

A submission to the Iraq Inquiry

Rt Hon Ann Clwyd MP

**The work of the
Prime Minister's Special Envoy
to Iraq on Human Rights**

January 2010

I make this submission to the Iraq Inquiry in my capacity as the Prime Minister's Special Envoy to Iraq on Human Rights, a position that I have held since May 2003 up to the present day.

Rt Hon Ann Clwyd MP

Member of Parliament for the Cynon Valley, 1984 – Present

Prime Minister's Special Envoy to Iraq, 2003 – Present

Chair, All-Party Parliamentary Human Rights Group, 1997 – Present

January 2010

Contents

The Work of the Prime Minister's Special Envoy to Iraq on Human Rights

Appointment.. 4

Reason for Appointment..... 4

Terms of Reference 6

Visits to Iraq 8

Issues of Focus..... 10

Iraqi Higher Tribunal (Saddam Hussein and other trials)

Support for civil society in Iraq, including human rights NGOs and trade unions

Women's Rights

Support for the Iraqi Ministry of Human Rights

'Mainstreaming' of human rights issues relating to Iraq across the UK Government

Iraq 'Round-tables'

US, UK and Iraqi detainee policy, and conditions

The Work of the Prime Minister's Special Envoy to Iraq on Human Rights

Appointment

I was appointed by then Prime Minister Tony Blair as his Special Envoy to Iraq on Human Rights Issues on 23rd May 2003. I was re-appointed by Gordon Brown when he became Prime Minister.

Reason for the Appointment

I had discussed with Tony Blair on a number of occasions prior to and after March 2003 the human rights abuses and crimes committed by the regime of Saddam Hussein. One of the issues facing the coalition following military intervention in Iraq, was how to manage the mass grave sites and how to assist in putting together evidence for the trials of former members of the regime. The Prime Minister believed that my long association with Iraq and the experience and evidence that had been compiled by INDICT, could be invaluable in supporting these tasks.

I also believed that this represented an opportunity for the UK and the coalition to embed human rights best practices as the institutions of a new Iraqi government and society were being formed. I knew that the Iraqi people had been brutalised under the regime of Saddam Hussein and that good human rights practices would at first be alien to many of the Iraqi people. Adherence to international human rights standards needed to be embedded as the institutions of the new Iraq were being created.

I had been involved in Iraq since the late 1970s when I met some Iraqi students in Cardiff. They opened my eyes to the brutality of the regime of Saddam Hussein. I campaigned against the abuses of Saddam's regime, first through the organisation CARDRI, the Committee Against Repression and for Democratic Rights in Iraq, with exiled Iraqis like Hoshyar Zebari, now Foreign Minister in the Iraqi Government, and Latif Rashid, the Water Minister. In late 1996, I was involved in setting up the organisation INDICT, which campaigned for Saddam and other leading members of his regime to be prosecuted for war crimes, crimes against humanity and genocide, through an international tribunal set up by the United Nations, and then later for those prosecutions to take place in individual countries with an international jurisdiction with respect to war crimes and crimes against humanity.

The evidence compiled by INDICT – of the crimes that had taken place and of the direct involvement of individual members of the regime – and the knowledge and experience that I had acquired, were thought by the Prime Minister to be invaluable in assisting the trials process and in the management of mass grave sites.

The relationships that I had built up in over two decades of campaigning on Iraq – relationships with Iraqis who were to become leading figures in subsequent Iraqi governments – were thought to give a level of access and influence that could further assist with our support to the Iraqi government and its people.

Terms of Reference

The Terms of Reference for the role were finally established in November 2003, and confirmed in a letter to me from the Foreign Secretary, Jack Straw, on 12th February 2004.

The Terms of Reference were as follows:

TERMS OF REFERENCE FOR THE PRIME MINISTER'S SPECIAL ENVOY ON HUMAN RIGHTS IN IRAQ

1. The role of the Special Envoy in Iraq is to:
 - increase public knowledge of the human rights abuses committed by Saddam's regime;
 - advise HMG on ways of helping to protect human rights in the new Iraq;
 - advise HMG on issues such as investigation of mass grave sites; human rights training for Iraqi security forces; development of the Iraqi human rights machinery; and medical and psychological rehabilitation of torture victims.
2. As part of this activity the Special Envoy will:
 - visit Iraq regularly. The Special Envoy will decide when it is appropriate to make such visits, in consultation with the FCO;
 - write a report for the Prime Minister after every visit to Iraq. This will cover the present human rights situation and advise on steps to be taken to address problems; and
 - contribute to HMG's policy towards human rights in Iraq, including on project development;

