

1 (2.00 pm)

2 RT HON ANN CLWYD MP

3 THE CHAIRMAN: Good afternoon.

4 RT HON ANN CLWYD MP: Hello.

5 THE CHAIRMAN: Well, good afternoon, ladies and gentlemen,
6 and welcome. This afternoon, we welcome Ann Clwyd MP.

7 You have been active in promoting human rights in
8 Iraq since the late 1970s, I believe, and you have
9 served as the Prime Minister's special envoy for human
10 rights in Iraq since 2003. I know you visited Iraq on
11 very many occasions and worked, if I may say so,
12 tirelessly to expose and investigate the crimes
13 committed by Saddam's regime, and you have, since his
14 overthrow, I know, done much work to help the Iraqi
15 people achieve full human rights and, indeed, to
16 investigate alleged abuses.

17 There is one thing I should say before we start: one
18 of the facets to the subject of human rights is the
19 treatment of detained persons in Iraq and there have
20 been allegations that members of the British armed
21 forces mistreated or abused Iraqi detainees. These are
22 being considered by other inquiries, as we speak, and
23 there are additionally ongoing investigations, court
24 cases and personal injury claims, and those are the
25 appropriate forums for considering those abuse

1 allegations.

2 This Inquiry will in due course decide its approach
3 to the general issues raised by such allegations, but we
4 will not seek to address them in this session.

5 There are two things I say on every occasion: we
6 recognise that witnesses are giving evidence based on
7 their recollection of events, and we, of course,
8 cross-check what we hear against the papers to which we
9 have access.

10 I remind every witness that they will later be asked
11 to sign a transcript of the evidence to the effect that
12 the evidence given is truthful, fair and accurate.

13 I'll ask Martin to open the questions.

14 SIR MARTIN GILBERT: Before the outbreak of the conflict in
15 2003, you and the INDICT organisation which you chaired,
16 were active, as the Chairman said, in drawing the
17 attention of the world to the abuses of the
18 Saddam Hussein regime. You pressed for action under
19 international law in several countries against members
20 of Saddam Hussein's regime.

21 Could you briefly describe to us your involvement
22 with Iraq before 2003?

23 RT HON ANN CLWYD MP: Yes, Sir Martin. It goes back
24 actually to the 70s, with -- before I was a politician.
25 There were Iraqi students in Cardiff and some of those

1 Iraqi students had already been in prison in Basra, and
2 one was a student activist who had been tortured and
3 I was introduced to them by the National Union of
4 Mineworkers, because the National Union of Mineworkers
5 were very active internationally and they began to tell
6 me about things that were going on in Iraq. I had not
7 much knowledge of Iraq beforehand. Some of the things
8 were so terrible I hardly believed them myself.

9 I was also the chair of an
10 organisation called CARDRI, which is the Campaign
11 Against Repression and for Democratic Rights in Iraq. That
12 was set up earlier, when I was at the European
13 Parliament, but in 1984, when I came back to the House
14 of Commons, I became the chair of CARDRI. It was an
15 organisation which, of course, had many Iraqis as
16 members from all over the world, and some of those
17 Iraqis who were old members of CARDRI are actually now
18 in government in Iraq, like the Prime Minister of
19 Kurdistan, Barham Salih, like the Foreign Minister,
20 Hoshyar Zebari. Those were all active members of CARDRI.

21 We had a very good secretary, who was an Iraqi, who
22 I only knew his first name, because, even in the 80s,
23 Iraqis living in London were very much afraid of being
24 detected, in case their families in Iraq were punished.
25 There were some Iraqis here already who were attacked,

1 people like Ayad Allawi, who became the first
2 Prime Minister of Iraq, he was attacked with an axe.
3 The secretary of our organisation was a young student,
4 an Iraqi student, from Najaf, and I never knew his
5 proper name. I only knew him by one name and it wasn't
6 until 2003, when he went back to Iraq to run a radio
7 station, that I actually knew his proper name.

8 He used to bring me in the House of Commons, every
9 two weeks or so, lists of people who have been executed
10 at the Abu Ghraib prison. Now, I would sometimes say to
11 him, "Look, is this true? Can you prove it? Because if
12 I'm going to put out a press release, I want to be sure
13 that it is accurate."

14 He would come back and say, "Yes, it is true", and
15 then, you know, this became a regular thing. Every two
16 weeks we had these lists of people who were being
17 executed at the Abu Ghraib, and CARDRI, in fact,
18 published books, pamphlets, newsletters and was very
19 active in trying to explain to the British public and
20 elsewhere, because there were CARDRI branches in other
21 countries as well -- trying to explain what was going on
22 there.

23 We published a pamphlet in 1981 called "Iraq: Terror
24 and Execution" with details of torture, and
25 Amnesty International also were doing the same thing at

1 the same time. In 1985 they told us that 400 war
2 objectors in the Abu Ghraib told us the story of
3 bodies -- and this was something that happens quite
4 a lot throughout the regime. Bodies were drained of
5 blood before execution because obviously the blood was
6 then used, but people were actually, while they were
7 still alive, they were drained of blood.

8 This particular man seemed to have very good access
9 to information, obviously he was a Shia from Najaf, and
10 so, you know, the Shia population in particular were
11 under attack.

12 Then, of course, there was the Iran/Iraq war in 1980
13 and then the campaign, the genocidal campaign against
14 the Kurds, and there were thousands we were told who
15 were arrested in a Kurdish city, Sulaimaniya, including
16 300 children. Again, bodies handed back to the
17 families, and the families, before they could collect
18 the bodies, actually were charged for the execution of
19 their children before the bodies were handed over.

20 There was an Observer report at that time who said
21 that Iraqi forces delivered 57 boxes of dead children
22 and each dead child was drained of blood and their eyes
23 gouged out.

24 In 1987, CARDRI published another document on
25 Abu Ghraib. Then in 1988, that was Halabja, of course,

1 where 5,000 Kurds were killed and some of those were
2 brought to London -- to a London hospital. I was an MP
3 at the time and I took an all-party group of women MPs
4 to visit those people in hospital. You could see their
5 burns, they could hardly speak to you. Well, I think
6 everybody now knows the story of Halabja, but of course,
7 there were many mini Halabjas before when the Kurds were
8 being attacked.

9 SIR MARTIN GILBERT: Were you raising these issues in the
10 House of Commons at this time?

11 RT HON ANN CLWYD MP: Yes, I was, I was raising them many
12 times. In fact a colleague of mine, Jeremy Corbyn, was
13 also very active in doing that. We went to the
14 Iraqi Embassy on several occasions, and the Iraqi
15 Ambassador always said he didn't know what we were
16 talking about, he didn't know about Halabja, and then he
17 would invite me to visit Baghdad, and I would say, "Only
18 if I can also visit the north", and he said, "I have got
19 no problem with that, but, you know, I will have to
20 check with Baghdad". So of course, I never actually
21 went to Halabja at that time.

22 I used to go to the Foreign Office and I can
23 remember -- this was again in 1998 -- saying this to
24 David Mellor, William Waldegrave, "Protest to the
25 Iraqi Embassy", and they would always say, "There is no

1 proof", but of course, we all had the proof later
2 because CARDRI actually got the proof when a known
3 toxicologist went to Halabja and brought back earth
4 samples and then we knew for sure that there was
5 evidence in the ground.

6 Then, of course, there was the invasion of Kuwait,
7 1990/1991, and the taking of British hostages. People,
8 I think, sometimes forget that British hostages were
9 taken in large numbers, taken as human shields to
10 Baghdad, and one of my concerns is actually that the
11 taking of these British hostages is not an issue now in
12 the trials which are going on in the tribunal in
13 Baghdad, because I think also they have a right to know
14 and questions put to the people who were allegedly
15 responsible for the taking of hostages.

