

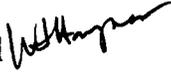


GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600

ACTION MEMO

SEP 16 2006

GENERAL COUNSEL

FOR: ACTING DEPUTY SECRETARY OF DEFENSE
FROM: William J. Haynes II, General Counsel 
SUBJECT: Extension Request – Executive Agency for Central Criminal Court of Iraq (CCCI)

- In a memorandum signed July 19, 2004, former Deputy Secretary Wolfowitz designated the Secretary of the Army as the Executive Agent for CCCI Support (Tab C).
 - The Executive Agent was directed to develop a CCCI administrative support cell to assist and coordinate support for the CCCI outside of Iraq.
- According to the July 19 memorandum, the Executive Agency remains in effect for one year from the date of the memorandum unless extended in writing upon the MNF-I Deputy Commander for Detainee Operations' written request, in coordination with the Secretary of the Army.
- MG Brandenburg has requested an extension through September 30, 2006 (Tab D).
 - The support cell has proven to be essential in locating witnesses and coordinating with local law enforcement authorities to obtain witness statements for use at video teleconference (VTC) facilities.
- Additionally, MG Brandenburg recommends “that a Joint Manning Document be created by the JCS for the CCCI-[Support Cell] in order to facilitate the staffing process and to enable the Department of the Army and the other Military Departments to increase the number of personnel staffing the support cell.”

RECOMMENDATION: Sign the memorandum at Tab A extending the Executive Agency through September 30, 2006 and directing the Heads of all other DoD Components to support the requests of the Executive Agent for CCCI Support.

COORDINATION: Tab B

Attachments:

As stated





DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Extension of Support for Prosecutions in the Central Criminal Court of Iraq
(CCCI)

By memorandum signed July 19, 2004, the former Deputy Secretary of Defense designated the Secretary of the Army as Executive Agent for CCCI Support. The Executive Agent was directed to develop a CCCI administrative support cell to assist and coordinate support for the CCCI outside of Iraq.

Pursuant to the July 19, 2004 memorandum, the MNF-I Deputy Commanding General for Detainee Operations (DCG-DO), in coordination with the Secretary of the Army, has requested that the designation of the Secretary of the Army as Executive Agent for CCCI Support be extended through September 30, 2006. The DCG-DO has also recommended "that a Joint Manning Document be created by the JCS for the CCCI-[Support Cell] in order to facilitate the staffing process and to enable the Department of the Army and the other Military Departments to increase the number of personnel staffing the support cell."

I hereby extend the designation of the Secretary of the Army as Executive Agent for CCCI Support through September 30, 2006. As stated in the July 19, 2004 memorandum, the Heads of all other DoD Components shall fully support the requests of the DoD Executive Agent for CCCI Support, including assigning or detailing personnel to the support cell, as appropriate, through the extension period. Should the DoD





DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Extension of Support for Prosecutions in the Central Criminal Court of Iraq
(CCCI)

By memorandum signed July 19, 2004, the former Deputy Secretary of Defense designated the Secretary of the Army as Executive Agent for CCCI Support. The Executive Agent was directed to develop a CCCI administrative support cell to assist and coordinate support for the CCCI outside of Iraq.

Pursuant to the July 19, 2004 memorandum, the MNF-I Deputy Commanding General for Detainee Operations (DCG-DO), in coordination with the Secretary of the Army, has requested that the designation of the Secretary of the Army as Executive Agent for CCCI Support be extended through September 30, 2006. The DCG-DO has also recommended "that a Joint Manning Document be created by the JCS for the CCCI-[Support Cell] in order to facilitate the staffing process and to enable the Department of the Army and the other Military Departments to increase the number of personnel staffing the support cell."