3. To facilitate this process the Special Envoy will, with appropriate assistance from government departments:

- liaise with officials of other government departments, Iraqi officials, the UN, inter-governmental bodies, the media, NGOs and the donor community;;
- have access to government briefings and other information relevant to her work;
- be notified of conferences on human rights in Iraq of which government departments are aware; and
- be informed of visits to this country by members of the Governing Council, Iraqi Ministers and senior British officials based in Baghdad.

4. The FCO will:

- fund, facilitate and make the necessary arrangements for visits to Iraq, and elsewhere if necessary. Funding will include travels costs, insurance, hotel expenses, normal subsistence allowances for the Special Envoy and appropriate support;
- ensure regular contact with the Special Envoy and her office, including through fortnightly meetings that will bring together, under the Chairmanship of the Director Iraq, relevant Whitehall officials; and
- embed, after appropriate clearance, and meet the salary costs of a member of the Special Envoy's staff.

Visits to Iraq

To date, I have visited Iraq 18 times in the capacity of Special Envoy. In addition, I have also visited the United States of America, Jordan, Switzerland, Syria and Turkey in the role of the Prime Minister's Special Envoy to Iraq on Human Rights.

The dates and places I have visited in the role are as follows:

27 May – 8 June 2003, Baghdad and Iraqi Kurdistan

19 – 25 September 2003, Baghdad

28 November – 2 December 2003, Baghdad

29 February – 9 March 2004, Basra and Baghdad

22 – 24 March 2004, New York and Washington DC

11 – 14 May 2004, Baghdad

23 – 27 July 2004, Baghdad

10 – 13 November 2004, Amman and Geneva

18 – 25 November 2004, Iraqi Kurdistan and Baghdad

28 January – 3 February 2005, Basra

[the Inquiry may have received a copy of a visit report which incorrectly gives the dates of this visit as 28 January – 3 February 2004. This is a mistake and the correct year should be 2005]

19 – 24 February 2005, Iraq, International Development Committee visit

15 – 16 March 2005, Washington DC

26 – 30 May 2005, Baghdad

September 2005, New York and Washington

26 – 31 May 2006, Baghdad

13 – 18 November 2006, USA

December 2006, Baghdad

19 – 23 March 2007, Iraqi Kurdistan

August 2007, Syria

November 2007, Washington DC

26 – 29 November 2007, Iraq, with other MPs and Peers

18 – 22 May 2008, Baghdad, Ankara and South East Turkey

27 February – 4 March 2009, Baghdad and Basra

19 – 25 March 2009, Iraqi Kurdistan

6 – 11 December 2009, Baghdad

On each occasion that I visited Iraq, I submitted a report to the Prime Minister, which we would then discuss at a subsequent meeting.

Issues of focus

I have been in the Special Envoy role since May 2003 and continue in the role to the present date. I have been concerned with many issues during that time, but the following are some of the main human rights issues that I have been involved in identifying and working on.

Mass Graves and Preservation of Evidence Against the Regime

Several mass graves sites had been identified well before 2003, but many more were identified after UK, US and coalition forces had entered Iraq in 2003.

I worked so that forensic evidence from the mass grave sites and other locations could be used in relevant legal proceedings and so that Iraqis could develop their own forensic capacity. Amongst other assistance provided by the UK, the FCO funded a training project for Iraqis to develop their skills in this area.

Iraqi Higher Tribunal (Saddam Hussein and other trials)

Since the inception of the tribunal in 2003, I worked to promote international support for a free, fair and transparent process in the Iraqi Higher Tribunal that meets internationally recognised standards for fair trials. As a continuation of the work of INDICT, I consistently raised the need for an effective witness protection programme.

Support for civil society in Iraq, including human rights NGOs and trade unions

During my visits to Iraq, on each occasion I would meet with a variety of civil society organisations. I had good links with Iraqi trade unions from my time campaigning in the 1980s and 1990s with CARDRI. I have

sought to foster links between UK and Iraqi trade unions and to argue for the positive role trade unions can play in Iraq.