16 Of course the taking of British hostages became an
17 issue for INDICT later on.

18 Then -- I was then Shadow Secretary of State for
19 International Development in 1991, and obviously I heard
20 about the Kurds being attacked by the helicopter gun
21 ships of Saddam Hussein and Neil Kinnock said, "Why
22 don't you go and find out for yourself?"

23 Well, as an ex-journalist, I always like to find out
24 for myself, see it for myself, and I went to Tehran,
25 I flew to Tehran, spent a couple of days trying to get

1 out of Tehran, and then some Ambassadors offered to take
2 me in their helicopter, because the Iranians had
3 organised for a helicopter for Ambassadors based in Iran
4 to go and see what was happening on the mountains.

5 We flew over in the helicopter and it was in the
6 middle of winter, there was snow and sleet. It was very
7 cold and all you could see was a line of Kurds, men,
8 women, children, in a long snake coming up the
9 mountainside. Some had come already, and when the
10 helicopter flew overhead they were putting their hands
11 to their mouths showing that they needed food and, of
12 course, we had nothing to give them.

13 Well, the Ambassadors went back to Tehran and
14 I stayed and I talked to people on the top of the
15 mountain, some of the Kurds. They were dressed in very
16 thin clothing, some of them hardly had any shoes on
17 their feet. It was really a very upsetting sight, and
18 particularly women who had small babies in their arms
19 and came up to you with the small babies in their arms.
20 I was the only woman up there and they came up to me and
21 tried to push the babies at me. They wanted me to take
22 the babies, but some of those babies were already dead
23 and it is a sight that, actually -- and a situation
24 which you never forget.

25 Then I came back to the House of Commons and I spoke

1 from the dispatch box and explained to my colleagues
2 what I had seen and I called for a political resolution:
3 this simply could not go on. Of course, after the Gulf
4 war every region of Iraq rose up and attacked the
5 visible symbols of Ba'ath power, Saddam's palace, any
6 centres of authority they attacked. And so, of course,
7 you know, there was really quite bloody vengeance
8 against the Kurds and the Shia, although we didn't know
9 about the Shia until much later on, because now we could
10 go to Kurdistan, find out what was happening there. The
11 Kurds thought they knew what was happening in the south
12 but they didn't really know.

13 So there was a very violent suppression of that 1991
14 uprising against the Kurds and also the Shia.

15 SIR MARTIN GILBERT: Is this what led to the creation of
16 INDICT? Was this the impetus for it?

17 RT HON ANN CLWYD MP: Yes, eventually, because, you know,
18 also we knew about the draining of the marshes. Again,
19 we had no evidence because it was deep in the south, and
20 we didn't know that the marshes were being attacked in
21 the way that they were, being drained and attacked with
22 weapons and people forced to flee, and, obviously, they
23 were burning and trees were being chopped down
24 everywhere. In fact, there is a photograph going back
25 to the 40s of, you know, a heavily forested area and

1 when you compare it to what it looks like now, you
2 wouldn't recognise the place because there has been such
3 devastation.

4 Then I started going to the UN and listening to the
5 UN rapporteur on human rights in Iraq, and, you know, he
6 was saying things like, "Violations of human rights
7 which occurred are so grave and of such massive nature
8 that, since the Second World War, few parallels can be
9 found."

10 Now, when I sat there at the UN and heard these
11 statements and descriptions of how things were in Iraq,
12 I just then couldn't believe how the UN could sit there,
13 what appeared to be so passively, and not feel as
14 outraged as I and many others did.

15 Then I talked to John Major when he was
16 Prime Minister, after I came back in 1991, and we talked
17 about safe havens and he acted very quickly to set up
18 those safe havens. Now, after 1991, again I made
19 several visits and this is leading up to INDICT,
20 because, as Saddam's security forces fled, they left
21 behind in places like Sulaimaniya and Erbil, tonnes of
22 documents, which you all know about, tonnes of
23 incriminating documents, about, you know, orders from
24 Tariq Aziz, orders from Ali Hassan Al-Majid, about what
25 to do about the Kurds, and they had things like identity

1 cards, and one of the identity cards described a man as
2 official rapist.

3 I just want to just say briefly about rape as an
4 instrument of war, because I went to some of the refugee
5 camps after 1991, because, obviously, before 2003, it
6 was only Kurdistan that I could go to. I went to
7 some of the refugee camps on the borders with Iran and
8 I can remember just one woman in particular who had been
9 a nurse and she asked me to come back into the back of
10 the tent. She asked if she could talk to me and she
11 told me she was the last nurse in a hospital which was
12 under attack and she had locked herself in the bathroom,
13 but eventually she was found and then she was raped
14 repeatedly. Of course, in a Muslim society, rape is
15 such a disgrace that people do not like to talk about
16 it, obviously, and she was so relieved that she could
17 tell somebody that that had happened to her, but she
18 ended up by saying that it was an Iraqi soldier who
19 actually gave her his big coat eventually and helped her
20 to escape and she said to me, "They are not all bad".

21 So you know, it was worth going to those refugee
22 camps and talking to people to find out what their
23 feelings were.

24 INDICT was set up in late 1996. US and Kuwaiti
25 funding for INDICT started in 1998. INDICT had on

1 its board a variety of people. Dr Latif Rashid, who
2 is the Water Resources Minister now in Iraq;
3 Ahmed Chalabi, who was then very active with the Iraqi
4 national congress; Hamid Al Bayati, who is the Iraqi
5 UN Ambassador; and there was a professor from SOAS and
6 so on. We were all approached individually. I was
7 asked to be chair because of my involvement with CARDRI.

8 SIR MARTIN GILBERT: Was there British support?

9 RT HON ANN CLWYD MP: Well, in words, yes, but not
10 financial; no financial support, or, indeed, any other
11 support. We appeared before a group in the US Congress,
12 which was, I think, mainly members of the
13 State Department, who grilled us very vigorously before
14 they allocated the money, which they allocated under the
15 Iraq Liberation Act, which, you know, some of that was
16 to go to Iraqi opposition groups, and that's how we were
17 able to then employ researchers full-time.
18 Every so often we would get visits from people from the
19 State Department to find out exactly what we were doing.
20 The idea, first of all, was to set up an ad hoc tribunal.
21 That was the remit, to set up an
22 ad hoc tribunal. So I launched it in the House of
23 Commons and I launched it at the European Parliament in
24 Strasbourg. The idea -- the Americans told us
25 that under the statute of limitations they could not

1 take up these legal cases themselves, but we could in Europe
2 because that statute didn't apply to us.

3 So then, after collecting evidence for a few
4 years -- and our researchers went to 15 countries in the
5 world, and collected evidence -- we tried to get
6 indictments in various countries. We tried in
7 Switzerland, we tried in Belgium, we tried in Norway and
8 also in this country.

9 Now, you know, everybody listened to us very
10 attentively everywhere and they were mainly indictments
11 against -- because victims lived in those countries and
12 you know, there were victims living in this country as
13 well.

14 SIR MARTIN GILBERT: The indictments were intended against
15 individuals?

16 RT HON ANN CLWYD MP: Yes, they were. We had a target list
17 of 12, whom we particularly concentrated on because
18 those were the main leaders of the Iraqi regime.

19 THE CHAIRMAN: Could I just ask: what was INDICT in terms of
20 its legal status? Was it a UK-registered charity, an
21 informal organisation?

