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In Shadow of Death, Iraq and U.S. Tiptoe Around a Deadline

By **TIM ARANGO**

BAGHDAD — The government of Prime Minister [Nuri Kamal al-Maliki](#) is privately telling American officials that it wants their Army to stay here after this year.

The Americans are privately telling their Iraqi counterparts that they want to stay.

But under what conditions, and at what price to the Americans who remain behind?

American combat deaths are on the rise, an ominous harbinger of what lies ahead if an agreement is reached to keep troops here after the withdrawal deadline at the end of the year. For the same Iraqi government that wants the Americans to stay is also tacitly condoning attacks by Shiite militias on American troops, by failing to respond as aggressively to their attacks as it does to those of Sunni insurgent groups like [Al Qaeda in Mesopotamia](#).

The Maliki government's unwillingness or inability to rein in the militias adds an element to a discussion that until now had been focused on the capabilities of the Iraqi security forces and the domestic political considerations in Washington and Baghdad, not the safety of American soldiers.

Lately, American officials [have been vocal in levying accusations](#) at Iran for arming the militias that are attacking American forces, but less so in denouncing the Iraqi government's complicity. "Iran is very directly supporting extremist Shia groups which are killing our troops," Adm. Mike Mullen, the chairman of the Joint Chiefs of Staff, told reporters recently in Washington. He said any discussion with the Iraqi government to keep a force here next year "has to be done in conjunction with control of Iran in that regard."

On Monday, during his first visit to [Iraq](#) as secretary of defense, Leon E. Panetta also raised the alarm, and suggested that the Iraqi government could do more.

Recently, the Iraqi Army conducted an operation against the militias in the southern part of the country, the Shiite heartland. But the campaign fizzled with no major arrests, and no significant impact on the militant networks.

In a recent interview, Maj. Gen. Jeffrey S. Buchanan, the top military spokesman in Iraq, admitted as much. "I think the overall effect has been just one of disruption," he said. "They have temporarily disrupted some of the networks; they have not defeated any."

General Buchanan said the Iraqi forces began the operations, which took place in Maysan Province and in Basra, with a list of "high value targets." But he said they arrested few of the men they were looking for. The arrests that were made, he said, were "low-hanging fruit."

When asked if the Iraqi government is doing enough to restrain the groups killing Americans, he said, "I think that they can certainly do more."

The unequal response by the Iraqi security forces to the threats from Sunni and Shiite insurgent groups is a legacy of the sectarian violence that was unleashed by the American invasion eight years ago. That upended the Sunnis' long reign and installed a government dominated by Shiites who still nurse grudges against their former oppressors.

Another layer of frustration for the Americans is the Iraqi judicial system, which is also often infected with sectarianism.

A recent case in Hilla, a town in Babil Province, south of Baghdad, illustrates the uneven treatment in Iraq's courts. An American Army unit caught three men laying a roadside bomb, and turned them over to the local judiciary. According to a local official, the men were members of the Promised Day Brigade, a militia under the control of Moktada al-Sadr, the anti-American Shiite cleric whose followers in Parliament helped Mr. Maliki secure a second term as prime minister.

Yet the men were acquitted after a two-hour trial in which the court barred American military officials from testifying. The case became public only because a frustrated American commander issued his own news release, outside the usual communications of the American military command in Baghdad.

"We are deeply disappointed in the court's decision," the commander, Col. Reginald Allen of the Third Armored Cavalry Regiment, said in the statement. "To free three suspects without a fair trial, after they were found at the crime scene with a clear intent to commit harm, undermines the rule of law and sends a terrible message that can only serve to embolden the enemies of a free and secure Iraq."

Colonel Allen's comments amounted to unusual candor from an American official about the frustrations of operating in Iraq today, and raised the ire of public relations officials at the United States Embassy here. Embassy officials are emphasizing the narrative that Iraq and the United States are entering a new phase in their relationship, a more normal one between two sovereign countries, even as the recent attacks underscore the violent reality of Iraq eight years after the American invasion.

Assuming that the two uneasy partners can find a way to reach their mutually agreed goal of keeping an American military presence beyond the end of this year, the question is how to make it work more like South Korea and less like Somalia.

The Americans can keep pushing Iraq's leaders to clamp down on the militias, but that may be too much to ask of a weak and divided government. What the soldiers would like is more latitude to conduct operations on their own.

Under the security agreement, American troops can act, but only in self-defense — usually, firing back when fired upon — and are barred from operations against militant networks based on intelligence.

Mr. Panetta [said this week](#) that the Americans would take matters into their own hands if the Iraqis did not step up, and the blowback was immediate. A spokesman for Mr. Maliki said any such operations were “a violation of the security agreement signed between Iraq and the United States.” Mr. Panetta's comments also antagonized Mr. Sadr, whose spokesman was quoted by Agence France-Presse as saying they “openly mocked Iraq's sovereignty.”

All things being equal, the Iraqis would prefer an agreement between the two governments for a continued troop presence without the political complications that would come from submitting it to Parliament. The Americans have insisted that any deal must be ratified by Parliament because their lawyers have decided it is the only way to secure legal immunities for soldiers who stay.

To make this palatable to the citizens of Iraq and the United States, the public relations game is to draft language that is politically acceptable yet obscures the reality that American soldiers will continue to face an enemy, will need to defend themselves and will almost certainly continue to die.

