

~~CONFIDENTIAL~~
DRAFT

OSD Policy
7 Jan 04
12:15 PM

Apprehension of Moqtada al Sadr

- Although Sadr appears to have stepped back from such tactics as the seizure of mosques and parading his security forces, he continues to attempt to arouse Shi'a opposition to the Coalition.
 - In addition, there is an Iraqi warrant against him for questioning in the al-Khoie murder case.
- Sadr's number of followers appears to be diminishing. He may be marginalizing himself by challenging more senior Shi'a clerics and by his rancor and extreme rhetoric.
- In light of Sadr's weakness, it is appropriate to reexamine the question of arresting him. There are two viewpoints:
- **Arrest him now:**
 - Sadr's rhetoric may cause attacks on Coalition and Iraqi forces, and creates difficulties for the Baghdad council and for our efforts to win over Sadr City.

- Sadr's arrest would strengthen the mainstream Shi'a leadership with whom we have constructive relations.
- Sadr's arrest would reassure Sunnis that the Coalition does not favor the Shi'a.
- Sadr's arrest would reinforce the fledgling Iraqi justice system and the rule of law.
- He is weaker now than when we earlier considered the arrest.
- **Don't arrest him now:**
 - The arrest could entail casualties.
 - Sadr will probably weaken further. Arresting him now could reverse his decline by putting him in the spotlight as a victim of the occupation.

~~CONFIDENTIAL~~
DRAFT

DECLASSIFIED IAW EO12958
July 07, 2009
CII, WIIS R & D Div



CONFIDENTIAL
DRAFT

OSD Policy
7 Jan 04
12:15 PM

- Sadr City and parts of southern cities could respond violently. Possibilities range from riots to attacks on Coalition forces.
- Despite earlier assurances of silence, Shi'a leaders such as Grand Ayatollah Sistani could publicly condemn the arrest.

CPA and CENTCOM positions:

Ambassador Bremer supports an arrest now but believes his arrest could spark violence in southern provinces and in Sadr City (see attached summary of Bremer memo).

General Abizaid remains concerned about potential Shi'a unrest and the possible diversion of TF-121 intel assets from higher priority tasks (see attached Joint Staff Talking Paper).

RECOMMENDATION:

Arrest him now:

- First, he's never been in a weaker political and military position than he is now.
- Second, an Iraqi court has issued a warrant for his arrest in connection with the al-Khoie murder.
- Third, his arrest would demonstrate that the rule of law applies to Shi'a as well as Sunni. ←
- CIA says the arrest is more likely to provoke a reaction if Sadr is wounded or killed, so extra care should be taken.
- Iraqis should make the arrest.
- Advance work with Sistani should continue.



DECLASSIFIED LAW EO12958
July 07, 2009
CII, WHIS R & D Div

CONFIDENTIAL
DRAFT

Bremer Memo on the Arrest of al-Sadr

Key points are:

- "He should be arrested for suspected involvement in the murder of Ayatollah al-Khoie in April, 2003."
- "While MAS' position in the general public has weakened since then, he and his followers, in Najaf, Kerbala, Baghdad and Kirkuk, have become increasingly bold in their defiance of good order."
- "CJTF-7 is best placed to update you on their operational plan and provide detailed risk assessment. You will hear from them, I believe, that they have no confidence that the Iraqi police alone can carry out the operation. I concur with this assessment. We must therefore assume that the operation will be largely conducted by U.S. forces."
- "They have one operational alternative which they believe might allow his capture without injuring or killing him, but it would take place in the city and could involve collateral damage".
- Bremer adds that the Governing Council and the Shi'a religious hierarchy support arresting Sadr to uphold the principle of equality before the law. "However, this support is tacit in the case of the Hawza and we should not expect to have overt public support for the arrest following his arrest. Sistani himself might see advantage in condemning it."
- "Recent reports that MAS' activities continue to subvert rule of law, contributing to an increased level of tension between the Sunni and Shi'a communities support arresting him".
- CPA and CJTF-7 believe post-arrest violence in southern provinces and Sadr City "is likely to be short-lived and can be contained."

DECLASSIFIED LAW EO12958
July 07, 2009
CIE, WIS R & D Div