22 RT HON ANN CLWYD MP: It was an NGO. Yes, it was, in terms
23 of its charitable status, yes.¹

24 THE CHAIRMAN: Okay, thanks.

25 RT HON ANN CLWYD MP: So we -- you know, we tried very hard

¹ Letter from Rt Hon Ann Clwyd MP 8 February 2010: "I would like to clarify the status of INDICT, beyond the answer I gave in my oral evidence. As I explained, INDICT functioned as an NGO. But for its funding and accounting purposes it was a UK-registered limited company."

1 to get indictments and we thought the evidence that we
2 had, you know, was good because obviously our
3 researchers talked to a lot of people and took
4 statements from a lot of people but they only kept the
5 best because we thought that eventually they would have
6 to stand up in court, you know, so there would have to
7 be really good cases. So they discarded a lot and kept
8 only the very best.

9 SIR MARTIN GILBERT: Were you able to get advice from the
10 legal officers here?

11 RT HON ANN CLWYD MP: Indirectly, in that obviously we were
12 trying to get an indictment here. We had
13 Clare Montgomery QC as our legal adviser, who had been
14 involved in the Pinochet team in this country, and of
15 course was -- knew a lot about international law and the
16 possibilities of indictment.

17 The case she prepared, the main case, was against
18 Tariq Aziz. I mean Saddam Hussein as well,
19 Saddam Hussein and Tariq Aziz, but there had been some
20 ruling in the Congo v Belgium issue, where it was said
21 that heads of state were immune. Well, we knew, you
22 know, that international law was constantly evolving
23 anyway, and that, you know, there was -- we should still
24 keep the case against Saddam ready to go, but she
25 thought that our best chance was actually concentrating

1 on Tariq Aziz, because of his involvement with the
2 taking of British hostages, and, you know, because it
3 was of particular interest to the UK, and we thought
4 that, you know, we could take witness statements from
5 many of those hostages.

6 In fact, in November 2002, I held a press conference
7 in the House of Commons with the hostages because, you
8 know, I could see that we were moving towards war and
9 I had never wanted a war. I thought the -- you know,
10 the Iraqi people had suffered enough with, you know, the
11 major Iran/Iraq war and after that.

12 So it was a bit of desperation from me, actually,
13 because we kept waiting for replies from the
14 Attorney Generals, and I think you have got all the
15 comings and goings set out in the documents that
16 I provided, and, you know, in some cases I was actually
17 almost, when I spotted an Attorney General at the House
18 of Lords end, I would chase after them, because we were
19 waiting for answers all the time and we weren't getting
20 the answers, and, of course, the first Attorney that we
21 were dealing with. Unfortunately, he died, but he did
22 refer the case of Tariq Aziz to Scotland Yard, and
23 I said to him at the time, when he told me, I said, "You
24 are kicking it into the long grass", and he said, "No,
25 no. This is good news for INDICT. Why don't you put

1 out a press release saying it is good news?"

2 Frankly, I didn't believe it was good news because
3 what we wanted was for him, the Attorney, to take action
4 and not refer the case to Scotland Yard.

5 However, since he had referred the case to Scotland
6 Yard, we then had a meeting with a Chief
7 Superintendent Bunn, I remember, and the board of INDICT
8 went along as well. The Attorney had said that further
9 evidence was needed, but he didn't specify what the
10 further evidence was, and, you know, we knew at that
11 time that Scotland Yard was very occupied with terrorist
12 attacks, so we said to Chief Superintendent Bunn, "Look,
13 you know, if there is anything we can help you with,
14 there are Iraqis here, we have got the knowledge and,
15 you know, we can perhaps save you a lot of trouble".

16 But eventually Scotland Yard didn't pursue anything,
17 I don't think, very actively. Maybe they didn't have
18 the personnel or they were concentrating on what they
19 thought was more important.

20 There were even cartoons rubbishing INDICT,
21 actually. I remember one, it was in the Daily Express.
22 It showed Saddam Hussein sitting behind a desk and
23 a London policeman walking towards him and saying, "Hey
24 come with me". Well, you know, clearly that was an
25 attempt to ridicule what we were trying to do and

1 suggesting that it was an impossibility, but obviously,
2 I still believe that it was a possibility and that it is
3 to my great regret that it wasn't done.

4 SIR MARTIN GILBERT: We are now, of course, almost ten years
5 into the sanctions regime and I think Sir Roderic --

6 SIR RODERIC LYNE: I wonder if I can just pick up from there
7 with a question of where sanctions had got to in the
8 year 2001/2002, two years before the military action
9 actually occurred.

10 We were by then in a situation in which the deep
11 suffering of the Iraqi people, which you have already
12 talked about and which you talk about in your witness
13 statement, was becoming much more widely known, partly
14 as a result of the activities of people like you and
15 your colleagues, and there was, as we have heard from
16 many other witnesses a widespread perception that the
17 Iraqi people were suffering because of sanctions.

18 You deal with this in your witness statement. You
19 note that the humanitarian impact of sanctions was
20 exacerbated by the way that Saddam's regime treated the
21 people. You say sanctions were having some effect,
22 smarter sanctions could have had more of an effect, but
23 you did have these problems of the humanitarian impact
24 and the abuse of the sanctions system the way they were
25 manipulated by the regime and I think those were all

1 very important points.

2 My question is this: the trade sanctions which were
3 the sanctions that were accused of causing this
4 suffering, were only part of a wider policy of
5 containment that had several other instruments. The
6 arms embargo, which was clearly effective in stopping
7 further stuff getting in to a significant degree,
8 a Naval embargo, the stationing of deterrent forces in
9 neighbouring countries, the No Fly Zones.

10 But just looking at the sanctions, the trade
11 sanctions, did you feel, as somebody who obviously knew
12 much more about the situation inside Iraq than most,
13 that at this point sanctions were leaking and weakening
14 to the stage at which they were ceasing to become
15 effective or sustainable, or whether they could have
16 been reinforced if one could only deal with, if you
17 like, the PR problem that they were creating with clever
18 manipulation around the world.

19 RT HON ANN CLWYD MP: Obviously I wanted smarter sanctions.

20 I had been crossing the border from 1991 onwards, every
21 two years, from Turkey to Kurdistan. When I first
22 started crossing that border, I would say there were
23 probably about 200 trucks a day going across the border.
24 They were laden, you know, up to the roof with goods and
25 underneath there were petrol tanks, oil-carrying tanks,

1 and every time I went, you know, every two years,
2 I would see a huge increase in the number of trucks, and
3 by the end, I would say, you know, by up to 2003, there
4 were probably 2,000 trucks a day crossing that border.

5 Now, they were not -- I believe they were carrying
6 a lot of goods into the country, goods that were not
7 supposed to be taken in. The kind of check on the
8 borders was cursory, I mean, it was laughable, given the
9 size and the numbers of the trucks. I even at that
10 time, because I had observed this, I went with some
11 colleagues to the United States to say in the
12 United States, "Look, you know, what are you going to do
13 about smartening the sanctions?" and you know, everybody
14 was interested in eye-witness accounts, of course, but
15 I didn't see much change.

16 Of course I knew about the smuggling in the south as
17 well, across borders. I knew, you know, that the Iraqis
18 were suffering, but I also knew that under the Oil For
19 Food programme it took Saddam a long time to agree the
20 terms of the Oil For Food programme. So, you know, when
21 they could have been having essential medicines and
22 foods, the regime itself was not playing the game.

