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With Saudi-9/11 bill, Iraqis will force US to answer for 2003 invasion

The Hill

By Sheikh Jamal Al-Dhari, contributor

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When the law known as JASTA — “Justice Against Support for Terrorist Acts” — was passed by an overwhelming majority of the U.S. Congress in September, it is likely that Washington was not then aware how much the world would come to view it as a major blow to U.S. credibility.

In an outpouring of dissent against the legislation ranging from European countries such as the UK, France, the Netherlands and the EU as an institutional body; to regional allies such as Turkey, Jordan and Pakistan, trust in America became the first victim. Indeed, it has become universally clear that it will create mistrust in all future dealings with the American government.

JASTA will foster animosity as the result of the predictable diplomatic chaos to ensue when state or government-related individual actors are falsely accused of terrorist crimes, in the end creating far more problems down the road than such a law purports to solve.

The policy will also give birth to a new global revolution called JAAA or “Justice Against American Actions.” The group of international lawyers hired by this JAAA will champion compensation requests from all over the world, related to everything the U.S. has done from military intervention, coups, support for despotic regimes and possibly even ozone layer depletion.

The people of Iraq may be the first to launch such a revolution. As we of the Iraqi National Project declared in a press release of Sept. 25, in light of the majority vote by the U.S. Congress to remove the sovereign immunity rights of Saudi Arabia and other countries accused of being implicated in terrorism — and in spite of President Obama’s veto on Sept. 23 — we will regard such a law as constituting a window of opportunity for millions of Iraqis who have lost their sons and daughters in military operations by U.S. military forces and their contractors since the U.S. invasion of 2003 to pursue compensation from Washington for what those victims have endured.

We were formed in May of this year as a political entity inclusive of the forces of the Iraqi opposition as response to the incessant suffering of the Iraqi people from the ongoing aggression of organized terrorism represented by ISIS and sectarian militias across the country. We were also formed in reaction to a political class characterized by corruption and failure to alleviate such suffering. With the passage of JASTA, we intend to hold the United States accountable for unleashing this situation.

Upon hearing of the passage of JASTA, the reaction among the Iraqi people has been swift and uncompromising. For example, a Mosul sheikh informed me a week ago that during last Ramadan a U.S. air raid resulted in an errant missile striking his sister's residence in Mosul and killing 12 of their 13 family members. He is angry and with news of JASTA's enactment into law and is now demanding blood money.

We ourselves, as a group, seek compensation from the United States over violations by U.S. forces following the invasion that saw the toppling of late-President Saddam Hussein in 2003 based on questionable intelligence sources and select intelligence omissions by U.S. official and ex-officials.

These U.S. operations included bombings of civilians, arrests, torture (like in Abu Ghraib prison), and in numerous camps set up by the U.S. forces across Iraq.

There have been thousands of U.S. led air raids, day and night, against many Iraqi cities and towns, killing and maiming civilians, destroying power plants, hospitals, schools and universities, roads and bridges. More than one million Iraqis have been killed directly or indirectly since the 2003 invasion. The entry of terror militias supported by Iran, Al-Qaeda and ISIS are all related to the chaos and instability in Iraq brought on by these actions. In addition to daily coalition air raids, there are hundreds of thousands of innocent Iraqis held in prisons by a corrupt sectarian central government supported by the U.S. and Iran.

Compelled by the JASTA or "9/11 bill" as law, we will now endeavor to organize the formation of special committees seated by top Iraqi lawyers and judges along with many international legal advisers.

Our goal is justice: the Iraqi victims' families want to join hands with the people of Japan from Hiroshima and Nagasaki, Vietnam and Afghanistan. We believe the JASTA law was hastily written and passed with very shallow thinking that can

only bring about devastating consequences for the U.S. For example, Turkey has designated the PKK and the Gülen movement as terrorist organizations and President Erdoğan opposes United States's support for these groups. Since JASTA's enactment, Erdoğan has called on Congress to withdraw that legislation and has suggested his country may respond with a similar law.

