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To: H
Subject: Maliki

Subject: UPDATE ON POLITICAL CRISIS

See below for Maliki press conference. He did not himself appeal for a gathering of leaders but rather made reference to what was done in the CoM (bold under "General" category below). I will have coming in on high side some ideas on next steps within 30 minutes. Below are summaries of where we are at today (Somewhat fewer Shia Asura flags on military vehicles today, some are now sporting Iraqi flags, so this is one PM commitment at least partially kept):

Issawi: Sees unrest/demos throughout Sunni areas. People there see this as purely political, no one trusts judiciary, can lead to civil strife. Iran is behind this, putting pressure on Sunnis to force Turkey to a deal—'you stop in Syria, and 'we' (Iranians/Shia/Maliki) will stop in Iraq. This allegedly 'explains' why Shia leaders normally ready to trash Maliki (Jaferi—see below, Al Hakim—tho he is off to Ankara, etc) are remaining quiet. US needs to use its carrots and particularly sticks now. Kurds split—some of PUK/Talabani Kurds attended CoR, KDP MP's all stayed away. Somewhat the same in CoM meeting. Said Maliki should not convene leaders, half or most of Iraqiyya would not attend, it should be Talabani or Jaferi.

Chief Justice Medhat: Told me that contrary to Maliki to us and to media (below), Judiciary specifically banned judge participating in TV confession airing after Medhat tried to pull the plug (this was why two days ago the television spectacle was first off, then later aired). Medhat has now thrown the whole investigation to a special Inquiry of five justices, 'balanced' between Sunnis and Shia (he said he was embarrassed to even say this but felt he had to, we thus did not press on 'ratio'). Only they can issue arrests, etc. Hashemi has an arrest warrant out on him from the Inquiry, and due to a change in the law (ironically sponsored by Hashemi strongly) does not have any immunity. Medhat did see the problem with a case based almost entirely on confessions, with only one piece of hard evidence (a VBIED), no known motive, allegedly against someone who had just pressed to have his own immunity lifted. I pushed hard on the credibility of the judiciary, and Sunni arguments that it was biased. He needed to make the point that the judiciary and this investigation was independent, professional and transparent. After much back and forth he said his official spokesman, a senior judge, would speak to the public on the issue tomorrow. I told him to consider what he can do with Maliki (he has not spoken to him) and with the media. His spokesperson might not be enough.

Ex-PM Jaferi: He is being courted by everyone. He seemed to believe the charges against Hashemi, but understands the gravity of the situation. Promised me he would do whatever he could to calm things.

SOL Bloc Leader Khalid Attiyah:

The only real way forward was a political dialogue between Maliki and Nujaifi to address the underlying power-sharing disputes between SOL and Iraqiyya, Attiyah told us today. Nujaifi was "reasonable" and able to control the Sunni street; plus, Maliki could work with him.

Everything should be on the table in these Maliki – Nujaifi talks: Sunni calls for new regions, the November 2010 Erbil Agreements, and Maliki's desire to build a functioning government. The Shia strongly prefer that Talabani convene. They have two conditions: (1) Maliki would not welcome Barzani's participation, as their personal relationship had become too tense and mistrustful, and (2) the dialogue should take place in Baghdad (vice the IKR).

The strong security presence in the IZ would continue through January 6 given specific threat information, but he agreed that tanks/HMMVVs should be moved away from Iraqiya residences as an immediate step to calm things down.

SOL was "very uncomfortable" with ISCI leader Ammar Hakim's visit to Turkey. Trust between SOL and ISCI, already weak, had reached a new record low. But the Turks will still not succeed in convincing Hakim to join Iraqiya in a vote of no confidence against Maliki.

PRESS CONFERENCE

Summary: Maliki called for the KRG to turn in Hashimi to the judiciary, saying it should not "appear to be aiding a wanted figure escape." He stated Parliament is required to dismiss Salih al-Mutlaq, and cabinet ministers not attending cabinet meetings will be considered to have resigned. He said a majority government is the alternative "if the constitution is not taken as a reference," and he himself calls for a majority government because "a partnership government is not efficient." On the U.S., Maliki stated that 700 U.S. trainers will remain inside camps Iraq to train Iraqi forces. He said the U.S. Embassy staff has not exceeded 2,000 employees, and will be subject to visa requirements which will allow the GOI to know their number. In addition, Iraq itself has requested specialists in fields such as agriculture and industry, which might be a reason for the increase in the number of employees.

Detailed Highlights:

Security, Justice, and Political Issues

Security is not a subject for negotiation with anyone, internally or externally. Security and justice are independent and nobody has the right to speak about justice. There is no other option but to resort to the constitution, which is

the key point in resolving any problems we have, which are many. All initiatives should be done according to the Constitution, even in our initiative on Syrian crisis. When we disagree on the constitution, there are other channels for resolving issues, such as Parliament, the Shura Council, Judiciary system, and others. I cannot say the constitution is complete [without problematic issues], but working with it is far better than working without it and we should not reject it. Justice and security should not be politicized, and we should separate between criminal and political cases, and all should be done in accordance with constitution. There are mechanisms set forth by the constitution to define the authorities vested in all government agencies and how to coordinate between them. A majority government is the alternative if the constitution is not taken as a reference. I for one call for a majority government in the next stage because a partnership government is not efficient. The judiciary is not perfect, but it is not politicized.