23 SIR RODERIC LYNE: It was deliberately denying them to some
24 sections of the population?

25 RT HON ANN CLWYD MP: Absolutely, it was, and then I was on

1 the International Development Committee at that time,
2 the Select Committee on International Development, and
3 there is quite a lot of argument amongst my colleagues,
4 you know, many of my friends in Parliament took
5 a different view from me. I know there was one
6 particular friend, the late Bernie Grant, who was on our
7 International Development Committee and Bernie was
8 always arguing against sanctions.

9 So I persuaded the committee to actually take
10 evidence on sanctions, which is what they did, and we
11 wrote a report, which I think I have referred to in one
12 of the documents, and we had witnesses like
13 Jeremy Carver, who was then head of international law at
14 Clifford Chance, and he told us:

15 "It is not the imposition or maintenance of
16 international sanctions, but the policies of
17 Iraqi Government, which are the primary cause of this
18 suffering. The Iraqi regime has cynically exploited
19 sanctions, both to justify its neglect of its own
20 population, and as a tool to solicit external support
21 for its reconstructed ambitions. A government which
22 delights in showing foreign Parliamentarians suffering
23 infants, when the warehouses are overflowing with food
24 and medicine undistributed for years, surely reveals
25 itself, save to the gullible."

1 You know, there were several witnesses who said --
2 Dr Latif Rashid argued against the removal of sanctions.
3 He said it would only strengthen the regime if the
4 sanctions were removed. Then, of course, we know now
5 from the Volcker Report that there was quite cynical
6 manipulation by the Iraqi Government of the Oil For Food
7 programme, and I mean, the Volcker Commission found that
8 the Iraqi regime was able to make approximately
9 \$2 billion from abusing the Oil For Food programme by
10 such methods as false pricing, bribes through suppliers,
11 but its main source of income was oil exports outside of
12 UN control, which generated a total of around
13 \$12 billion mainly through trade protocols with Jordan
14 and Turkey.

15 SIR RODERIC LYNE: So what all of this amounted to really
16 was that sanctions were no longer working very well at
17 this stage. In May of 2002, a smart sanctions
18 resolution was adopted, as you know, in the Security
19 Council, the goods review list, but by then the Bush
20 administration in Washington had already initiated, as
21 we have heard from other witnesses, military planning
22 for an invasion, although it hadn't taken the final
23 decision at that stage.

24 Then, if we roll the clock forward to the
25 following March, you then get to the point in March 2003

1 when the -- again, the attempt to get the final
2 UN Resolution fails, the inspectors don't feel they have
3 finished their job, but they are obliged to leave and
4 military action starts.

5 At that point, did you feel that with all your
6 knowledge of Iraq and the Iraqi people and what you said
7 earlier about your hope that there wouldn't be another
8 war -- did you feel that it was right at that stage to
9 take that military action?

10 RT HON ANN CLWYD MP: In February 2003, before war was
11 declared, I was on a visit with INDICT people to
12 Kurdistan. Again, we were collecting evidence, and
13 I was taken by the wife of the President of Iraq,
14 Jalal Talabani. I was taken by his wife, who was in
15 Kurdistan at the time, to the border with Iraq and
16 Kurdistan, which is an area called Chamchamal, and she
17 pointed towards the hillside where there were rocket
18 positions and she said, "That's where they are going to
19 fire the chemical weapons at us", and we didn't stay
20 there very long. She said, "Let's get away from here.
21 It is dangerous to be here", and it was then, at that
22 time, when I saw the Kurds were fleeing from the towns,
23 the Kurds actually were, you know, going in cars, buses,
24 all sorts of things out of the towns into the country
25 because they believed that chemical weapons were

1 going to be used against them again, and I can remember,
2 in fact, Jalal Talabani, who was also in Kurdistan at
3 that time, asking me to ask Tony Blair, when I returned
4 to the UK, for chemical weapons protection suits.

5 Now, the Kurds had their own intelligence and, you
6 know, when you saw women going into the market and
7 buying piles of nappies because they thought they could
8 put the nappies over their faces to protect them from
9 chemical weapons, you realise that people there took the
10 very threat seriously indeed, the threat of Saddam
11 attacking them again, and for the first time --

12 SIR RODERIC LYNE: Despite the fact that there was
13 a northern No Fly Zone providing a canopy over Kurdistan
14 at this time, they still felt --

15 RT HON ANN CLWYD MP: They still felt very vulnerable.

16 SIR RODERIC LYNE: So when the coalition decided on
17 20 March -- initiated action on 20 March, did you feel
18 at that stage that this was the right thing to do?

19 RT HON ANN CLWYD MP: Can I go back just sort of two minutes
20 before, to being in Kurdistan again? The Kurds had
21 never told me before that they wanted to war. I mean
22 they had their uprisings, you know, against the regime,
23 the Kurds in the north and the Shia in the south, but
24 I had never ever heard them say, "We want a war". They
25 had tried to overthrow him -- Saddam's regime

1 themselves, but never had anybody said, "We want a war".
2 But this time they said to me, "There is no other
3 way", and that's the first time I ever heard the
4 Kurds -- and I have a very long association with them --
5 say that. "There is no other way". So when I came back
6 and we had this debate at the beginning of February --
7 the beginning of March -- middle of February in the
8 House of Commons, and I spoke then explaining what I had
9 just heard and seen in Kurdistan, and I said for the
10 first time that, you know, with INDICT over the years we
11 had tried every way, with sanctions we had tried, but
12 actually even that twin-track approach had not managed
13 to move the regime.

14 So I felt myself there was no other option.
15 I didn't feel that I could go back and face the Kurds
16 and say that I had argued any other way because
17 I couldn't on the basis of what I had heard.

18 SIR RODERIC LYNE: Thank you.

19 THE CHAIRMAN: Martin?

20 SIR MARTIN GILBERT: In May 2003 the Prime Minister
21 appointed you his special envoy on human rights in Iraq.
22 Could you tell us what you saw as your job and what were
23 your reporting arrangements?

24 RT HON ANN CLWYD MP: Well, I had terms of reference, which
25 you know -- quite a long list there of the terms of

1 reference. But obviously I saw it -- because of my
2 contact with Iraqis over the years, you know, I now knew
3 people that were in government in Iraq, like the
4 President Jalal Talabani, like Latif Rashid, the Water
5 Resources Minister, Hoshyar Zebari, the Foreign
6 Minister, and many, many others who had been members of
7 CARDRI and who had supported INDICT, Hamid Al-Bayati and
8 others.

9 So I felt that I did have a particular friendship
10 with those Iraqis and that, if I could help in improving
11 the culture of the perception of human rights in Iraq,
12 that really that should be one of the main issues,
13 because obviously, you know, a country that has been
14 abused for 35 years, human rights is not a phrase that
15 trips lightly over the lips.

16 So I felt -- and I still feel actually -- it takes
17 a long time to change those perceptions -- it can't be
18 done in a short time -- and so I started -- I also --
19 originally, detention issues was not in my terms of
20 reference, but I did argue that they should be, because,
21 you know, I knew that what happened to people in
22 detention needed an outside voice to actually blow the
23 whistle on occasions, and so there was some resistance,
24 but eventually it was put into my terms of reference.

25 So, of course, I started visiting prisons, I talked

1 a lot to the Americans, because the Americans were
2 sharing the same building in Baghdad at that time and
3 Mr Bremer was in charge of the operation there and the
4 British were there and so we talked about some of these
5 issues. One of the first things that struck me was --
6 because, again, because of my friendships with Iraqis, one of my
7 Iraqi friends had a brother who had been a General in Saddam's army.
8 He was now in a staff college, but he was a General, and
9 immediately after 2003, my friend rang me up and he
10 said, "Do you know what is happening with the military?
11 Because there are lots of the military that my brother
12 knows who would help the British. There are 50 to 100
13 senior Iraqi officers who are ready to help the
14 coalition".

