# Interview with David Risley

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Interviewer: Mark DePue



## A Note to the Reader

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DePue: Today is Tuesday, April 10, 2007. My name is Mark DePue. I am the Director of Oral History at the Abraham Lincoln Presidential Library, and today I am privileged to have David Risley with us. David is the Assistant U.S. Attorney here in Springfield assigned to the Central District of Illinois. He is here not to talk about his duties there, but to talk to us about his experiences in Iraq, since he spent nine months there working on the Iraqi High Tribunal.

David, if we could just to start us off here why don't you tell us a little about yourself, where you were born, where you grew up, those kinds of things.

Risley: Well, I was born here in Springfield in 1952, lived here until I was 11 and then moved to the Champaign-Urbana area. Lived just outside of Champaign-Urbana. I went to a small high school there, St. Joseph Ogden High School. I graduated from there, went to the University of Illinois undergraduate and then served a two year mission for my church after I graduated from the University of Illinois; I came back and went to law school.

DePue: Now you mention a two year mission with the church. Does that mean that you are a Mormon?

Risley: Yes, a member of the Church of Jesus Christ of Latter Day Saints.

DePue: OK, I knew you would correct me on the full name. Where did you serve your mission?

Risley: It was in the Portland, Oregon mission.

DePue: OK. What happened after you graduated from college?

Risley: Well, after I came back from college, from my mission, I started law school. After I got done with law school, then I came back and started looking for a job.

DePue: Where did you go to law school?

Risley: At Brigham Young University in Provo, Utah. I knew by that time that I wanted to be a prosecutor. I had worked while I was in law school. I had interned in the U.S. Attorney's office here in Springfield. I knew that was what I really wanted to do and that was where I wanted to do it, but at that time they weren't hiring. So I ended up getting a job, kind of a farm team sort of a thing, with the State's Attorney's office in Champaign County, which was my second home. I had worked there for a year and got a call from the U.S. Attorney and he invited me to join the office. I worked first in what was then our Danville branch. That has now shifted; it is now our Urbana branch. I was there for a year and then came here to Springfield and have been here ever since.

DePue: How did you get interested in law in the first place?

Risley: Well, that is an interesting question. (DePue laughing). I am from an engineering family. My father is an engineer, two of my three brothers are engineers and my family and I thought I was going to be an engineer up until the summer between my junior and senior years in high school.

DePue: Yes, engineering and law, those aren't necessarily compatible career paths are they?

Risley: Well, certainly (both laughing). They're both analytical and actually engineers often times make very good lawyers. My dad once made a comment to me though. It was commenting on how it was interesting how we had advanced so much technologically over the last hundred years, but we faced the same people problems that we had back in the Old Testament times. And I got to thinking about that...does the world really need another engineer or do we need to address those people problems? At least for me I felt that I needed to change course and decided to do something more involved with people. I just had this feeling to go into law. Now mind you, I did not know a lawyer, I really didn't. And before I went to law school I don't think I knew a lawyer.

DePue: Were you watching too many episodes of Perry Mason? [a famous lawyer/detective program in the early days of black-and-white TV]

Risley: I didn't watch Perry Mason. At the time I went to law school I had in mind doing something public service type of law, something with a storefront, helping people solve problems, things like that. And it was *while* I was in law school that I became interested in the role of the prosecutor in the criminal justice system.

DePue: Why the prosecution side and not the defense side?

Risley: Well, our system of justice is basically prosecutor driven. The prosecutor's role is to discover the truth and to do justice fairly. Really, the prosecutor is the only person in the court room with that role. The defense attorney's job is to protect the rights of the criminally accused and to present their side of the story. But justice, if the prosecutor is doing his or her job correctly, and the defendant is indeed guilty – as they certainly should be if they are on trial – then the role of the defense attorney is not to see that justice is done, that is the *last* thing that their clients want to see done (both laughing), usually.

DePue: You are only confirming what a lot of people thought in the first place.

Risley: (laughing) Anyway, the role of the defense attorney is very important as a check on the power of the prosecutor. It is still. I find a lot of satisfaction in my role: to protect the rights of the accused also. I am the first jury, the first judge, the first defense attorney, because I have to play all those roles in deciding whether I should pursue charges against a particular person.

DePue: Well, this might seem like something of a diversion, but I know here pretty soon we are going to get into a discussion about Iraq's judicial system, and all this will become very important as we compare our system with theirs as well.

Risley: It does indeed.

DePue: Why don't you tell us a little bit more about your family. I know you are married.

Risley: I am. My wife and I were married in 1991. She has five daughters and I have two sons. So we had a little bit of a Brady Bunch [another early TV show] thing going on there when we got married.

DePue: You were already living here in Springfield at the time?

Risley: Yes.

DePue: How long have you been in this office?

Risley: In the U.S. Attorney's office since 1984 in Springfield. I came into the U.S. Attorneys office in 1983, as I said, in Urbana and then transferred to Springfield the next year.

DePue: So you have been here a long time.

Risley: Yes.

DePue: I interrupted you as you were talking about your family so I should let you continue on that.

Risley: Well, we have all of our children, except one, are now married. We have ten grandchildren. We have another on the way. The family is spread out all across the country. We enjoy each other; it's a good thing to have a family like that.

DePue: What do the kids think about their dad working as an assistant U.S. Attorney?

They probably don't tell you sometimes, do they?

Risley: Well, I think they find some satisfaction in that. It is an honorable thing to be doing and I think they feel good about that.

DePue: Tell us a little bit more about what your specific duties are in the U.S. Attorney's office.

Risley: When I started off, I did general crimes, all sorts of crimes: everything from bank fraud to kidnapping and everything in between. Since 1986, up until last September, I was assigned as the lead drug task force attorney: organized crime, drug enforcement task force attorney in the office. My duties were to advise and assist in the investigation of major drug conspiracies and then to prosecute those cases when appropriate.

DePue: I noticed when Jon Gray Noll in his show "Prairie Lawyer", I believe is the name of it, he referred to you –and of course Jon is a defense lawyer here in town – he referred to you as the drug czar of Springfield.

Risley: Jon is fond of calling me that. I would not dub myself that (both laughing) but he does. More recently, since September of last year, 2006, I was re-assigned as the person responsible for coordinating our office's anti-terrorism efforts.

DePue: That takes you in a completely different direction then?

Risley: Well it is still organized crime to some extent. Many of the techniques and things of that sort that are used to investigate drug conspiracies apply to investigating potential terrorist related crimes. But also it is a new field of the law and there is a lot new for me to learn. So it is a new challenge; it is one that I feel very committed to. Our office is very committed to.

DePue: You said that this is an assignment that you got after you returned from Iraq.

Risley: Yes

DePue: So you have that experience to draw on as well.

Risley: Right.

DePue: That's the main reason you are here, to talk about those experiences. We had 2001, when the twin towers [in New York City] come down. I am sure that, like everybody else, you are paying attention to that, but where in this process did you decide that you thought you had a role in the war on terror and wanted to go to Iraq?

Risley: Well, I don't know that I had really had thought much about personally having a role in the war on terror until 2005. I was sitting at my office, and I got an email, as did all the other Assistant U.S. Attorneys all across the country. From time to time we get emails from the Department of Justice; U.S. Attorneys office is a field office for the U.S. Department of Justice. They were soliciting volunteers for an assignment to Baghdad. All I saw was the headline. I said "Baghdad", right? I went on to the next email, didn't even read it. And then something told me I should go back and take a look at it. So I did. I went back and opened the email and read it and they needed people to volunteer for an assignment to the Regime Crimes Liaison Office, operating out of the U.S. Embassy in Baghdad. The assignment of the Regime Crimes Liaison office, or RCLO, as it is a lot easier to say, was to act as advisors to assist the Iraqi High Tribunal.

DePue: Is the RCLO an extension of the Department of Justice?

Risley: Yes, and also of the Department of State. It is a bit of a hybrid organization. It is actually run by the Department of Justice, but it functions as a unit of the U.S. Embassy under the auspices of the Department of State. So it is a little bit of a unique creation.

DePue: It is just confusing enough to baffle those of us who do not necessarily understand bureaucracy sometimes.

Risley: There was a multiple change of command in some respects.

DePue: Wonderful! I am sure that was a challenge sometimes.

Risley: Well, the Iraqi High Tribunal in turn, is that Iraqi court. It is a special court that was established to investigate and prosecute Saddam Hussein and members of his regime for crimes that had been committed: war crimes, allegation of genocide, crimes against humanity and certain violations of Iraqi law. The Department of Justice had set up the RCLO as an advisory unit to them; they were describing the kinds of people that they were looking for. Well, as I read that I thought, 'Oh gee, they are describing me and people like me'.

DePue: Were they looking for some specific talents or skills?

Risley: No, because we do not get a lot of genocide, usually, or war crimes in federal courts across the country.

DePue: What was it that struck you that said: This is me…they are talking about me here?

Risley: Well, they were talking about people with the type of experience that I had: seasoned prosecutors, people who had experience with investigating the types of cases that I had and who were willing. And the willing part was really the big part. So I had to ask myself: Am I willing? We had a lot of people from here, from Springfield, that had gone and had returned from Iraq and I admired them for that, their willingness to do that. People with the National Guard, and I could not help but observe that many of them were young fathers, young mothers with young children and it struck me that I could either sit back and let someone else do it, perhaps someone who was one of those young fathers with children or young mothers, or I could step up to the plate. So there was a little bit of soul searching that went on. I called my wife up and said "Sweetheart, I got this email and I am seriously thinking about this, what you think?" And she said "Well, just make sure your life insurance is paid up". (laughter) At the time, it gets you right here to know where you stand with your family. Really, it wasn't a cynical response, it was a supportive response. She was joking.

DePue: No hesitation at all?

Risley: No hesitation. Her attitude was: Is this the right thing. Have you prayed about this. I said, 'Well I certainly will'. And we did, feeling a very clear feeling that this was the right thing for me to do. She was absolutely, completely supportive from that point on.

DePue: Now you said most of the children have left the nest, so to speak. But I would assume that there are one or two that are still at home.

Risley: My youngest son, who is still at home. He lives with his mother, but he is with me. He is still here locally. I give him a ride to school every day. I was most concerned about him, so I ran it past him before I made any commitments and asked him what he thought about it. He said, "Dad, I think you ought to go for it. It is an opportunity of a lifetime to be a part of history and it is only six months." Well, it ended up I requested an extension and it ended up being three and one half more than that, but fully supportive, all of my family. They were both concerned of course, as would anybody going over to a war zone, but by the same token, I think they felt proud that a member of their family was making a contribution.

DePue: And how did the local office here feel about your going? I understand there was somebody else from the office that went at the same time?

Risley: Yes. People in general had very mixed reactions. They seemed to be from one extreme to the other. One extreme was, 'Are you crazy…why?' (laughter) On

the other extreme, 'That's great! I wish I had an opportunity to do something like that'. I was really struck by this divide in attitudes.

DePue: But certainly some of them had the same opportunity to go that you did?

Risley: Well, certainly. But others didn't, but just people in general. Now in my office, my boss at the time, the U.S. Attorney at that time, was, well, let's say his feelings were mixed. As he expressed it to me, he had some concerns about me, but he also had some concerns for the office, because I was one of the senior members of his supervisory team and he did not want to lose me either way… (laughter)…either from the office or to have anything happen to me. By the same token he said, "How can I say no to someone who wants to make a contribution to the effort of our nation in Iraq?" Because he was part of the administration, he was a Presidential appointee and so he felt very mixed feelings.

DePue: He was a Bush appointee?

Risley: Yes. But ultimately, when it got right down to it, when I was accepted to go, – initially I thought I was going and then they said I hadn't been selected so I put it out of my mind – but a few months later I got an email asking if I was still interested. I said yes, nothing had changed, and I was told I was selected. I had to go to my boss who had thought this was all over with and had gone away, (laughter) and things got a little more serious at that point but he gave his approval.

DePue: Was he able to replace you while you were gone?

Risley: No. It was one of the disappointing things. For many Department of Justice assignments overseas, in fact for most of those I would say, the department authorizes 'backfill' so to speak, while the person is gone. They reimburse the home office for the salary and expenses that are incurred, so in essence, the Department of Justice pays for it rather than the home office. The RCLO, like I said, is a unique unit, and for reasons that I only have some glimpse of and don't fully understand, it was different. The home offices get no reimbursement, no 'backfill', no nothing. It is all take, no give, as far the Department of Justice is concerned, and U.S. Attorneys' offices around the country and the Assistant U.S. Attorneys who have to step in and fill the void when one of their colleagues leaves, step up to the plate. It really is a team commitment when an Assistant U.S. Attorney goes to Iraq to the RCLO.

DePue: Now if you are in the military there are some guarantees: the government says you must hold that job until you get back. I would assume it was the same case for you. You have never had any questions about your job being here when you came back?

Risley: No. That was not an issue. So anyway, the U.S. Attorney was supportive and by the same kind told me don't even *think* about requesting an extension beyond

six months. (laughter). Well, fortunately for me, and I think for the mission over in Iraq, we had a change in U.S. Attorneys and the new U.S. Attorney was very reticent about committing resources from the office when the department was not doing anything to support him in that, but ultimately did approve an extension of time for which I am very grateful. So I was able to stay long enough to have some transition to a successor which would not have been possible if I had left at the end of six months.

DePue: Yes, that has to be awkward. I know in military rotations, you feel like you just start to learn your job after six months and then you are out of there.

Risley: It was, but I was fortunate because when I got there and saw the magnitude of the assignment – I was assigned at that time as the only attorney to be working with the investigation of crimes against the Marsh Arabs – we'll talk more about that – but it was a huge assignment. I was accustomed to large conspiracy investigations. This was magnitudes beyond anything that I had been assigned to work with here in this district, in this country. And there were fewer resources to investigate it and to work with than I had in those drug cases back in this district.

DePue: Not to mention the language and the cultural challenges and everything else thrown at you.

Risley: It was a *huge* assignment. It was obvious immediately that there is no way that in six months I am going to have reached a point where I could feel good about leaving. I called my wife and asked her: If I were to seek an extension, how would you feel about that? She said, "Dave, when you left I assumed you were going to be there for at least a year". Well, she had never expressed that to me. She had sensed that and just had that feeling and was committed to that even before I left. Now, as I said, it was little different question when I went to my boss back home because there some real issues. Our office is small enough that it does leave a substantial hole. It wasn't just that I was gone. There were other people that had left the office and right now the Department of Justice – because of very limited funds that were available –our office lacked the money to replace people who left and we had a couple of vacancies unfilled and then I was gone. It was a hardship on the office. So, supportive as they were, it was a substantial sacrifice and that is why I say, it wasn't just me in Iraq, it was our office supporting me being in Iraq. It really was a team effort.

DePue: I can understand your wife's approach to the whole problem, because if she starts this process thinking it is going to be a year before he returns and it is longer than a year, then that is difficult. But if it is shorter than a year, then that is easy to adjust to.

Risley: It was for her. And we were blessed in many ways. Spiritually, definitely. That calmness that she felt…she normally feels anxious if I am away and she is

in the house by herself, and there are those creaks and everything. She felt peace the whole time I was gone.

DePue: Did she have some people here that really were looking for her and supporting her?

Risley: Yes. Both families. We have a couple of daughters that live in this area. My youngest son, of course, is still here. But, also through our church, there is a network of people who are a support system. And then there were people from the office, who said if she needs anything, and told her, "If you need anything, please call me". So I had no concern that even if the worst happened to me, the worst case scenario over in Iraq, she would be well taken care of.

DePue: How was it that you were selected, because apparently there were a lot of names to be picking from? Do you have any feel for why it was you they selected?

Risley: Well, since I wasn't involved in the selecting, no. I think one of the big things though was number one: willingness, and they were looking at people that had experience. It appeared to me – I don't know whether it was because people with my assignment were the kind of people who applied – but the people who were selected tended to be people who had the same sort of – we call it the Organized Crime Drug Enforcement Task Force (OCDETF) –they tended to be OCDETF attorneys. We deal with conspiracy investigations; we work with the agents in the investigative stage. We don't just receive the finished package when it is done, as sometimes is the case with the white collar investigations. So I don't know if that was the sort of thing they were looking for and so they selected us out of an otherwise equally distributed field or whether we were the type of people who volunteered. In any event, they tended to be OCDETF attorneys and I think they tended to take people with a military background. I hadn't been in the military, but I had been a scout master, I had firearms background. There were just several things that they probably get a feel for the kind of person, somebody that would be able to deal with those sorts of challenging and adverse circumstances. And somebody who was able to operate on their own. They wouldn't need a lot of "hands-on" supervision.

DePue: Do you think the experience – that you had been in the system for a long time, been the prosecutor for a long time –made a difference?

Risley: I think so. And I think age; particularly in an Arab culture, age matters. There is stature that is associated with that. So, in this thing, I think age probably helped.

DePue: Were there any females selected?

Risley: Yes, definitely.

DePue: So, there wasn't any decision, "well, if we send females into a society that places the females in secondary positions", that was not part of the thought process as far as you can see?

Risley: Not that I saw. Now I am sure that that was something that they considered, but in fact the women who were there, both in and out of uniform, civilian and military, my observation – there was an FBI agent that I worked with was a female – and they were accepted fairly readily for what they were able to contribute. Certainly it was a topic of conversation, but tended to be more in the way of jest than something, in my observation, that was a real hurdle.

DePue: Did you get much training or preparation before you went over?

Risley: Yes, and that was interesting. There was about two weeks of training that was put on by the State department. A lot of that was cultural.

DePue: Where did you go for the training?

Risley: Back to the Washington, D.C. area. It was the same training facilities as other state department personnel. We had political briefings, cultural training, a little bit of language. I was trying to learn Arabic, and still trying to learn Arabic. There was also some rather rigorous training in things like… we had a couple days of first-aid training that exceeded most of the sorts of training that you would get and give to boy scouts in the scout training: eviscerations, impalements, sucking chest wounds, amputations, severe burns, things like that. It was very much hands-on training and it was serious business. We had training in how to encounter surveillance. We had training in how to spot explosives, IED's [improvised explosive devices] and things of that sort.

DePue: So a lot of survival skills.

Risley: We even had some firearms training. We shot AK-47's, for example, as well as a military style M-16 or AR-15.

DePue: Does that mean that you were equipped with a firearm of some type while you were over there?

Risley: They issued to those who were qualified: a sidearm, a Glock 9mm pistol. We had available long guns.

DePue: After the training, did you get to go back home one more time, or was it straight to Iraq after that?

Risley: After the training I came back; in fact, I had a trial in between the time I got back from the training. It was up in Rock Island. It was the leader of the Latin Kings up there and I was assisting in that trial. So most of the time between the training and the time I left was taken with that. I was actually out of town up in

the Rock Island area. So I was away from family then – that wasn't the ideal circumstance. I came home for a little while and then took off.

DePue: You flew from Springfield to where?

Risley: Springfield to Washington, D.C. From Washington, D.C. I hooked up with a couple of other people, another Assistant U.S. Attorney and a retired Secret Service agent that was also assigned to work in a U.S. Attorney's office in a different capacity. The three of us flew from the Washington D.C. area over to Frankfurt, then from Frankfurt down to Kuwait City. We were there for a couple of days for orientation and some training and to receive body armor: helmet, gas mask and all of that.

DePue: It starts to get a little bit more real about that time….

Risley: It was, yes.

DePue: Were all of those commercial flights?

Risley: Those were commercial flights up to that point. We flew United to Frankfurt and the Lufthansa from Frankfurt down to Kuwait City. We stayed at a resort type area although we weren't in the plush part of the resort. But it was along the gulf and it was scenic and it was beautiful; it was nice and the food was great. Then we got up in the wee hours of the morning, 0-dark hundred, and went out to Ali Al Salem airport, the U.S. airbase there, some distance out of Kuwait City. In the wee hours of the morning got on a C-130, which was quite different from the business class accommodations that they gave us.

DePue: I assume you were sitting in web seating by that time?

Risley: That's right (laughter).

DePue: You flew to Baghdad International Airport?

Risley: That's right.

DePue: On what day did you arrive in Baghdad?

