Jazeera and Al Arabiya coverage makes it clear that Iraqi elites already get most television from satellite, not from conventional over-the-air broadcasting. It is almost certain that this trend toward satellite will move downstream to less-and-less affluent audiences, just as cable and**

**satellite capture growing numbers of homes in the U.S.**

**Satellite offers distinct advantages to IMN. Iraqis will be able to make side-by-side comparisons of IMN programming and that of Jazeera and Arabia. And once the signal is on the satellite, anyone in the Arab world with a receiving dish can pull it down.**

**IMN currently broadcasts from ground-based transmitters only. We are building the necessary satellite earth station to allow us to uplink our IMN signal to satellite. Iraqi state TV had a spot for its signals reserved on Arabsat, the most popular Arab satellite. This is the obvious spot for our programming.**

**Arabsat is ultimately controlled by the Arab League, and so far Arabsat has not agreed to give us permission to take up the Iraqi spot on the satellite. We need to mount a diplomatic effort to overcome this resistance.**

**There may well be unpaid bills due to Arabsat from the past regime. And our programming costs will escalate if we place our signals on**

**satellite, because programmers will want more money if we reach a wider audience.**

**This course is nevertheless worth pursuing. We need an alternative to Al Jazeera's coverage of Iraq – not only here, but in the wider Arab world.**

031110-10

November 10, 2003

TO: THE ADMINISTRATOR  
FROM: [REDACTED] Press office  
SUBJECT: Communicating our message to the Iraqi people

Here are a few talking points for you to use when describing our operation to date, and future plans.

### Current practice

1. CPA uses the full range of IO tools to communicate with the Iraqis, in addition to (and coordinated with) CJTF7 efforts:
  - **Press releases**
    - All our press releases go out in English and Arabic, and are given to the Iraqi/Arab press at the CPIC (Coalition Press Information Center)
    - Regional CPA offices both in regions and in some governorates put out their own releases
  - **Press outreach**
    - Daily press briefings in Baghdad bring in a dozen major Iraqi newspapers, plus pan-Arab TV and radio channels
    - Weekly round-tables with senior Iraqi newspaper correspondents/editors
    - One-on-one interviews with Iraqi papers
    - CPA regions do their own briefings and interviews, coordinated with Baghdad.
  - **Leaflets/Posters/Handbills**
    - We print these for specific campaigns, eg
      - rewards for Saddam Hussein,
      - tackling sabotage
      - new currency
      - recruiting for army and police
  - **IMN**
    - Public Service Announcements in all IMN outlets
    - Iraqiya television and radio, and Sabah newspaper covers all press conferences
    - CPA direct participation in Iraqiya TV discussion shows
  - **Direct Outreach**
    - We coordinate with CJTF7 on drafting talking points for regional commanders and their units to use directly with the Iraqi people. As more CPA staff deploy to the regions, we will ensure that they have these also.

### Improvements in hand

2. We are currently increasing the number of Arabic-specific press and IO officers, including local Iraqis. This will help:
  - widen and deepen all of the above efforts (especially direct outreach)
  - run daily briefings for the Iraqi and Arab press alone, rather than joint with US/international press
  - establish more formal mechanisms to:
    - Monitor local press
    - Gauge public opinion on specific issues
    - Analyze impact of IO campaigns and messages





031110-12

COALITION PROVISIONAL AUTHORITY  
BAGHDAD

INFO MEMO

November 10, 2003

FOR: THE ADMINISTRATOR

FROM: [REDACTED] Strategic Communications

SUBJECT: Media Activities Regarding the Baghdad Central Criminal Court

You asked for an update on our efforts to communicate to the media the activities of the Central Criminal Court.

- We have briefed the court's establishment, case progress and sentencing aggressively in daily briefings with the Iraqi, US, international and pan-Arab media.
- We have issued press releases about the court's activities and the results of high profile cases in English and Arabic, particularly the Navstar smuggling case and the conviction of the former Najaf Governor (Arabic-language releases attached to this memo).
- We arranged press access to the open parts of the trials, and had good attendance by Iraqi newspapers (see para 15 of attached cable).
- We have featured the convictions in our weekly roundtable sessions with the Arabic (Iraqi and regional) press.