I hereby extend the designation of the Secretary of the Army as Executive Agent for CCCI Support through September 30, 2006. As stated in the July 19, 2004 memorandum, the Heads of all other DoD Components shall fully support the requests of the DoD Executive Agent for CCCI Support, including assigning or detailing personnel to the support cell, as appropriate, through the extension period. Should the DoD



Executive Agent request assistance in obtaining personnel support from the Chairman of the Joint Chiefs of Staff, I request that the Chairman support such request, including through a Joint Manning Document if appropriate.

cc:

**Secretary of State
Chief of Mission, Iraq
MNF-I Deputy Commanding General
for Detainee Operations**

Tab B

Coordination

Joint Staff (J-1 and Legal Counsel to CJCS)	<u>September 12, 2005</u>
Office of Detainee Affairs	<u>September 9, 2005</u>
NESA-NG	<u>September 9, 2005</u>
WHS Admin	_____



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

ACTION MEMO

OFFICE OF THE
SECRETARY OF DEFENSE

2004 JUL -6 PM 4:12

DEP SEC DEF
HAS SEEN
131 AW
JUL 19 2004
W/ QUESTION

FOR: DEPUTY SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel *WJH*

JUL 6

SUBJECT: Establishing Support Cell to Assist Central Criminal Court of Iraq Prosecutions

aul Butler
7/5

*The
Iraq
litigation*

- The Central Criminal Court of Iraq (CCCI) is responsible for trying those accused of the serious crimes that most directly threaten security in Iraq, including attacks on Coalition forces and possession of heavy weapons used to attack Coalition forces. The CCCI will continue to try cases even though the Iraqi Interim Government has assumed governance authority in Iraq.

or an Iraqi court? Is capital punishment available?

In reviewing possible cases to bring before the CCCI, the MNF-I Military Liaison to the CCCI has determined that 330 CCCI cases involve U.S. witnesses who have redeployed out of Iraq. Eighty-three of these cases have already been referred. The CPA previously provided a list of approximately 800 possible witnesses for these cases; most are Army personnel.

- The CPA recently amended the CCCI Order specifically to permit the CCCI to receive testimony from witnesses outside Iraq by video teleconference or similar communications technology.
- Tab A designates the Secretary of the Army as the DoD Executive Agent for CCCI Support and directs him to develop a CCCI administrative support cell in the U.S. to assist the CCCI prosecution support team in Iraq.
 - The cell will report to the Executive Agent but will be responsive to the MNF-I Deputy Commander – Detainee Operations (MG Miller) in Iraq to support the CCCI.
 - The cell would locate redeployed witnesses and coordinate the gathering of their statements. It would then arrange to have these witnesses available to testify before the CCCI, including by means of video teleconference.

RECOMMENDATION: Sign the memorandum at Tab A designating the Secretary of the Army as DoD Executive Agent for CCCI Support to develop U.S.-based CCCI support.

COORDINATION: Tab B.

Attachments:
As stated

TSA SD	<i>2/14 PWB</i>
SRMA SD	
MA SD	
EXEC SEC	<i>M JH</i>

Sim

OSD 10012-04

TAB A



DEPUTY SECRETARY OF DEFENSE

**1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010**



**MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES**

SUBJECT: Support for Prosecutions in the Central Criminal Court of Iraq (CCCI)

The CCCI was created by the Coalition Provisional Authority (CPA) to address those serious crimes that most directly threaten public order and safety in Iraq, including those involving attacks against Coalition forces. The CCCI will continue to try cases, even though the CPA has been dissolved and the Iraqi Interim Government has assumed governance authority in Iraq.

Due to the rotation of forces, currently some 330 cases involving offenses against the Coalition require witness testimony from personnel who have redeployed from Iraq. The vast majority of these witnesses are Army personnel. We need to ensure that witnesses are made available to ensure that justice is served in these cases.

The Secretary of the Army is hereby designated as Executive Agent for CCCI Support, pursuant to DoD Directive 5101.1, "DoD Executive Agent." This assignment may be further redelegated as the Secretary of the Army deems necessary. The DoD Executive Agent shall develop a CCCI administrative support cell (support cell) to assist and coordinate support for the CCCI outside of Iraq. The CCCI support cell shall remain under the control of the DoD Executive Agent, but will be responsive to the Multinational Force-Iraq (MNF-I) Deputy Commander for Detainee Operations. The support cell shall use the DoD worldwide personnel databases to locate active duty and Reserve and National Guard personnel who have been demobilized and released from active duty; forward requests for information or assistance to local military law enforcement offices to obtain witness statements from personnel outside of Iraq; and

determine the location of witnesses and evidence for the CCCI when the witnesses or other evidence are located outside of Iraq.