15 Well, obviously, I passed that information on. But,
16 you know, the army wasn't there anymore, but they were
17 queuing up in very hot weather for their pensions, for
18 their stipends, and I discovered that the man -- the
19 brother of my friend had been queuing up every day for
20 two weeks, and he was a senior, you know, army officer,
21 and yet had never got to the front of the queue. He
22 said -- I spoke to him eventually, and he said to me,
23 you know, "If they want to humiliate us, this is the way
24 of doing it".

25 SIR MARTIN GILBERT: Were you reporting this back to London?

1 RT HON ANN CLWYD MP: I was, yes -- well, to the Americans,
2 because, you know, on the ground, and also I was
3 obviously telling Mr Greenstock what was going on at the
4 same time. So I was telling the Americans and the
5 British but the Americans were mainly in charge in
6 Baghdad and so I would go straight to Bremer and tell
7 Bremer what was going on and he argued with me.

8 He said, "Oh, nonsense, all the -- you know, the
9 senior people have received their pensions". So I said,
10 "Well, they haven't". So I gave him the name and
11 address of the person I was talking about, and somebody
12 went away and came back half an hour later and said,
13 "Sorry, they must have slipped through the net".

14 Well, I think many people slipped through the net
15 actually, senior people, who could have been used in
16 those early stages to help the coalition and wanted to
17 help the coalition.

18 SIR MARTIN GILBERT: How long were you there? What period
19 of time?

20 RT HON ANN CLWYD MP: Well, I was usually there for a week
21 at a time, because, if you are an elected member of
22 Parliament, you have such things as whips and you have
23 to ask for permission to be away, and I would have liked
24 to have been there much longer, but a week was about the
25 most I could stretch it at a time, but obviously I was

1 in touch with Iraqis in London who had relatives in
2 Iraq. So I was constantly hearing about, you know, what
3 was going on and what could be better.

4 One of the things I got from a large Shia
5 group at that time when I went to meet one of their
6 leaders, was what they said they had picked up and
7 believed that they were orders from Saddam about how
8 a defeated army should behave, if he himself was not
9 there any longer or had gone into hiding, and, you know,
10 there was a list of things about how they should go
11 underground and then re-emerge later.

12 Well, I couldn't prove the authenticity of the
13 particular document -- I think I mentioned it to people
14 but, you know, I didn't know whether it was authentic or
15 not, but, subsequently, many of the things that happened
16 followed the instructions in that particular document.

17 SIR MARTIN GILBERT: Were you able to discuss these issues
18 with the Prime Minister?

19 RT HON ANN CLWYD MP: Oh, yes. I mean, every time I went to
20 Iraq, I discussed these things with the Prime Minister
21 and also I was in telephone communication with the
22 Prime Minister, so if something needed doing as a matter
23 of urgency, then, you know, obviously I would
24 communicate that fairly rapidly.

25 SIR MARTIN GILBERT: Did you feel that your requests were

1 being attended to? Did you see results as a result of
2 what you were suggesting and proposing?

3 RT HON ANN CLWYD MP: Yes, I did, although it was so
4 difficult in those early days, 2003. I went there --
5 I think you have got a list of my visits, the number of
6 times I went there in those early days, and obviously
7 each time I was there, I learned something new.

8 So I was there a few weeks later and I followed,
9 again, several of the issues that I was concerned about,
10 particularly the excavation of the mass graves, because
11 that had started at that time and there was concern
12 about the protection of evidence, because, obviously,
13 one Iraqi I remember told me before 2003, "Iraq is one
14 mass grave", and as the mass graves emerge, I think it
15 is certainly true.

16 But in 2003 they started excavating the Al-Hillah
17 sites near Babylon, and I went there to look at what was
18 going on because there was a UK forensics team also
19 working there and giving assistance to the Iraqis about
20 how to handle evidence, because -- I mean, it looked
21 like a moonscape, it was so huge, the site. They
22 estimated -- I don't know if they've revised the
23 estimates since, but there were 15,000 bodies actually
24 buried at that site in Al-Hillah, which is near Babylon,
25 and I thought it was a very sad way that the Iraqis had

1 to go to those sites, because you saw elderly women --
2 when they excavated bodies, I think they excavated
3 several thousand in that first round -- if there was no
4 identification with the body, they would then put -- or
5 rather, if they found identification, but couldn't
6 identify the name of the person or persons, they would
7 then put their possessions in a plastic bag on the top
8 of the grave and rebury the body, and, you know, old,
9 old women were going round these sites, looking inside
10 these plastic bags and pulling out a watch or a ring or
11 a piece of cloth or a lighter just to see if they could
12 identify them, and I thought, you know, that was really
13 a very great concern to see people having to try and
14 identify their lost relatives in that way.

15 SIR MARTIN GILBERT: I remember seeing one of your reports
16 exactly on that. One last question from me. How did
17 your work in Iraq -- how did your task evolve between
18 2003 and 2009?

19 RT HON ANN CLWYD MP: Well, there was such a number of
20 issues. There was one -- again, the protection of
21 evidence was very important and one of the inspiring
22 things about the way the Iraqis coped with the situation
23 was that they set up organisations themselves, NGOs,
24 non-governmental organisations, and one of the most
25 striking was the Free Prisoners' Association.

1 They were all people who had been prisoners of the
2 regime and had been released, you know, under various
3 amnesties. They, at the end of the war, because, you
4 know, people did not protect evidence well enough --
5 they were going into schools, they were going into
6 hospitals, they were going into prisons, and they were
7 just picking up everything they could find,
8 documentation, pieces of film, anything, and obviously
9 record books of executions, because the regime, you
10 know, like the Nazis, kept evidence very -- they put
11 everything down. Even how many bullets they used to
12 kill people, methods of execution, everything was
13 documented.

14 There was a lot of photographic evidence as well,
15 like in Cambodia, where they took photographs of
16 the victims and then they had a huge record of
17 photographs of their victims, and the Free Prisoners'
18 Association, it was complete chaos there. I went there
19 for the first time and I took some Kurds with me and it
20 was an example of where, you know, the Kurds in the
21 north and the Shia in the south didn't actually know
22 during the regime what had happened to the other parts
23 of Iraq.

24 They were hugging one another and saying, "You are
25 my brother, you have suffered like I have" and it was

1 very, very moving because by that time -- as time went
2 on, they got about 20,000 names of people who had been
3 executed and, as they put them, they had one computer,
4 they were feeding it into the computer and you could
5 see, you know, as the names came up, all these people
6 came, all these Iraqis came into the building to try and
7 see if somebody, a missing husband, son, daughter was
8 there, because it was the first proof they had that they
9 had actually been executed, and I got the Kurds actually
10 to come and help them a bit more and they gave them
11 desks and computers and so on to help them with the
12 documentation.

13 I can remember one woman getting hold of me, a woman
14 dressed in black, grabbing me as I came out and she
15 said, "Help me, help me", she said. "I'm a dentist
16 educated in the UK. I have lost three of my sons. Can
17 you find out if they are on any lists?" So people were
18 very desperate, you know, in 2003, to find out what had
19 happened to their relatives under the regime and that's
20 ongoing work. They then set up about 17 centres all over Iraq.