Hashimi

The confessions [regarding Hashimi] were aired after permission from the judiciary, the Iraqi judiciary allows this. Evidence is present at the judiciary, and it shows whether [the evidence and confessions] were taken under duress or not. Hashimi's case is not new, but it was delayed due to forming the government and reconciliation, and also the continuation of killings prompted us to take action. I received new information on crime just before heading on my recent trip abroad. Arab League intervention [in the Hashimi issue] is rejected. The KRG should not allow VP Hashimi to "escape," and should turn him in to the judiciary. Judicial orders apply to the entire country, including the Kurdistan region. We hope that the KRG will not appear as if to be aiding a wanted figure escape.

Iraqiya Boycott

Cabinet ministers not attending cabinet meetings will be considered to have resigned. Only four ministers so far have boycotted cabinet meetings.

Mutlaq

I did not threaten to resign if Mutlaq was not voted out by Parliament, but Parliament is required to dismiss Salih al-Mutlaq. Mutlaq's comments are detrimental to the political process, especially since he is a participant in the political process, and it is not only comments, but other actions as well.

U.S. Relations

700 U.S. trainers will remain inside camps Iraq to train Iraqi forces. U.S. Embassy staff numbers have not exceeded 2,000. U.S. Embassy personnel presence will be organized under visa regulations, we will know their numbers and specialties [work.] We have requested certain specialists here in the fields of agriculture and industry. So our own requests might be a reason for the increase in Embassy personnel numbers. A meeting was held with the president of ExxonMobil in the U.S., "pending issues" were discussed, and the president promised to look into them. The presence of foreign troops has ended and ISF has assumed full responsibility for security, which is considered a successful return of Iraqi sovereignty and will. We have intensified our contact with countries with which we have trust in their companies and expertise to participate in our reconstruction process. This is the reason for our visits and delegations to China, Japan, Korea and to the U.S., to activate bilateral agreements and provide proper groundwork for attracting companies, many of which have returned. My recent visit to the U.S. after the agreement on withdrawing troops was in progress was to activate the Strategic Framework Agreement. We held meetings of the joint coordination committee here and in U.S. Security has been in Iraqi hands years before the actual withdrawal, and political issues have never been in U.S. control. Since the signing of the Security Agreement, we have been responsible for everything in this country. During visit to the U.S., we explained to U.S. officials our position regarding events in Syria, and they understood our position that events in neighboring countries would affect Iraq, and Iraq needs to take measures to protect itself.

Regional and International Relations

Iraq is "recovering" and taking a place in the Arab world and region as a state with independent decisions. Iraq will not interfere in anyone's affairs, and will not allow anyone to interfere in its internal affairs. We seek friendship, relations and cooperation, but we reject any external influence into our decision. I hoped Gulf states would propose mediating between Iraq and Kuwait over the issue of Port Mubarak, instead of taking sides. The issue is politicized. A bilateral solution is the right way to address it. The Gulf Cooperation Council's comments requesting Iraq to clarify its regional policies is welcomed, we have clear policies towards the region and the Arab League and Organization of Islamic Conference, we search for friends in the world, we do not want isolation or severed ties.

General/Internal Development: Iraq is passing through a new phase, and each stage has its priorities. All efforts are dedicated to building state institutions, reconstruction, and better investment of Iraqi fortunes which were harmed by wars and internal and foreign instability. The Iraqi people suffered under the former regime, and we have striven to rebuild the Iraqi state in which people enjoy security, stability and prosperity. We need political stability which will in turn lead to security and stability of the state. We still have many problems that deserve more interest and priority. Partnership among all [political] components is necessary because Iraq has many issues that need to be resolved. The Council of Ministers meeting yesterday called for a meeting with all political blocs, ministers, and the three presidencies to discuss the reconstruction process. We thank everyone for all initiatives to reinstate stability in Iraq. There are currently 5 such initiatives.

Economy

Any revenue from oil produced in Iraq should return to the central government, the government will cover costs of oil production in Kurdistan, but the revenues should return to the government.

Ashraf

Camp Ashraf is a state within a state and we cannot allow that situation to continue. We have given them a grace period until the end of 2011. Ban Ki-moon asked for an extension of six more months and we agreed, as long as half of them leave.

Q&A:

[answering McClatchy questions on Hashimi's trial fairness and Camp Ashraf] Judiciary in Iraq is different from Saddam's time. We provided a fair trial to Saddam Hussein, and we will also provide this to Hashimi, it will not be politicized. I did not allow Hashimi's residence to be searched. Camp Ashraf violates Iraq's sovereignty and the constitution. The deadline for their presence should have been December 31, it has been extended six months starting November based on UN SG BanKi-Moon's request. We have accepted to keep camp Ashraf open until April as long as half of the residents are moved out now, while the other half is relocated inside Iraq before moving out later. An agreement was reached through UNAMI to move 400 – 800 Camp Ashraf residents out of the country, but the residents rejected this and "have taken armed measures."

[Questioned on possible U.S. interference towards a majority government] There is no interference in Iraq by any other country, but we do accept advice.

[NPR question on the timeline of recent events regarding measures against senior Sunni figures just after the withdrawal of USF-I, and the arrests of Ba'athists] The GOI has been responsible for security since 2008, and we have conducted arrests against Ba'athists, even as U.S. forces were in Iraq, the Ba'ath party is constitutionally banned, and it is similar to the Nazis in Germany. It is a judicial issue not a political affair.

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