The Heads of all other DoD Components shall fully support the requests of the DoD Executive Agent for CCCI Support. Such support shall include, but is not limited to, assigning or detailing personnel to the support cell, as appropriate; facilitating and funding the travel of their respective Departmental personnel for CCCI case preparation and proceedings; providing DoD military and civilian investigative assistance and technical support as required by the DoD Executive Agent, including video teleconferencing and recording support (in particular the ability to conduct video teleconferences between the CCCI and specified military bases in coordination with the Commander, U.S. Central Command and designated subordinate commanders); and other assistance as may be deemed necessary by the DoD Executive Agent for CCCI Support.

Commander, U.S. Central Command shall ensure availability of facilities and resources to provide redundant video teleconferencing capability for CCCI courtrooms to facilitate access to redeployed witnesses to support CCCI cases.

This Executive Agency is effective immediately and will remain in effect for one year from the date of this memorandum unless extended in writing. The MNF-I Deputy Commander for Detainee Operations may request the extension, in coordination with the Secretary of the Army.

The Heads of the DoD Components supporting the DoD Executive Agent for CCCI Support will capture all direct costs associated with their support and submit requests for reimbursement to the Under Secretary of Defense (Comptroller), through the DoD Executive Agent for CCCI Support.

A handwritten signature in black ink, appearing to read "Paul Wolfowitz", with a long horizontal line extending to the right.

cc:
Secretary of State
Chief of Mission, Iraq
MNF-I Deputy Commander
for Detainee Operations

TAB B

Tab B

COORDINATION

**Chairman of the Joint
Chiefs of Staff**

Per Memorandum (Jun 17, 2004)

**Undersecretary of Defense
(Policy)**

See subsequent page

**Undersecretary of Defense
(Comptroller)**

MAY 6 2004

David H. Rogant

Secretary of the Army

Per Signed Action Memo (July 14, 2004)

Secretary of the Navy

Per Memorandum (Jun 15, 2004)

Secretary of the Air Force

Per Memorandum (July 8, 2004)

Coalition Provisional Authority

Dissolved (Jun 30, 2004)
No coordination required.

Tab B

COORDINATION

Chairman of the Joint
Chiefs of Staff

—

Undersecretary of Defense
(Policy)

X/ [Signature] 5/22/04

Undersecretary of Defense
(Comptroller)

—

Secretary of the Army

—

Secretary of the Navy

—

Secretary of the Air Force

—
—

Coalition Provisional Authority

—



**THE JOINT STAFF
WASHINGTON, DC**

Reply ZIP Code:
20318-0300

DJSM 0699-04
17 June 2004

**MEMORANDUM FOR THE GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE**

**Subject: Establishment of a US-Based Support Cell to Assist Central Criminal
Court of Iraq (CCCI) Prosecutions**

1. Thank you for the opportunity to review the subject memorandum.¹ We support the proposal directing the Secretary of the Army to develop an administrative cell to locate victims and witness of criminal offenses in Iraq against US personnel.
2. The CCCI is currently the only forum in Iraq to prosecute those who may have committed criminal offenses against US personnel. In addition, these trials will support the CCCI by assisting in the development of an effective Iraqi criminal justice system.
3. Implementation of OSD GC proposal will require funding for, *inter alia*, CCCI personnel, travel of military personnel, lawyers to take depositions, and possibly VTC facilities if those in the US Embassy and/or US military compounds are not used. The Joint Staff believes the decision regarding sourcing for such funds is the responsibility of OSD (Comptroller) and the State Department (DOS).
4. Beginning 1 July, DOS will direct use of Iraqi Reconstruction and Relief Fund (IRRF) for programs run by the Justice Department, which will administer CCCI proceedings. USCENCOM does not have the resources to fund additional VTC facilities and therefore cannot assume financial responsibility for this project. However, USCENCOM will assist in other ways, such as transporting witnesses and victims, to implement this program.
5. The Joint Staff point of contact is Carol Thompson, J-5 Middle East, (703) 614-9413.