These activities are being reflected in local coverage, an analysis of which we are pulling together for your review (initial reports are attached). IMN TV covered both Navstar and the Najaf Governor, including "perp walk" pictures of at least the former, as instructed.

We have focused our IO campaign on the court on coverage of the court's proceedings and convictions, using this also to emphasize both that criminals are being sentenced, and that the new Iraqi judiciary is genuinely independent. One tool we have not used is direct outreach: ie disseminating talking points on the court and on capturing offenders to CJTF7 channels. I assume that you would like us to do this?

Please also see attached cable sent out last week on the Court, paras 12-17 of which relate to Strategic Communications efforts to raise its profile in the media and among the public.

ATTACHMENTS: Memo re: Central Criminal Court of Iraq local coverage  
Cable re: Central Criminal Court of Iraq

COORDINATION: NONE

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**Coverage of Central Criminal Court of Iraq (11/9/03)**

**Azzaman Newspaper**

9/25/03

**British Navy Intercepts Seven Ships Preparing To Smuggle Oil**

Summary: Sources in the British Navy have reported that Coalition Naval Forces have intercepted seven ships prepared to smuggle Iraqi oil. The Forces that intercepted the ships were composed of US, UK, and Australian ships. LTC D. Reynolds said that Coalition Forces prevented the smuggling of 400 tons of oil, but he did not mention the destination of the smuggled oil. "In the new system which has been adopted by the Coalition, the Iraqi judicial system has the right to question anyone trying to smuggle Iraqi fortunes and return it to the Iraqi people," added Reynolds.

**Al Manar Newspaper**

9/24/03

**Trials For Stopping Oil Smuggling Operation In Basrah**

Summary: A British military leader in Basrah announced that the oil smuggling operation still continues. He added that this operation is being achieved by the previous regime and that the British Forces are hard at work at stopping them. He also said, to a British radio reporter that the British military is making hard arrests on ships which work in the operation.

**IMN Television**

9/25/03

**Oil Smuggling And Black Market Sales**

Summary: British Marine sources said that the Coalition Forces captured six ships that were smuggling oil from Iraq. In Baghdad, more than 400 tons of oil was sold in the black market.

**Azzaman Newspaper**

9/30/03

Summary: Charles Heatley, the Coalition's spokesman, said that the Coalition is distributing its forces everywhere, especially in the sea, to stop the smuggling operations. The British Navy has recovered many oil shipments and recently arrested two Ukrainians trying to smuggle oil to Dubai. A Coalition military lawyer said that an Iraqi board has been formed to defend the two Ukrainians and the trial would be conducted in Iraqi courts according to Iraqi laws.

**IMN Television**

10/6/03

**Ukrainian Smugglers Of Iraqi Oil On Trial**

Summary: The Iraqi Capital Offense Court continues a judicial hearing for two Ukrainians accused of smuggling Iraqi oil outside Iraq through the oil tanker Novascar that belongs to a company that carries the same name. The ship commander and his helper have smuggled 3,300 tons of oil. They will be judged according to Iraqi capital offenses.

**IMN Television**

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10/13/03

**Ukrainians Convicted Of Smuggling Iraqi Oil**

Summary: In the Central Criminal Court in the Conference Palace, Judge Norel Deen Ali sent Nicola Nozinko and Sohashinko Ivan to seven years in prison and gave both a penalty of \$2.4 million in addition to confiscating the ship Newstar. The two men used the ship to smuggle Iraqi oil; they are both of Ukrainian origin.

**Al-Sabah Newspaper**

11/5/03

**After being convicted with kidnap, destruction of documents and financial crimes: 14 Years Imprisonment for the former Governor of Najaf**

The Central Criminal Court has sentenced Aamer Abd-Almineam the former Governor of Najaf with a sentence of no less than 14 years in Prison for illegitimate apprehension of citizens, destruction of documentation and the misuse of his Administrative powers. This sentence was a result of the crimes he has committed and he was sentence to a term in prison that is no less than 5 years for illegitimate detention of the three children of one of his rivals. 3 years for destruction of documents belonging to the Ministry of Finance which had denied his attempt to withdraw funds from the Ministry and 6 years for keeping money belonging to a man that was released from prison.

The Governor was apprehended and trialed based on the accusations placed against him and was investigated by the Investigative Judge in the city of Najaf.