Risley: We arrived in Baghdad on November ninth, of 2005. That was in the early morning and then we spent a good part of the day there just basically hanging out around the airport until we could get a helicopter flight – they have what they call an "air bridge" on Blackhawk helicopters – from the airport area over to the Green Zone, which is where the embassy is. We waited until we were able to finagle a flight on one of those on stand-by status. It was night time by that time. I got my first flight on a Blackhawk helicopter.

DePue: Why flying instead of driving to the Green Zone?

Risley: Safety.

DePue: It was too dangerous by that time?

Risley: "Route Irish" was the route between the airport and the Green Zone. For a period of time, Route Irish was called the most dangerous highway in the world. By the time I got there things were calming down, but it still wasn't the preferred route. They had an armored bus, called a Rhino; it was Israeli made and was very heavily armored. They would shut down Route Irish at night from one end to the other and the only thing out there would be the Rhino and any escort vehicles. So it had become safer. Besides, the Rhino just didn't sound nearly as fun as riding in a Blackhawk (laughter), and it wasn't.

DePue: What was your initial reaction once you got to the Green Zone and settled in? Also, you could tell us a little bit about what your accommodations at the Green Zone were.

Risley: When the Blackhawk landed, and it was, as I said, my first Blackhawk flight, my old heart was pounding, I have to tell you, as we sat there. We took off and were cruising along, maybe one hundred feet or so over the rooftops of Baghdad, at night. You're looking down and looking at the lights of Baghdad….

DePue: Were the doors open?

Risley: The doors? I believe they closed them. It was in November, it would have been a little cooler. I believe they were closed at that point. You can see out through the plexiglas windows. I could look down there at Baghdad. We were flying along and I said, "That's Baghdad, I'm really here. I'm flying along in this helicopter and I'm getting paid for this. I cannot believe this."

DePue: So both excitement and apprehension at the same time?

Risley: More excitement. I was kind of looking around. I didn't know what to expect in terms of potential hazards and all of that.

DePue: Now this was before there was a spate of aircraft being shot down. So is this well before that timeframe?

Risley: Yes, it had happened before and they were always concerned about that, so they would always vary the route. The helicopters were equipped with flares that would detect potential incoming missiles. The flare would be a diversion if they were heat-seeking type missiles. I had about thirty helicopter rides while I was over there. Different types of helicopters. There were numerous instances of experiencing evasive maneuvers in the helicopters, the flares going off… I don't know that we were ever actually under fire, but I don't know that we weren't.

DePue: Those pilots are some amazing people though.

Risley: You get a great view when you are sitting on the right side and it banks to the right and you are looking right straight down at the city. But as I came in that was probably the most memorable helicopter ride I will ever have. Anyway, as far as accommodations, we had trailers near the embassy, relatively small, designed for two people, had a bed at each end. I was fortunate enough to have a trailer by myself. Life was pretty good. It was air conditioned, had cable television. It had a little refrigerator that was there for water; you drank a lot of water while you were over there. Before I left, they even got internet connections in there so I could hook up and work from the trailer in the evening.

DePue: You were living in something of a trailer city then?

Risley: Yes, exactly. Just row upon row of trailers.

DePue: Did you have your own generators there, or did you rely on the same source of electricity the city had?

Risley: Both. There was power from Baghdad, and I am not sure exactly how that happened. Every once in awhile it would go out. Then generators would kick in in the buildings. In your trailer you would just be out for awhile. It seemed to be, from the reports from the Iraqis I worked with, that we were pretty well off compared to most Iraqis. We had much more reliable electricity at the embassy and in the areas that were occupied by the Americans than Baghdad in general.

DePue: Were there a lot of Iraqis who lived or worked in the Green Zone area?

Risley: Thousands. Actually, the Green Zone – there were a lot of people who lived in the Green Zone – in time the Green Zone was built up around them. The Green Zone was a fortified area that basically circled like a fort, with "t-walls" made out of concrete, sections that fit together to make a high wall, probably twelve - fifteen feet tall.

DePue: Reinforced concrete barriers?

Risley: Yes. All around, with the razor wire up at the top. All around the Green Zone area, there were entrances that were guarded. There were check points. Inside it was a heavily fortified area. But fairly large… I'm not sure exactly, but I would say maybe two miles by three miles, something like that. It had Iraqi government offices inside that area. It is where their National Assembly meets. It is where the Prime Minister has his office. The Iraqi High Tribunal was headquartered inside the Green Zone. There were a lot of Iraqi government officials and employees as well as Iraqi civilians who lived there. That had been their homes and they continued to live there.

DePue: I know that before the war, that was the place that Saddam and a lot of the senior leadership of the Iraqi regime had their residences as well. So are these

some of the better off, more elite people of Iraqi society who stayed there afterwards?

Risley: There were some reasonably nice areas, but I would not call them palatial. There were palaces there that were definitely palatial, but I don't think that was for the general, typical Iraqi government employee or even high level official that would be there. Those, as I understand it, were reserved for Saddam and his family and for high ranking members of the Ba'ath party.

DePue: Let's change gears here, because what I want to have you talk to us about, is the Iraqi legal system, as you understand it, that existed before the war itself.

Risley: The legal that existed there before and after the war, because it continued on virtually unchanged in terms of 'on the books'. Now in practice, things changed a great deal after the invasion in 2003. At least the legal system on the books remained the same. That system was used by the Iraqi High Tribunal but with some changes. So I will compare their system in general with ours. It is probably the best way to understand it. Then how there was a bit of a hybrid that was worked out with the Iraqi High Tribunal.

DePue: Great, that works.

Risley: I said earlier that our system is prosecutor driven, in my view. I think that is an accurate view. Their system is judge driven. It is the civil law system versus our common law system. When I say civil law, I mean civil law versus common law, not civil law versus criminal law. A civil law system is sometimes called the Inquisitorial System. It is the system that is epitomized by the French system; it is actually used in *most* of the world other than those areas with the Anglo-American influence – Canada, Australia – countries like that use the common law system. But most of the rest of the world uses the Civil law system, including Iraq.

DePue: When you say 'common law', is that what I would understand as an adversarial system?

Risley: An adversarial system versus an inquisitorial system is the way it sometimes is described. I do not view the system in the United States as being completely adversarial, because the role of the prosecutor is not to be an adversary but to be an advocate. There is a difference. The role of a defense attorney, in their perspective, would be adversarial system, but still, you have the prosecution and the defense: the two advocates battling it out in a court room with the judge sitting by as referee, the jury sitting there as the fact finder. In the Iraqi judicial system, or any civil law system, the judge combines almost all of those functions into one person. The judge, an investigative judge, investigates crimes. There would not be an F.B.I. agent working with the prosecutor, or something like that. Now the investigative judge has investigators, but it is the judge who investigates the crime. The judge is supposed to be neutral in

conducting that investigation. He should listen to all of the witnesses, receive testimony from any experts, listen to the accused, any witnesses that the accused wants the judge to talk to. What the judge does is investigate the entire case. In our system, that would be improper for the judge to do that, because the judges play a different role. But in their system, the judge is seeking the truth. What the judge does is actually receive sworn testimony from witnesses, under oath. These witnesses are questioned by the judge, and his – or in some instances, although it was relatively rare – her investigators. The person who was being questioned would end up signing a written summary of that person's testimony under oath. It is like a deposition basically. That deposition, that sworn statement, would later be admissible as evidence at trial. So that receiving of testimony in the Iraqi judicial system, instead of being at trial before a jury like we have, is in the investigative stage before the judge, an investigative judge.

DePue: I assume that there is more than just the judge there who is receiving the testimony?

Risley: There may be just the judge and someone as scribe, someone writing things down, usually an investigator who is making notes. But it could be someone whose role is as a scribe.

DePue: In the case, if this person is being accused of a crime, eventually, is there also an attorney with the person?

Risley: If it is the accused, the accused has their attorney with them. They are entitled to have an attorney present. The accused can provide names to the judge of witnesses for the judge to call and hear testimony. But the accused is not entitled to be there. It is not a trial, it is an investigation. So the accused is only there during the accused testimony.

DePue: So neither the accused nor the accused defendant would be there if a witness is being interviewed?

Risley: Correct. Normally that would be the case. After this is all done, after the judge has collected all of the evidence, the judge makes a determination as to whether a crime has been committed and if the accused, or someone else, committed the crime. If they conclude that the accused has committed the crime or committed some crime, they then refer the case to the trial chamber. There is an investigative chamber, trial chamber and appeals chamber, or level of courts. When it goes to the trial judges, there is a panel of three judges. There is no jury. There are three judges.

DePue: Different judges than the investigative judges?

Risley: Different judges. They receive that file. At that point, the investigative judge's role in most instances is completed. Now this becomes important later on. This works nicely for small cases, discreet cases, a burglary, and a robbery, something like that. When you are talking about massive files and evidence,

one of the problems that we had, and their system has is, they make this hand-off from the investigative judge to the trial judges, and nobody who is familiar with the case comes along with it. In our system, the prosecutor who was involved acts as a bridge from the investigation to the presentation.

DePue: So the prosecutor knows the evidence inside and out?

Risley: Exactly, or should. The agent will be sitting at the prosecutor's side assisting in this. In their system, there really isn't that human bridge. The trial judges receive the file, and they review the file and it has the sworn testimony of the witnesses. An Iraqi trial is different than ours; they are much shorter in duration because they do not need –although they may, but they don't need –to call in witnesses afresh. They have already testified. They have their sworn testimony.

DePue: So there is no cross-examination of these witnesses?

Risley: No. In their system, why would there need to be cross-examination? That was the judge's job. It is the judge's job to ask those questions. It is not an adversarial system.

DePue: It is hard to get beyond our own paradigms of the way it is supposed to work.

Risley: It is. We have this idea that the truth comes out by the clash of these two adversaries. In their system, they say, 'That's dumb, why don't you just have somebody whose job is to find out what the truth is, ask the questions and find out what the truth is, a neutral party, a non-adversary.' The system makes perfectly good sense on paper. Of course from our experience, and in our system, we have checks and balances. We have more confidence in procedural safeguards and things of that sort. In their system, they trust people more than procedures. They pursue the truth a little more directly in a more common sense way.

DePue: Maybe that is a revealing statement about how Iraq culturally and traditionally works. That it is more about personal relationships than it is about institutions?

Risley: It is. I think that the culture in that area of the world in general. Now, our system works and it works well. But it is not perfect. Their system works and works well, but it is not perfect. There are strengths and weaknesses to both. The weakness in their system is that it relies heavily on the judge.

DePue: I am sure you are aware that I have done a lot of talking to military police who have served in Baghdad. One of the things they told me that really struck them – because these are people who were police officers here in Springfield in many cases – they were surprised at how casual the Iraqi police were about evidence. Not about interviewing people, interrogating people, but about physical evidence itself, that it just was not important to them. Is that something you encountered?

Risley: I heard some of those reports, and I think that is true. In fact, I think one of the weaknesses in our training of people involved in the Iraqi judicial system was on the investigation side. There was a lot of training, of necessity, on providing security, but you really do not end up with a judicial system that works unless you have investigations that work. Remember in their system, that it is the investigative judge that conducts the investigation. The police have a very different role there. So it is a bit unfair for us to go there and say 'Well, I am a police officer back home; you are police officer here, we have the same roles'. No they don't. The police may not even be involved in the investigation. So they do not have the training, and yet there is a need for an investigation. The problem is that sometimes there is this breakdown; there isn't someone conducting the investigation.

DePue: Some of it is a matter of timeliness, isn't it? The police are right there on the crime scene as soon as the crime happens, or they are the first people there? Again, this is my American approach to this thing: that the police are supposed to be collecting this evidence before it is destroyed or lost or disappears?

Risley: Yes.

DePue: And that is not the way that their police department would look at it?

Risley: Well, functionally they still would that role, but not to the degree that we are used to. So consequently they may be fully justified in waiting for an investigative judge to conduct an investigation. So it is not uncommon that what happens is there would be a murder – in fact I know of this happening – there would be a murder. They would arrive. The police reports would say, 'We arrived, there was a dead body, we collected the body, there were no perpetrators apparent and we left'. We would be sitting there saying 'Well, yes, and then what?' (laughter)

DePue: Yes, there are a few questions that are begged in there.

Risley: I know of instances where there would be American investigators who would come back later on, sometimes days later. In one instance that I know of, they were there to express condolences to the family because this was somebody who had been working with them. When they got there, there were still shell casings on the ground, which they collected as evidence. As they talked to people, they found out, "Oh yes, we saw who did it, and we know who it was, but no one asked us". That is an obvious weakness in the judicial system. There is a lot of work to be done. Theirs is not an adversarial system, but it is very much an accusatory system. If no one is accusing, then there is no one necessarily investigating. It is just a different type of crime that the system was set up to deal with. They are learning and adapting, but the things that are happening over there have never happened before. The scale is something that they are not really equipped to deal with. We are talking about a huge volume of difficult, challenging homicide investigations. If you just took homicide, let

alone all the other types of crimes that are happening, the system is overwhelmed. In fairness, it is not just that they do not know how to do it, or want to do it, but how do you do it, so many different places all at once. There are a lot of challenges that they face.

DePue: I am sure in a society where the police are more of a target that anybody else in that society, you have got to be looking over your shoulder most of the time?

Risley: Absolutely. They want to get home to their families the same as our police officers want to get home with theirs. It is a completely different environment. So to take our standards and experience and go over there and then criticize them or find fault with them, is unfair because their role in the criminal justice system is different and the circumstances are very different. There is a lot that our police officers do over there and can teach them. *Do* teach them.

DePue: So I guess that gets to the point of the kind of relationship that the Americans and the other international community had with the people you were working with in the Iraqi High Tribunal and the people you were working with in the nascent Iraqi and Baghdad police forces. Was there tension among those two groups or was there an open communication and both sides listening to each other? What kind of relationship was that?

Risley: Well, I was not involved with the general Iraqi judicial system. I observed some trials and talked to people who were. There is a Department of Justice unit over there, F.B.I. agents, there are private contractors over there, police officers from here who were hired, doing a lot of training in the general system, so I have some sense of it. My experience with the Iraqis, particularly those we worked with in the Iraqi High Tribunal, the investigators, is that they were thirsting for training. They wanted training. They were eager for it. They were responsive to it.

DePue: They would tell you if something did not sound right to them, I would assume?

Risley: Yes they would. They would smile and straighten us out (laughter) if what we were saying just did not fit their system. The investigators that we worked with were all lawyers. This is something that is a difference too. In our system, a judge is a lawyer. You go to law school, you pass the bar exam. Seldom do you go straight from passing the bar exam to being a judge. First you practice law as an attorney and then as an attorney and still as a member of the bar, you become a judge. In their system, a judge is different than a lawyer. Judges go to different schools; they go to judicial college. Lawyers go to law school. A judge is trained differently. As I said, the role is different. Judges are judges and lawyers are lawyers. In the Iraqi High Tribunal, I believe all of the investigators were lawyers.

DePue: You say that as if to suggest that they are out of their realm because judges are supposed to be doing the investigating?

Risley: They assist the judges. The judge is like the team leader. Investigators may be conducting interviews and all, but when it is show time, it is the judge who puts on the robe and who is receiving the testimony from the witnesses. But there may be preliminary interviews conducted by the investigators. In any event, they were, I think, very responsive to training and seeking training. The scale of the need for training was huge so I cannot really speak to the general Iraqi system. As I said, I watched trials. Now a trial in the Iraqi system is different than a trial in our system. I have heard criticism by organizations like Human Rights Watch of not only the Iraqi High Tribunal but the Iraqi legal system in general, because they said there would be a thirty minute trial and somebody would get sentenced to thirty years in prison. Of course, to us that sounds like: what do you mean a thirty minute trial? some kind of kangaroo court or something like that? That sort of criticism was fundamentally unfair and intellectually dishonest because the people leveling those charges know perfectly well that in their system they do not need to call a single witness.

DePue: You mentioned before that much of the international community uses the same basic style of judicial processes that the Iraqi courts do. I am assuming that a lot of these criticisms were coming from people who are in the civil law system, is that what you called it?

Risley: Most of the critics come from people with a common law background. They come from the United Kingdom, the United States, at least the criticisms that I heard.

DePue: So you were not getting this from the French or the Germans or other people who had the civil law system?

Risley: There is a community internationally that talks about international standards of justice, international standards of fairness. I have never been able to figure out just where these are to be found.

DePue: Are these based on civil or common law? I guess that is one question?

Risley: Well, it is a question that I had. I was in a conference where this criticism by a high ranking member of Human Rights Watch was leveled against the Iraqi High Tribunal and about the Iraqi legal system in general. That is the person that was talking about the thirty minute trials. I confronted him about that and he changed the subject, but, the fact of the matter is, that in their trial, the judge, if it was a simple trial and the trials that I observed were relatively simple sorts of cases, where it was the court that tried the insurgents, people that were charged with crimes relating to insurgency, usually they were people who had been found in possession of firearms or explosives illegally, illegal caches of weapons, found during searches. So the evidence would be relatively simple, but the trial would go something like this: The accused (the defendant) would be sitting in the dock, not sitting off at counsel table with his attorney. The attorney would be off on one side and the prosecutor on the other. They do

have a prosecutor, but the prosecutor's role is essentially to act as a neutral advisor to the court. Kind of like a second opinion, but a neutral party, not an adversarial position. The defendant is sitting in the middle of the courtroom. There will be three judges; the presiding judge would read or summarize the evidence to the accused and then would say to the accused, 'What do you say to that?' It's my favorite part of the trial. The defendant has a right to remain silent, but they don't. (laughter).

DePue: So that is another part of their culture, right?

Risley: Yes. So the defendant and the judge – the judge has been trained in this, this is part of the training of a judge – the defendant and the judge have a dialogue and the judge essentially seeks to elicit an admission of guilt. I saw that happen, where initially there would be denial, but the judge would say, 'Now, in light of this evidence or this evidence how does that make sense…' and eventually the defendant will say 'All right, it was me, but I never used the weapons', or something like that.

DePue: This is the perfect ending of every Perry Mason episode, huh?

Risley: It was! (emphatic). Guilty with an excuse sort of thing, like in traffic court – 'Okay, I rolled through the stop light, but I was barely doing it' or something like that. But there were times when there would be… In our system, if we had drugs that were found in a house, and several people lived in the house, and you couldn't really establish who possessed the drugs, the police might arrest everybody, because there was probable cause to believe that they were responsible for those drugs, but it is a big difference to say beyond a reasonable doubt. It is not uncommon that charges are not even filed against anybody in those circumstances, because you know somebody is guilty but you don't know beyond a reasonable doubt who is guilty and who is not. Well, I saw that with these firearm cases. The prosecutor ultimately, in two cases that I observed, said, 'Judge, I recommend that the charges be dismissed against all of the people in the house except for the owner of the house, because he is responsible for the constructive possession. Surely he knew that the firearms were there and as the person in charge of the house constructively, if not personally, possessed the firearms'. The judges would follow that counsel and would acquit everybody except the owner of the house. Anyway, it was a fairly common-sense approach in sorting out who is guilty and who is not. It was interesting to watch. They weren't so bound… They found very odd some of our procedural rules where the truth was known but literally irrelevant or inadmissible. For example they would scratch their head – "How is it that just because if a defendant voluntarily confesses to the crime, why would that confession, if given voluntarily, be inadmissible as evidence just because the defendant is not given these Miranda warnings in advance?"

DePue: Well, there are some in America that wonder about that too sometimes.

Risley: They do, but in that situation, the truth in our system is inadmissible, or at least that portion of it, even though it is known, even though it is voluntary, because we have a procedural rule that prevents it. Their system did not include that sort of thing.

DePue: I did want to ask you about the structure, the origins of the Iraqi High Tribunal, because your Regime Crime Liaison Office worked as part of the Iraqi High Tribunal. There is a lot of discussion about the creation of that and the way it functioned as well. So if you could give us a quick thumbnail, I think we will end with that for today and pick up more discussion about what you were actually doing with the Marsh Arabs the next time we have a chance to meet.

Risley: There was no forum, there was no tribunal, there was no court in Iraq or in the world, that had the jurisdiction, the ability to investigate and to try crimes against humanity, genocide war crimes involving Saddam Hussein and the high ranking members of his former regime. So a tribunal was created for that purpose. Of course, there was a lot of discussion about where it ought to be, whether it should be a domestic tribunal, as it ended up being, or whether this should be some international tribunal, whether it should go to the international criminal court that now exists….