T. J. KEATING
VADM, USN
DIRECTOR, JOINT STAFF

Reference:

- 1 OSD/OGC memorandum, 29 April 2004, "Coordination of the Establishment of a U.S.-Based Support Cell to Assist Central Criminal Court of Iraq Prosecutions"

HQDA STAFF ACTION MEMORANDUM

1. SUBJECT: Support for Prosecutions in the Central Criminal Court of Iraq (CCCI) URGENT ROUTINE

2. TODAY'S DATE: 14/08/04
 3. OFFICE SYMBOL: DAJA-10
 4. HQDA/DA/DC/Component Number: SWS 07-011/25/04
 5. SUSPENSE DATE: 10/08/04

6. TYPE OF ACTION: OSC Congressional EOH Other

7. DISPOSITION: Approve Signature Information Decision Other

8. ROUTING: (ESC USE ONLY)

SA	
USA	
VCSA	
DAJ	
ASIA	
DMA	
DIR GSC	
EOC	
ROC	

9. BACKGROUND: (Describe the back origin of the action, issue and the requirement. Provide the related background and comments. List most important information first.)

- The Office of the General Counsel of the Department of Defense (DoDGC) seeks comment on a draft memo, by which the Deputy Secretary of Defense (DepSecDef) proposes to direct the Acting Secretary of the Army (SA) to exercise executive agency within DoD for organizing and operating an admin "support cell" in the US to facilitate CCCI prosecutions in Iraq.
- Some 300 cases involving offenses against the Coalition will require witness testimony from military personnel who have redeployed from Iraq. In some cases, witnesses have been demobilized and released from active duty. The individuals accused in these cases are in detention in Iraq.
- Modifications to the draft memo (shown in TAB A) are proposed to permit SA to seek assistance from other DoD components and to capture costs for potential reimbursement by DoD. TAB B is a "clear" version of the memo.

10. EXECUTIVE SUMMARY: (Short and clear statement of purpose, major issue, and objective. Why are you letting this to the EDH? What should EDH know and discuss? What is the objective of the action?)

- Purpose:** To obtain the Acting SA's concurrence in proposed comments requesting modification of the draft memorandum by which DepSecDef proposes to direct the SA to serve as DoD Executive Agent for organizing and operating an administrative support cell in the US to facilitate CCCI prosecutions in Iraq.
- Issue:** With the rotation of forces, some 300 cases involving offenses against the Coalition will require witness testimony from personnel who have redeployed from Iraq. It is imperative that an Executive Agent for the CCCI support cell is created, staffed, and operated within the US.
- Bottom Line:**
 - The CCCI admin support cell will remain under the control of the Acting SA or his designee, but shall be responsive to the MNF-I Deputy Commander-Detainee Operations, who serves as the in-country liaison to the CCCI.
 - The vast majority of witnesses required to prosecute these cases are Army personnel. Locating them will require the use of Army databases.
 - Proposed revisions to the draft memo authorize the Acting SA to request assistance from other DoD components in executing this mission. The Army will seek additional funding from USD(C), and require any DoD component providing such assistance to capture costs associated with their support and submit requests for reimbursement to DoD through the SA.

11. RECOMMENDATION: Provide a brief statement defining the desired action by the final approval authority and explain why this is the best option.

That the Acting SA authorize OTJAG to forward to DoDGC the proposed modifications of the draft memorandum designating SA as DoD Executive Agent for the CCCI admin support cell.

12. PRINCIPAL APPROVALS (and Agency Use Only)

TITLE	INITIAL	DATE (DD/M/YYYY)	TITLE	INITIALS	DATE (DD/M/YYYY)	APPROVED	NOTED	SEE ME	BRIEF	NOTE CHANGES
BRANCH CHIEF	<i>[Signature]</i>	24/06/04	DIRECTOR							
VISION			PRINCIPAL	<i>[Signature]</i>	24/06/04	<input checked="" type="checkbox"/>				

ACTION OFFICER NAME (Name, Position, Phone Number, E-mail)
 COL James S. Schoeller, Asst. Chief, International 2nd Operational Law, OTJAG, (703) 806-3980, james.schoeller@hqda.army.mil

SAOO NAME (Name, Position, Phone Number, E-mail)

FILE LOCATION (IDENTIFY FILE LOCATION - EXAMPLE: J3CON/MO/8 DOSEC/CONGRESS/ISS/CI/PRY/DOC)

DA FORM 5 (Rev 01) PLEASE REFER TO OTJAG.



