

## STATEMENT OF KIRK W. JOHNSON

### **Director of the List Project to Resettle Iraqi Allies Before the United States Helsinki Commission on Security and Cooperation June 11, 2008**

Thank you Chairmen Hastings and Cardin, Ranking members Smith and Brownback, and Members of the Commission. We appreciate the opportunity to appear before you today to discuss the List Project to Resettle Iraqi Allies and its work with Iraqis who have become imperiled due to their affiliation with the United States of America in Iraq.

The List Project officially turns one year old this month. It was unofficially and unintentionally launched on my laptop in December 2006, when I wrote an op-ed in the Los Angeles Times about a former Iraqi colleague of mine from the U.S. Agency for International Development, for which I worked in Baghdad and Fallujah in 2005. My former colleague, who had been helping us implement a \$130 million program to rehabilitate Iraq's education sector, was photographed while leaving the Green Zone by a 'chewer' – militia members whose sole function is to identify for assassination Iraqis who are collaborating with the United States. The day after his affiliation with the U.S. became known, he returned home to find the severed head of a dog with a note pinned to it, saying that his head would be next.

When he brought news of this threat to his employer, USAID, he was offered a month's leave without pay, at which point his job would be given to someone else. There was no embassy-level assistance in helping this faithful but targeted employee expeditiously out of the country. He fled to the Gulf, and after years of service to the United States Government, he was now on his own. He wrote to me for help. It seemed to me impossible that there wasn't some process in place, so I wrote the op-ed, thinking it might help my colleague.

What resulted was not any swift resettlement, but a deafening cry for help from many other Iraqi colleagues of mine who had suffered similar fates. In February of 2007, I went to the State Department's bureau of Population, Refugees and Migration to deliver the first list of roughly 40 names of former employees of USAID who were now refugees or hiding within Iraq due to threats. I received a commitment from the Bureau that they would submit these cases to the UNHCR for priority processing.

Since that first meeting sixteen months ago, the List has grown at an alarming pace, and now approaches 1000 names. So far, only 31 U.S.-affiliated Iraqi employees off the List have been admitted. When we include their family members, the number rises to 92 Iraqis. In the last 10 days alone, we have received twenty one new applicants, who, with families, add approximately 40 more names to the List, which constitutes the largest list documenting the claims of U.S.-affiliated Iraqis. We have been compiling the critical information that the U.S. government would need to process a refugee – full names, dates of birth, phone numbers, email addresses, scans of ID badges issued by our government and military, performance evaluation reports of former employees of the State Department and USAID, letters of support from marines, soldiers, diplomats, aid workers, and contractors, commendation and award certificates, names and phone numbers of American supervisors vouching for their service, and so on. We have also included copies of many death threat letters. These are, I would propose, the most-documented refugees in the world. Many of them have even undergone background checks and polygraph examinations before serving our country.

To undertake this effort, the List Project has partnered with three top law firms: Holland & Knight, Proskauer Rose, and Mayer Brown, which together have committed nearly 200 attorneys and thousands of hours of *pro bono* support to every Iraqi on the List. In a moment, you will hear from my esteemed colleague at Holland & Knight who directs that firm's effort in working with U.S.-affiliated Iraqis on the List. You'll also hear from a former Iraqi colleague of mine from Baghdad who now works to manage the caseload of Iraqis on the List at Proskauer Rose. Many more firms have requested to partner with the Project. We have all been compelled by a sense of moral obligation to help these allies whose decision to aid us in Iraq has cost them their country. I am not sitting before you today as a life-long expert on refugee matters, but as a former employee of the United States Government in Baghdad and Fallujah who had the honor of depending on these Iraqis, one of whom sits in concealment to my side. I look forward to the day that the List Project is no longer relevant as a result of America having recognized its urgent duty to this particular group of Iraqis.

The Congress has indicated its intent to rescue our Iraqi staff to the Executive branch through the Refugee Crisis in Iraq Act, commonly referred to as the Kennedy legislation, which enjoyed broad bipartisan support. And while the Departments of State and Homeland Security have been trying to keep up, they clearly are under-resourced and understaffed. More importantly, they have not received the leadership required from the White House. It is, after all, the President of the United States who sets the determination on refugees each year for our country. To date, he has not yet uttered a syllable as to what he thinks our country owes Iraqis who are being hunted for assassination as a consequence of helping us. In the absence of Presidential leadership, our bureaucracies are struggling to contort their traditionally slower-moving processes around the demands of an emergency where the luxury of time is not afforded.

We have had very welcome and positive interaction, on the other hand, with the recently-arrived refugee coordinator in the Baghdad Embassy, who has been tasked with implementing the Kennedy legislation's instruction to begin in-country processing for U.S.-affiliated Iraqis. Her efforts, and those of the very small team working with her, are without question commendable – we must not forget the harrowing circumstances in which they labor. Their laudable work on the ground, however, has not been accorded the resources necessary to successfully implement this legislation. Iraqis are granted interviews but accessing those interviews is a herculean challenge. Our lawyers have had to tap informal networks of colleagues working as contractors and federal employees in the Green Zone who do not work at the State Department but assist the process by escorting Iraqis through checkpoints and into the Palace. It is safe to say that without these connections that we retain due to our own service in Iraq, the Iraqis on the List would be unable to reach their interviews.

I recently heard from an Iraqi couple my age I last saw in Jordan earlier this year, 'Alia' and 'Hamada.' After working as interpreters for our Army's 10<sup>th</sup> Mountain Division and the National Democratic Institute for three years, the threats they faced as collaborators with America had reached such a degree that they packed their lives into a suitcase and fled Iraq.