6 witnesses have testified in court and the ex Governor hired two defense attorneys for his defense. The Governor has the right to appeal to the Iraqi court and it is worth mentioning that Aamer Abd-Almineam was hired to administer the city of Najaf after the ousting of the Iraqi President Saddam Hussein.

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From: Coalition Provisional Authority (DMS)  
Sent: 00:25:58 11/05/2003  
To: 'SECDEF WASHINGTON DC'; 'SECSTATE WASHINGTON DC'; 'NATIONAL SECURITY COUNCIL  
WASHINGTON DC'  
To Precedence: Immediate  
Cc: 'IRAQ COLLECTIVE'  
Cc Precedence: Immediate  
Subject: CENTRAL CRIMINAL COURT OF IRAQ  
Message Type: Other-Organizational  
Extended Auth: 21:25:00 11/04/2003 (UTC)  
00:25:00 11/05/2003 (Client/Local)  
Security: This message has been digitally signed and encrypted

UNCLASSIFIED//

MSGID/CENADMIN/HQ CPA/0246//  
SUBJ/CENTRAL CRIMINAL COURT OF IRAQ//  
GENTEXT/REMARKS/UNCLASSIFIED  
11/07/03  
DRAFTED: [REDACTED] 5b(6)  
AUTHORIZED: LFBREMER  
Cleared: [REDACTED]

FM: HEADQUARTERS COALITION PROVISIONAL AUTHORITY  
TO: SECDEF WASHDC  
SECSTATE WASHDC  
NSC WASH DC  
RUHQ IRAQ COLLECTIVE

UNCLASS HQ CPA 0246

ECSTATE PLEASE PASS TO IRAQ COLLECTIVE

STATE FOR S / WCI / AND L  
DOD FOR SO / LIC, OGC, OGC(IA)

E.O. 12958: N/A

SUBJECT: CENTRAL CRIMINAL COURT OF IRAQ

1. (U) SUMMARY: THE CENTRAL CRIMINAL COURT OF IRAQ WAS ESTABLISHED ON 18 JUN 03 AND HAS HEARD 3 CASES INVOLVING MAJOR CRIMES AGAINST IRAQIS: (1) THE SMUGGLING OF ROCKET PROPELLED GRENADES (RPGS) USING A TRUCK MARKED WITH THE RED CRESCENT EMBLEM, (2) THE SMUGGLING OF OIL BY THE MERCHANT VESSEL NAVSTAR 1, AND (3) CRIMES COMMITTED BY ABU MURIM, THE FORMER GOVERNOR OF NAJAF. SIX CASES ARE PENDING, INCLUDING THE MURDER OF AYATOLLAH HAKIM IN NAJAF, THE MURDER OF MAJID AL KHOEI, THE ALLEGED CORRUPTION OF THE IRAQI AMBASSADOR TO THE RUSSIAN FEDERATION, AND THREE CASES OF ATTACKS AGAINST COALITION FORCES. OTHER CASES PENDING INCLUDE A CASE OF WAR CRIMES COMMITTED AGAINST UK FORCES. END SUMMARY.

2. (U) THE CENTRAL CRIMINAL COURT OF IRAQ (CCCI) WAS ESTABLISHED BY THE ADMINISTRATOR BY ORDER NO. 13 AND ANNOUNCED BY PUBLIC NOTICE ON 18 JUN 2003. AFTER THE ORDER WAS SIGNED, THE JUDICIAL PANEL, PROSECUTORS AND STAFF FOR THE CCCI WERE SELECTED. THE COURT IS COMPOSED OF AN INVESTIGATIVE JUDGE CAPABILITY AS WELL AS A FELONY COURT PANEL, MIRRORING THE IRAQI SYSTEM. THE CASES HEARD BY THE COURT INCLUDE MAJOR CRIMES AGAINST IRAQIS. FUTURE REFERRALS WILL CARRY OUT SECRETARY RUMSFELD'S RECENT DETERMINATION THAT THE CCCI WOULD HEAR MAJOR CRIMES AGAINST COALITION FORCES.

3. (U) THE THREE CASES HEARD BY THE COURT THUS FAR INVOLVE CRIMES AGAINST THE PEOPLE OF IRAQ, ONE OF WHICH ALSO AFFECTED COALITION FORCES SECURITY.