DEPARTMENT OF THE NAVY
GENERAL COUNSEL OF THE NAVY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

INFO MEMO

FOR: GENERAL COUNSEL, DEPARTMENT OF DEFENSE

FROM: Alberto J. Mora, General Counsel of the Navy

JUN 15 2004

A handwritten signature in black ink, appearing to read "Amora", written over the printed name of Alberto J. Mora.

SUBJECT: Coordination of the Establishment of a U.S.-Based Support Cell to Assist Central Criminal Court of Iraq (CCCI) Prosecutions

- Department of Navy concurs with the establishment of a U.S.-based support cell to assist CCCI prosecutions. It is requested that more specificity be provided re requirements so as to facilitate coordination and planning. To know the extent of support contemplated would allow the Department of the Navy to plan the providing of necessary support.

COORDINATION: TAB A

Attachments:
As stated

Prepared by: LtCol David A. Neesen, USMC, 703-692-6164

Copy to:
AGC(M&RA)
N3/N5
SJA to CMC



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC 20330

OFFICE OF THE GENERAL COUNSEL

JUL 08 2004

MEMORANDUM FOR DEPARTMENT OF DEFENSE GENERAL COUNSEL

FROM: SAF/GC

SUBJECT: Coordination of the Establishment of a U.S.-Based Support Cell to Assist Central Criminal Court of Iraq (CCCI) Prosecutions

We are responding to the above referenced tasker on behalf of the Secretary of the Air Force. As previously communicated to your office on May 4, 2004, the Department of the Air Force concurs in the proposed action memorandum and memorandum attached to above referenced tasker without comment.

A handwritten signature in black ink, appearing to read "D. Ramos", is positioned above the typed name and title.

DANIEL J. RAMOS
Principal Deputy General Counsel

Attachment:
DOD General Counsel Memo, Dated Apr 29, 2004

SECRETARY OF DEFENSE CORRESPONDENCE ROUTING SLIP

Action Agency: **GENERAL COUNSEL**

Action Required: **APPROPRIATE ACTION**

Coordinate With:

References: **OSD 10012-04**

Remarks:

Document Type: **INCOMING**

Special Instructions

Suspense Date:

Routing Date: **August/24/2005**

OSD CONTROL #: **OSD 17154-05**

OFFICE

INFORMATION DISTRIBUTION



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD UNITED STATES ARMY
UNITED STATES ARMY FORCES CENTRAL COMMAND
COALITION FORCES LAND COMPONENT COMMAND
FORT McPHERSON, GEORGIA 30330

2005 JUL 04 PM 4:04

REPLY TO
ATTENTION OF

AFRD-CG

2 July 2005

MEMORANDUM THRU Secretary of the Army, 400 Army Pentagon, Washington, D.C. 20301

FOR Deputy Secretary of Defense, 1010 Defense Pentagon, Washington, D.C. 20301-1010

SUBJECT: Extension Request - Executive Agency for Central Criminal Court of Iraq

1. I am forwarding with my full endorsement the enclosed request from the Deputy Commanding General, Detainee Operations, Multi-National Forces-Iraq to extend the role of the Secretary of the Army as the Department of Defense's Executive Agent for support to the Central Criminal Court of Iraq.
2. The Central Criminal Court of Iraq serves a critical role in bringing justice and the rule of law to the Iraqi people. It is imperative to the ultimate success of the Central Criminal Court of Iraq that the Army continue to fully support the Court. Therefore, the role of the Secretary of the Army as the Executive Agent for support to the Central Criminal Court of Iraq should be extended to 30 September 2006. Additionally, to facilitate additional support to the Court, I endorse the recommendation to create a joint manning document for the Central Criminal Court of Iraq - Support Cell.