Pakistan presents another current example. The government there contends more than 400 U.S. drone strikes in Pakistan have violated international law. Other such instances hit closer to home for Americans: Former Senator Larry Pressler recently stated that as a Vietnam combat veteran, he could almost certainly be sued by the Vietnamese government or by a Vietnamese citizen.

We would like to believe that such a reckless law is not what America is about. However, if Washington insists upon this form and method of seeking justice, we can only reply that the same will be sought out in return.

As the American expression goes: What is good for the goose, is good for the gander.

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“Trump Must Take Iraq Policy In A New Direction”

By Sheikh Jamal al-Dhari, Contributor – 12/20/16

The Hill

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My country of Iraq has suffered enormously under the tenures of American presidents. For over a quarter of a century, Iraqis have had to bear the burdens of their misguided policies, enduring America's sanctions, invasion and foreign occupation.

However, the extraordinary election of Donald Trump offers a rare opportunity to reset U.S.-Iraq relations. But he mustn't make the same mistakes in Iraq committed by his predecessor.

Barack Obama came into office campaigning to end the war in Iraq. When elected, he handed over the portfolio to his vice president. This signaled to us that the United States now considered Iraq of secondary importance, which strengthened Iran's leverage across the political landscape.

Obama could have corrected this perception among Iraqis, but he only confirmed his disinterest and disengagement when he appointed Christopher Hill as his ambassador in 2009. Unlike his well-regarded predecessor, Ryan Crocker, Hill did not speak Arabic and had never served in the Middle East. He neither understood Iraq's politics nor wanted to understand Iraqis.

Given Iraq's complexities, it's important that President-Elect Trump seek advice from individuals that understand Iraq — its culture, history and its people. Unfortunately, Obama has relied on poor advice and advanced the perception that the U.S. practiced a Shiite-centric approach to Iraq, which envisioned Shiites as the “critical” community. Sunnis were treated as a junior partner, and one that needed to be divided and co-opted so as to disguise the government to look like a national institution.

Under Hill's tenure, the U.S. sought to prematurely normalize bilateral relations, despite Iraq not having developed reliable democratic institutions to check against authoritarian behavior. This empowered Nouri al-Maliki, then prime minister, and legitimized his behavior and authority.

When the Iraqi people went to vote in 2010, they cast their votes for change. Ayad Allawi, a secular nationalist who headed a cross-sectarian coalition, had defeated al-Maliki. But the prime minister redefined the constitutional rules through his influence with Iraq's judiciary, giving al-Maliki a clear path to salvage his position.

Allawi and his bloc were never given a chance to form the government. Instead of voicing opposition to this legal coup d'état, the White House remained silent, thus tacitly approving in the eyes of Iraqis. Even worse, U.S. officials privately worked to help al-Maliki secure a second term by pressuring others to back his candidacy, which ironically mirrored Iran's actions.

The United States hailed the 2010 government as “inclusive,” stating that it represented a “national partnership.” However, by denying the electoral winner a chance to form the government, the U.S. helped to undermine the development of democracy in Iraq.

During his second term, new grievances emerged as al-Maliki continued to consolidate his power and marginalize his coalition partners. The prime minister empowered pro-Iranian militias; purged the security forces of professionals; cracked down on Sunni political leaders and peaceful demonstrations; and unilaterally took control of the central bank, elections commission, and anti-corruption body from the oversight and authority of parliament.

Despite all the warning signs, it was Washington's naive and constant support for the prime minister that allowed sectarian and political tensions in Iraq to build up and rupture into another civil war. The White House protected al-Maliki as the only realistic option for prime minister — until it was too late. Only when the Islamic State in Iraq and Syria (ISIS) overran the city of Mosul did the U.S. finally withdraw their coveted support.

Unfortunately, there are indications that Trump might fall into the same entrapment. “In my telephone call with President-elect Trump,” said Iraq's prime minister, Haider al-Abadi, earlier this week, “he assured me that U.S. support will not only continue, but it is going to be increased.”