Trade unions in Iraq are severely restricted and not in line with International Labour Organisation agreed standards. I have met with Iraqi trade unionists visiting the UK and with the TUC. I have raised concerns with senior Iraqi ministers, FCO ministers and the Prime Minister. The British Embassy in Baghdad has an objective to provide support to Iraqi unions following my encouragement of the issue.

I placed a particular focus on improving the capacity of human rights Non-Governmental Organisations (NGOs). A human rights training and capacity building conference with a number of Iraqi NGOs was organised in 2004, which took place in Amman.

I was also able to secure funding from the Foreign and Commonwealth Office for a Human Rights Small Grants Fund. Around 30 NGOs from all over Iraq were allocated small amounts of 'seed' money to help them in their work. This money was allocated to fund a wide range of work – training for staff in a women's shelter, education to stop the practice of female circumcision, books for a human rights library and so forth.

Women's rights

Following discussions with the Kurdish Regional Government, I have recently secured a commitment that they will host a conference to discuss issues affecting women in the region.

Support for the Iraqi Ministry of Human Rights

I lobbied the Iraqi, US and UK governments for the appointment in Iraq of a Minister for Human Rights. The first Iraqi Minister for Human Rights was appointed on 1st September 2003. I then met regularly with the

Minister for Human Rights and his successors. I encouraged other Iraqi Ministries to engage fully with the new Minister.

'Mainstreaming' of human rights issues relating to Iraq across the UK Government

I also worked to drive human rights issues up the agenda in Number 10, the Foreign and Commonwealth Office, the Department for International Development and the Ministry of Defence, through regular meetings with the Prime Minister, Whitehall 'roundtables' and meetings with the FCO, DfID and MOD.

The ongoing role has helped ensure that human rights work remains central to Government policy in Iraq. To support this there is one full time member of staff in Baghdad and one in the FCO looking solely at human rights issues in Iraq.

I hold regular meetings in the UK with Iraqis, NGOs, diplomats and a range of government departments to discuss human rights matters.

Iraq 'Round-tables'

In 2008, the FCO adapted the way it interacted with the human rights community engaged in Iraq. I chaired a forum meeting to discuss human rights priorities in Iraq in December 2008. This meeting was attended by the Iraqi Minister for Women, the FCO Minister of State, international and Iraqi NGOs, embassies and other UK government departments.

It was agreed that there were three broad areas that required ongoing attention, women, freedoms and rule of law. Working groups to discuss further these areas and agree specific actions were set up. Each working group met in 2009, chaired by myself.

I followed up on the priorities identified while visiting Iraq in 2009, in particular raising concerns about women's rights and FGM in the Kurdish region, and on a national level discussed proposed legislation regulating the media, NGOs and trade unions. The priority areas identified set the agenda for the in-country human rights engagement by the British Embassy in Iraq.

In December 2009, I chaired the second Forum which was also attended by the Foreign Secretary. It was agreed to continue to focus efforts in the three identified areas of work.

US, UK and Iraqi detainee policy, and conditions

Over the period that I have been in the role of Special Envoy, this has been the area of greatest focus and concern. Since 2003 when isolated instances of abuse were brought to my attention, I raised – and continue to raise – with US civil and military authorities in Iraq and Washington DC the conditions under which detainees were held, allegations of abuse, the numbers in custody, the arrest procedures, the manner and speed in which cases are reviewed, the way in which evidence is collated and cases prepared for transfer to the Iraqi criminal justice system, issues around the transfer of US facilities to Iraqi control and the provision of information to families and political representatives.

The majority of my visits were to Baghdad and concerned US and Iraqi detention facilities. However, when in Basra I visited UK detention facilities and discussed related matters with the UK military.

Concerns – particularly about allegations of abuse – were raised with the Iraqi Government, including President Talabani and successive Iraqi Prime Ministers.

More recently, I have lobbied to ensure the responsible transfer of detainees from international military detention to the Iraqis, for release or legal proceedings. I have raised this issue in Iraq, Washington DC and London.

I have persistently raised, where necessary, with the Iraqi authorities, concerns about mistreatment of detainees. In 2009, human rights advisers at the Iraqi MOD raised with me allegations of the torture and killing of an Iraqi detainee by the Iraqi military. I then raised this case with the Prime Minister who asked me to follow it up. I have also raised this case with the Iraqi President, several senior ministers and officials. The British Embassy in Baghdad continues to follow this up with the Iraqi authorities.