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(b)(6)

4. (U) THE FIRST CASE HEARD BY THE COURT INVOLVED A GROUP OF THREE OFFENDERS IN CHARGE OF A TRUCK WITH RED CRESCENT MARKINGS AND LOADED WITH 500 RPGS, WHICH COULD HAVE BEEN USED AGAINST EITHER IRAQI OR COALITION TARGETS. SOME TECHNICAL LEGAL DIFFICULTIES WERE EXPERIENCED WITH THIS CASE IN TERMS OF THE RELATIONSHIP BETWEEN THE CPA WEAPONS CONTROL ORDER NO. 3 AND THE EXISTING IRAQI LAW ON WEAPONS. AS A RESULT, THE COURT THOUGHT THAT IT WAS LIMITED BY THE MAXIMUM PUNISHMENT SET OUT IN ORDER NO. 3 WHEN DELIVERING ITS SENTENCES, EVEN THOUGH THE OFFENDERS HAD BEEN CONVICTED OF CRIMES UNDER IRAQI LAW. THE RESULTING LOWER SENTENCE WAS APPEALED BY THE PROSECUTOR TO THE COURT OF CASSATION, WHICH SET ASIDE THE DECISION AND ORDERED A RE-TRIAL IN THE CCCI FELONY COURT WITH THE CHARGES TO BE BASED ON THEFT OF STATE PROPERTY. THAT OFFENSE CARRIES A MORE SEVERE PENALTY. THIS CASE LED TO THE PROPOSED REVISION OF ORDER NO. 3 TO PREVENT SUCH CONFUSION IN FUTURE.

5. (U) THE NEXT CASE INVOLVED OIL SMUGGLING CHARGES UNDER THE IRAQI CUSTOMS CODE, AS AMENDED, AND WAS WIDELY REPORTED IN THE MEDIA. THE CAPTAIN AND FIRST MATE OF THE VESSEL MV NAVSTAR WERE CONVICTED AND SENTENCED TO 7 YEARS IN PRISON AND A FINE OF \$2,415,000 (USD) EACH. IF THE FINE CANNOT BE PAID, THEN THEY WILL BE REQUIRED TO SERVE AN ADDITIONAL 3 YEARS IN PRISON. THE COURT ALSO ISSUED AN ORDER CONFISCATING THE VESSEL AND ITS CARGO OF 3500MT OF DIESEL. THE CAPTAIN AND FIRST MATE HAVE APPEALED THE DECISION TO THE COURT OF CASSATION.

6. (U) THIS WAS FOLLOWED IMMEDIATELY BY A CASE INVOLVING THE FORMER GOVERNOR OF NAJAF, ABU MUNIM, FOR OFFENSES OF FALSE IMPRISONMENT, CORRUPTION AND DESTRUCTION OF GOVERNMENT DOCUMENTS. ON 3 NOVEMBER 03, THE CCCI CONVICTED ABU MUNIM, AND SENTENCED HIM TO IMPRISONMENT FOR 14 YEARS AND 1 MONTH.

#### CRIMES AGAINST THE IRAQI PEOPLE

7. (U) REFERRED CASES OF CRIMES AGAINST THE IRAQI PEOPLE INCLUDE:

- A. THE NAJAF BOMBING CASE, WHICH INVOLVED THE MURDER OF THE CLERIC AYATOLLAH HAKIM ALONG WITH A LARGE NUMBER OF INNOCENT BYSTANDERS;
- B. ALLEGATIONS AGAINST AN IRAQI AMBASSADOR TO THE RUSSIAN FEDERATION FOR CORRUPTION; AND
- C. ALLEGATIONS AGAINST 12 PERSONS IN CUSTODY REGARDING THE MURDER OF AL KHOEI AND HIS ASSOCIATES IN NAJAF IN APRIL 03.

#### CRIMES AGAINST THE COALITION

8. (U) REFERRED CASES OF CRIMES AGAINST THE COALITION INCLUDE:

- A. A CASE INVOLVING PERSONS APPREHENDED IN THE ACT OF FIRING MORTARS;
- B. A CASE AGAINST A PERSON ASSOCIATED WITH MUQTADR AL SADR'S GROUP FOR INCITING VIOLENCE AGAINST COALITION FORCES;
- C. AN ATTEMPTED AMBUSH OF A COALITION FORCES CONVOY INVOLVING A GROUP, INCLUDING AN IMAM, ARMED WITH RPG, IED AND A QUANTITY OF OTHER ORDNANCE AND BOMB-MAKING GEAR.