DePue: You said created. Who created the High Tribunal?

Risley: The Iraqi High Tribunal was created under the auspices – this was during the Paul Bremer days, the C.P.A. days – however …

DePue: Provisional authority?

Risley: Coalition Provisional Authority. Excuse me; there are a lot of acronyms over there (laughter). The tribunal statute was a joint product of a number of people: advisors, international advisors, certainly the Americans were involved in that, people with a lot of experience in international criminal justice, but also Iraqis. Ultimately when the statute was drafted, it was presented to and adopted by the Iraqi government that was in place under the Coalition Provisional Authority. So what Iraqi government existed at that time adopted that statute. Later when they had the provisional government, the transitional government, the interim government, they considered and ratified that statute with some modifications. Later, after the constitution was in place and the most recent elections and the current government was in place, they then considered, and with some modifications, ratified that statute. To the extent that there had been an Iraqi government in the beginning, and certainly now when sovereignty is firmly established in the Iraqi government, there was a creation of the Iraqi government. Definitely, I do not think it would be fair to say that the Iraqis wrote the statute. In fact, what they did was take the statute of the International Criminal Court and adopt that as the substantive law, with just some minor changes, for the Iraqi High Tribunal. Then they took the Iraqi procedural code

and adopted that with some modifications as the procedures to be followed by the Iraqi High Tribunal.

DePue: Now this is not a permanent tribunal, is it?

Risley: No, it is a temporary special tribunal. They are very sensitive, however, about calling it a special tribunal. Originally its title was translated as the Iraqi Special Tribunal or I.S.T., and you will see that in some of the old documents. The Iraqis objected to that because the problem was that one of the things that they were investigating was Saddam's special courts, the special revolutionary courts. To them "special" had a different and more ominous meaning than it did to us, so it was changed.

DePue: The High Tribunal was quite different than the International Criminal Tribunal for the former Yugoslavia, which is a U.N. established body, correct?

Risley: Yes.

DePue: What is your opinion about not using that U.N. model that was still going on for Yugoslavia?

Risley: Theoretically, the model could still be used. It is important to know that the United Nations said that there is no international court that has jurisdiction, or could have jurisdiction, over the crimes that were being considered by the Iraqi High Tribunal. The International Criminal Court for example: people say why not just take it to them? Because its provisions; it has no jurisdiction over crimes that occurred before it was formed. So it had no jurisdiction over the crimes by Saddam Hussein prior to the invasion, the relevant time period. The United Nations would have to create a court. The United Nations was not exactly happy with the invasion taking place and ***certainly*** was unhappy with the possibility and very opposed to any tribunal in which the death penalty would be an option. The Iraqis however, very much wanted a tribunal in which the death penalty was an option. So the United Nations would not do. In the first place, the United Nations was "hands off". The world was full of critics. There were very few volunteers to come forward to assist with bringing Saddam to justice. Full of critics of Saddam, full of critics of those who sought justice for Saddam, but very, very few people internationally willing to participate in building something, some tribunal, in which he could be brought to justice. Unless it was on their terms, outside of Iraq, meeting these international standards, with this group of, what I would view – this is my own personal view; I am speaking personally, not as a representative of the Department of Justice – as a group of elites.

DePue: Some of that attitude has a feel of arrogance.

Risley: It does. You can probably appreciate how we, in our country, if we were – I should not say *if* were; we *have been* – the subject of attack, and if somebody is

going to go to trial because of a terrorist attack in the United States, it is going to be in a United States court.

DePue: Is it fair to say it was not the Iraqis who were critical of the structure and the functioning of the Iraqi High Tribunal?

Risley: Absolutely. The Iraqis, in fact, insisted that it be an Iraqi court, and of course, it should be an Iraqi court if the Iraqis were capable of performing that function, which they were, as events have proven.

DePue: Apparently they did not have issues with the Regime Crime Liaison Office either. That is an American entity in that respect?

Risley: Yes it is. The RCLO was in an advisory capacity and I can guarantee you that the Iraqis controlled their court. We were definitely there in an advisory capacity. Yet, the court would not have been able to function without the support from the American military, the RCLO and all that went into making what they did in the courtroom possible. We essentially tried to take care of everything outside the courtroom and the Iraqis took care of what happened inside the courtroom. Even then they had international advisors; there was one from Great Britain, one from Canada. The one from Canada was advising the defense attorneys. There was an international advisor from Great Britain who was advising the judges. The RCLO was trying to advise anybody who would take the advice and to do so as impartially as humanly possible, trying to make this work as it should. As we will talk about in our next session, while there were some tremendous challenges, the court did an admirable job overall in rising to that challenge.

DePue: That might be a very good way to end this session, unless you have other comments you wish to make specific to the Iraqi High Tribunal.

Risley: I will say that I heard people who dealt with other international courts professionally, with extensive experience in that, comment about how they felt about the criticisms of the Iraqi High Tribunal, about its supposed deficiencies. There was plenty to criticize because this is a very challenging trial under very challenging circumstances, so it is not a perfect trial, but they said from their experience, the judges who were involved in that court were just as qualified and capable of fulfilling their judicial function as those by and large that they had dealt with in the International Tribunal. Somehow, there is this idea, that international is better. No, I think our country and the Iraqis came to the conclusion that domestic is better. I think there is a lot of merit to that.

DePue: Thank you very much Dave. I think this is just the first session. We will certainly have more.

This is Mark Depue. We will pick this up at a later date: A fascinating discussion about David Risley's experience with the Iraqi High Tribunal as an American. Thank you very much, Dave.

Risley: Thank you.

( Interviews #2 and #3 follow)

# Interview with David Risley

# WT-A-L-2007-003.2

Interview # 2: April 18, 2007

Interviewer: Mark DePue



DePue: Hello. Today is Wednesday, April 18, 2007. My name is Mark Depue. I am the Director of Oral History for the Abraham Lincoln Presidential Library. We are here with you for the second time, Dave, to pick up where we left off in talking about your experiences with Iraqi High Tribunal. What we would like to do is replicate just a little bit of what we talked about last time. Go back with a brief discussion about the Iraqi High Tribunal. Specifically, my questions are in the nature of: Why that particular format versus the model that had been existence for Kosovo and others, a much more deliberative process where the United Nations was involved? Why did the Iraqi High Tribunal get set up the way it did?

Risley: Well, partly because there really wasn't any other option, literally. The special tribunals in Yugoslavia and Sierra Leone were set up by the United Nations and the United Nations did not support the invasion of Iraq. The Secretary General of the United Nations even said, "There is no international tribunal with jurisdiction over crimes against humanity, genocide, etc committed by Saddam Hussein". The tribunal would have to be created to do that. The International Criminal Court existed but only had jurisdiction for crimes that occurred *after* its creation. The crimes committed by Saddam were, for the most part, before that. So even the International Criminal Court was not an option. In my observation, the death penalty had a lot of weight in that decision. In any of the courts that would be created under the auspices of the United Nations, by virtue of the majority view of the United Nations, the death penalty would not be an option. That made that unacceptable to the Iraqis. Now I'm speaking my own personal observations, I am not speaking of an official representative of the United States government or the Department of Justice in this or anything else that I say, but it is my observation that the Americans have a strong preference toward domestic courts as the default setting, so to speak.

DePue: When you say 'domestic', you mean Iraqi domestic court.

Risley: Whatever country, and in this case it would be Iraqi. Just as we would want our own courts to try anyone who perpetrated enormous crimes against the people of the United States, we would presume, and I think actually the international community in general presumes, a deference towards domestic courts.

DePue: In general. Was there apparently a significant number of people in the international community who thought the Iraqis were not up to this?

Risley: I am not sure that any particular domestic body would be up to – initially,

without considerable spinning up and support – a task of this magnitude. There are not very many domestic courts that are set up to try genocide and crimes against humanity, war crimes, and things of that sort. These are almost invariably, with crimes of this magnitude, some sort of special tribunal that is set up. There is an option of having a hybrid of a domestic and international court, which is sometimes done. There is the option of a purely international court, but ultimately the decision about who should try Saddam Hussein, or any dictator like Saddam Hussein, for crimes against his people, ought to be made by the victims of those crimes themselves, those people. What right would the international community have to come in and *impose* upon the people of Iraq a trial through a tribunal not of their own choosing to which they oppose? Ultimately, we deferred to the Iraqis, and the Iraqis, as I understand it – I was not there myself, but I have heard numerous times from those who were – were from the beginning insistent that Saddam Hussein be held accountable to the Iraqi people by Iraqi judges in an Iraqi court. So literally, it really was the only viable option.

DePue: I am sorry to keep going back to this, but the answer was quite different for Yugoslavia. Is that because the Yugoslav people, being such a diverse ethnic group, didn't have a problem surrendering some of that authority to a U.N. body?

Risley: I really am not an expert; I was not involved in that area. I think that that presented a completely different situation. Because there were so many different… Yugoslavia disintegrated. The former Yugoslavia disintegrated and which of these different political bodies would host that court? There were multiple countries that were involved. The United Nations was very much involved in the effort in the former Yugoslavia. Consequently what was established there was a very different political and factual setting than the situation in Iraq.

DePue: Would it be fair to say though that the people you were working with, both the Iraqis and the Americans during your experience, felt strongly that their model worked better than the U.N. model for the former Yugoslavia?

Risley: I don't know that you would say 'better'. There were a great many similarities, in the laws, in the procedures. What was different and made things work, made

things more challenging in the Iraqi situation, is that there were far fewer resources. I have talked to people who were involved in the international tribunals in the former Yugoslavia, or for the former Yugoslavia, Sierra Leone. *Huge* amounts of money, resources, translators, advisors, large staff, facilities….

DePue: I have seen the pictures of the building that the U.N. used for the former Yugoslavia and said 'Wow, nice place'….

Risley: Well, the Iraqis were laboring under a situation where the challenge was huge and the resources were only a fraction of that. Literally, in many respects, I have more resources back here in the United States in Springfield, Illinois, investigating a major drug conspiracy case or something of that sort, than we had there. Now that is not always; there are some instances where, because of the military involvement, for example, in the translation of documents, culling through the tons of documents that were seized during and after the invasion, that there were huge resources involved. But in terms of the operation of the court itself, and our particular unit, the Regime Crimes Liaison Office, the RCLO, we just really had a small fraction of what is available to those United Nations funded tribunals.

DePue: OK. Let me get you back to more familiar turf. Describe a little bit about the specific relationship the Regimes Crime Liaison Office had with the Iraqi High Tribunal, how that worked out.

Risley: We were advisors. Early on, before I got there, the RCLO arranged training for the Iraqi judges.

DePue: The RCLO is strictly an American operation?

Risley: No. The RCLO included representatives from other countries. The RCLO had those who were providing training come from different countries. One of the training sessions was held in England, one was held in Italy, and they brought in people to train the judges from all around the globe. The RCLO acted as a conduit for hiring, for the funding of a Canadian who was the advisor, the legal advisor, to the defense attorneys. We did not supervise him, but the money came through the RCLO budget. There was also, separate from the RCLO, a British advisor to the judges, who had been one of those who had trained them initially and then was on scene working with them as an advisor behind the scenes, someone to whom they could turn with vast experience with other international tribunals and with the law, with a British perspective, not an American perspective.

DePue: Were other countries involved in the RCLO?

Risley: The RCLO was run by the Americans and was definitely, for the most part, American, but I had a British war crimes investigator assigned, working with me, and he and I were partners.

DePue: Were there any other Arab countries involved with that?

Risley: Yes. We had Americans who were from Arab countries who were naturalized. They had been born in Arab countries, grew up in Arab countries, but had been naturalized and had obtained the necessary security clearances to be hired on a contract basis by the RCLO. They were still American, but they were also Arab.

DePue: So they at least knew the Arab language, the Arab culture; they were immersed in those things, which obviously the average American, from the middle of Springfield, Illinois, wouldn't necessarily have these skills?

Risley: We had a member of the staff who was a naturalized Iraqi, who was an Iraqi lawyer, who actually fled from Saddam and Saddam's regime, to the United States, was naturalized in the United States. His family eventually came over and joined him. He came back after the invasion and was an advisor on a contract basis to the RCLO and was an immense resource to us. We had a British/Kurdish citizen, again dual Iraqi/British citizen, who was on the staff and was an investigative advisor who assisted us. So there was an international flavor to the RCLO, but for the most part it was run by the Department of Justice under the auspices of the Department of State. Try as we might to get other countries to be involved in that effort, we were largely unsuccessful in accomplishing that. They were willing to assist with training to a certain extent, but would not get involved any more than that.

DePue: And they probably had criticisms here and there.

Risley: They were very liberal in their criticisms and almost totally unsupportive in doing anything that would actually be of practical value in satisfying those criticisms.

DePue: In the relationship between the Iraqi High Tribunal and the RCLO, – the RCLO would obviously offer advice, lots of training, things like that – but who ultimately was calling the shots on this?

Risley: The Iraqis. I can guarantee you we were only advising. We had control over the prisoners, so we could deliver them or not deliver them depending whether conditions of fairness and security were met. But in terms of the actual operation of the court, we could only advise the judges and there were numerous instances, over and over and over again – I won't go into all of those – when the advice that we gave or the preferences that we had were overruled by the court and a lot of times appropriately so, many times appropriately so. Sometimes we felt not as appropriately so. But always the judges were the ones who made the decisions.

DePue: How would you characterize, in a few words, the relationship, the nature of the relationship between the Iraqi High Tribunal and the RCLO? Was it contentious? Was it cooperative? What term would you describe it with?

Risley: Well it was certainly cooperative. At times it could be contentious, I suppose. Not in the sense of anger, but the Iraqis did not always see things the way we did. Again, sometimes we did not understand their legal system sufficiently to understand that we were asking them to do something that was really foreign to them and that really might not fit well in their legal system. On the other hand, they recognized that they could not conduct these proceedings like a normal Iraqi criminal proceeding because, as we talked about in our last session, normally the witnesses testify *only* during the investigative stage and rarely is there witness testimony during the trial stage. This needed to be a trial that the whole world would see. A decision was made very early that this would be as transparent as possible – the proceedings in court – and that the whole world would be able to watch. Well, if the world only watched the reading of depositions from witnesses who had testified earlier, that would really defeat that "transparency" purpose. So, there was a bit of the Anglo-American style of doing trials by calling witnesses. Who is going to ask questions? Who is going to present the documents? ... all of that. Normally what they did, the judge asked questions. But what about the presentation of documentary evidence? …. who would do that? They had to work out whether the judge does it because it is actually the judge's evidence, it is in the judge's file, or whether the prosecutor would do it. Ultimately they decided the prosecutor would do that. That is a new role that is foreign to their system, that the prosecutor would play such a quasi-adversarial role in the proceedings. So there were some serious discussions that went back and forth. The idea of conflict of interest, other procedural things that we have, really were foreign, somewhat, to them because the judge is the one who is responsible for looking after the interests of the defendant as well as the public, in the interest of justice. We had some serious discussions and there was a give and take on both sides.

DePue: Did you ever get any sense of resentment that the Iraqis had towards the Americans and others who were offering this advice, who did not seem to be 'getting it' when it was explained to them?

Risley: Yes definitely. There were a number of points of friction, but I think we worked through those, sometimes better than others, but I think we had a good relationship with them. I continually read about people criticizing the court for somehow being puppets of the Americans; that is humorous to the point of being laughable to those of us who were there. The Iraqis were anything but puppets. There is one thing about judges: no matter where you go in the world (both laughing) they wear the robe and when the curtain went up they controlled what went on in the courtroom.

DePue: So it is fair to say that everybody on both sides is a human being and sometimes disagreements come about, but everybody managed to work through it?

Risley: Sure. I mean you are talking about judges and lawyers; whether it is in this country or in Iraq, you are just not going to agree on things. But we worked things through and things moved forward. This really was – this is an important

point – an Iraqi court. It was really headstrong, strong willed and competent Iraqi judges who proceeded forward *their* way. It *was* an Iraqi court, not an American court, not a kangaroo court that the Americans set up as a show, or something of that sort.

DePue: Regardless of what we might be reading in the media sometimes, or hear in the media…..

Risley: People who were not there had lots of opinions. Let's just put it that way.

DePue: And agendas to go along with the opinions perhaps. What I would like to do now is to change gears and have you talk about your experiences with the Marsh Arabs. We are going to start with a map that we can go to here, and you can talk us through that and talk a little about the culture and the heritage and the history of the Marsh Arabs.

Risley: The marshes covered a large area in the southeast corner of Iraq. If you were to make a triangle from Basrah, which is right down in the southeast corner, head north a little bit to the west of the border with Iran, to Amarah, and then head west half way in between those to Nasariyah, that triangle would be the area that encompassed most of the marshes.

DePue: Is that between the Tigris and Euphrates?

Risley: The marshes really extended, initially, east of the Tigris. The marshes were formed where the Tigris and Euphrates overflowed. It is a very flat area. If you think Illinois is flat, the southeastern part of Iraq is even flatter. In that area the Tigris and Euphrates would overflow their banks and it created the marshes. There were spring floods that would expand the area of the marshes and then they would recede. There were some permanent marshes and then there were the 'expand and contract' areas of the marshes. They covered a lot of area.

DePue: If you were to compare with something we might understand in the United States, what would be the size or the scale of the marshes before Saddam tried to start draining them?

Risley: That is a good question. I have read how many square miles that is; it is tens of thousands but I do not really recall how large that is.

DePue: But anyway, tens of thousands of square miles is a huge geographical area.

Risley: Yes it is.

DePue: And a little bit about the culture and the history of the area then?

Risley: These marshes, as near as we can tell from historical records, existed thousands and thousands of years ago. Clear back in the days of Abraham, the scriptural record speaks of him being born in Ur, later "Ur of the Chaldees", which was

apparently on the edges of the marshes. Babylon was in that area. This was what is sometimes referred to as the "fertile crescent", the "cradle of civilization". There were great civilizations that existed and the marshes were on the edges of that. The marsh people had a civilization that was aquatic really.

DePue: Let's go to a couple of pictures that can help us get a feel for it.

Risley: They built buildings out of the reeds that were available, sometimes very large buildings. I think we are looking at one of those now from a photograph that was taken from a book in the 1950's that shows a large, kind of community building; it's built on solid ground. Now, many of the structures that they built, their homes, were built in areas where there was no solid ground; it is just marshes; it is wetland. So what they would do is build man-made islands, and build their homes on those islands, out of reeds. There were stone reliefs that have been left by the ancient Sumerians thirty five hundred years ago that have pictures of those reed homes, reed huts, homes and structures, that look identical to what the Marsh Arabs today would build. They would get from house to another in canoes. These canoe-like structures today look identical, many of them, to a silver model that was found in the ruins of Ur of the Chaldees about five thousand years ago.

DePue: The picture we are seeing here is a good example of what that would look like?

Risley: This one doesn't have quite the high prow of the tribal chief's canoe that would be consistent with the silver model I just mentioned. But, yes, it is exactly the same type of canoe-type structure that is depicted in these relics from ancient civilizations. That and other archeological and literary evidence suggests strongly that the Marsh Arab culture existed for literally millennia, at least thirty five hundred to five thousand years, and who knows how far before that, well before there was such a thing as "Arabs". We call them Marsh Arabs because they adopted the Arab culture, the culture of the Bedouins, and they lived in the marshes: hence Marsh Arabs. But the people had lived there with a primitive lifestyle and culture that had endured despite its primitive nature for millennia, which, when we think about our country has been existent and our changes of our culture without change continuing to live, there is a great deal to be admired by any culture that can survive that long.

DePue: Ten years seems like forever in the United States and it is just a blink of the eye for these people.

Risley: That's right.

DePue: This is a subsistence culture?