Encl
nc


R. STEVEN WHITCOMB
Lieutenant General, USA
Commanding

CF: Commander, US Central Command

OSD 17154-05



DEPARTMENT OF DEFENSE
OFFICE OF THE DEPUTY COMMANDING GENERAL
MULTI-NATIONAL FORCE-IRAQ
APO AE 09342

REPLY TO
ATTENTION OF

DCG-DO

28 June 2005

MEMORANDUM THRU

Commander, Coalition Forces Land Component Command, APO AE 09306
Secretary of the Army, 400 Army Pentagon, Washington, D.C. 20301

MEMORANDUM FOR Deputy Secretary of Defense, 1010 Defense Pentagon, Washington,
D.C. 20301-1010

SUBJECT: Extension Request – Executive Agency for Central Criminal Court of Iraq-Support

1. Purpose. To request an extension of Department of Defense Executive Agency for Central Criminal Court of Iraq-Support in order to facilitate the continued criminal prosecution of persons who are suspected of attacking Coalition Forces in Iraq. Without further action, the Executive Agency will expire on July 18, 2005.

2. Discussion.

a. The Central Criminal Court of Iraq (CCCI) is an Iraqi court that exists to try persons accused of serious crimes that most directly threaten public order and safety, including weapons violations and/or attacks on Coalition Forces. Because most of the victims and witnesses are U.S. Armed Forces personnel, the CCCI is being assisted by military attorneys assigned to Task Force 134 of the Multi-National Force-Iraq (MNF-I). Unfortunately, because many critical military witnesses and victims have redeployed, demobilized, separated or permanently changed stations, they are extremely difficult to locate and contact from Baghdad. Without the testimony of such witnesses, many of the suspects who are currently being detained may not be prosecuted successfully and may be released.

b. In recognition of this problem, on July 19, 2004, the Deputy Secretary of Defense (DEPSECDEF) designated the Secretary of the Army (SECARMY) as the Executive Agent for CCCI Support and directed him to develop an administrative support cell in the United States to assist in activities such as locating witnesses for the CCCI. This support cell was to be responsive to the MNF-I Deputy Commander for Detainee Operations, but remain under the control of SECARMY. DEPSECDEF also directed the Heads of DoD Components to support fully the requests of the SECARMY for manpower and other assistance as may be deemed necessary.

c. In response to DEPSECDEF's directive, the Acting SECARMY created the Central Criminal Court of Iraq-Support Cell (CCCI-S) and placed it under the general supervision of The Judge Advocate General. Based upon a projected caseload of 330 cases and the anticipated limited involvement of the cell in case preparation, CCCI-S initially was staffed with six Army

DCG-DO

SUBJECT: Extension Request – Executive Agency for Central Criminal Court of Iraq-Support

personnel and supervised by the International and Operational Law Division of the Office of The Judge Advocate General. Because the initial expectation was that the CCCI-S would perform a limited function and would be in existence for only a short duration, no Joint Manning Documents were created, nor were Navy, Air Force, or Marine Corps personnel requested.

d. The support cell has proven to be essential in locating witnesses and coordinating with local law enforcement authorities to obtain witness statements for use at video teleconference (VTC) facilities. Additionally, the support cell has been required to perform more substantial duties such as locating evidence, scheduling VTCs, and preparing witnesses to testify. The need for this support cell continues to be great, as the number of pending cases requiring the assistance of CCCI-S has increased to 532 cases, and is expected to exceed 1,000 cases in the coming months.

e. The original designation of the SECARMY as Executive Agent was for a term of one year, unless extended in writing at the request of the MNF-I Deputy Commander in coordination with the SECARMY. Without the continued support of the CCCI-S, there would be no viable way to pursue prosecution of the more than 1000 anticipated cases in which there are stateside witnesses. In order to accommodate both the drastically increased caseload, as well as the additional level of support for CCCI not envisioned in the original concept of operations, I strongly believe that CCCI-S needs to be increased in size and extended for at least another year.

3. Accordingly I request that the designation of SECARMY as the Executive Agent for CCCI-Support be extended from July 19, 2005 to September 30, 2006. Additionally, I recommend that a Joint Manning Document be created by the JCS for the CCCI-S in order to facilitate the staffing process and to enable the Department of the Army and the other Military Departments to increase the number of personnel staffing the support cell.


WILLIAM H. BRANDENBURG
MG, USA
Deputy Commanding General
Detainee Operations

CF: Commander, USCENTCOM