9. (U) POTENTIAL (NOT YET REFERRED) CASES OF CRIMES AGAINST THE IRAQI PEOPLE INCLUDE THE OUTSTANDING WARRANTS ON FURTHER PERSONS INVOLVED IN THE AL KHOEI MURDER CASE.

10. (U) POTENTIAL (NOT YET REFERRED) CASES OF CRIMES AGAINST THE COALITION INCLUDE:

- A. THE UK WAR CRIMES CASES INVOLVING THE ALLEGED KILLING OF CAPTURED UK SOLDIERS THAT UK INVESTIGATORS HAVE BEEN WORKING ON FOR A NUMBER

UNCLASSIFIED//

OF MONTHS AND ARE NEAR COMPLETION;

B. A MURDER CASE ARISING FROM AN AMBUSH OF COALITION FORCES PERSONNEL IN WHICH THREE COALITION PERSONNEL WERE KILLED AND FOUR WERE WOUNDED.

11. (U) THE COURT IS STILL EVOLVING, BUT HAS DEMONSTRATED ITS VIABILITY AND POTENTIAL. IN ADDITION, IT HAS CONTRIBUTED TO THE 10 CAMPAIGN OF THE CPA AND CJTF-7 THROUGH THE MEDIA INTEREST THAT THE TRIALS HAVE GENERATED. IRAQI CITIZENS AND INTERNATIONAL OBSERVERS APPEAR TO HAVE ACCEPTED THE BONA FIDES OF THE COURT AND ALLEGATIONS THAT IT IS A POLITICAL COURT HAVE NOT HAD ANY SIGNIFICANT RESONANCE.

12. (U) BEFORE EACH CCCI TRIAL, THE OFFICE OF STRATEGIC COMMUNICATIONS (OSC) PUTS OUT AN ADVISORY OF THE PROCEEDING. THE ADVISORY GOES OUT IN ELECTRONIC FORM TO INTERNATIONAL, PAN-ARAB AND LOCAL IRAQI MEDIA ORGANIZATIONS AND IN PAPER FORM AT THE COALITION PRESS INFORMATION CENTER (CPIC), WHERE MANY LOCAL JOURNALISTS WITHOUT INTERNET ACCESS GATHER.

13. (U) WHILE CCCI PROCEEDINGS ARE OPEN TO THE PUBLIC AND PRESS, CAMERAS AND OTHER RECORDING DEVICES ARE PROHIBITED INSIDE THE COURTROOM.

14. (U) THE FOLLOWING NON-IRAQI MEDIA OUTLETS HAVE COVERED THE PROCEEDINGS OF THE CCCI: AFP, AL-JAZEERA TELEVISION, AP TELEVISION NETWORK, BLOOMBERG NEWS SERVICE, IRANIAN TELEVISION, KUWAIT TELEVISION, LEBANESE BROADCASTING COMPANY, LONDON TELEGRAPH, REUTERS (BOTH WIRE AND TELEVISION), NPR AND VOA.

15. (U) THE FOLLOWING IRAQI MEDIA OUTLETS HAVE COVERED THE PROCEEDINGS OF THE CCCI: IRAQI MEDIA NETWORK (NEWSPAPER, RADIO AND TELEVISION), IRAQ TODAY, AZZAMAN, IKRA'E NEWSPAPER, ADDUSTOUR "CONSTITUTION" NEWSPAPER, IRAQI NEW BROADCAST, AL-MU'TAMAR "CONFERENCE" NEWSPAPER, AL-ZAWRA' NEWSPAPER, FREE FUTURE NEWSPAPER, ASHARQ AL-AWSAT NEWSPAPER AND ALEF BA' NEWSPAPER.

16. (U) AFTER EACH CCCI TRIAL, OSC PUTS OUT A NEWS RELEASE ANNOUNCING THE VERDICT. THE RELEASE GOES OUT IN ELECTRONIC FORM AND IN PAPER FORM AT THE CPIC AND AT THE WEEKLY OSC-ORGANIZED NEWS CONFERENCE AT BAGHDAD CITY HALL.