My advice to Donald Trump is this: Don't give anyone in Iraq a blank check — or even make them think as if they have one — especially those that wield coercive power. Any U.S. support must be conditioned to an adherence to democratic values and human rights. Too often the White House unwisely gave unconditional support to the prime minister, leading to reckless overconfidence and unwillingness to compromise with political rivals.

Indeed, Abadi is weak now, but so too was al-Maliki once. Trump shouldn't give his support to the prime minister; he should have him earn it.

Today, the focus of American engagement and outreach in the campaign to defeat ISIS tries again to convince Sunni leaders to unilaterally lend support to Abadi, with no assurances or compromises. This is unacceptable. It's a different prime minister in Baghdad, but it's the same, repeated mistake that favors authoritarian tendencies.

From 2006-2008, Sunni tribes fought and ultimately defeated al Qaeda in Iraq with the expectation that Baghdad would integrate them into official civilian and security roles. Instead, once the U.S. military withdrew from Iraq, many of these heroic tribal fighters faced imprisonment, intimidation and even death at the hands of the Maliki-led government.

The Islamic State will eventually lose its territorial control in Iraq. But it won't be eliminated without winning the hearts and minds of the Sunni community. This can't be achieved without national level initiatives that push for reforms, reintegration and reconciliation at the local level.

Today, Shiites and Kurds represent the bulk of the liberation campaign over Sunni territories instead of the indigenous tribes. The Sunni tribes have requested the United States to provide them with the military arms to liberate their lands from ISIS's occupation. Unfortunately, they've been continuously turned away by U.S. officials at the Defense and State departments

and instead asked to cooperate either through the Kurdish regional government in Erbil or the central government in Baghdad.

With no direct access to the West, the Sunnis are cut off from acquiring the resources to fight ISIS. And then, they are conveniently — and inaccurately — blamed for supporting the terrorist group. This has given the Kurds and Shiites both the capability and political cover to grab territory through their liberation campaign, while prohibiting many of the millions of displaced Sunnis from returning back to their homes — a tragedy that will have long-term repercussions for post-ISIS stability.

The United States invaded Iraq under false pretenses and unraveled its institutions. It's morally obligated to help us rebuild our country. But this requires the United States to develop a comprehensive policy toward Iraq and not only a counterterrorism policy fixated on security.

Trump's goal to defeat ISIS is not what his administration should prepare for when developing its Iraq policy. The problem isn't how to defeat ISIS, but rather how to confront the challenges of post-ISIS governance so that an insurgency does not reemerge in the future.

This represents a political problem. Of course, we need to rebuild professional security institutions devoted to serve all Iraqis. But we also equally need to develop good institutions of governance, of checks and balances and of accountability. These are as essential to stability as soldiers and policemen. Without them, corruption and sectarianism will continue to poison our nascent democracy and empower the worst of our elites.

I hope Donald Trump offers a new and positive direction for U.S. foreign policy in Iraq, and I stand ready to work with him. But he mustn't build his policy on the same empty promises and poor advice that stem from Washington and that have failed to address our legitimate grievances.

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HARD NATIONAL SECURITY CHOICES

“Trump Must Learn From U.S. Mistakes in Iraq”

By **Sheikh Jamal Al-Dhari**
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The people of Iraq have learned many lessons from the U.S. military occupation and its aftermath of anarchy, civil war, and an endless campaign of terrorism. Despite the impending defeat of the Islamic State, Iraqis remain fearful about their future. Many, myself included, still doubt the United States has learned the most important lessons of its involvement in Iraq, and worry that it will repeat the same mistakes.

President Donald Trump has publicly acknowledged that the U.S. military invasion of Iraq was a mistake. This is a necessary recognition for Iraqis to hear from any Western leader; to ignore the war's toll would represent a grave insult and lack of respect for the death and destruction Iraqis have suffered since 2003 and continue to endure today.

However, the White House appears to only focus its resources on fighting terrorism in Iraq. We have yet to hear what the new U.S. administration's policies, let alone its basic vision, will be for a country in which its soldiers are currently engaged in war.