Risley: It is a subsistence level economy. It is difficult. It is a wilderness area. Among the mainstays of their lifestyle were water buffalo….fishing. They grew rice, things of that sort. The water buffalo provided milk that was used for yogurt;

also the manure was used for fuel. The water buffalo played a role to the Marsh Arabs much like the camel would to the Bedouins. I asked the judge that I worked with, whose ancestors were from the marshes, "Judge, what do Marsh Arabs have for breakfast"? , and he said, "Well, probably fish". I said "How about lunch, what would they have for lunch"? …."mmmm, fish", "Well, how about supper, what would they have for dinner"? "Fish". So if you are a Marsh Arab, you had better like fish (laughter) which you can imagine in that area. They also would hunt water fowl. There were some huge boars that they would sometimes hunt that had been in that area. This was not Baghdad, this was not the big city, and this was a primitive area. The people lived out their lives trying to eke out a living from this environment.

DePue: It sounds to me like they took a great amount of pride in living that lifestyle. They had no desire to be anything than who they were?

Risley: Apparently, because they could have. They had Basrah, they had Nasariyah, Amarah, big cities that were right on the edges of the marshes, but they did not go there.

DePue: How about their religion?

Risley: For the most part, they were Muslim, but for the most part Shi'ite Muslim, although there were other religions that were in there, including some that had their roots in Christianity or other religions that had survived, but for the most part Shi'ite Muslim.

DePue: So these are people that had been influenced by other cultures, by other religions, and things like that, but they had always managed to adapt it to their particular lifestyle, living in the marshes.

Risley: They are very much tribal. Their government, the structure of their society, was tribal. Now the tribes had conflicts with one another. Tribal conflicts, even to this day, account for one of the major causes of deaths among the Marsh Arabs.

DePue: Even in the best of times….

Risley: Even in the best of times. That is not just true of the Marsh Arabs. Iraq itself is largely based on a tribal culture.

DePue: Now you say it is a tribal culture and then we saw pictures of the marshes and it looks like almost the entire area is covered – you said that they would actually build up areas to build their houses on – did they have entire villages like that? Did they live closely together in villages?

Risley: In the villages they were close together, but the villages would be quite some distance, usually, from each other. But there were literally hundreds of villages in the marshes. It was difficult to come up with a population figure for the marshes as a whole, because these people, being in a primitive area, there were

no census takers going house to house. The best people have been able to come up with is a figure that is somewhere roughly between 250,000 to 500,000. The figure that is most commonly cited is about 400,000 as the total population of the Marsh Arabs in the marshes, before the attacks by Saddam.

DePue: So that is a substantial population?

Risley: It is a very large population.

DePue: I guess I saw an overhead shot of a village. What struck me is that these houses are built up on dry land, but each house is surrounded by water, so that the houses would be separated. You would have to take a canoe, practically, just to see your neighbor.

Risley: Not practically; that is exactly what they would do (laughter). I even heard stories of houses that in the morning, with the wind and all, would have turned and might be facing a different direction than they were when they went to bed. To make these islands, they would drive reeds, as I understand it, down into the mud and make a corral and fill it with mud and other reeds, and keep building a platform. They would keep adding to that as it would sink and they would build the reed home on top of it. I have seen them from the air some, but I have never had an opportunity because of the security situation – or the lack of security situation – to actually visit the villages, but I really hope to do that someday.

DePue: So that takes us back to you and your involvement with the Marsh Arabs. How did it happen that you particularly got assigned to investigate this part of Saddam's crimes?

Risley: That was an assignment that was made after I arrived and reported for duty at the RCLO and the U.S. Embassy there in Baghdad. I was there a couple of days and the Deputy Chief of the RCLO divvied out the assignments. I was fortunate enough to get what I considered to be the choicest of those assignments. All of the assignments were important. All of the investigations that we were supporting were important. But for me, I came to love the Marsh Arabs, and to be of service to them was a great honor.

DePue: How many others were assigned to that?

Risley: Just me.

DePue: You were the only one of the RCLO?

Risley: Initially. Later, for a period of time, for a few months, I had a second attorney, an attorney, appropriately enough, from the Environmental Crimes Section of the Department of Justice. He then later began assisting with other investigations and ultimately became the Deputy Chief of the RCLO and then I was back as the sole attorney. This is one of the things that I was saying. Picture this: you have crimes of the magnitude of genocide, certainly crimes

against humanity, with hundreds of thousands of victims, an investigation being conducted in a war zone after an invasion and we had one attorney from the United States assigned to support the judge. We had one Iraqi judge. He had two investigators who worked with him, one really, that worked with him on a regular basis, others that he drew upon. We had FBI agents – started with two agents when I first arrived, later just one – and those agents would rotate every three months, and we were supposed to put all of this together to present to a body, a world full of critics.

DePue: Thus your comment about the local office here in Springfield for the U.S. Attorney, that it is better equipped and manned.

Risley: *Absolutely! Absolutely!* It was an enormous challenge.

DePue: Let's talk a little bit about the nature of the crimes themselves. I know you have a couple of pictures that illustrate that as well. We've glossed over that up to this point. What happened? Why was this worthy of being investigated in the first place?

Risley: The Marsh area was an area that was very difficult for Saddam or any other regime to control. It, in some respects, had a reputation a little bit like Sherwood Forest. It was an area where deserters and criminals might flee for refuge. The Marsh Arabs were traditionally a very hospitable people, as are the Arab people in general. So they would provide them refuge, support, not because necessarily of sympathy, but just because out of hospitality.

DePue: But that's part of the Arab culture: it is expected that if a guest arrives you are supposed to treat that guest in a very special way?

Risley: That is correct. And they did. So the Marshes were a problem for a period before the 1990's. For a period of time, the regime had considered draining sections of the marshes, but those projects really had faltered and did not get very far. Then during the period of time in the eighties, during the Iran/Iraq war, the regime, under Saddam, drained a portion of the marshes to the east of the Tigris, maybe fifty to seventy miles wide, along the border with Iran, to form a buffer zone between the Iranian border and the Marshes, so that they could prevent infiltration of agents coming across from the Iranian border. What they did was that they built dikes or levees along the east side of the Tigris (refers to photograph).

DePue: That shows it very well.

Risley: Right. On one side of that you would have marshes and on the other side you would have desert, and that really continues to exist today. They displaced all of the people. There was a military basis for doing that; the manner in which they did it was brutal.

DePue: Now you say a 'military basis'. This started along the border between Iran and Iraq; that was the first place that was drained?

Risley: Right, because of the war. The manner in which they displaced the people, however, was brutal and ruthless. In any event, I won't give you my personal opinions about some of that.

DePue: But I can imagine a culture that has been there for thousands of years and these people know how to subsist because they live in the marshes, suddenly the marsh is gone and what do they have to live on?

Risley: This is just in this strip. The story continues after 1991. Early 1991 was the first Gulf War, the American and Coalition forces invading Iraq the first time. In the aftermath of that the first President Bush called upon the people of Iraq to rise up in rebellion against Saddam. It was the hope, obviously, of the United States that Saddam would be deposed. Well, the Shi'ite of the south took him up on that and did rise up. The Badr Corps, which was an Iraqi military unit, an opposition military unit that was trained and equipped by Iran, rolled across the border in the area around Basrah. They attacked the Iraqi forces. The Marsh Arabs at that point had become disillusioned with Saddam and even though they had fought, for the most part, with the Iraqi Army during the Iran/Iraq war, now they rose up in rebellion against him, joined the rebellion. Saddam's forces ruthlessly crushed that uprising, the 1991 Uprising, as it is sometimes called. Those who were involved in that uprising were disappointed to find that the United States did virtually nothing to stop that. In fact, the West was in denial about the extent and the scope of that repression and the retribution that followed in general. Many of the rebels fled into the Marshes and the Marsh Arabs, of course, returned to their homes in the Marshes. But the Marshes appeared to have become one of Saddam's obsessions. It appears that that which he could not control he destroyed. Even though after the Iran/Iraq war the economy of Iraq was in shambles, the national debt was astronomical, he invested a **huge** portion of the remaining treasure of the country into a project of first, militarily attacking the villages of the Marshes, and ultimately, exercising the environmental equivalent of a nuclear option – figuratively speaking – of draining the marshes: a ***huge*** engineering project at ***huge*** expense to drain the Marshes, not just that buffer strip that initially had been done, but the Marshes in general. Ultimately, villages were bombarded; they were attacked, until the no-fly zone was established, by helicopter gunships. Soldiers came in and destroyed the villages. Napalm was used in instances, to burn away after the Marshes were drained. Sometimes the water was poisoned. Land mines were put in the water to prevent villagers from returning to their villages after being displaced, or to escape to Iran; either way, they were caught out in the middle. After the area was drained, sometimes napalm was used to burn all of the brush, and left the whole area a virtual wasteland.

DePue: Would you describe this as an attempt to wipe out the Marsh Arabs or just to drive them out of the marshes?

Risley: That is the subject of the investigation.

DePue: I had never thought about this before, but you hear so much about the Kurds and the gassing of the Kurdish villages and all of the atrocities associated with the Kurds, how come you do not hear nearly as much about the Marsh Arabs?

Risley: That is an interesting question. I do not have all of the answers to that. We really would not hear much about the Marsh Arabs but for a woman by the name of Emma Nicholson.

DePue: (Requests picture of Emma Nicholson be displayed).

Risley: Emma Nicholson, in 1991, was a member of the British Parliament, the House of Commons.

DePue: A Baroness?

Risley: She was not a Baroness at that time, but she was a noted humanitarian. Emma Nicholson kept hearing these reports about the plight of the Marsh Arabs. People kept telling her, "These people are just telling you stories to try to play upon your sympathies, to try to get resources; it is not really happening". The West was in denial. This has been a fairly typical response to genocidal attacks throughout history, in the West.

DePue: In denial because we cannot begin to fathom that level of evil or just because we do not want to face it?

Risley: Multiple reasons. Both of those, I think, would be included. In any event she decided to find out for herself. She talked her way, basically solo, in 1991, into Tehran in Iran. Mind you, this is in 1991 in the revolutionary sort of environment that existed at that time in Iran. She talked her way, as a woman, alone and a member of the British Parliament, into Tehran, then talked her way down to the border with Iraq and crossed the border into Iraq, which she told me caused quite some consternation among her Iranian handlers, who made her come back. But she did it again at a later date and went across with a guide and a film crew, and went out in one of those canoes like they use, and found the Marsh Arabs, made contact with them and found them wandering in that wilderness, what was left of it.

DePue: By this time it was nothing but a dusty desert?

Risley: There were still areas. It took some time. This was in late 1991. It was not until 1994 or 1995, something like that, that the full extent of the drainage was accomplished, where, by the way, there was probably only somewhere between 12% to 15% of the original Marsh size that was left. It was still there. She has described, both to me and in her writings, being at one point lost and in a canoe and had to pull into the reeds to escape detection by the Iraqi soldiers, and being close enough during an artillery barrage to hear the Iraqi soldiers talking, and

spent the night there. Just a remarkable woman. I call her the Guardian Angel of the Marsh Arabs. She is loved by the people. She set up a relief organization and relief efforts on the Iranian side of the border, where it was safe at that time. She did everything she could to bring the United Nations and the international community to a state of awareness of what was going on with the Marsh Arabs. The no-fly zone being imposed was, I think it is fair to say, in some measure attributable to her efforts to draw Western attention to the plight of the Marsh Arabs.

DePue: It sounds like there must have been massive refuge camps in Iran and other countries that were absorbing these people? I just cannot imagine tens and hundreds of thousands of these Marsh Arabs wandering the desert now.

Risley: Well I have seen the figure in reports that are public documents that there are about forty-thousand Marsh Arab refugees in refugee camps in Iran. But obviously that is only a small fraction of the total population. Some went to the big cities. But you can imagine people coming from that sort of environment into the big cities. What do they do?

DePue: Were they literate, do you think, most of them?

Risley: Some, but that is a major problem: the lack of schools and literacy among the people, the lack of medical attention. This is all part of what now-Baroness Emma Nicholson, member of the House of Lords and member of the European Parliament, has been trying to do, and what others have been trying to do: to deliver education and medical assistance to the Marsh Arabs, to try to preserve the remnant of that civilization.

DePue: I have a couple of questions that I hope I do not forget. One of the questions deals with –if you have a sense of the scale – are there numbers that have been discussed about how many might have perished in this? It was even difficult to determine the population of the region before the war, but is there some sense of how many might have died because of being displaced?

Risley: I grappled with that the whole time that I was there. I do not know what the state of the investigation is at this point in time; I could not say if I was. I can say that that is a serious question. It is one that may be impossible to really adequately answer. Number one, you do not have a baseline to start with. Number two, the people were scattered; where did they go? I do think that it is fair to say that, my own personal opinion – again this is my own personal opinion –that we are talking about 100,000 to 200,000 people who may have perished. It is easy to believe, if you assume that there were 400,000 to begin with and then you look at the relatively few accounted for now in the aftermath.

DePue: That puts it in the same scale as what the Kurds suffered.

Risley: It is. It is huge. Now the difference is: the Kurds – you can establish through census information and all of that, with much more accuracy, the number of casualties.

DePue: Because of the nature of their subsistence, economy and their lifestyle, that put the onus on you investigating it, didn't it, trying to track down the information?

Risley: Very much so.

DePue: It sounds like you met the Baroness?

Risley: Yes, several times.

DePue: Is she part of the evidence then? Is she going to be able to be a witness in this?

Risley: She is a potential witness as were news reporters, others who later came and interviewed people or were in villages, medical personnel who were there. There **are** potential witnesses. Who **is** and who **is not** a witness, number one, is up to the Iraqis to decide. Number two: I could not tell you anyway. There are people who did come from the West, including the Baroness, who were eye witnesses to things that happened. Let's put it this way: Saddam Hussein knew Emma Nicholson by name and she was a thorn in his side…

DePue: A And he would have loved to get his hands on her…

Risley: I cannot comment on that, but he did some things to try to discredit her and to convince that she was just somebody who was misguided; no matter how well intentioned, the things she was alleging were untrue. Now of course we know she was right.

DePue: This might very well be another question that you cannot answer, so do not hesitate to not answer if that is the case, but what is your belief of the motives of Saddam and the Ba'athists to try to drain the Marshes?

Risley: Beyond what I have said, I think it probably would be inappropriate for me to comment on that. There is always the possibility that I will be involved again at some point as the case goes to trial. I do not know that that is true, but that is a possibility. I will comment to a certain extent on that. It is complicated. Like everything in Iraq I do not think there is one motive. I know that the regime – publicly their reason for draining the Marshes – was that they wanted to created farmland; they wanted to reclaim this wetland and turn it into farmland.

DePue: It did not look like very good farmland to me.

Risley: One would expect if you were creating farmland you would have – number one, if you are doing this for the good of the people – then you would have some sort of program for caring for them while they are displaced, which almost totally absent.

DePue: Or an irrigation system to replace it with.

Risley: Right. Nor would you move them out of their villages by bombarding with artillery shells, mining the waters around them and burning the villages, destroying them down to the bare earth. The land is saline in nature. It is unsuitable, largely unsuitable, for agricultural purposes. It worked wonderfully as a place for fish, rice, and the sort of economy that they had. However, it remains a virtual barren wasteland right now. There are villages that are now on (refers to photograph) dry ground. That is the way most of it is. I believe in the next picture we have – this is a picture that was taken back in November 2005 – this is on the edge of that same village. There are some portions that are retaining the old ways. These could have been 3500 years ago, structures that were built in the time of the Sumerians.

DePue: Is this an example of attempts to restore the marshlands afterwards, after the occupation?

Risley: There were. I understand that about forty percent of the original marshes have been restored. Where some of the people were able to, they are using the canoes, they are fishing, and some of the water buffalo have now been restored. But it is very difficult now to undo what had been done because to some extent, these levees were built up on each side of the Tigris and the Euphrates, and so it raised the water level. Those levees were being broken. The whole area would flood, that is true. So what do you do with all of the villages that are now on dry ground? Iraq has got a lot of problems right now and that is a huge humanitarian and social project that would be difficult to undertake at the present time. Plus, even if you were to restore the Marshes, how do you bring back a culture? Once displaced, their homeland was destroyed, and their culture with it, their lifestyle. How do you bring them back now? You have just missed a large part of a generation.

DePue: But I have to believe, even if you have restored only a portion of it, there are Marsh Arabs that are being pulled back, they want to go back, and they want to resettle there.

Risley: You are absolutely true. I had the opportunity to meet a number of them from their villages, again for the villages which are for the most part on dry ground now, but I think that that will change. There is a natural tendency among any people, any culture, to try and preserve their culture. I think that there are those among the Marsh Arabs who want to do that. I do not know how long it will take before we find out to what extent that is going to be possible, but definitely, the Marsh Arabs have not been absorbed completely into the rest of the Iraqi population. They still maintain –many of them at least –their unique cultural and ethnic identity.

DePue: What I want to do then, is to have you spend a little time talking about exactly how you went about the process of investigating this, because as you are

describing it, these are not the kind of people who leave careful records. You are one person investigating a crime, a potential crime, an alleged crime that covers 400,000 people and tens of thousands of square miles. How do you do that?

Risley: The Marsh Arabs did not keep careful records but the Iraqi government and military did. Right now they are just finishing up –while we are talking here – the second trial. The trials involving the Kurds of the North are the first of those trials, the Al-Anfal case as it is called. The evidence in that case consists largely of a huge number of documents that were seized by the Kurdish rebels, the Peshmerga, and turned over to Human Rights Watch, and from Human Rights Watch, turned over to investigating authorities. Those records demonstrate that the Iraqi military and political officers kept careful records of virtually everything they did. The same would be true of the Marsh Arabs of the South. The problem is that during the invasion little care or attention was given initially, at the time of the invasion itself, to securing the locations where those records were kept. It is understandable under the circumstances. They weren't even securing munitions locations.

DePue: Which isn't necessarily understandable…?

Risley: That is posing a problem these days. Documents and things of that sort were unsecured. There was widespread looting. Many of the documents were lost, but huge amounts of documents from around the country were seized. In many instances –in fact I would say probably most –there was little documentation as to where the documents had been seized from, other than you could tell from the documents they were in company of – they would be in boxes or something like that – those were taken outside the country to a safer and more secure location. Huge crews went through those, teams of translators, looking initially for evidence of weapons of mass destruction. Then going through and making another pass looking for evidence of other things, including evidence that would support the investigations or that would relate to the investigations being conducted by the Iraqi High Tribunal. A big part of the investigation was communicating to the people doing that review of these tons and tons and tons of documents what we were looking for. They needed to be educated so that when they saw it they would recognize: "Aha, this relates to the I.H.T.'s investigation" and funnel them to us and then to review those documents. The other thing was to try to talk to the Marsh Arabs themselves, the survivors. That was challenging because of the security, or insecurity environment.

DePue: Did you have to travel to that region to find them or did you talk to Marsh Arabs that had been displaced to the Baghdad area or both?

Risley: The judge made a number of trips on his own. He did not wait for us. He was very proactive. He and his investigators had made trips and conducted interviews, took video tapes, did things of that sort. We however, based on interviews by relief organizations with people who had survived, were able to

identify a large number of people who had made statements before to these folks in 1991, 1992 and all that had come in to try to assist them. We tried to identify those people or people like them and bring them to a central, safe location. We used Basrah Air Station, which was the air base that had been Basrah International Airport. It was controlled at that point by the British and so it was a safe location. We would bring witnesses in there, talk to them, and the judge and his investigators would talk to them.

DePue: You said you were the only investigator from the Regime Crimes Liaison Office, but there are obviously several, or a lot of Iraqi investigators working on this as well?

Risley: Yes. The Iraqi High Tribunal has a number, twelve or fifteen investigators –like an investigator pool –but some of them are assigned to concentrate on particular investigations.

DePue: So it is not so much your doing the investigation, but advising and working with the Iraqi investigators or a little of both?

Risley: Right. I was trying to learn Arabic, but only enough to create a sense of comedy for the Iraqis when I would try to speak it. I am still trying to learn Arabic and have made a lot more progress, but these interviews had to be conducted in Arabic, the language that the witnesses spoke. FBI agents would train investigators on how to conduct interviews and the types of things that we felt they would need to learn as we anticipate a trial. The Iraqis, in their system, did not have a lot of experience with complex cases. I was an attorney advisor; there were FBI agents, DEA (Drug Enforcement Agency) also, and ATF (Bureau of Alcohol, Tobacco and Firearms) that I worked with. They would train and then the Iraqi investigators and the judge would conduct the interviews. Sometimes the Americans would sit in, observing, using a translator so that they could hear what was being said, so they were aware of what was going on. But again, it was the Iraqis and the Iraqi High Tribunal conducting the actual investigation.