17. (U) COVERAGE OF CCCI PROCEEDINGS BY LOCAL IRAQI MEDIA HAS BEEN MOSTLY FACTUAL, WITH LITTLE ANALYSIS. FOR EXAMPLE, AZZAMAN CARRIED A REUTERS WIRE STORY OF THE NAVSTAR CONVICTION. ASHARQ AL-AWSAT NEWSPAPER ALSO RAN THE WIRE STORY. ADDUSTOUR "CONSTITUTION" NEWSPAPER REPORTED THE CONVICTION OF THE SMUGGLERS AND PREVIEWED THE GOVERNOR OF NAJAF CASE.

18. (U) IN ADDITION TO THE CCCI, IT IS ESTIMATED THAT APPROXIMATELY 95% OF THE 511 IRAQI COURTS OF ALL TYPES ARE FUNCTIONING IN OVER 100 COURTHOUSES, AND 810 IRAQI JUDGES AND PROSECUTORS CURRENTLY WORK IN THESE COURTS. (NOTE: TO DATE, THE JUDICIAL REVIEW COMMITTEE (JRC) HAS VETTED APPROXIMATELY HALF OF THE JUDGES AND PROSECUTORS. THE JRC HAS REMOVED 92 JUDGES AND PROSECUTORS. THE JRC WILL BEGIN REINSTATEMENT HEARINGS FOR 132 JUDGES AND PROSECUTORS THAT WERE DISMISSED UNDER THE PREVIOUS REGIME. END NOTE) SINCE THE BEGINNING OF THE OCCUPATION, WE UNDERSTAND THAT IRAQI CRIMINAL COURTS HAVE HEARD OVER 300 CASES, INCLUDING OVER 70 FELONY CASES.

BREMER

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UNCLASSIFIED//



COALITION PROVISIONAL AUTHORITY  
BAGHDAD

031110-20  
2

**ACTION MEMO**

November 10, 2003

**FOR:** THE ADMINISTRATOR

**FROM:** Office of General Counsel

**SUBJECT:** Referral of Investigation of Al Jazeera Journalist to Central Criminal Court of Iraq

This memorandum seeks referral of a criminal investigation to the Central Criminal Court of Iraq (CCCI), pursuant to CPA Order No. 13, section 20.

- On 3 November 2003, a journalist with the Al Jazeera news network was apprehended at the scene of an attack on the Iraqi Civil Defense Corps in Baqouba, Northeast of Baghdad, in which two Iraqis died. The journalist was held on suspicion of advanced notice of the attack.
- The journalist was at the site and filming before any Coalition or Iraqi Police personnel arrived. The attack occurred at around 0747 and examination of his cell phone indicated he had dialed a number at about this time. He was also in possession of anti-coalition propaganda.
- Al Jazeera claim they have witnesses to support the journalist's claim that he was at his home when the attack occurred. The alleged crime was associated with acts intended to destabilize government institutions in Iraq and meets the criteria for referral to the CCCI.
- The evidence at this point is inconclusive and the matter therefore requires further investigation by a CCCI Investigative Judge.

**RECOMMENDATION:** That this matter be referred to the CCCI for investigation and trial.

Approve: *W/11/40*

Disapprove:

Approve with modification:

**ATTACHMENTS:** None

**COORDINATION:** Ministry of Justice, Strategic Communications

UNCLASSIFIED



COALITION PROVISIONAL AUTHORITY  
BAGHDAD

CM  
LPS HAS SEEN

ACTION MEMO

November 10, 2003

FOR: THE ADMINISTRATOR


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Disapprove:

Approve with modification:

ATTACHMENTS: None

COORDINATION: Ministry of Justice, Strategic Communications

UNCLASSIFIED





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Approve: *CM*

Disapprove:

Approve with modification:

ATTACHMENTS: None

COORDINATION: Ministry of Justice, Strategic Communications

UNCLASSIFIED

03/12-16

November 11, 2003

TO: THE ADMINISTRATOR  
FROM: [REDACTED] Press Office  
THROUGH: [REDACTED] Director, Strategic Communications

