

ALUMNI

# Wartime Legalities

*A top military lawyer aims to avoid “victor’s justice” in Iraq.*

by WILLY STERN

**A**T 6 A.M. IN western Baghdad, the thermometer has already punched through 100 degrees across the barren lands around Camp Victory. As Colonel Mark Martins, J.D. '90, takes off for his thrice-weekly 5.7-mile run, he pushes to keep up with his boss and longtime friend David Petraeus, commanding general of the 168,000 coalition troops stationed in Iraq. They cruise quickly past an armored Humvee, soon pounding out a better than six-minute-mile pace along the scorched pavement that's been laid down across the desert floor. Later, they adjourn to the faux-marble anteroom of one of Saddam Hussein's former hunting cottages where each churns out 100 push-ups, with ramrod-straight backs, in under 90 seconds.

The two men have known each other since 1992, when Petraeus was a battalion

commander and Martins a newly minted military trial lawyer, both in the 101st Airborne Division. They still share a penchant, as scholar-athletes, for pushing “the pedal to the floor in everything we do,” says Martins, who was valedictorian of West Point's class of 1983, earned first-class honors as a Rhodes Scholar at Oxford in 1985, and graduated magna cum laude from Harvard Law School.

These days, Martins is Petraeus's legal adviser. As the staff judge advocate for the multinational force in Iraq since May 2006, he also supervises 670 lawyers and paralegal staffers—essentially a substantial law firm—in a war zone. He works seven days a week, traveling throughout Iraq in Blackhawk helicopters, C-130 transport planes, or armored vehicles, and is lucky to get six hours of sleep at night. Like all soldiers in Baghdad, he is under

constant threat from indirect fire and wears a Kevlar helmet and heavy armored vest when leaving the relative safety of military bases; four legal staffers whom he knew have been killed. His closest brush with death to date came last year, when a 122-millimeter Katyusha rocket flew through the air and exploded on a wall next to him. Martins, who was lucky enough to be in the shadow of the blast, was fine, save for some ringing in his ears.

His legal activities range widely: international and administrative law, command advice on rules of engagement and use of federal appropriations, foreign claims (by individuals against the U.S. military), criminal work, legal assistance for troops, and support for Iraqi investigative and judicial systems.

One day's work, for example, saw Martins inspecting an Iraqi detention center with his Iraqi counterparts, traveling to meet a local judge and prosecutor to hear about their training and support needs, and attending a bar association meeting to discuss the establishment of offices, administrative support, and security for local defense counsel representing crime suspects. Later, he worked to assemble experts to secure and catalog recovered Iraqi property records, and followed up with a brainstorming session with western and Iraqi businessmen on how the country's public contracting procedures could be made less vulnerable to corruption. Late in the day, he helped guide junior judge advocates in the U.S. military who had checked in with him on coalition legal cases. By the time paperwork, phone calls, and e-mails were completed it was around 10:30 P.M.

The mission is daunting: to encourage the rule of law in a war-torn country. Now that the “surge” has lowered levels of violence, the top priority for Martins is, in fact, education. He wants to help the chief judge of Iraq and his key ministers establish an advanced training course for criminal investigators. “Weaning Iraqi investigators and courts from their reliance on confessions is a worthy goal,” he says. His constant refrain to his Iraqi counterparts is “Focus on fingerprints, ballistics, and other forensic data”—the best way, he asserts, to avoid human bias and to lower incentives to mistreat suspects.

Colonel Mark Martins