They went to Jordan, illegally, where they immediately applied to be resettled to the United States. They kept to themselves, rationed out their life's savings, as Iraqis cannot obtain work permits anywhere in the Middle East, and waited for a helping hand from America. For the next 18 months, they listened to a procession of senior administration officials making proclamations and promises about our country's moral obligation to resettle these Iraqis. They allowed for some hope, and considered a life in America free of death threats or the oppressive possibility of being forced back to Iraq, where their

colleagues are still hunted, kidnapped, tortured, and assassinated despite perceived successes of the surge. Alia got pregnant.

They waited, clearing hurdle after hurdle, patiently retelling their story to the array of officers who struggle to implement a labyrinthine resettlement process that let in one-fifth<sup>i</sup> the Iraqis between 2003 and 2007 that Sweden<sup>ii</sup>, whose only involvement in the war has been to shelter its refugees, managed to admit. Many Iraqis with whom I served now call Stockholm their home. After successfully clearing the penultimate step of the process – approval from the Department of Homeland Security – all they had left was to pass a medical test and they would be on their way.

Alia and Hamada were elated at the prospect of refuge in America, but were terrified of one aspect of the medical test: a chest x-ray for Alia, used to check for tuberculosis. Knowing x-rays might pose a risk to her baby, she inquired about whether or not the x-ray might be waived or an alternate method utilized. She was racing the clock: she had about six weeks left before it would be unsafe to fly, and as an illegal she refused to face the uncertainty of delivery in a Jordanian hospital, where her husband might be arrested or care denied. A chest x-ray stood between her dream of America and the dread of Iraq.

I pressed her case with the Department of State, which promised to look into it. Week after week passed, but Alia and Hamada could not get their waiver. They are now back in Baghdad, hiding. Alia is uncertain about which hospital, if any, is safest for her to deliver her baby, which is due any day.

Is this America at its best? Is this really the most we can do for our Iraqi employees? I believe that the crisis of U.S.-affiliated Iraqis represents the most urgent moral and strategic imperative the war has produced. How we address it will impact our standing in the region for at least a generation to come. As the countless marines and soldiers helping the List Project and their interpreters understand full well, we cannot leave our allies behind in the trenches. On a strategic level, it would be naïve to think that we could make new friends in the region if we turn our backs, however slowly, on our old ones.

We must not forget that we have the capacity to rapidly resettle refugees. We are a superpower after all, with many precedents in recent history from which to work. Great Britain, our chief coalition partner in Iraq, has decided against leaning on an overloaded UNHCR to process their endangered Iraqi staffers. In April of this year, Prime Minister Brown followed the example set by our ally Denmark<sup>iii</sup> by ordering an airlift of British-affiliated Iraqis directly to a military airfield in Oxfordshire, where they will be processed for asylum<sup>iv</sup>. Are we that different in constitution from the United Kingdom, that we couldn't manage something similar?

The White House could also consult our own recent history. In 1996, President Clinton ordered Operation Pacific Haven, which flew nearly 7,000 Iraqis from the north, many of whom were U.S.-affiliated, to be processed at our military base in Guam. There, they were kept safe from any retribution by Saddam Hussein, Americans were kept safe while the refugees were screened, and the bureaucracies had the access they needed to function at a swift pace. When we consider that the Department of Homeland Security was unable to secure visas for its agents to process refugees in Syria for several months this past year, all but halting America's resettlement program in the country hosting the greatest number of Iraqi refugees, a "Guam" option seems eminently practical. Upon completing Operation Pacific Haven, General John Dallager expressed his optimism, saying "Our success will undoubtedly be a role model for future humanitarian efforts."<sup>v</sup> One journalist judged that fewer than a dozen of our C-130 Hercules planes could transport our entire List to a safe processing point such as Guam.

As an aside, I have recently become aware that some in the Department of State have been discussing the idea of using a military base in Kuwait, whereby the Department of Defense would fly SIV applicants for expedited processing by a safely-ensconced and well-equipped team, a plan which would bypass many of the pitfalls currently thwarting refugee processing.

We are at a dangerously absurd point in the war on terror when Nelson Mandela makes it on to the terrorist watch list<sup>vi</sup>. We will have few values to protect against terrorists if those who have served our country at great cost and with distinction are left to fend for themselves.

It seems that helping Iraqis like Alia and Hamada represents the best opportunity for the United States to deliver a blow against very notion of terrorism. In recognizing their service to us, in airlifting them to safety here, we send a clear message: that the United States does not abandon its principles in periods of hardship, that we have not lost our capacity to see friends as friends and not as terrorists, and that our moral compass still functions accordingly.

I thank you for your time and look forward to your questions.

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<sup>i</sup> <http://www.wrapsnet.org/Reports/AdmissionsArrivals/tabid/211/language/en-US/Default.aspx> (Official DOS/PRM site - US admitted 5,154 from 03-07)

<sup>ii</sup> <http://www.timesonline.co.uk/tol/news/world/europe/article3775951.ece> (sweden admitted 24,977 from 03-07)

<sup>iii</sup> <http://news.bbc.co.uk/2/hi/europe/6908792.stm>

<sup>iv</sup> <http://www.timesonline.co.uk/tol/news/world/iraq/article3701648.ece>

<sup>v</sup> <http://www.defenselink.mil/releases/release.aspx?releaseid=1218>

<sup>vi</sup> [http://www.usatoday.com/news/world/2008-04-30-watchlist\\_N.htm](http://www.usatoday.com/news/world/2008-04-30-watchlist_N.htm)