**SUBJECT: Al Jazeera Television**

**A: What are our concerns?**

1. We have concerns both over Al Jazeera's coverage of Iraq, and over the conduct of its employees. These are shared both by CJTF7, the GC and Washington. They include:
  - a) **Unbalanced overall coverage** (GC's main concern). Overall, the image projected by Jazeera is of the coalition acting imperiously, willfully harming (often killing) Iraqis, and facing popular resistance from ordinary Iraqi citizens.
  - b) **Broadcasting footage of armed and masked men/mujahideen** threatening jihad against the coalition, and claiming to represent ordinary Iraqis or their interests.
  - c) **Factually inaccurate and inciteful reports**, eg reporting that Muqtadah Sadr's house was surrounded during Dep Sec Def's first visit (June?), claiming summary execution and mutilation of innocent Iraqis by US soldiers in Ramadi (July).
  - d) **Unprofessional conduct** or worse by Jazeera reporters eg crossing police or military lines, secreting tapes when ordered to hand them over (Ramadi, September).
  - e) **Allegations of serious misconduct/involvement in planning or execution of attacks** (CJTF7's main concern). These concerns led to the drafting of Order 41. To date there have been 17 arrests of Jazeera reporters. Most allegations have proven unsubstantiated, which Jazeera claims is a pattern of deliberate harassment. But we currently have 2 Jazeera stringers in detention facing serious charges: 1 of prior knowledge (Saleh Hassan, in custody awaiting investigation by a CCC judge), and 1 of direct involvement in anti-coalition attacks in Mahmodia (Babil province).

In addition, USG has other non-Iraq-specific concerns, especially:

- f) **Being the primary sources of – and airing – UBL messages**

**B: What have we done about it?**

2. When the Governing Council sought to throw out Al Jazeera in September, we intervened and managed to persuade them to downgrade their action to a GC-limited, 2-week ban, while we upgraded our efforts to get Jazeera to change. We argued successfully with the GC that Jazeera should be given the opportunity to help itself first (for the reasons outlined below), and that any action that we did take should be gradated, and based on due process.
3. These efforts to engender change include:
  - dialogue locally with the Jazeera bureau
  - dialogue in Qatar with Jazeera senior management
  - dialogue in Qatar with Qatari government

4. We have made some progress to date, particularly on d) and e) – the two recent arrests notwithstanding:
- The Jazeera bureau has fired some of the worst offenders
  - They have signed undertakings to fully respect Order 41 and other key principles
  - They have made their employees sign a code-of-conduct incorporating Orders 14 and 41
  - They have instituted a training program for all their staff in Iraq.

However, the dialogue in Qatar with both the Foreign Minister and Jazeera management was inconclusive on the other 4 concerns.

#### **C: Next steps**

5. During the Doha talks 2 weeks ago, we urged the new Jazeera Managing Director (ex-Baghdad bureau chief) to visit Baghdad in the next week or two, with a firm message of what he plans to do to address our concerns (and emphasized that we need specifics, not generalities). This would lead into the next round of the US-Qatari Strategic Dialogue, due in Doha on 9 December. CPA should be represented at those meetings.
6. **We recommend that we await the outcome of these meetings before deciding on any further action.** Many of the downsides of more precipitous action are set out below. But if the allegations facing either of the two Jazeera stringers currently in custody prove true, it is hard to avoid the logic of taking more immediate action against Jazeera in Iraq.

#### **D: Legal Basis**

7. There are two possible broad legal bases for taking action against Jazeera:
- International law: under the law of occupation, the occupying power has very broad discretion with respect to the handling of the media
  - Various provisions of the Iraqi penal code and CPA Orders (especially orders 14 and 41)

Scott Castle has set these out in more detail in his note to you, which made clear that we have the ability to take action if we so chose.