DePue: Were all of the interviews done with victims or were there interviews done with people who were identified as being involved with the alleged crimes in the first place?

Risley: Both. Obviously the two trials that have been held so far are examples of the procedures that were used, where people everywhere, from Saddam Hussein to Chemical Ali and others who were captured – interviews were conducted. They made statements to Iraqi investigative judges and those statements have been read into evidence. The detainees: efforts were made to interview them, get their version of things. They would have attorneys with them during those proceedings; those were judicial proceedings conducted by the Iraqi judges and investigators. They would have their attorney present. Those interviews may lead to other follow-up interviews, to people that they directed us to, or that

other investigations that those interviews suggested needed to be conducted. There were a lot of different avenues of investigation. Our job was to try and support the IHT judges and investigators in whatever way they needed to get them from where they were, sometimes just the logistics of getting them to the place where they could conduct the interviews, get the witnesses to them, sometimes collect them or facilitate that, secure the evidence, handle evidence, funnel documents to them.

DePue: Would there be interviews with people like engineers who had designed the dike system or soldiers who had participated in attacks on villages?

Risley: Anyone and everyone that we could find, that we could identify.

DePue: Here is my next unfair question for you, but having spent a lot of time talking to American military police officers and enlisted men who had worked with the Iraqi police, sometimes it was a difficult thing for the Iraqis to understand our interrogation techniques for somebody you thought was on the wrong side of the law perhaps. Was that an issue or problem with your investigators?

Risley: Not really. I think we were lucky. We had some of the best of the best.

DePue: These were people who were primarily legally trained?

Risley: Judge Mohammad was very capable and competent as an interviewer. His lead investigator, the two of them, worked very well together in conducting interviews. To give you an example: there were some very reprehensible people that were interviewed in the course of these proceedings. Judge Mohammed, I know in one instance, would start off the first day very low key, did not even wear his robe. He would talk about how… "Oh, I've always admired you, you have been such a great asset to our country, and all of this and it is so unfortunate to see you under these circumstances"…things to that effect, develop a relationship. Now, this was not how he really felt, but it broke the ice, established a relationship in which a conversation began. His investigator would conduct the interview the first day and be writing things down, very low key and friendly. Second day, he would put on the robe. He would go over some of the same ground, but by this time he had established a relationship. These are techniques that are designed to get a person talking, to feel free about talking, in an attempt to get to the bottom of things and to set aside his own personal distaste and pass up the opportunity to use this as just a grandstanding moment or something of that sort. He was very professional, he was very competent; so was his lead investigator. We really enjoyed working them and had a great deal of admiration for them. He also insisted that he wanted these to be videotaped. This is something that is an innovation in their system. Actually it is becoming something of an innovation and somewhat controversial in ours (laughter). But he was insisting that those videotapes be made. The videotape could not be evidence, but he said, "What if later on they say, 'I didn't sign that, that wasn't me'", it is on videotape.

DePue: Or "I was coerced into making that statement"…

Risley: Or I was coerced into making that statement. Or the person said "No, I didn't read the document I signed carefully enough. That's not what I said". Well, let's watch the tape.

DePue: When these kinds of individuals were being interviewed, interrogated, however you want to call it, did they have a defense attorney? Did they have somebody there representing them?

Risley: Yes. The detainee would have a defense attorney there. We were very careful about making sure that was always the case. Sometimes more than one.

DePue: Who selected them? How did they get chosen?

Risley: They either hired them themselves or the court appointed one. The Iraqi High Tribunal had a defense chamber. There were prosecutors but there were also defense attorneys. The defense attorneys would be much like our public defenders who would be assigned to represent a particular detainee and be present if the detainee did not have an attorney of their own.

DePue: Would they be forced to testify? Did they have anything similar to the Fifth [Amendment] where they did not have to testify against themselves?

Risley: Absolutely. The latter. They were advised of their rights before any interview. They would be told they had a right to remain silent. It was not exactly our Miranda rights but it was essentially the same thing.

DePue: Is this part of their new constitution?

Risley: No. This was their standard governance procedure. This was the way they were used to doing business. They would revert back to what they were familiar with rather than adopt our foreign procedures, and the procedures that they were used to were very much in parallel to ours in this respect.

DePue: How often did you have an opportunity to travel down to the Marsh region?

Risley: Several times.

DePue: Did you spend long periods of time down there?

Risley: I made several trips down there. One trip we stayed down there for a week, another for two weeks. Other trips were sometimes in and out of that area. I had the opportunity to fly over the entire Marsh area on two occasions in British helicopters.

DePue: What used to be the Marsh area?

Risley: Yes. We would see both some areas that were restored (refers to pictures) and some areas that were still barren. It looked like you were in a barren area in south Texas or something like that. Instead of water buffalo you would sometimes see sheep and sheep herders.

DePue: Could you tell though that it used to be a marsh area or is that not obvious, at least to your way of looking at it?

Risley: I am sure an expert could. In some areas you could see that it had been cultivated, probably areas where rice had been grown, or something like that. In some areas you would see what used to be date palm areas, but now they look like there had been a forest fire go through there; they are just burnt stubble. I am told by the experts – we talked to a number of them and they have written about it – that, as Baroness Nicholson once put it to me: she said she had been told that the Marshes are still there, they are still alive, they are just covered with dry dirt and that as it re-floods they come back to life. The experts are able to see things that I could not, particularly from a helicopter.

DePue: Was flying over an emotional experience, knowing the background of it?

Risley: Yes. I had books that showed pictures. For example, the village Al Kabob, a storied village, a beautiful village, and then to fly over it, the same village location, and see that it was just flat and desolate. You could see the platforms where the village had once been and there is nothing there. Nothing there. To think that for thousands of years people had lived there and now they are gone. They are either dead or have gone someplace else, but the culture is gone.

DePue: We are going to spend next time talking about the nature the trial itself. I wanted to finish off today with maybe some of your personal recollections and stories about the Marsh Arabs in particular. We have a couple of pictures that we can look at in that respect. I certainly wanted to get that aspect of it as well, that these are real people, and some of the personal experiences that you have had.

Risley: There were some interesting people that I met and was able to get pictures of. Some interesting faces that we saw.

DePue: There is one of the faces. That is a face that speaks volumes

Risley: That face just had to be photographed when I saw him. They are a very friendly people, very hospitable, very gracious. They are just an easy people to love. On day I had an opportunity to meet a group of women who were wearing their traditional clothing: dark clothing that was like a robe.

DePue: I guess we are looking at a picture of that now. It's not really a burkah is it?

Risley: No, it is less covering than that, but it is traditional Muslim dress. This one young woman –we had been together most of the day –towards the end of the

day she opened up her robe and there was this little baby. (Referring to photograph). That little baby had been there the whole day and we had had no idea (laughter). She was a proud mother and was showing it to me before they left and I got that picture.

DePue: I can't imagine an American baby being quiet the entire day like that.

Risley: No. You also saw in that picture a woman behind her who was older and you see some make-up there. That make-up is tattooed on over the eyes and under the chin. It makes it a lot easier in the mornings, I 'm sure, to take care of the make-up when it is tattooed. This is a picture of the young woman and I think we have a picture there of the older woman with the make-up, maybe not.

DePue: I did not include that one. I am sorry.

Risley: OK. In any event, I understand that is done by pricking the skin and then rubbing in charcoal. Those were some of the characteristics of the culture of this ethnic group of the Marsh Arabs. I do have to tell you, if we have time, about one of the Sheiks, a tribal chief, who was speaking to me through a translator.

DePue: Yes, let's go ahead and finish with that.

Risley: He asked me "what tribe are you from". I said in our country we do not really have tribes. He said "No tribes? Do you have a family?" I said, "Yes, I do; in fact I have a fairly large family: I have a wife and seven children, ten grandchildren – we have another on the way, by the way, but ten at that time – sometimes in my extended family we get together for family reunions." And he said, "That's a tribe." Then he said, "Tell me, when you have a dispute between two people in your country, how do you resolve that? Do you go to the government?" I said "Well, I guess we usually do. If it is over money we go to a judge. If it is a crime we go to the police." He said "Well here, we only go to the police if it is a serious crime, like a murder; otherwise the Sheik solves the problem." I said "Well, that may be one of the reasons why your culture and civilization has lasted for thousands of years".

I wonder whether our litigious society of these days could exist unchanged for that time. We view them as a primitive people, and yet I believe –and I found – that there are aspects to their culture from which we could learn a great deal. They deserve our respect, and to the extent that it is possible, the real evil of genocide, is not just the mass scale of the number of people who are killed; it is the loss to humanity, to the rest of us, of all that culture would have added to the richness of our human existence. In a real sense, the victims are not just those who are killed but those of us who survive. I hope we can save as much as possible of the Marsh Arabs as an ethnic group and as a culture.

DePue: Obviously, the opportunity that you had to investigate those crimes, and perhaps in some small way help restore that culture, is something that you take great pride in.

Risley: Well, great satisfaction.

DePue: That is probably a great point to end today's session. We should have some very interesting discussions about the trial, probably about a week from now. David, thank you very much.

# Interview with David Risley

## # WT-A-L-2007-003.3

Interview # 3: April 24, 2007

Interviewer: Mark DePue



DePue: Hello today is Tuesday, April 24, 2007. My name is Mark Depue; I am the Director of Oral History at the Abraham Lincoln Presidential Library. I am here today talking to David Risley. This is our third interview with David. Thank you very much for participating. Of course, David has experiences to tell us about his work with the Iraqi High Tribunal in this third interview. Dave, we have already laid the ground work of how you got there, the whole process of making that decision and especially, the last time, we talked a lot about your experiences working with the Marsh Arabs. We have not really dwelled at all about just what it was like, what your lifestyle was like, your living conditions and things like that, so I wanted to start with that if we could. I think we have a map of Baghdad and the Green Zone to get the viewers oriented.

Risley: If they can see that map, the Green Zone is an area in central Baghdad right along the Tigris River, at a bend in the river. The presidential palace is the structure that is in the elbow of that river. It runs from the northeast to the southwest. That is where the RCLO along with most of the State Department contingent had their offices.

DePue: Is that where the Tigris makes a very sharp turn?

Risley: That is correct. Just a little bit to the northeast of that is an area where there are trailers and that is where I stayed. There are trailers all around that area. The former presidential palace formed the central point, the working point, for most of the people that were in that embassy compound area. The Green Zone itself was a protected area, reasonably well protected, with a perimeter that was mostly formed of concrete walls with barbed wire, razor wire.

DePue: What they called the Jersey barriers and Texas barriers, I think?

Risley: T-walls they call them over there.

DePue: I think the next picture, if we can go to that, obviously that is also in the Green Zone. What bridge would that be looking over?

Risley: I am not sure what the name of the bridge is, but this is in the area southwest of the presidential palace, along the river as you can see there. This was an area that I worked in and just went out on the roof and this picture was taken one day.

DePue: The next photo then…

Risley: That is a picture of one of the entrances, side entrances actually, into the presidential palace.

DePue: That is not a shabby looking palace.

Risley: Not very much, no. It is a long, very large building. It predated Saddam's era. It was one with a lot of large, ceremonial rooms, ballrooms; those, while I was there, had been converted into office areas with cubicles and all of that. You would look up and see all of this ornate artwork on the ceilings, but then at ground level it looked like a make-shift government office.

DePue: Was this building used for the trial itself or some other government purpose?

Risley: No. This was not used for the trial. It was used by the State Department and military personnel. They called it the U.S. Embassy Annex.

DePue: So they took this very opulent palace and turned it into an office building annex of the U.S. Embassy?

Risley: A government office building. That is what the offices looked like up to about ten feet and above that, like I said, the barriers between cubicles would end and it would be this large open space. Now the RCLO, on the other hand, was tucked into some small offices kind of in a hallway that were not quite as ornate as some of the other areas.

DePue: I think we have one more picture of the inside of that building. Is that also this palace that you have been talking about?

Risley: That is. That is the main rotunda in the center of the palace area. The entrance that we saw was off to the side and in the center of the palace there is an area that you can drive up to also. Just inside that is this rotunda.

DePue: What we have seen so far is not exactly the image that most of us have of what is going on in Baghdad right now?

Risley: That depends. If you are Saddam Hussein or some other ruler of Iraq you live in a palace. If you are the common citizen you live in anything **but** a palace, although Baghdad is a modern city and has everything from really nice, very nice homes to some of the worst slums that you would find anywhere in the world.

DePue: In fact I think the next couple of pictures that we have deal with some photos of you flying over Baghdad and it gives a sense – again looking at these pictures – was not quite what I was expecting to see. But this is about a year or a year and one half ago that these photos were taken?

Risley: Yes. I had the opportunity, I think I have said before, to take maybe thirty helicopter flights, and probably twenty or more of those were over Baghdad. So I got some great views from the helicopters.

DePue: How about the next shot here? Is this close to the Green Zone or is this part of the Green Zone that we are looking at?

Risley: This is not in the Green Zone itself. This is taken along the Tigris River as we are flying over Baghdad. In this you can see some of the more modern; Baghdad is a modern city, large highways, lots of traffic in many areas.

DePue: It could look like a lot of American cities. Now, this shot obviously does not look like an American city but it also does not look like this is a totally destitute area either.

Risley: No, this was a fairly typical, apparently middle-class type residential area. You can see the flat roofs. They use those as living areas. It gets hot in the summer time so they get up there, or they used to. They do not so much anymore; they can be hazardous. There is a lot of celebratory fire and those bullets have to come down someplace. I have been told that it is no longer safe to sleep outside at night like they had at one time, although people probably do.

DePue: Now I am seeing some satellite dishes in some of these photos and here is a shot of a mosque in another area that looks fairly upscale.

Risley: The satellite dishes apparently sprung up all over the place after the invasion and Saddam's fall.

DePue: They had restricted access to television before that time?

Risley: I am not sure what the access was but probably the content was more restricted.

DePue: I know two things that had plagued that society before the Americans got there and ever since the occupation: electricity and sewage. What was the average amount of electricity that most residents of Baghdad had during a typical day?

Risley: I do not know. I heard different accounts. I heard everything from one hour to there would be periods where most of the day they would have electricity and then there would be no electricity for three or four hours, or something like that. Kind of a rolling blackout sort of situation. I think it depended in part on where the people lived and in part on the situations at that time. The electrical grid for Baghdad was outdated and deteriorating at the time of the fall. The demand for power since the invasion, I have read, has doubled or tripled. The grid was incapable, at its best before the invasion, of handling that level of service. However, at the time of the fall, as we read in the newspaper, there were people under Saddam's order that went out and sabotaged that electrical grid. The Americans tried to preserve it as much as possible during the invasion and even the bombardments, but Saddam and his people sabotaged the grid. Then the components were so old that replacements were impossible; they just did not make those components anymore. Consequently, it is a mammoth project to repair, but repair is not enough; you have to expand the electrical capacity. To do that in the environment that exists in Baghdad right now, where nobody in their right mind is going to climb up on a pole and make themselves a target, is really, really challenging. As a consequence, to the average Iraqi, all they knew was, before the invasion they had electricity. Now after the Americans come they don't. They do not know why but they tended to blame the Americans for something that was not our fault.

DePue: But don't they know that the insurgents loved to target the infrastructure grid and especially the electrical grid, I think. Is that not the case?

Risley: It is true, but to the average Iraqi citizen they do not have access to all the information about what causes things to be the way they are. They just struggle to get by; they know that, where before there was electricity, now there is not.

DePue: Well, it goes back to what Colin Powell had said, "If you break something you have got to fix it".

Risley: That is true.

DePue: Let's talk a little bit more about the Iraqi people that you did meet. I want to back up a little bit. I wanted to get your impressions and thoughts about being able to stay in touch with your wife and your family back home.

Risley: Actually, I was very blessed in that regard. They gave us cell phones; the cell phone was an MCI cell phone that was set up so that it had a New York area code and when I would make a call home to my wife – we were allowed to make a reasonable amount of personal calls, like one call per day or something like that – when I would call, it was treated, as far as billing the government for the time, as if it were a domestic call, as if I were calling from New York, even though I am clear on the

other side of the world. We were pretty conscientious stewards of the public funds. We thought what we would do is that my wife would call after nine o'clock when it was free for her…

DePue: Her time or your time?

Risley: Her time. She would call me, which would be six p.m. for me and there would be no charge on her side because of our calling plan and no charge to government for my receiving the incoming call, so the calls were free to us and to the government. No additional charge, at least, to us. We were able to talk every day.

DePue: You were there for nine months total?

Risley: Nine and one half, right.

DePue: During any of that time did you get back to the United States?

Risley: Twice. I came back, actually, for two weddings. I came back in December and left the first time; I met New Year's Day somewhere over the Atlantic while was heading east and New Year's Day was heading west. Then came back a second time, I believe it was in May. Both times, as I said, there were daughters' weddings.

DePue: Your daughters' weddings?

Risley: Our daughters' weddings, the last two to get married. I stayed for two weeks the first time and just shy of two weeks the second time.

DePue: Is there anything that struck you coming back from that completely different environment – I would think being in Baghdad, and then coming to the United States – that really struck you?

Risley: It was, in a sense, like two different worlds, but I had become very accustomed there; it was almost like having two homes. What struck me was how great it was to come home and to see my family and yet on the plane going back, how much I was looking forward to being back. I looked forward to being home when I was coming home and I looked forward to being back when I went back.

DePue: Maybe that is not the kind of thing that the family can necessarily understand.

Why were you so eager, so excited about getting back to Baghdad?

Risley: It was a great mission. That was why I was there. It was a tremendously important mission. I had friends there, and my occupational purpose at that time was focused there, so I was getting back to my work. Now, there is no place like home. When I finally did come home it felt like it was time and I wanted to be home. While I missed my friends and the work there, I was where I belonged when the time came to come home. But during the time I was there I felt like where I belonged was there in Baghdad doing that work.

DePue: It sounds, then, that I can assume that a lot of the Americans you worked with – we will get to the Iraqis in a little bit – but you had a great amount of respect for the people you worked with there?

Risley: Definitely.

DePue: I think we have a couple of pictures here. I am sure you have other stories of other individuals as well, but this is a I believe.

Risley: "Mee-kam" is the way to pronounce it. Lt. Col. Meecham was the leader, Sean Meecham. He was the leader of our servicemen's group. We are members of the Church of Jesus Christ of Latter Day Saints; sometimes you hear us nicknamed The Mormons. There was group that met every Sunday and he was the leader of that group. I served as one of his two counselors. We had somewhere between two dozen to forty servicemen – State Department personnel, contract personnel – would meet together for church services every Sunday. Sean Meecham was a wonderful guy, served in a capacity – his assignment was extremely time consuming, worked long hours and yet there he was – whenever he was, as he was most Sundays, able to be there, buoying us up with that great smile that you can see in the picture.

DePue: Did you have an opportunity to work with a lot of military over there?

Risley: They provided essential support for us, so whenever we would conduct detainee operations of any kind, including interviews, it would be arranged for the judge or the investigators to interview or conduct proceedings with the detainees, Saddam or others. We always were interfacing, working with the military. Then whenever we ate, of course we ate in the military dining facility. Everywhere you went in the embassy you were surrounded by people in uniforms. There were colonels everywhere.

DePue: The dining facility run by Kellogg, Brown and Root I believe, is that it?

Risley: I think that is it. K.B.R.

DePue: So this is contract food?

Risley: Yes and it was not like any mess hall that you would expect. They took good care of the soldiers in the areas where they were able to do that and the embassy compound was one of the better dining facilities. Not the best; other military bases around the airport had even better dining facilities. But I will tell you, I cannot complain about the food, the standard of living that I experienced there.

DePue: You hear some criticism from some circles that especially the people in the Green Zone are so isolated from the rest of Baghdad and of Iraqi society that they can't really have a good feel for what reality is for the rest of the country.

Risley: I think that is true. We lived in a sense in a protected bubble. At the same token, we would deal with people who went in and out every day and they would tell us what

life was like. So I do not know that we were completely removed from it, but life inside the Green Zone is not life out in the other extreme, Sadr City or places like that.