21 Then the other thing,
22 if I can just mention about 2003,
23 was that people -- you know, people were still being
24 scooped up, being arrested and put in detention, and
25 very often their relatives didn't know where they were,

1 and on my second visit to the Abu Ghraib prison I raised
2 this issue because it was causing great unrest amongst
3 the Iraqis because they still didn't know where
4 relatives were still disappearing to and why they
5 disappeared, and I particularly, you know, I mentioned
6 this to the Americans and I went to one of the centres
7 that they had set up to give people information, but
8 unfortunately they were staffed by people that didn't
9 speak Arabic, who couldn't read the Arabic names, and,
10 therefore, there was even more confusion with long
11 queues of people outside wanting to know, "Were they
12 under arrest? Where were they? What had happened?" and
13 so on.

14 That, you know, was another issue at that time,
15 I think, which caused great consternation and we --
16 I did ask the Americans to address it and things
17 improved the following year a bit.

18 SIR MARTIN GILBERT: Thank you very much.

19 THE CHAIRMAN: I'll turn now to Sir Lawrence Freedman,
20 I think, and in a few minutes we will probably want to
21 take a break. Sir Lawrence?

22 SIR LAWRENCE FREEDMAN: Thank you. Just one other 2003
23 issue, de-Ba'athification. You will have been dealing
24 with people who are clearly very angry with the Ba'ath
25 regime and the party members. Yet we have also had

1 a lot of evidence from people who saw -- at least lower
2 down, if not the top people, these were those who would
3 provide administrative capacity. What was your view of
4 de-Ba'athification? Did you see it as something that
5 had gone too far or unavoidable, given the anger amongst
6 the population?

7 RT HON ANN CLWYD MP: I can understand the anger, obviously,
8 and the suspicion of anybody who was closely identified
9 with the Ba'ath Party, because if they had positions of
10 importance, they were usually considered to be
11 supporters of the regime, even though there were lots of
12 people who were members of the Ba'athist party and who
13 weren't particularly active in doing things for the
14 regime.

15 But again, if I can talk about my friend the
16 Water Minister, because I remember I went into his
17 department, when he first took over and his department
18 was temporarily in the old Oil Ministry and he told me
19 what had happened when he had first gone there. He said
20 there was great concern amongst the staff -- I think he
21 had about 600 staff -- and he started off on the first
22 day by getting rid of the top two or three, and then he
23 called all the staff together and he said, "Look, so
24 long as you are working with me for the future of Iraq,
25 you are going to be safe in your job", and I actually

1 think that that's one of the most successful -- it was
2 believed to be one of the most successful ministries
3 presently operating in Iraq.

4 SIR LAWRENCE FREEDMAN: So your view was that so far down
5 that it was unwise to go further?

6 RT HON ANN CLWYD MP: Yes.

7 SIR LAWRENCE FREEDMAN: Can I change tack completely really
8 and just put to you something that was in Human Rights
9 Watch's world report for 2010, recently come out? It
10 says this:

11 "Human rights conditions in Iraq remain extremely
12 poor especially for displaced persons, religious and
13 ethnic minorities and vulnerable groups such as women
14 and girls and men suspected of homosexual conduct."

15 Do you find that judgment disappointing after this
16 time?

17 RT HON ANN CLWYD MP: I think it is disappointing but
18 understandable. I think -- you know, everybody has
19 expected everything to have happened overnight after
20 2003, that improvements would take place the next year
21 or the following year, and I think any experience after
22 major wars has shown that it takes longer than people
23 expect.

24 I obviously have been looking at the situation of
25 women, when I was in Kurdistan earlier last year,

1 I talked in particular to two women members of the
2 Kurdistan regional government. I went to prisons where
3 women were being held and some of those women were there
4 on a charge of adultery, you know, and I just looked at
5 them and I said, "Where are the men then?" because, you
6 know, to put women in prison on charges of adultery is
7 quite clearly ridiculous, and I subsequently talked to
8 the then Prime Minister of Kurdistan about this and they
9 are -- they have changed some of the laws, for instance
10 on honour killing, so-called honour killing. That is
11 now a crime in Kurdistan. So progress is being made
12 slowly, but even for me, you know, I have been going
13 there to Kurdistan since the early 1990s, I had no idea
14 that women could be imprisoned on that kind of charge.

15 There is a great shortage of things like refuges for
16 women because violence against women, unfortunately, has
17 either been reported more or is increasing and there are
18 very few refuges. There are a few more in Kurdistan
19 than there are, I think, in the rest of Iraq, but
20 Kurdish regional government certainly has seen the
21 importance of setting up places of safety for women who
22 have -- who need to leave an abusive situation.

23 SIR LAWRENCE FREEDMAN: One of the other things this report
24 says, and what you have just been talking about, is that
25 the causes of violence against women are often people

1 connected with the security forces as well as with the
2 militias and that, even in those cases, prosecutions are
3 very rare. It is actually quite hard, even if the
4 abuses are well-known, to get people prosecuted for
5 them.

6 RT HON ANN CLWYD MP: Yes, that's true. It's very hard to
7 generalise about Iraq.

8 SIR LAWRENCE FREEDMAN: I appreciate that.

9 RT HON ANN CLWYD MP: Very hard. You know, the Kurds have
10 had a long lead over the rest of Iraq and, you know,
11 even in Kurdistan things are not exactly as we would
12 wish them to be, and there have been increases overall
13 in violence against women. I met a German
14 non-governmental organisation while I was there in
15 Kurdistan in March, and they were talking about things
16 like, you know, increase in honour killings, increase in
17 FGM, female genital mutilation, which again is a cause
18 for concern, and this is one of the things we are trying
19 to organise now with the Kurdish regional government,
20 a conference which brings women from the south-east of
21 Turkey, Kurdish women from the south-east of Turkey, and
22 women in Kurdistan together, plus the UN, to discuss
23 some of these issues.

24 SIR LAWRENCE FREEDMAN: Two reasons why people might be
25 concerned as to what has happened over the last five or

1 six years, in addition to what you have just mentioned
2 generally in the aftermath of war, is, first, the rise
3 of militias and criminality more generally, general
4 lawlessness, but also a move from a state that was, for
5 all its many, many faults, which you have demonstrated
6 to us with great eloquence, secular, to one where there
7 are attempts to push rather extreme versions of Sharia
8 law, and a number of women's group, as you know, have
9 been very concerned about women's rights in terms of
10 marriage, divorce, inheritance in addition to questions
11 of violence.

12 Do you see any progress in that? Not obviously to
13 challenge the rights of Sharia law, but to moderate
14 these tendencies.

15 RT HON ANN CLWYD MP: I see progress in all areas. I have
16 always been optimistic about the future for Iraq and one
17 of the reasons for that is I monitored the elections in
18 Basra, the first elections, in 2005, which was, you
19 know, a particularly joyful occasion, because people
20 were voting for the first time, and you know, it
21 reminded me of being in South Africa when I monitored
22 the first elections there.

23 People came out with their black fingers and they
24 were waving them in the air at us saying, "There, we
25 have voted". There was an attack on one polling station

1 in Basra in 2005, but apparently the women -- women had
2 turned out in great numbers, you know, about 80 per cent
3 turned out to vote in those first elections in 2005 and
4 there was a rocketed attack on one of those polling
5 stations which was mainly filled with women at the time,
6 and, apparently, they all stood there and sang and
7 defied those people that were attacking them, and the
8 same now for the election -- for the provincial
9 elections.

10 You can see that the secular is winning over the
11 religious, because more secular parties, more secular
12 candidates got elected in those provincial elections.
13 Again, there is a 25 per cent quota for women, which is
14 much better than ours in the UK, and you know, the
15 25 per cent quota I think is extremely important because
16 it is also so for the next elections in March,
17 25 per cent quota.

