

Looming U.S.-Iraqi Row over Decision to Release Hizballah Commander

by [Matthew Levitt \(/experts/matthew-levitt\)](/experts/matthew-levitt)

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ABOUT THE AUTHORS



[Matthew Levitt \(/experts/matthew-levitt\)](/experts/matthew-levitt)

Matthew Levitt is the Fromer-Wexler Fellow and director of the Reinhard Program on Counterterrorism and Intelligence at The Washington Institute.



Brief Analysis

An Iraqi court's decision to release an indicted senior Hizballah figure could lead to more terrorist attacks on Americans.

Last week, the Iraqi Central Criminal Court rejected Washington's formal request to extradite Hizballah commander Ali Musa Daqduq to the United States to face charges of murder, terrorism, spying, and other offenses filed by a U.S. military commission. Iraqi courts had dropped similar charges against him on May 29 and then again on June 25 when the decision was appealed, seemingly giving the central court cause to reject the extradition request and approve his release. "It is not possible to hand him over because the charges were dropped in the same case," the judges ruled. But the cases are not the same, and the ruling means Baghdad could soon release one of the most senior and dangerous Hizballah commanders ever apprehended. In the words of one former CIA officer, Daqduq is "the worst of the worst. He has American blood on his hands. If released, he'll go back to shedding more of it."

BACKGROUND: ATTACK IN KARBALA

In the early evening of January 20, 2007, American and Iraqi military officers met at the Provincial Joint Coordination Center in Karbala, about thirty miles south of Baghdad, to discuss local security operations. A short time later, a convoy of five black SUVs was waved through three checkpoints and allowed to access the base; the trucks were carrying about a dozen English-speaking militants dressed in U.S. military fatigues and carrying American-type weapons and fake identity cards.

The assailants headed directly for the U.S. contingent, throwing grenades and opening fire with automatic rifles. After killing one American soldier and injuring three more, they grabbed four other U.S. personnel and fled the compound. Later, Iraqi police found their abandoned vehicles; inside were discarded uniforms, radios, a rifle, and the bodies of three of the abducted soldiers. The fourth died on the way to the hospital.

CAPTURING DAQDUQ

On March 20, 2007, British special forces raided a house in Basra and arrested two wanted militants, brothers Qais and Laith al-Khazali. Also at the home was Daqduq, who pretended to be deaf and mute. Although it would be several weeks before he disclosed his true identity to coalition forces, the treasure trove of materials confiscated at the time of his arrest quickly led analysts to Hizballah, the Qods Force (an elite branch of Iran's Islamic Revolutionary Guard Corps), and a string of attacks targeting British and U.S. forces, including the January Karbala operation.

In July 2007, after piecing all of the evidence together, coalition forces held a press conference to announce the capture of the Khazali brothers and Daqduq. The military spokesman also explained the latter's importance. An elite commander who had "led Hizballah operations in large areas of Lebanon," Daqduq first joined the organization in 1983, making him one of the earliest members of a group founded in the wake of Israel's 1982 invasion of Lebanon. By the time he was arrested in Iraq, Daqduq had already "served in numerous leadership positions" within the Hizballah hierarchy.

HARD EVIDENCE IGNORED

The Iraqi contention that terrorism and forgery charges against Daqduq had to be dropped for lack of evidence is spurious at face value. At the time of his capture, Daqduq claimed to be an Iraqi named Hamad Mohamed Jabarah Alami. He held multiple false identity cards featuring his photograph and depicting him as an employee of various Iraqi government agencies, including the Council of Ministers and the Ministry of Agriculture. In reality, however, he "was in Iraq working as a surrogate for...Qods Force operatives involved with special groups." The hard evidence underpinning the forgery charge was seized at the time of his arrest and speaks for itself.

As for the terrorism charge, documents found in Daqduq's possession detail a variety of operations targeting coalition and Iraqi forces, including the use of improvised explosive devices (IEDs), kidnapping plots, attacks on helicopters, and small-arms assaults. As a master trainer, Daqduq was heavily involved in preparing special operatives to execute such attacks. A training manual he carried included specific tactical tips for successful operations. For example, when conducting a rocket attack against a coalition convoy, militants were instructed as follows: "launch two rockets at the target and the third one for insurance"; "shoot the first and second vehicle"; "each vehicle shoots two rockets (four rockets for every vehicle)"; "secure the place...and shoot visible soldiers"; and "shoot single shots and don't shoot on automatic."

The documents also reveal that Daqduq was personally involved in violent operations in Iraq. For example, his personal diary recounts his role in a plot to kidnap a British soldier. "The operation is to infiltrate two brothers into the base to detain a British soldier in the first brigade from the bathrooms by drugging him," he wrote. His notes also detail a meeting with operatives who were actually present at the attempted kidnapping, which failed due to the intervention of Iraqi soldiers. Other documents refer to his involvement in attacks on British headquarters at the Basra palace and the Shatt al-Arab Hotel.

Daqduq's diary also mentions discussions with operatives involved in IED bombings and small-arms fire against Iraqis and coalition forces in Diyala province: "Met with the brothers [and] the observers of Diyala province and I listened regarding the operations...We conducted eight explosive charge operations on both sides." His use of the first-person suggests that he was either personally involved in the attacks or, at minimum, saw himself as an integral part of the plot.

But what most grabbed the attention of senior coalition leaders was an "in-depth planning and lessons learned document" about the 2007 Karbala attack, outlining the extensive pre-operational surveillance, logistical preparation, and tactical drills the operatives had carried out. Both Daqduq and the Khazalis would eventually

concede "that senior leadership within the Qods Force knew of and supported planning for the eventual Karbala attack." According to Daqduq, "the Iraqi special groups could not have conducted this complex operation without the support and direction of the Qods Force."

HOLDING HIZBALLAH ACCOUNTABLE

In late February 2012, the U.S. government publicly announced the filing of military commission charges against Daqduq, as detailed in an eight-page charge sheet first issued secretly just days after he was turned over to Iraqi authorities. By the time an Iraqi appeals court upheld the decision to free him in June, Washington had already lodged a formal extradition request. To be sure, even a fair trial could have ended in Daqduq's acquittal on some or all of the charges. But failing to try him at all -- and on the basis of such clearly false procedural grounds -- suggests that something other than the rule of law is at play in the Iraqi judicial system.

For Washington, the question of whether or not this case goes to trial should be a litmus test of the Maliki administration's commitment to democratic principles, particularly the rule of law and separation of powers. At the moment, Baghdad has apparently concluded that the political cost of holding a senior Hizballah commander accountable -- in Iraq or the United States -- is too high. Baghdad wants to balance its relationships with Iran and Washington, and this case stands at the crux of the two. Accordingly, Washington must make clear at the highest levels of the Iraqi government that there will be tangible consequences to summarily freeing an Iranian proxy with American blood on his hands.

Matthew Levitt is director of the Stein Program on Counterterrorism and Intelligence at The Washington Institute. ❖

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