DePue: Let's go to the next picture here if we could. I have heard you tell this story before and I thought it was a very compelling story and obviously wanted to give you a chance to tell it here as well.

Risley: In this picture, the man on the right is J. D. Greer. J.D. was a member of our church who attended services with us; J. D. was working for Blackwater. He provided contract security personnel to the State Department and I am not sure who all else and so he was outside the Green Zone in armored convoys providing protection to people who needed to visit government offices, do things of that sort. As I understand it, one day J. D. was driving an SUV as part of a quick reaction force – that was his particular vehicle's assignment – in a protective security detail, PSD. They were headed, I believe, toward the Finance Ministry and one of those –you hear about the EFP's – the Explosively Formed Projectiles went off…

DePue: A shaped charge?

Risley: Yes, a shaped charge, an armor piercing charge. He had his right had on top of the steering wheel and the projectile, took his right hand right off at the wrist.

DePue: It passed right through? It didn't explode at that point? It just sliced his hand right off?

Risley: I do not know the details; all I know is he lost his hand in it. He was injured, obviously, very seriously. I am told everybody in the vehicle was injured and he apparently did not want the other members of the security detail to have to come forward and expose themselves, because very often the first charge is just a decoy and the real attack comes from the secondary explosions when the people come to rescue or to assist those who were hurt or injured in the first charge explosion. So he self-administered first aid. He fashioned, somehow, a tourniquet and walked back to the vehicle behind him, as I understand. I know he walked back there, they told me, and in that manner protected….

DePue: It is hard to comprehend doing that isn't it?

Risley: J.D. is a tough guy and when I found out about this – I was called by Sean Meecham, Lt. Col. Meecham – and he asked me in my church duty, my pastoral duty, to go visit J.D. in the hospital just before he was medi-vac'ed out and I did. Here we were, people he worked with from Blackwater were there, another woman from the congregation who knew him, and I was there with another member of the congregation acting as ministers, and he is comforting everyone else; everyone is gathered there to support him and he is comforting everyone else. J.D. is a remarkable guy. I gave him a blessing there and I had the feeling that came to me – that was not from me, that came through me – that this was going to a blessing in his life. I have kept in touch with him since. At first, he planned to come right back, in a

few weeks. This is a guy who is very committed to the mission there. As it turned out, he is probably going to be assisting others who were injured – soldiers, civilians, who were injured in that sort of a fashion – in learning to scuba dive, even people who were severely injured.

DePue: When you were saying a prayer or giving a blessing over him, did you tell him that you had a vision that he was going to be blessed, that this would be a blessing for his life?

Risley: That was part of the blessing. I did.

DePue: What was his reaction to that?

Risley: That is part of the reason that we've stayed in touch. It was a special experience to lay your hands on somebody's head in that circumstance and try to act as voice for the promptings that you feel from God, through the Spirit. I can tell you that God loves J.D. Greer and he has a plan for him and knew that that was going to happen and had a plan for what would happen next.

DePue: You obviously have strong convictions in terms of your faith. Did you have any experiences, with Iraqis especially, where the subject of your faith came up and how did they react to that?

Risley: Yes they did. It actually first came up because of tea. In the Mormon Church, we do not drink tea or coffee or alcohol.

DePue: Anything with caffeine or alcohol?

Risley: Not caffeine – it is coffee or tea. Because of that I knew that this might be an issue, because the serving and drinking of tea is very much a part of the Arab culture; it would be among the people that I worked with. In fact, when you visit an office of a judge at the IHT or any of the investigators, they have employees whose job, full time, is to bring chai, tea, to those guests. So this is just the normal part of doing business; it is just a basic social nicety.

DePue: I know that the Arab culture, that whole region, really stresses the importance of the guest and treating the guest very well, with respect.

Risley: That is right, even in a business visit. So I was concerned whether it would offend them, if I were not to drink the tea, which was forbidden by my religious convictions. I was told a number of things like…"Oh…this is going to be a problem"…

DePue: These are Americans who are telling you this?

Risley: Yes, these are American who are telling me this, and people who were the cultural advisors. "Oh this is going to be a problem. Maybe you had just better hold it in your hand or do something like that." Well, I did not want to do that because that would convey the impression that I was doing something that was forbidden by my religion.

So I decided to face this head-on with them. The first time I went to meet with the judge, I explained to the translator that I was forbidden by my religion to drink tea. I told her what church I was a member of, and she said "Oh, I know members of the Mormon Church. Don't worry, I will explain it." She was Iraqi. When we got there and it came time, the judge offered me tea and I said, "Sukran." which means thank you…

DePue: Zookran?

Risley: Sukran. You have to roll the 'r' which I am still working on (laughter). In any event, the judge looked quizzical and the translator explained that I was forbidden by my religion to do that. I explained and the translator translated, and then the translator, I could see, was adding on more than what I had said by way of explanation. The judge said "Why, why can't you drink tea". I said, "Well, Judge, it is to me the same as you do not eat pork. You believe that God does not want you to eat pork. I believe that God does not want me to drink tea. It is fine for you to drink tea but for me it is a matter of my religious commitments. I cannot. I appreciate your hospitality, you are so gracious." He said "Seven up?" (laughter) and no problem. In fact, what I had found – the translator had explained – that it actually was a matter of some respect that they respected me because of my adherence to my religious convictions. Rather than being a problem, it was something that caused my stature to rise rather than fall. Whereas most all these other Americans and cultural advisors were telling me to go along to get along, yet what I found was that the Iraqis respect people who have principles, standards and who adhere to them.

DePue: Were there any other occasions or incidents involving your religion that you had to explain to your hosts? I think I recall mentioning something about fasting.

Risley: Well, that is true. On the first Sunday of each month we fast; we fast for twenty-four hours, we abstain from food and drink. Sundays were a work day there, their weekend was Friday and Saturday and so Sundays were a work day. I was there on a Sunday and normally that was not an issue, but this particular Sunday was the first Sunday of the month and I was fasting. When the judge offered the Seven-Up, I said, "Sukran," and he said "Why? I know you cannot drink tea. What is wrong with Seven-Up?" I had not wanted to say anything but I was backed into a corner and I said "Well judge, I am fasting". He said "Fasting, why? You are the first Christian I have met who fasts."

DePue: Now this is a concept that he understood, isn't it?

Risley: He understood that. He said "You are just like Sahd; he fasts all the time." Our Kurdish Christian translator asked us, "Why do you fast?" I was sitting to her right and the investigator, Sahd was sitting to her left and we began to explain to her the spiritual purposes for fasting. What was interesting is that I would start to explain, Sahd would jump in and explain something and then I would explain and the two of us were on the same wavelength as we explained from a Mormon and a Muslim perspective, Christian and Muslim, the purpose of the fast.

DePue: That is an amazing story, just getting the different cultures together rather than those cultures clashing, but you find that common ground.

Risley: I found that while religious doctrines and politics can be divisive, the spirit of God unites. I felt that and they felt that, and it was something that we had in common and could talk about fairly openly. Now in the United States you usually do not talk about those sorts of things. People start to get uncomfortable; they found it very natural. Religion was a part of their lives and they took it seriously, many. Now there were all kinds of levels of commitment, but the people with whom I worked tended to take it seriously and they took my sensitivity to those matters of the Spirit to be something that they respected and that brought us together.

DePue: Are there any other stories that you recall about working with the Iraqis or some of the Iraqi personalities that you worked with that you would like to share with us?

Risley: There are many I suppose, none that pop into mind. I have told you a number of them.

DePue: How would you explain – this is always dangerous to generalize – but in general what were the attributes, the character traits of the Iraqis you worked with?

Risley: That is a complicated question. By and large I found them to be on the one hand very committed religiously, for example, to telling the truth and yet culturally to tell you 'no' was considered an insult. The Arab culture is a very pride-oriented culture and as a result of that, culturally sometimes they would tell you things that were not true that they would not necessarily consider a lie; someone in the culture would know was not true, they would just be saying it to be polite. We, not being as culturally attuned to that, would take things very literally and would sometimes be very offended, reasonably so from our cultural perspective, but from their cultural perspective, "What?" When I look at it in our culture, we do it all of the time. Husbands, with their wives. If your wife goes and gets her hair done and comes home and says "How do you like it?" It is common. I try to, I just am not going to tell a lie but I have talked to a lot of men, so it becomes very difficult sometimes. Lots of times with my wife fortunately it is very easy, I say "It looks great" and it is the truth, but I know – I have heard from a lot of husbands who have described this and have said "Honey, you look beautiful, it is wonderful" when they are thinking "why did you ruin your hair?" It is the same sort of thing with them. It was very difficult sometimes to get commitments, partly because to them, on the one hand to say "No" was an insult. On the other hand, to say "Yes" was considered blasphemous because God – as they view things – is in control of events and if you say "Yes, I will do thus and such", that implies that you control God or are greater or equal to God. So they would say "Enshalah" meaning God willing. This would drive the Americans crazy.

DePue: That is what I have heard, is this notion of the Arabic fatalism, I guess would be one way we would look at that? Is that a bad characterization of it?

Risley: Well, it depends. In a sense, it is a recognition for us to say "God willing." You hear a number of people who say "I'll be there, God willing", just a recognition that God may have some other plan and if that is true then it is going to override. I will be there if I am in control of it but He may have some other plan. That is fine. We do it and do not think much about it. When they do it, somehow or another it gets exaggerated out of proportion as something that is unique. However, we were trained that there were really three enshalahs. I acted this out with the judge that I worked with, Judge Mohammed and his investigator, Sahd, and they laughed and said "He's got it!" The three enshalahs were:

> En`shalah, which meant Yes, or
>
> En sha` lah, which meant maybe, even probably, or
>
> Enshalah, which meant it would take an act of God before it happened (laughter).

So, enshalah could be yes, maybe, no. This was a perennial problem with the Americans or people from the West in general. I think it is, in general, in dealing with Arabs because they could be using it as an excuse, this fatalism. If it was taken too far, they vary in their degrees to which they view that God controls and makes all the decisions in life and things unfold independent of our human will. They do not go that far in general but some do. To some they would fail to perform a task and they would say "God willed it." We would say "No, you willed it." (laughter).

DePue: OK, this is just a lack of YOUR initiative to make this happen.

Risley: This is a perspective that is both religious and cultural and then personal that is a mixture that makes it very difficult in terms of working with one another to communicate in a unified, one team, sort of manner.

DePue: Well I can see where this would drive Americans crazy, especially people in your profession where there is a job to be done and darn it you are going to get the job done. There is certainly, in my background, as the military, you are not looking for somebody's excuses for why it did not happen; you are going to make it happen. It would thus drive some of those people crazy to encounter that sometimes.

Risley: Well it does and in an Arab culture time is very fluid. One of our interpreters who is also is a cultural advisor to the news media, a man in his forties, wise, educated, commented to me "There are advantages and disadvantages, strengths and weaknesses to every culture. We could learn and need to learn a lot from you Americans about how to get things done. On the other hand, you Americans (laughter from DePue) seem to divide your lives into hours and minutes." And that is a valid point.

DePue: I have heard a couple of stories that you have told, and it strikes me that, while you were living in this bubble, a lot of the Iraqis you were working with were going in and out of those gates every single day. Could you talk a little bit about that?

Risley: We had translators; there were other employees of the Iraqi High Tribunal with whom we worked and particularly when we first got there, the investigators. Only Judge Mohammed lived inside and the other judges of IHT lived inside the Green Zone. The investigators lived out in the Red Zone, the so-called "hot" area where it is dangerous, with their families. It was only relatively late in the game during my time there that the investigators were able to move with their immediate families inside the Green Zone. So the norm was that the Iraqis who worked with us traveled in and out on a daily basis. Now the danger to that isn't just living in the Red Zone, which is dangerous enough, but if there is going to be an attack on the Green Zone, where is it most likely to be? It is going to be on those who are coming through the entrances; that is a choke point, a funnel. On a number of occasions bombs did go off there, IED's, Improvised Explosive Devices, with very devastating results. There would be check points around town as they came to work inside the Green Zone. Now these check points were sometimes operated by militia members who would kill people on sight if they were to discover their ID that would grant them access to the Green Zone. So they would have to hide them on their person somewhere where they would not be found and they did this daily.

DePue: They would not even be able to tell their neighbors and their friends where they were working or what they were doing?

Risley: No. In fact, there was one of the general Iraqi judges, the judge who was their equivalent, basically, of our Chief Justice of the Supreme Court; his family thought that he was a juvenile court judge and yet he sits in judgment over insurgent trials on a daily basis. I was told by an advisor, a friend of mine who was an American, an Assistant U.S. Attorney who worked with him, who became very close to him, that once he saw a man come in as the accused, as a defendant, who was from his neighborhood and he said the judge just turned white. He said he just felt like his death sentence had just been pronounced. They called those American advisors who worked with the judges in the general Iraqi system – who by the way were primarily Sunni and former Ba'athists, they were the ones who sat in judgment over the insurgent trials – the Americans called them the "walking dead", but they proceeded forward. The Iraqis who operate in the judicial system and those who support the judges in the judicial system and who work with us literally risk their lives and the lives of their families every day. The translators who came in, even if they were not killed, if it were discovered what they did, their families might be killed. So their families were risking their lives just for them to come to work.

DePue: Which says volumes about a lot of the things that are going on in Iraq. It talks about the violence of that society and how much certain elements of that society hate the people who are "collaborating" with the Americans. But it also talks to their convictions to see this through and to make a better society?

Risley: What I heard from the people – this was a fairly consistent message – was most Iraqis are not, they really are dismayed by this sectarian violence and to them "we are all Muslim, we are all Iraqis, why are we killing each other?" They are just trying to make a living and to raise their families and to live a decent life. But the radicals on

both sides have these people caught in the crossfire, in the middle. Not just both sides, there are lots of sides. It is very complicated over there and what we get through the media image which comes, the news image that Americans get, is what the radicals are doing. But the average Iraqi citizen, even in Baghdad, is really caught in the middle. Now, as we have talked about in one of our previous conversations, if you go to Kurdistan, if you go to the south of Iraq, there are huge populations where there is none of this violence or almost none of this violence. There are tensions and there is occasional violence but nothing like what is happening in Baghdad.

DePue: We ended talking quite a bit longer than I had anticipated about some of this background information, especially about the Iraqi people, but I think it was absolutely essential that we learn more about it. It's fascinating to hear your discussions about it. I do want to go to a little bit about the trial itself, or actually talk about that in some length, I should say. I thought I would start with some photos. I think the first photo is of some statues of Saddam. Could you put that into perspective for us?

Risley: When I first got there, these were on an American military base. They were plucked from someplace and brought, probably by Chinook helicopters, and landed there. They were huge. A person standing there – I have a picture of me standing there – would come up right about to Saddam's necktie, right where it meets his coat, right where the medals are.

DePue: Small statue…

Risley: Right. These were very large. We are now looking at a picture of a parade ground; this is called the Crossed Sword Parade Ground…

DePue: That is in the Green Zone, is it not?

Risley: This is in the Green Zone. At each end are the crossed swords; the hands that are held there are reputed to have been or modeled after casts of Saddam's forearms. You can see across the parade ground is not really a shadow; it is something you can see in the concrete that goes across the parade ground. At the base of those arms you can see…

DePue: Let's go to the next picture.

Risley: What that is, those are the helmets of dead Iranian soldiers. Those helmets are embedded in concrete and they go all the way across the parade ground. Saddam would have his soldiers, as they would come to parade in front of him, step on the helmets of dead Iranian soldiers.

DePue: If I recall, part of the Arabic culture is there is no greater insult than to show somebody the bottoms of your feet, the soles of your shoes?

Risley: I do not know if there is **any** greater insult, but it is just about as insulting as it can be. So, yes, as they stepped on those helmets. It was not only a sign to anybody of disrespect, but it was a supreme sign of disrespect and contempt.

DePue: What we have here in these three photos is, you have this cult of personality that Saddam created about himself, so anywhere you go in Iraq you would see these huge statues. You open up a school book and you would see math problems that somehow would incorporate Saddam or the Ba'athists in there. He permeated all of society. Then you see one example of how he disrespected his enemies; obviously that is why you were there, to take a look at his war atrocities, at least the allegations of that. Can you talk a little bit specifically about the nature of the atrocities, the scope of these things? Or is that beyond what we can discuss here?

Risley: No, we can talk about that. The Iraqi High Tribunal is investigating a number of different areas of allegation of genocide, crimes against humanity, war crimes, other violations of certain Iraqi laws that fall within their jurisdiction. The first trial involved just a very small part of that. It is called the Al-Dujail Trial. The current trial that is coming to a conclusion now is the so-called Anfal Case, which involved the attacks on the Kurds of the North…

DePue: The gassing of the Kurds?

Risley: That is part of it, but that is only one part of it. It was a series of campaigns called Anfal campaigns…

DePue: This would have been in the late 1980's into the 1990's?

Risley: I do not recall; I am not very good with dates but the 1980's and into the 1990's, yes. That was probably the largest case, the case that I worked on involving crimes against the Marsh Arabs. There was a case involving crimes more generally in the South under a broader geographically, but narrower in terms of time: the crimes against the Shi'a of the South and the uprising of 1991, the general uprising. There are investigations of special courts in general. There were a number of different special courts and a whole collection of investigations relating to them.

DePue: Would it be fair to say that these investigations are likely to go on for years and years as they move from one particular case to another?

Risley: Sure. Even with the Kurds. There are more cases with the Kurds. For example, the Failie Kurds who were unlike most of the Kurds who were Shi'a. The Failie Kurds – excuse me, I have got it backwards – most Kurds are Sunni; the Failie Kurds were Shi'a. That is an investigation in itself. There is only one courtroom and it is almost like there is a long train here of cases the IHT judges and investigators have prepared that is waiting their turn to go through the courtroom. Now obviously many of those involved the same defendants. They don't all, but most of them would have involved Saddam Hussein, but he was executed.

DePue: So he is no longer a defendant in future cases?

Risley: No. He is no longer a defendant in the second trial, the Anfal case. After his execution he was not there so everything was dismissed as to him. So the future of this series of cases is uncertain, both because of a dwindling number of high level, top level defendants, and also because over time there may be an erosion of political support to fund the work of the IHT. But it is very broad, it is a mammoth project.

DePue: Apparently there is no shortage of evidence. You have spoken about that last time, especially the scale of the evidence that we have, both the written documents and interviews with the victims and things like that?

Risley: That is correct. It is interesting, in a sense, as you do this sort of thing, because to the public and to the Iraqi people, everybody knows what Saddam did, it is widely reported. Why is it such a problem gathering evidence? Well, you do not introduce New York Times articles as evidence in a criminal trial. So gathering the actual evidence itself of what happened, identifying the witnesses, having them testify, is a very large project.

DePue: I am jumping around here a little bit – I apologize, but it strikes me – I know a little bit about the Nuremburg trials; the defense that many of the defendants took was "I was just obeying orders". Did you have a lot of that?

Risley: Yes and no. Yes a lot of people said, I was only obeying orders. However the statute of the Iraqi High Tribunal eliminates superior orders as a defense. It is relevant as mitigation at sentencing, but it is not an excuse. This is the same that is true with the statute of the International Criminal Court for example.

DePue: So that statute is something that the Iraqi government adopted itself?

Risley: Yes.

DePue: They modeled that after the international model?

Risley: Yes.

DePue: For that explicit purpose?

Risley: For that very reason. In other words, "I was only following orders" is not a valid defense to these international crimes, these crimes against humanity and to genocide. It may be something that would be considered in mitigation at sentence, to mitigate the seriousness of the crime, but it is not a defense to it having been a crime.

DePue: Let's go ahead and move to a couple of photos we have here of the courtroom itself. You have shown a lot of other photos that unfortunately we cannot use here because of copyright issues. I am sure a lot of people who are seeing this are familiar with the ones of Saddam gesturing and making a big show of things, but this will give us a good feel for the courtroom. So if you could just take a couple of minutes and kind of orient us to what we are looking at here?