#### **E: Extent of Action**

8. If we decided to take action against Al Jazeera, we would need to decide:
- a) What action to take. Possible list includes
    - i. Expelling foreign nationals working for Jazeera
    - ii. Closing all identified Jazeera offices
    - iii. Seizing equipment
    - iv. Banning use of frequencies to uplink material to Jazeera
  - b) How long the action should last
  - c) Whether the action is contingent on any behavior (and when it might be lifted)

#### **F: Impact of Action on Jazeera's coverage**

9. Since Al Jazeera has the largest audience of any pan-Arab station, it clearly wants to be able to report from Iraq to maintain its credibility. So limiting the ability of Al Jazeera to be able to report from here would probably harm Al Jazeera. But we could never prevent all Jazeera

reporting from Iraq, since we could not, for example, prevent Iraqi citizens from talking to Al Jazeera by telephone. Nor could we prevent Jazeera from getting material from other broadcasters with whom they have agreements (including CNN, BBC and other Arab stations). And viewers in Iraq (who receive the network via satellite) would continue to have access to the network's coverage (NB I am not aware of any technical means to prevent this, other than Saddam's method).

10. And we could expect a subsequent hardening, rather than a softening of Al Jazeera's line. Part of Al Jazeera's credibility with the Arab audience comes from its confrontations with governments in the region. It could be expected to spin a ban as one more episode in its history of "speaking truth to power." The network's popularity has often increased after such incidents, in particular among the citizens of the country from which it has been banned. Whether it loses part of its wider audience due to an inability to cover Iraq in the absence of a news gathering operation would remain to be seen.

#### **E: Political Impact of Action Internationally**

11. Any action which we take must be on the basis of visible **due process**. Precipitous action, or action which could be portrayed as emotionally-, not factually-grounded would be damaging to us. Such action would be portrayed as conflicting with the President's commitment to democracy and freedom in the Middle East. And it would be that much harder to justify given that many other broadcasters (including Western broadcasters) are also unbalanced and critical in their coverage of Iraq.

It would be widely criticized by:

- international press
- Arab press
- press freedom organizations
- many governments – both Western and other

#### **G: Impact of Action on relations with Qatar**

12. This is clearly an important consideration, not least given the strategic importance of Al-Udaid to the mission here.

#### **H: Governing Council's role**

13. The Governing Council already feels strongly about the strong and well known. If we are to conclude that banning Al Jazeera is warranted and serves our broader interests in Iraq, we should seek to have the GC take this decision, rather than the CPA. The GC would also prefer this. Any action by the GC would be portrayed by the press as contrasting with our aim of having a democratic and libertarian government in Iraq, in contrast to other governments in the region (many of whom have banned Jazeera from operating). But it would be easier for the GC to justify than for us, on the grounds that their country is at stake and Al Jazeera has chosen the wrong side.

COORDINATION:

 General Counsel

 Governance

## TERMINATING AL JAZEERA'S ACTIVITIES IN IRAQ

As a matter of law, the following authorities provide potential bases for seizing *Jazeera* equipment, shutting down its offices, escorting all foreign *Al Jazeera* employees to the border from which they entered Iraq and expelling them from the country:

- *Hague Regulations 1907*. Article 53 of the Hague Regulations authorizes the CPA, as occupying power, to seize all property adapted for the transmission of news, even if the property belongs to private individuals. This authority does not require proof of the commission of any offense, and is not conditioned upon any particular security threat or incident. Instead, the authority recognizes the essentially military nature of information operations in an occupation. The CPA must restore property seized under this provision, and compensate owners, upon the cessation of hostilities.
- *Laws and usages of war*. Arguably, *Al Jazeera* is willingly furthering the information operations of opposing forces and therefore could be neutralized as part of the Coalition's offensive information operations. This authority is based on the security and military necessity principles available under the law of armed conflict, including the law of occupation.

### Existing CPA Orders related to media content and conduct:

- CPA Order No 14 regulates media activities by prohibiting the dissemination of material that directly incites violence.
- CPA Order No. 41 clarifies that paragraphs 190 and 219 of the Iraqi Criminal Code apply to actions taken against the Governing Council, interim Iraqi Ministers, drafters of the new Iraqi constitution, CPA and Coalition Forces. (Paragraph 190 criminalizes the use of explosives to change the formation of the government. Paragraph 219 authorizes punishment of individuals who fail to notify public authorities of their foreknowledge of such an offense.)
- Violations of either Order by *Al Jazeera* employees would provide a policy rationale to support termination of its media activities.

Any decision to control or terminate media activities will trigger claims that such a decision—unless based on conduct, or communications that clearly incite violence—is antithetical to the ideals informing the restoration of Iraq's governance institutions. Such a decision would be most defensible if it were based upon behavior that is clearly distinguishable from other news organizations.