Does President Trump believe the United States has a role as a credible broker in Baghdad? Will the U.S. military stay or exit from Iraq after the Islamic State is defeated? And if U.S. troops remain in the country, what capacity and role would they take? Will they balance against Iranian influence, prevent the return of the Islamic State, or serve as a political tool for the prime minister to grab power?

While he was not responsible for the disastrous mistake of his predecessor in invading Iraq, President Obama attempted and failed to bring stability to

our country. His campaign promise to “end the war” in Iraq and withdraw the U.S. military did not end any wars—at least not for the Iraqi people.

To mark the end of the military occupation at the White House in December 2011, Obama publicly called Prime Minister Nouri al-Maliki the elected leader of a democratic country. But Maliki was neither elected by the Iraqi people, nor did he believe in democracy. Even before his plane had returned to Baghdad from Washington, the prime minister had launched an authoritarian campaign to consolidate his political power and sought to arrest the vice president. Trusting Maliki’s leadership was a mistake, but one the Obama administration was willing to make to withdraw from Iraq.

The Obama administration’s reliance on Maliki also reflected Iran’s position. In reality, both competed to gain influence with Maliki, but the perception among many Iraqis was that an alliance had been formed between Washington and Tehran. Iraqi Sunnis believed that if the United States was aligned with Iran, there was little hope for an inclusive government in Baghdad.

The United States’ unwillingness to balance against Iran helped fuel the massive Sunni protest movement in 2012 and 2013. Maliki was backed by Washington and Tehran and did not feel compelled to make concessions to the legitimate demands of demonstrators, and the protests ended in bloodshed when the government’s security forces used deadly force against civilians in April 2013.

Defense Secretary James Mattis and National Security Advisor H.R. McMaster are two individuals with a great deal of experience in Iraq, and they have the respect of many Sunnis like myself who worked with them to fight the rise of al-Qaeda in western Iraq during the U.S. occupation. They know the dangers and consequences of past U.S. mistakes in Iraq, and in great detail. But it’s unclear if President Trump will take their advice, let alone allocate to them much authority to craft the administration’s policy toward Iraq.

The White House must take seriously the massive challenges ahead and put forth the policies and assistance programs needed to rebuild and reconcile Iraq after the defeat of the Islamic State. Both Mattis and McMaster know from personal experience that U.S. military goals in Iraq cannot be achieved without a successful political system in place to stabilize and govern the liberated territories.

Unfortunately, neither my many Iraqi colleagues nor I have seen any serious preparations or commitment for this next phase communicated by the United States. U.S. engagement in Iraq remains fixated only on the military campaign in Mosul with little consideration of the political challenges that lie ahead. And although U.S. officials know that terrorism cannot be defeated through military means alone, I remain bewildered by their ignorant willingness to commit the same mistakes again and again.

As such, it's no surprise that we are now witnessing Islamic State terrorist attacks return to the liberated cities of Fallujah and Ramadi. This will happen in liberated Mosul, too.

That is because across a third of the country, cities and villages are destroyed beyond livable conditions; millions of people are displaced and will remain so and basic services are non-existent. Iran's proxy militia forces are taking control of liberated areas and victimizing the locals and even preventing families to return. And, of course, our political leaders will remain thieves of the state—too inept and corrupt to come together and offer any real solutions.

Within the next two years, Iraq will undergo a tremendous political transformation through the next provincial and parliamentary elections. Iran's militias will compete in those elections and may come to occupy the reins of the new government in Baghdad. Under this likely scenario, it's a real prospect that Maliki will return to power as prime minister; he has already spent much of the last year supporting political machinations in Baghdad against Prime Minister Haider al-Abadi. Another Maliki premiership could lead to the end of Iraq and a new cycle of war. The Kurds will not hesitate to declare independence, the Shiites will fight among themselves, and the Sunnis will find no option but to rebel and seek to their own state.

While Trump isn't responsible for bringing Iraq to its breaking point, he is now the U.S. president and only one mistake away from contributing to a catastrophe. He should take U.S. policy in Iraq very seriously, aim to understand the sensitivities of its politics and history, and heed the advice of advisors like Mattis and McMaster.

If not, it will be Trump, not his predecessors who lost Iraq.