Risley: This is a picture of the courtroom where Saddam was tried. On the right side, over my left shoulder in that picture, is the chair that Saddam sat in. Over my right shoulder in the background are the benches on which the judges sat: five judges on the top tier and clerks in front of them on the lower tier.

DePue: Over your left shoulder I am seeing a large boxy looking thing as well. I don't think that is where Saddam was sitting. It is against the wall in the back.

Risley: On the right side of the photograph. That is the witness box area. Early on, witnesses testified within a matter of a few feet of where Saddam was sitting.

DePue: And he was able to see them or are they protected from his vision?

Risley: No. They testified right there at a podium in front of him and in front of the world. Sometimes he would challenge them and they would turn around in a tremendous display of courage by pointing their finger at him as they were responding to his challenges.

DePue: So they were typically looking at the judge but sometimes they found the courage to look at him and to challenge him directly?

Risley: When he challenged them. For a lot of reasons, let's just leave it at that. That was almost monumental courage that that took. And to do it on television... Now the witness box was an area where they could sit and there were screens – you could see curtains – and the witness would have the choice of whether to have the curtains drawn, pulled closed to where the people in the courtroom, other than the judges, would be unable to see them. The judges could see them. But they would not be visible to the cameras, the news media cameras or to the defendants. People in the courtroom could hear their voice but not see their face. Many if not most of the witnesses had the curtains pulled open to where they could see the courtroom and they could see Saddam and he could see them.

DePue: A matter of pride, I am sure, for them?

Risley: Well, a great deal of pride, national pride. Again, the people of Iraq confronting Saddam Hussein, in an Iraqi court, the importance of that just simply cannot be over emphasized.

DePue: For them and for everybody who had a chance to watch, the whole proceedings are televised?

Risley: That's right. They were recorded. They were available to be televised. In Iraq they were televised live. I believe there is a thirty minute delay or something of that sort, so that if something was said that would divulge somebody's identity, they would edit that out for security purposes. But basically, with the exception of that thirty minute delay, the people of Iraq watched the whole proceeding, especially initially, gavel to gavel. The rest of the world would see that dramatic little moment…

DePue: The sound bite.

Risley: The sound bite, when the press would say every day like a drum beat, "Trial descends to chaos, trial descends to chaos, trial descends to chaos".

DePue: From where you were sitting and from what you were observing, the trial had not descended to chaos?

Risley: There were chaotic moments. This is a difficult, difficult trial. It was a difficult, difficult group of defendants and egos that were involved here. So there were definitely chaotic moments. But to say the trial itself was descending into chaos was hyperbole that is just inexcusable, particularly after the first judge in the first trial, the Al-Dujail trial, was replaced. The new judge, Judge Raouf, immediately established order in the courtroom and proceeded forward in an orderly manner with a very challenging and very difficult trial. Both judges conducted themselves fairly, and did their very best, to proceed forward with defendants who were not about to cooperate.

DePue: We are a little bit ahead of where I wanted to be but I think this is the perfect opportunity to ask why that judge was replaced? What had happened in the courtroom that caused him to be replaced?

Risley: The first judge, in the first trial, the Al-Dujail trial, resigned.

DePue: Was this Ahmed Chalabi?

Risley: No. In fact, he is not a judge; he was a political figure in Iraq. The first judge, in the first trial, Judge Rizgar, was, for reasons of his own, and I do not know what his reasons are, ended up resigning. Publically he stated that he felt that his abilities were being brought into question; he felt offended and for a lot of reasons, including personal reasons, he was resigning as the Chief Judge. Judge Raouf then took over. The two judges had very different styles, approaches, to how you handle defendants whose defense is to prevent the trial from proceeding.

DePue: They were trying to make a mockery of the whole proceedings?

Risley: Absolutely. If they could stop the proceedings then you stop the process. That was obviously their tactic. Judge Raouf is a very kind, a very capable man; his approach was pretty much to let the defense do whatever they wanted to do but to keep things moving forward. Unfortunately, what the Iraqi people and the world saw was more of a chaotic courtroom. I heard from a number of Iraqis, this was a real problem because to them as they saw it, they said "no Iraqi judge would conduct a trial this way, this must be a show trial. Something that the Americans are doing to pretend to be putting on a trial" and since it is unfolding the way it is they were shocked. They said, "The Americans must plan to let Saddam go; they must have decided that this was all a big mistake, they are going to put Saddam back in power, because only Saddam could restore order to Iraq and they are going to leave and we are going to have to face the consequences with Saddam." Al-Dujail was all about the consequences that could happen when Saddam was challenged or threatened. So

consequently, the trial rather than being a source of healing, which some moments in the trial were, the trial itself – in my own personal view, but also in the view of many Iraqis who talked to me – was becoming a source of great contention and consternation, causing the people to feel that Saddam has not really been overthrown at all. Rather than putting Saddam behind them, which is what part of the purpose of the trial was, it was putting him in front of them. When Judge Raouf came, the first time Saddam challenged him, he said "Take him away" and waved that hand and Saddam was escorted out of the courtroom. That was one of the reasons why the people rose up and cheered all over Iraq. That is why it was such an electrifying moment because it was at that moment that the rule of law in that very public sort of sense…..

DePue: That the madman was no longer in charge.

Risley: The judge and the law were in charge and Saddam was escorted out of the courtroom. Now, after that, which was relatively early in the trial proceedings, the trial proceeded very differently. But even then I noticed the media chant was still "Chaos in the courtroom, chaos in the courtroom". It was almost as if the story was written and all they had to do was add the date and some of the details. (laughter from DePue)

DePue: That's a rather cynical attitude of the media.

Risley: That's the way it happened.

DePue: This is the impression that you had of the American media, the international media, the Arabic media or all of the above?

Risley: The Western media. The Western media was highly critical of anything that anybody really tried to do to bring Saddam to justice. They were highly critical of Saddam. Then when somebody tried to do something about it, they were highly critical of those doing something about it. In other words, no matter what happens they're going to be highly critical. So if you allow yourself and your policies to be governed by what pleases the media, nothing will. Therefore you have to just simply proceed ahead. That's what the Iraqi High Tribunal did.

DePue: I think we've got another couple of pictures of the courtroom itself. Is this the perspective looking from the judge's chair?

Risley: This is looking from the judge's bench out at the courtroom. You can see the dock in the center of the courtroom with a fence around it where the defendants sat. On the left side of the page is where the defendants' attorneys sat. On the right side of that picture is where the prosecutors sat. And in the back behind the curtains was an area that we opened up on the first level behind glass, where the media representatives sat. Above that is a second tier where distinguished visitors could watch; it was in that second tier usually was the place where I was able to watch some portions of the trial.

DePue: Now in our first session, you talked a lot about the differences between the American judicial system and the Iraqi judicial system, between the common and the civil

systems. I know they made some accommodations for this trial that are different from the way that they normally proceed. So I wanted to spend a couple of minutes talking about the unique aspects of this particular trial.

Risley: Well, yes. We touched on the role of the prosecutor for example. It's not an adversarial system. We think of the prosecutor presenting the evidence of guilt and the defense attorney presenting the evidence of innocence. And while there is some element of that as far as the defense is concerned in the Iraqi judicial system – or this civil law system in general, which again is the system which is used in most of the world – it's not an adversarial process. The judge's role is to be the prosecutor, the jury, the defense attorney, the judge…

DePue: The investigator?

Risley: …the investigator, everybody rolled up into one. The defense attorney is there to be the spokesperson in court for the defendant and to stick up for the defendant's rights procedurally. They may present evidence. So they have a role that is somewhat akin to that of a defense attorney in our system, but the prosecutor in their system normally does not play an adversarial role. The prosecutor's role is to be a neutral advisor to the court, to listen to the evidence and, at the end of the case, give the court its view independently of what it all boils down to: what the evidence proves, what is doesn't prove and what the court ought to do. So the prosecutor is a bit of a check on the court and an advisor to the court. There's no analogy in our system. In this process, because the trial was going to be presented to the world, witnesses who had already testified in the investigation stage were going to be brought into court to testify again.

DePue: Which would normally not happen?

Risley: That would normally not happen, at least on this scale. Those witnesses, their testimony, was going to be published to the world, not so much received as published. Somebody was going to have to present that testimony. There were exhibits, lots of exhibits. Those exhibits were going to have to be presented in open court. Who was going to be doing that? Early on they had to make some decisions, and a decision was made that the judge would call the witnesses. The judge would conduct the initial questioning, but then the prosecutor would have the opportunity to ask questions. The defense attorneys would have the opportunity to ask questions.

DePue: Quite distinct from the way it would normally work.

Risley: And the defendants would have the opportunity (DePue laughter) individually to question the witnesses. Which they did. Saddam played a very active role in his own defense.

DePue: In that first trial there were how many defendants?

Risley: There were eight defendants in the first trial, seven of whom ended up being convicted, one was acquitted. In any event, it was decided that the prosecutor would play a role that was a bit of a hybrid between the traditional role in the Iraqi system

and what a prosecutor like myself would play in our courtrooms: not completely adversarial but much more adversarial than the general Iraqi system. As it developed, as it unfolded, it became more and more akin to the role of a prosecutor in a Western style court. That was a major change procedurally in what they did. But still, the judge was in control of the courtroom; it was the judge who called the witnesses, it was judge who interrogated, questioned the witnesses initially.

DePue: Now you mentioned the first case was the Al Dujail case. What specifically was that and why was this particular case brought first?

Risley: Well, the case itself involved events that had happened in, I believe it was 1982, the early 1980's. Saddam Hussein, early in his rule as President of Iraq, had come to Al Dujail, which was a relatively small town, on a ceremonial visit, given a speech. His motorcade, at one point, as he was driving along came under attack from some assailants who were firing with Kalashnikov AK-47's from behind a wall from an orchard. The testimony was ten to twelve shots were fired, something like that. Saddam was unhurt. He came back to the village and in the aftermath of this attack they determined that there were probably ten or twelve people who were involved in the attack itself. But rather than try to identify them and isolate them, the whole village, the whole town of Al Dujail was the subject of attack, of reprisals. They were going to teach the people in general a lesson. So the trial related to what happened against the people in general.

This was one of the questions: "Was this a widespread and systematic attack on a civilian population that would constitute grounds for war crimes or crimes against humanity?" The court determined yes on all those issues and various crimes against humanity, including murder. Part of the evidence was that one hundred forty eight people were arrested. There were proceedings, on paper at least, where they had had a trial before a special tribunal that was presided over by the head of the Special Revolutionary Court, Awad al-Bander; ultimately one hundred forty eight were ordered to be executed. Many of those had already died. They'd already died during interrogation, under torture. A number of those were children – varying ages, but they were minors – which is illegal to execute children under Iraqi law. There were two of them who escaped execution by mistake, who were pardoned from being executed, and who testified that there was never a trial, they never appeared before anyone. So the allegation was – and the ultimate finding of the court – that this so-called trial and justice was all a sham, that this ultimately was both a war crime, what happened to them or crimes that happened to the people of Al Dujail, and crimes against humanity as well as violations of Iraqi law.

DePue: Certainly this is an atrocity, but in terms of scale versus some of the other things that were being brought forward, this is small potatoes. So why this particular case?

Risley: You're absolutely correct. Relative to Anfal, for example, where you have hundreds of thousands of victims, the Marsh Arabs case, as we talked about, where potentially hundreds of thousands of victims, one hundred forty eight or even the whole population of the village, the town of Al Dujail pales in comparison, as large and as

important as it is in itself. But this was the first case to go and so initially this was viewed as a shakedown cruise for the court. On the American side, those who were involved told me that they expected this trial to last maybe a month or two. Saddam Hussein was not even anticipated initially as a defendant in the case, but the realities were that it had taken so long to get to that point, the whole world in the publics' eyes – those who are clamoring for a trial – are wondering: "When are you going to get this show on the road? What's going on?" Transitional justice is what they call this whole thing;, it's a challenging thing, because if you take too little time you don't do a sufficiently competent job. If you take too much time, the trial itself can become irrelevant because everyone who was involved, all of the witnesses and maybe even the defendants have died of old age, as you're trying to have the perfect trial.

DePue: So transitional justice is the thing you have between a totalitarian state and working toward the democracy?

Risley: Right. Because of those practical realities, sometimes a trial is not even the optimal thing. Sometimes, as in South Africa, they have a Truth Commission or something of that sort. There were some decisions that had to be made and so it was decided that Saddam would be, as he legitimately could be, included in the first trial. The trial ended up taking much longer than we would have expected because of the long breaks that the judges held, which is one of the greatest evidences that it was the Iraqi judges who were in charge of their own schedule, not the Americans. As it unfolded, what was initially thought to be a warm up case became with great irony, **the** Saddam trial; ultimately he was executed as a result of the conviction in that case.

DePue: As I recall, a couple of the defendants for Saddam, the defense lawyers, were executed, were assassinated?

Risley: Yes. The Iraqi defense lawyers lived in the Red Zone and were vulnerable out there; some of them sacrificed their lives representing defendants in the case. There were other defense attorneys who lived outside of Iraq, who were obviously, because they were away from Iraq, not subject to the same degree of danger. But there were Iraqis who showed great bravery and ultimately gave the highest sacrifice, not only those trying to bring Saddam to justice as part of the Iraqi High Tribunal, but also defense attorneys; they play a role in our system of justice that is vital.

DePue: Apparently in this case they played a slightly different role because of the nature of the trial and because this is Saddam; it's a powerful message, as you were explaining, that's getting out to the Iraqi people. But the defense attorneys are playing a different role than they normally would play. Were there several of those defense attorneys who were international lawyers?

Risley: Yes, there were. Under Iraqi law you are supposed to be a member of the Iraqi bar before you appear in Iraqi court. In the first trial, that rule was largely ignored and so there were non-Iraqi lawyers who came in and actually represented the defendants in court, including Ramsey Clark, who is an American. In the second trial, the judge enforced the rule – which is the rule, I think, in most countries – that only members of

the Iraqi bar would be allowed to actually speak and represent defendants in court. The non-Iraqi lawyers were able to be there as advisors and could advise the Iraqi lawyers but they couldn't actually participate actively in the court; that's the same as it would be here. If I were to go to Great Britain and try to appear in front of a British court, it doesn't make any difference that I am a member of a bar association in the United States, or that I'm a federal prosecutor; that's the United States. That's got nothing to do with the British legal system.

DePue: During the first trial, when the initial judge was there and things were getting out of control, was that because of things Saddam was doing, because of things that his defense attorneys were doing, or because of both?

Risley: Both.

DePue: So let me ask you this question; maybe you don't want to answer this. I'm very curious to find out your impression of the defense attorneys in general, and your opinion of Ramsey Clark – in particular because he's such an historic figure and he was famous long before this particular trial?

Risley: Well, I'm going to emphasize here that my opinions are those of my own, that they do not…..

DePue: I was waiting for that (laughter)…

Risley: They do not represent opinions of the RCLO or the United States government or anybody but me. The retained defense attorneys, in general – not always, but speaking broadly – and the Americans, Ramsey Clark, Curtis Dobler, in my opinion, performed exceedingly poorly. Ironically, the appointed attorneys that were equivalent of the public defenders of the IHT, the Iraqi High Tribunal…

DePue: Iraqis?

Risley: …Iraqis, who were appointed and demeaned by the retained counsel, actually were the ones who performed most capably, most ably. They sat and would watch on closed circuit television in case they were called up from the bench, so to speak, to come into court. The judge, when there would either be a walk out – the first day that the second judge was presiding in the Al Dujail trial, the defense attorneys walked out – he warned them three times: "If you walk out I will not allow you to return." – reasonably so. By our standards in the United States they would have been held in contempt, not just banned from the courtroom. They got up and walked out. The judge called in the Iraqi High Tribunal defense attorneys to come into the courtroom and proceeded on. Now they weren't coming in cold; they'd been watching all of the proceedings outside. Now we would have preferred that they recessed there to allow them to confer with their clients and all of that, but they proceeded on. Those defense attorneys really got a bad rap, but when it came time for closing arguments, those were the attorneys that were addressing the legal points and actually doing a lawyerly job – with the assistance of a Canadian advisor who worked with them with experience with the tribunals in the Hague – and doing a good, competent job

addressing remarks to the court, talking about the evidence, talking about the law and making cogent arguments. The retained counsel, by and large, got up – in the first place, they're the ones who didn't appear to understand international criminal law – and they were the ones who, rather than talk to the judge, insulted the judge and would grandstand for the media.

DePue: That's what I was going to ask, whether it was primarily posturing?

Risley: Absolutely. In fact, they even said publicly in some instances that their plan was twofold. One was to use the trial as a means for Saddam to so rile up the insurgency that the Americans would withdraw and release him to restore order to Iraq. That was one of their plans. The other one was to so disrupt the…

DePue: Because they thought that would be better for Iraqi society, or because they were doing the best job they could for their client?

Risley: Well that was probably Saddam's plan, I expect. In any event that's the best case scenario for him that he gets put back in power. The other plan – which I'm sure was more the lawyers' plan – was to so disrupt the proceedings that it became impossible to move forward in Iraq at all, and the whole thing would be removed to some other then-non-existent forum that would be created where Saddam would be tried outside of Iraq, in an international forum in which the death penalty would not be an option. So either way, the last thing that the lawyers wanted to have happen, or the defendants wanted to have happen, was for the trial to proceed forward in an orderly manner to see that justice was done. The last thing they wanted was for those proceedings to succeed. So the retained attorneys were disrupting the courtroom, the defendants were disrupting the courtroom and ironically it was the IHT defense attorneys who actually addressed the judge with some degree of respect as if they were trying to influence the judges view as opposed to the public's view, the media's view. So who performed well? It depends. From one perspective, with that strategy, had they been successful in preventing the court from fulfilling its function, perhaps you would say the American lawyers, the other retained attorneys, would have been completely successful, because by defeating the proceedings that would benefit the defense.

DePue: That's their definition of success.

Risley: But that didn't work. Those judges restored order to the court, prevented the court from degenerating into chaos – defeated that strategy. Now if you're not going to win on that strategy, you sure better be trying to influence the judge, and you don't do that by insulting him.

DePue: I think that's rule number one in the first day of law school isn't it?

Risley: That's what the Americans did every time they stood up and that's what most of the retained attorneys would do. So in terms of courtroom advocacy, they were extremely ineffective.

DePue: Much of this gets to the issue of having this trial filmed, a conscious decision that's made up front. What's your opinion about that particular decision and how that changed the whole proceedings?

Risley: Well, much of what we just talked about would never happen if you weren't trying to play for the media. If things weren't being televised then that strategy would have no place in the courtroom.

DePue: Do you think it would have been a better trial if it had not been televised?

Risley: No. No. Let me finish this, because on the other side, the purposes of the trial would have been defeated if it were not as transparent as possible. You could have a trial in their system in a matter of a few days: review all of the evidence that had been received by the investigative stage by the investigative judge or judges and their investigators, review it and render a verdict. That would not have done much of anything to heal the country or to disclose to the public in Iraq and around the world the evidence upon which the conviction was based. There would be a written record, but nothing that people would have seen visually, nothing that they would hear with their ears, and so to televise these proceedings unlike a normal trial that I would be involved in here in the United States, was a very good decision. But the down-side is – lawyers and everybody else everywhere -- when that camera goes on, you can't expect that things are going to unfold the way they would without a camera. There was a down-side to it. The media was both a blessing and a curse, but that was anticipated.

DePue: I guess it's important to remember that through this whole process weren't you just observing this, because the case that you investigated was the Marsh Arabs? That's not what's on trial in this first case at all? Did you get to observe most of it?

Risley: No. Most of it I didn't. I did get to see about twelve trial days between the two trials: maybe ten of the Al Dujail case and two of the Anfal case. But I did that, for the most part, when I was under 'other duties as assigned', doing my part as an escort for the distinguished visitors. So I would have the opportunity to sit up in that visitors' gallery and look down at the trial, listen with headphones to the English translation. I did have an interesting experience sitting next to one of the Deputy Prime Ministers of Iraq, the Kurdish Deputy Prime Minister, during the second trial, the Anfal case; it was the first day as I recall. As we sat together looking down at the courtroom, seeing Saddam down there, he told me that – I think he said twenty years earlier or something like that, fifteen years earlier – Saddam had issued a warrant for his execution, a death warrant for him, in absentia. He had been part of a resistance cell up in the Kurdish part of Iraq and a member of his cell had been arrested by the police. That man's wife had called him and warned him; he had fled and escaped execution. But Saddam, he said, had issued a warrant for his execution in his absence. I leaned over and asked him, "Did you ever imagine then that the day would come when you would be sitting where you are now, in the position you are now, as a Deputy Prime Minister, and Saddam would be sitting where he is?" He said "No one could ever have imagined."