18 Some women are complaining. Some women in Iraq are
19 saying, "Oh well, this shouldn't be the top level, we
20 shouldn't put 25 per cent, it should be higher".

21 So you, know, there is that kind of defiance which
22 is very apparent, and the women, I think, particularly
23 the women who have been elected, sometimes for the first
24 time in politics, they are very vigorous, determined
25 women. Not long ago, when the Speaker of the Parliament

1 chided the women for not being at home in the kitchen,
2 all the women MPs walked out, of every party, they just
3 walked out, and that speaker was eventually forced out
4 of the chair and a new speaker was elected.

5 I met a group now, when I was there just before
6 Christmas, of Iraqi women politicians and they are
7 always pleased when I go there. They say, "You haven't
8 forgotten us", maybe, you know, it has been a few months
9 since I have been there. They like to feel that we're
10 taking an interest in what they are trying to do there.

11 They had a committee which was discussing the new
12 NGO law. Now, the new NGO law, it was important that it
13 went through, otherwise a lot of NGOs would have been
14 pushed out of existence, and we encouraged them.

15 I personally encouraged some of the individuals there to
16 try and get it through before they break for the
17 elections, and I got a note last week from them to say
18 it has been passed.

19 So you know, progress is being made all the time in
20 all sorts of ways and I'm just very heartened by the
21 quality of women whom I find there, of all
22 denominations, who are playing a active role. Some of
23 them are quite shy, because, you know, they have never
24 been in those kinds of positions before, but they seem
25 to gain in confidence every time I meet them.

1 SIR LAWRENCE FREEDMAN: Can I just ask you one more issue
2 separate from that issue before, I think, the Chairman
3 will probably want to break? I don't know whether you
4 know -- you mentioned about this, but one of the issues
5 through all denominations is the position of Christians
6 in Iraq. I think there were about 1 million in 1980.
7 That's down to about 600,000 or something now, and there
8 have been stories of churches being bombed, executions,
9 kidnaps and so on.

10 Do you have any sense of that tendency being
11 reversed as well as conditions being -- this is one of
12 the oldest Christian communities in the Middle East.

13 RT HON ANN CLWYD MP: You know, it is Christians, Mandaean,
14 Yazidis ...

15 SIR LAWRENCE FREEDMAN: There are a number of minorities.

16 RT HON ANN CLWYD MP: I met several groups. I met groups of
17 all denominations again in Basra. Also, when I was in
18 Kurdistan a few months ago -- and you know, they have
19 all got different views on what ought to be done. One
20 group was saying to me, "We would like an enclave so
21 that we feel protected". Those weren't Christians, they
22 weren't arguing for that, but other groups have argued
23 for that.

24 I always contacted the Human Rights Minister, you
25 know, if I heard of these abuses against religions, and,

1 indeed, I know that when people were attacked in Mosul
2 not so long ago, she sent people from her office to
3 assist, and I realised that, you know, religious groups
4 are moving about the country, some are going out to the
5 country. But this is something that I always bring to
6 the attention of the President of Iraq and the
7 Prime Minister, because, you know, freedom of religion
8 and association is important.

9 SIR LAWRENCE FREEDMAN: Indeed. Thanks very much.

10 THE CHAIRMAN: Let's take a break for about ten minutes and
11 then come back. Thank you.

12 (3.05 pm)

13 (Short break)

14 (3.21 pm)

15 THE CHAIRMAN: Welcome back, and I would like to turn to
16 Baroness Prashar to take up the questions. Usha?

17 BARONESS USHA PRASHAR: Thank you. I want to really look at
18 the question of how you went about instilling the human
19 rights culture and dealing with issues of the rule of
20 law, because you describe very graphically about the
21 abuses that you saw and your objective to create a human
22 rights culture, and you mentioned that there was
23 an appointment of a Human Rights Minister and so on.

24 Before I get on to that, can you tell me a little
25 about the work you did in improving the Iraqi judicial

1 processes? Because that is good underpinning to the
2 rule of law.

3 RT HON ANN CLWYD MP: The setting up of the courts obviously
4 happened in 2005. This was when they first started
5 trying cases there. The government, the
6 British Government helped out quite a lot with that in
7 training courses for judges in London, with --
8 eventually providing somebody who went to assist once
9 the cases started, and obviously security was very
10 important, witness protection, because, as you know,
11 several judges were shot dead, and it was -- it was
12 dangerous for lawyers and witnesses because, you know,
13 the judges, I think, were exceptionally brave, certainly
14 the ones we met in London, who went back and tried the
15 regime.

16 BARONESS USHA PRASHAR: Was there commitment to this within
17 the Iraqi Government and were they actually giving you
18 the necessary security support that you needed?

19 RT HON ANN CLWYD MP: Yes, they certainly were. I hope that
20 the Inquiry will have a chance to go to Iraq some time,
21 if you have time, because -- to see for yourselves the
22 set-up of the tribunal, which obviously is very highly
23 protected. I met the chief judge, the President of the
24 Tribunal, while I was there this time.

25 Our whole visit this time was disrupted with bomb

1 attacks, there were five bomb attacks when I was there.
2 I met with the judge in the Central Criminal Court and
3 I was discussing with him the death penalty, because
4 obviously it is something that I say every time I go,
5 when I have the opportunity to say, "Of course, you know
6 that we are opposed to the death penalty", and we were
7 in the middle of a discussion, because I was asking how
8 many people he had on death row and he was telling me,
9 "Oh", he said, you know, "We know your views on the
10 death penalty, but when I go out on the streets, people
11 are shouting at me 'When are you going to hang more of
12 them?'"

13 As we were in the middle of this discussion, the
14 first bomb went off and he said, "That's a door
15 slamming", because we all looked at one another, and
16 then the second bomb went off and the next thing the
17 security men were pushing me out of the room and saying
18 "Go", and we were in the middle of this discussion on
19 the death penalty, because I was making the point why we
20 did away with the death penalty, and I would have liked
21 to have gone back and said, "It is not a deterrent, is
22 it?" because people continue in these kind of attacks.

23 BARONESS USHA PRASHAR: Sorry to interrupt you, but these
24 conversations that you have, you obviously try to
25 influence them through conversations in terms of -- is

1 that then underpinned by the sort of activity about
2 training and support? I mean, how is this then
3 sustained?

4 RT HON ANN CLWYD MP: You know, I'm not the only human
5 rights operator, you know. I'm just one person. I try
6 and do it through the Iraqis, because obviously I have
7 got access in a way that perhaps few other people have,
8 because of personal friendships when things were very
9 hard for some of the people, who are now in government
10 there, when they were living rough in the mountains and
11 so on, and so I'm able to say things to them directly.

12 Obviously we have been helping through our police
13 training, through our training of judges --

14 BARONESS USHA PRASHAR: When you say "our police
15 training" -- I was going to come to that -- what sort of
16 support have you been giving to them on police training?
17 Because the evidence we have had shows that our kind of
18 model is not necessarily relevant.

19 RT HON ANN CLWYD MP: They have never actually said that in
20 my hearing. I haven't heard that from the Iraqis. In
21 fact, they want more of the British. They have always
22 said, I have to say, right from the beginning, you know,
23 "The British understand us. We would like more of the
24 British to come here, and, you know, we don't want you
25 to go away. We would like more help from you".

1 That's why they can't understand Inquiries like
2 this. The Iraqis always say to me, you know -- "the biggest
3 weapon of mass destruction was Saddam" -- "Why are you
4 still operating in this area? What we need is your help
5 and your attention", and obviously the Iraqis can pay
6 for a lot of things themselves now, but nevertheless
7 they appreciate the guidance that we can give them and
8 we have had police trainers there. We have also had
9 them in round tables.