DePue: So that has to be one of the crowning moments of his life, just to be able to sit there and participate in that experience?

Risley: That's right.

DePue: Now the first trial, as you've talked about quite a bit, ended up in the conviction of seven out of the eight defendants?

Risley: Correct.

DePue: Then did they move on to the second trial—which dealt with the Kurds?

Risley: Correct.

DePue: During that time obviously, there's an appeal going on?

Risley: That's right.

DePue: Any impressions of that appeal process?

Risley: Well, I brought with me here today the written judgment; this is two hundred eighty three pages of English translation of the judgment at the trial level by the trial judges. Also, this is twenty pages of the English translation of the appeal process. The appeal process unfolded surprisingly quickly; the appellate judgment is not as involved as one would have expected. Things moved forward in the appeal process much more rapidly than I think what we, as the advisors to the court, had expected.

DePue: And you certainly heard plenty of criticism in that respect?

Risley: Heard criticism about that, but the saving grace is the trial judgment. We read, everybody in the world read, Human Rights Watch declare, **before the judgment was rendered in the case,** that the judges did not understand international criminal law and were incompetent, which was an amazing judgment to render in advance of the judgment. The judgment itself, the two hundred eighty three pages, is quite the contrary, is a reasoned and reasonable review of the evidence, of the law, international law, and a judgment that has received very little criticism from the critics of the court. The critics have even themselves acknowledged that the evidence of guilt was overwhelming; therefore in terms of substantive justice there's little question but what substantive justice was done. They can quarrel with the death penalty, but in terms the judgment of guilt, there are few who quarrel with that. The critics criticize the procedural fairness of the trial. But even in that regard, last November in the Wall Street Journal, Alan Durshowitz, a Professor of Law at Harvard, a person who is generally quoted on the side of critics of the government and of the prosecution of various cases, and who's famous for that, said, if I could read this, "Even the most guilty and despicable are entitled to a trial before objective fact finders, in this case judges, not jurors, with an opportunity to challenge the prosecution's evidence, to put on evidence of his own and to have a fearless lawyer advocate on his behalf. Saddam was afforded such a trial, though he denied it to others, and by the standards of justice

in most Arab and Muslim countries, this trial was extraordinarily fair. But because the U.S. is the occupying power and our representatives were looking [over] the shoulders of the Iraqi prosecutors and judges, the trial will be judged by Western standards. Even so, the Baghdad trial, though far from exemplary, must receive a passing grade, especially considering the circumstances in that city blighted by violence." This was not a perfect trial. There's never been a perfect trial and never will be a perfect trial. The idea of perfect justice is illusory. But it's been pointed out, perfect injustice is very much a reality.

DePue: The trade-off is maybe you get to the – this is a trite way of saying it – but perhaps you get to the ninety percent solution quickly rather than the one hundred percent solution and never quite ever get to that point.

Risley: That's right. The people who would criticize what happened have a difficult time, I think. If one criticizes the critics, identifying what standard are you using here to measure the fairness or the justice of what occurred. Early on, the judgment was made that that standard should be decided by the Iraqi people, not by elites in the international community.

DePue: People who made that decision were the Iraqi people in general?

Risley: Well, initially under the Coalition Provisional Authority, representatives of the Iraqi people were included in that decision making, in those deliberative bodies. Ultimately, those decisions were ratified by the elected representatives of the people. I don't think anyone would seriously question but what the Iraqi people would ***insist*** that this be an Iraqi court conducted by Iraqi judges under Iraqi law.

DePue: Well I get the sense that the angst in the international community ***all*** centers around the issue of the death penalty.

Risley: It's not all; I think that's overstating it. The death penalty was probably that gorilla in the middle of the room that really caused most of the international community to step aside. Now what's interesting is, the death penalty exists in countries all over the world today, not just the United States and Iraq. It's in many countries. It is a subject on which the representatives at the United Nations have been unable to reach any consensus. And yet again, I use the word "elites". I know that's an emotionally loaded word. I view that as being a fundamental issue on which they simply will not – not only will they not compromise – but they will not touch or support any proceeding in which the death penalty may play a part.

DePue: Well, he obviously was executed. I wonder if you have any comments or reflections on how that unfolded?

Risley: Well, I wasn't there at the time, but as it did unfold I was dismayed as I believe the members of the court for the most part were dismayed, the Iraqi High Tribunal. The other American advisors were dismayed, because at that point the process moved out of the hands of the court, where it was in the control of the court, into the control of the executive branch of the Iraqi government. The execution – I think it's fair to say

–was grossly mishandled, both in terms of the timing and also in terms of the manner in which it was conducted. If Saddam could have scripted it, he probably could have done no better. He ended up facing death with courage, with class and we're left with the image of something of a rabble-and-mob lynching that elevates him. It tends to glorify him or make him some sort of a sympathetic figure, when in fact he was being executed for a mass murder of people part way through a trial involving the executions of ***far*** more people. Ironically, the very next day of the Anfal trial that took place after his execution, included the playing of a video tape of him glorying in what was going to be done to the Kurds as a result of the gassing and other attacks upon them. If only the world could have seen ***that***, before his execution.

DePue: Why wouldn't the world be able to see that? I'm sorry, go ahead.

Risley: Because nobody was interested once he was gone. It was publicized that it wasn't something that really got the attention after the execution; it was anti-climactic. It was a footnote. When I was there, I literally did not talk to a single judge – maybe one, but really none – who expressed the belief to me, other than that Saddam would not be executed after the first trial, that he would stick around, that they would keep him around for at least an initial series of trials. That changed, the situation in Iraq changed. As things degenerated, it's obvious the decision was made in the executive branch and obviously there were judges who seemed to change their views – I'm not privy to all their personal views so that may not have happened, I'm speaking of my own impression – that somehow it became imperative for Iraq that Saddam be executed sooner rather than later. But that's different than what was there when I was there.

DePue: Do you think in looking back today that, just looking at the Anfal case in particular or the trial of Saddam if you will, that was a healing process for Iraq? Separating that from the execution?

Risley: The trial?

DePue: Yes.

Risley: Initially no, for the reasons I said. Initially it was anything but. It was contributing to the problems. But after a change in the way in which the trial was being conducted and unfolding, yes, it became part of the healing process. I think it continues to play that sort of a role and it also established the rule – probably more dramatically than anything else that's happened – helped to establish the rule of law in Iraq. It would be overstating it, obviously, to say that the rule of law has been established in Iraq.

DePue: This is an incremental thing.

Risley: But government by men who are governed by law, rather than who make up the law as they go, is essential to a democracy.

DePue: How much of that was undone by the method in which Saddam was executed?

Risley: Well at the time I was afraid that it had been a more serious blow than, as time passes, it probably will be. I think if we get it into some perspective, everyone expected Saddam to be executed sooner or later. It happened sooner. I think most people expected it to be handled in a more dignified and appropriate manner, but it really doesn't appear to have been the catastrophe that I, and maybe some others, were afraid of at the time.

DePue: So the Anfal, the gassing of Kurds, the crimes against the Kurds, and the crimes against the Marsh Arabs that's coming in the future, and other trials that are coming in the future, will continue to heal Iraqi society perhaps and help establish that rule of law that you're talking about?

Risley: That's our hope. That's our hope. There's much happens outside the courtroom that will impact that more than what happens inside the courtroom. Unfortunately as soon as Saddam was out of the picture, as monumental as the Anfal case is in importance to Iraq and to the world, the media attention virtually dissolved; that just simply is a tragedy in itself.

DePue: That there is very little media attention for what's going on now?

Risley: Very, very little. You have to dig for it to find any reference to the case once Saddam was out. It was as if Saddam were the story rather than his crimes.

DePue: You've been critical of the media and especially the Western media several times in this. Why do you think it plays out that way?

Risley: It's the nature of the business. The media business is show business. I mentioned to you one of our translators who was a translator and a cultural advisor to the news media; he commented on that. He said he did not believe it was because the reporters were biased. He said he believed that they look for that dramatic event that they could report; well, usually that was a bombing or it was an outburst. Outside the courtroom it's a bombing; inside the courtroom it's an eruption. So something, some kind of explosion, whether it be verbal in the courtroom or whether it be literally explosive outside the courtroom, is what would be the story for the day. Life of the people in Iraq, he felt, was being lost. The impression I got was it's not what's reported is inaccurate. By and large I believe it was reported accurately. It's that it's almost like looking at a little sliver; it's like looking at what's going on in a room through a keyhole. You see a little part but it doesn't give you a really accurate picture of what's going on in the rest of the room. The conflicts in Iraq are over-simplified by the media to make a simple story that people can grasp. It's Sunni versus Shi'ite. Well as I mentioned, most of the Kurds are Sunni. They're not fighting the Shi'ite but they're Sunni. So how does that fit in to that paradigm? It's much more complicated than the media plays out.

DePue: Your comments are basically oriented toward the international media. Did you have a sense of how the Iraqi media was portraying to their own people?

Risley: Very little. What sense I do have of that is that the Iraqi people tended to view some media, Iraqi media, as being biased this way, some biased the other way. They found it very difficult to really know who to believe. Some would say this, some would say that; they just have a very difficult time trusting anybody, in or out of their country, at this point. You can imagine why that would be.

DePue: That brings it to the next question I wanted to ask anyway. I think it's certainly related. What sense did you have of how appreciative or how disdainful Iraqis were of you in particular or of what you were trying to accomplish or of the Americans in general?

Risley: That's hard to generalize. I've seen a poll that was done more recently that probably would have more credibility and authority than my own personal opinion, but it's consistent with my own personal experience which was, it's a bit of a love - hate relationship. An associate of mine likened it to as if we were Martians, aliens from a different planet who landed in the middle of their country and they look at us as if we were Martians. We view them as somehow some alien life form and they want to receive everything that they can from us, but they're sure looking forward to when we're gone. It's a love - hate sort of thing. That's why you see these polls that say "Do you want the Americans here?" overwhelmingly "NO", so you'd assume, "well, they want us to leave". Well, the majority of them in this poll, two thirds of them, said "NO, we don't want them to leave; we want them to stay until the government is strong enough to operate on it's own, or until the security forces can operate on their own, or until this or until this". I even think one percent said, "Never." Two thirds of them want us to stay but they don't want us to be there. So if you ask them, it all depends on how you ask the question. "Do you want the Americans to be here?" "No". "Do you believe it was the right thing to invade the country in the first place?" They're about evenly divided on that. "Do you want them to leave?" Two thirds say no. The Iraqi people, like the country itself, it's complicated; they feel a lot of things. But they feel the sense of national pride. They love us for liberating them – not everybody, but most of them. They hate us for invading their country to do it. Those are directly contradictory. They love us for what we're doing to help them. They hate us for what we're not doing to help them and they will love it when we leave. They don't want us to leave until it's time, till it won't hurt them and yet they hate us for their being dependant upon us.

DePue: I can see where that is especially difficult for, as you mentioned, a culture and a society where pride is so important.

Risley: Yes.

DePue: Because there is no pride in having to depend on somebody from the outside to help your country stay together.

Risley: Our presence and their dependence upon us are a great source of national shame; that will not be healed until our presence is reduced to the point where it's more inconspicuous.

DePue: I think that's a hard thing for Americans to accept, that that's how they perceive us, in that respect.

Risley: And yet that's the way we would probably respond if we were in the same shoes.

DePue: Exactly, exactly. I know the survey you're talking about. The survey also showed that most Iraqis don't want to divide the nation. They aren't bound on one side or another, this religious divide. They want to be a united Iraq and generally a secular Iraq. Would that be a fair assessment?

Risley: I think that that's probably a fair assessment. As I said, I don't think that they really have a consensus on who to trust, and that includes their religious leaders. They are used to a secular government. When those that were asked how many would want an Islamic state, that was definitely a minority. The majority – over the long run at least – wanted a secular democracy, not an Islamic state. However, I think it is fair to say that in their culture, in their religion, Islam is going to have a great deal of influence, even in a so-called secular state. Islam is part of the culture; it's part of their view of the world. It will inevitably have a great deal to do, but whether the religious leaders control the government, or whether religious elected politicians control the government, are really two different things.

DePue: Of course, at this particular moment in history, there is a great debate in this country about when the Americans should leave and how soon they can possibly get out if they should leave; that is a great political divide ourselves. So I'm going to put you in the position of having to make some predictions and you can beg off if you'd like, but, at the moment when the Americans do leave, what do you see as the future of Iraq?

Risley: At the moment, if they were to leave now you mean?

DePue: Let's say if they were to leave in the next four to six months.

Risley: Well, there would be a security void that would cause a descent into a level of chaos that would amount to not only a failed state and a failed government, but social disintegration that would be akin to – on a mass scale – what happened in the United States after Katrina down in the New Orleans area. That's already happening in some portions of Iraq, but not Iraq generally. It would be a vacuum into which our enemies would quickly thrive and flourish. We know from experience that al-Qaeda and its associates thrive and flourish in that type of environment, which is why they're trying so hard to create it. That's why I do not believe any responsible leader – I understand the politics and how politically, as we approach a presidential election and are in that cycle of things, I understand political rhetoric – but I really have a difficult time believing that no matter who ends up in control of the United States government a couple of years from now, I just can't believe that anybody would responsibly say that we should just simply pull out of Iraq.

DePue: Is that also to say that if we were able, if we decided as a nation to stay there, stay the course if you will, and continue to occupy the country as it continues to develop it's

own internal security forces and it's own infant democracy, is there hope for Iraq in the future?

Risley: I really have a lot of hope for Iraq in the future. The Iraqi people are Iraq's greatest resource. It's not oil. It's the Iraqi people. They have been around for millennia. They have proven themselves to be very resilient. I believe in them in the long run. Now in the medium run, in the short run, there are tough times ahead for everybody, but at this point it really doesn't matter whether you support the invasion, whether you believe we did the right things, whether we made mistakes, it really doesn't matter. What matters is where we are now, where they are now and where we go from here. There are some moral obligations to those people and any people in such a situation that not only we in the United States, but the world has. Now politics and 'I told you so' and vendettas and all of that seem to override those moral concerns. But in the middle again—whether between Republicans and Democrats, whether between radicals of Sunni or Shi'ite, between the United States and its critics or whatever—in the middle, caught in the crossfire are the good Iraqi people; they're the ones that this is all about.

DePue:The question for a long time has been, "Are the Iraqis in that middle going to be willing to stand up and fight for their future?" I guess where you are sitting, the Iraqis who are coming through that gate every day, I would have to think that you would believe, "Yes, these Iraqis coming through this gate believe and are willing to fight and risk their lives for the future".

Risley: Yes. I believe that many, many of them are. But now speaking broadly, these are people, a generation, that has grown up virtually as a slave generation. To use an Old Testament analogy: Moses, when he led the children of Israel out of Egypt, led them around in the wilderness for forty years; they did not enter in to the Promised Land until a new generation rose up. Why? Because the slave generation needed to die out, it seems to me, before a new generation rose up. It may not be this generation that enters into the Promised Land, so to speak, for Iraq. It may be the future generation. I have a great deal of confidence because the people of Iraq with those green thumbs, have voted. [Voters had to dip thumbs in ink to preclude double voting; it became a badge of honor.] They have tasted democracy, they want democracy in the long run and I believe they'll have a democratic form of government in the long run. I do not believe that the environment is conducive to a dictator regaining control in Iraq right now unless the United States and everybody else completely withdraws and allows that to happen, which would be unconscionable.

DePue: And it's hard at this point in time to determine who exactly would be on top if that occurred. Who in Iraq would emerge?

Risley: It probably would not be Iraq. It would be regional decision. It would not be the people of Iraq who would make that decision; it would be regional powers around who would end up in a conflict, descending in, and potentially a regional conflict that would be a conflagration that would make the problems that we face in Iraq itself

right now seem pale into insignificance in comparison. That simply cannot be allowed to happen. If we somehow are able as an international community to give Iraq the support that it needs to survive and to succeed as a government, the Iraqi people will decide, ultimately, their future.

DePue: A couple of final questions for you. Did this experience change you, and if so, how?

Risley: The easy answer is yes. How? Well, I think that, like probably most Americans, I was living inside some sort of a protective bubble. The bubble may not be burst, but at least is bigger. In less than a day I could be in Baghdad. I have friends there who I regard as brothers, sisters; when you have a face associated with it it's no longer the Iraqi people, an abstract label, it's human beings.

DePue: It's flesh and blood.

Risley: And that's changed my perspective. I've also been able to experience a very different culture, a different perspective on life from trying to look through their eyes; as you do that you tend to look more at yourself and our own culture. That's something that I think has been very valuable to me. I worked with a British associate who gave me the opportunity to look at things from more a continental view. Now this was a rather jaded continental view, but that seems to be pretty much the norm there; so I got an opportunity to see, to some extent, through that perspective as well. I think the thing though that I really feel, one of the things – it was commented to me by a friend of mine, when I came back – he said, "Dave, you seem much more tolerant of people now than when you left." It's not to say that I was intolerant before, but you know, what we call problems…what? You call ***those*** problems?

DePue: (laughs)

Risley: You know, I have a different perspective on a lot of things now and I think it's a healthy thing. It was a wonderful blessing to me to be able to go over there. I maintain those communications. I received an email from one of the female translators with whom I worked, who now is in the United States going to school here at a university. I asked her "What's your impression of the United States and our culture?" Well, she didn't have much time for that because she's spending most of her time in school. I can't remember the word that she used, but she said, "It's unfortunate. I seem surrounded by people who have no idea how the world really works but who believe they know everything."

DePue: (laughs) Typical American arrogance then.

Risley: I don't know but what that would have described me before. I think one thing that I have right now is, I've learned a lot, and in learning a lot I have a lot more humility because I know a little bit more than I did before how much I don't know. The more I learn, the more I realize how much I don't understand, how much I don't know and how complicated these things are and how difficult it is to predict the consequences of action such as is involved in Iraq right now.

DePue: Now that you know a little bit more than you did before you went, and realize just how little you do know, would you be willing offer any advice to the rest of us Americans?

Risley: Get out more, read more. There's a lot of information that's available, but I find that there's a lot more opinions batting about than there are informed people. The other thing is, one of the things they taught us was that our culture tends to be what they call more abstract, where we view individuals as individuals. I don't try to evaluate you by finding out about your father and your family, who they are, I find out about you, what you've done in your life. You have individual rights and an individual identity, whereas in an Arab culture it's more associative, where you're defined more in terms of where you fit in in a group, whether it be family, tribe, whatever.

DePue: This goes back to your discussions last week about tribes and what tribe do you belong to.

Risley: It's seems to me that we're becoming more tribal in our country. That it's no longer the merits of an idea as much as, is this idea associated with this group or whether it be political, whether it be religious, whatever it may be, or this group? There's much more sectarianism religiously, there are more schisms politically, and we're becoming more associative. Now associative has some advantages, but one of the big disadvantages is you begin to divide people by class, by membership in a group; that's un-American and yet it's happening. This country is based upon the idea that we are all equal and that we all have equal opportunities and that our identity as a child of God is something we have, a sense of brotherhood and sisterhood with all humanity and would hope that all humanity would be within the embrace of that good will and those opportunities to progress and to enjoy life, liberty and pursuit of happiness.

DePue: Well, that's a suitable philosophical comment to end this on, but I'll ask you one more question. Do you have anything else to mention or to say before we conclude this?

Risley: Well, I suppose – I hadn't expected your question – but I would get back to something I said earlier: religious doctrines and politics may divide but the spirit of God unites. That's true and we need a lot more of that.

DePue: Well, on that note, David, I want to thank you very much. This has been very enjoyable for me and I hope in the future that those who take the opportunity to watch this can learn a lot about it. We'll see how prescient both you and I are fifty years from now.

Risley: We'll find out.

DePue: Thanks Dave.