10 BARONESS USHA PRASHAR: Who has provided those police
11 trainers?

12 RT HON ANN CLWYD MP: The UK.

13 BARONESS USHA PRASHAR: I mean, they've come from the
14 Metropolitan Police, through DFID? Where have they come
15 from?

16 RT HON ANN CLWYD MP: The FCO, DFID -- you know, they are
17 people who have been back to Iraq several times as well,
18 and, you know, people do really appreciate them.

19 It has been important to have prison advisers
20 because, obviously, you know, some of the things that
21 have gone on in the Iraqi prisons and are still going
22 on, I am afraid, you know, they need more training on
23 how to treat prisoners correctly. Therefore, I think we
24 have got an important and ongoing role there.

25 BARONESS USHA PRASHAR: In your role as an envoy where you

1 go and have these conversations you try to influence
2 through conversations and to find out what is going on,
3 but do you actually then come back and feed that into
4 the continued support that may be provided through DFID
5 or FCO from here?

6 RT HON ANN CLWYD MP: Yes. My reports, which go to the
7 Prime Minister, and then I have a first discussion of
8 the findings of the report with the Prime Minister and
9 then they go into the system. They go to the Foreign
10 Secretary, I know, and presumably the International
11 Development Secretary as well. They certainly go into
12 the system. They circulate. You see some of the
13 documents. You see how many people they have gone to
14 and so, you know, everybody is aware of my last visit
15 and my findings.

16 Some of our visits, of course, have been disrupted,
17 as it was last time, in that I had hoped to do -- see
18 far more people than I did last time. Because of those
19 bombs, which happened in the first few days, the
20 programme had to be changed.

21 BARONESS USHA PRASHAR: What about the human rights culture?
22 What sort of work have you done in promoting the human
23 rights culture, both, I think in Iraq and you have also
24 been working with the MoD and the FCO here? Can you
25 talk of both aspects of it?

1 RT HON ANN CLWYD MP: I tried to encourage human rights
2 thinking to enter into the thinking of the UK
3 Government, obviously in all its work in Iraq, and
4 that's one of the purposes of the round table forum.

5 BARONESS USHA PRASHAR: Are you succeeding?

6 RT HON ANN CLWYD MP: Time alone will tell. You know,
7 everybody, as we know, pays lip service to human rights.
8 But very often, when you want politicians to discuss
9 human rights in certain countries of the world, it is
10 very often at the bottom of the agenda, and human rights
11 somehow, you know, kind of -- yes, well, human rights --
12 are pushed aside.

13 So you know, that's why I don't criticise the
14 Iraqis. They are trying hard, the Minister for Human
15 Rights, whom I see quite often -- she works in quite
16 difficult conditions. She doesn't have enough support,
17 not enough resources. She has a team that tries to
18 visit prisons and tries to keep an eye on the human
19 rights situation in general, but it is difficult and
20 I think that that woman needs -- the Human Rights
21 Minister in Iraq needs a lot more support, both from the
22 Iraqi Government themselves and, you know, from other
23 players.

24 But she is quite an exceptional woman. She was
25 a planner, a city planner, in Sadr City before she

1 became Human Rights Minister, and I think her approach
2 to things is very impressive, but, you know, I wish she
3 had a lot more staff and a lot more resources.

4 BARONESS USHA PRASHAR: What is her approach? How is she
5 attempting to change the culture?

6 RT HON ANN CLWYD MP: Again, by impressing upon people the
7 importance of human rights across government and not
8 just in the Human Rights Ministry, but across
9 government.

10 Again, it is difficult for people like her, but she
11 does, you know, she does assert herself, and you know,
12 her staff -- there is quite a bit of outreach to prisons
13 and detention centres and so on. But I wouldn't want to
14 say this is exactly as I would like it to be because it
15 obviously isn't.

16 BARONESS USHA PRASHAR: Within the broad sort of ambit of
17 human rights, she is looking at the women's rights, the
18 rights of detainees and prisoners and police training.
19 I mean, all those aspects, is that what has been
20 covered?

21 RT HON ANN CLWYD MP: Yes, the FCO has one human rights
22 dedicated worker in Iraq, one. The FCO here have one
23 dedicated human rights worker in what was the Iraq
24 Policy Unit but now is a much broader unit covering
25 outside Iraq as well.

1 I think one of the problems, if I may say, is, you
2 know, the Foreign Office attachments are for a fairly
3 short period of time. I mean, not many people work over
4 two years in those -- you know, the Iraq Policy Unit or
5 whatever it is called right now, and I would like to
6 see -- so the institutional memory obviously is short,
7 and I would like to see that built upon across the
8 board, you know, in the Foreign Office here, also in our
9 embassy in Iraq.

10 I mean, if I can give you an example of how I would
11 like it to work and how it actually -- it is quite
12 difficult to make it work.

13 I have taken a lot of interest in detainees --

14 BARONESS USHA PRASHAR: Yes, of course.

15 RT HON ANN CLWYD MP: -- and when individual cases have been
16 brought to my attention, I try to follow them up very
17 closely and one of the ones that I followed up right at
18 the beginning was a woman who was --

19 BARONESS USHA PRASHAR: We are looking at policies here, you
20 know, on detainees, bearing in mind what the Chairman
21 said at the outset.

22 RT HON ANN CLWYD MP: Certainly, but I'm not going to talk
23 about British detainees, I'm going to talk about Iraqi
24 and American detainees, because it illustrates the
25 difficulty of trying to get things done, and there was

1 one particular woman, who was -- and it has been in the
2 press, so it is not secret.

3 THE CHAIRMAN: No. I think we ought to steer off
4 United States detainees for sensitivity reasons.

5 BARONESS USHA PRASHAR: You just need to talk about Iraqi
6 detainees.

7 RT HON ANN CLWYD MP: I think that's very difficult for me,
8 because --

9 THE CHAIRMAN: We have issues of legal professional
10 privilege that we have to respect.

11 RT HON ANN CLWYD MP: Yes, it was a problem.

12 THE CHAIRMAN: Can we talk in general terms?

13 RT HON ANN CLWYD MP: It is not exclusively an Iraqi
14 problem.

15 BARONESS USHA PRASHAR: Can we talk in general terms about
16 the concerns you have on the policy of the Iraqi
17 authorities?

18 RT HON ANN CLWYD MP: Yes. This is another detainee whose
19 case I followed up very closely with the Iraqis. It was
20 brought to my attention by an Iraqi who works in that
21 particular defence facility, and also with an American
22 who was attached to the human rights section of that
23 department, and it was also brought to my attention by
24 our embassy in Iraq.

25 It was a man who was beaten, burned and found dead

1 in gaol, an Iraqi found in those circumstances in an
2 Iraqi gaol. He was apparently given electric shocks
3 with a cattle prod and burned with cigarettes. In
4 a case that highlights what I am afraid are too common
5 abuses suffered by detainees in Iraqi gaols, which is
6 one of the reasons that we are always prevailing on the
7 Americans not to transfer detainees too quickly into the
8 Iraqi system, because it didn't have the capacity and
9 still doesn't have the capacity.

10 BARONESS USHA PRASHAR: But that also points to how you
11 train prison officers and the security forces generally.

12 RT HON ANN CLWYD MP: Well, we'd need an enormous army,
13 unfortunately, to deal, you know, with the numbers of
14 prisons that are now in Iraq, with the number of people
15 who have been transferred from US detention into Iraqi
16 detention, and this particular case, because it was
17 brought to my attention, I followed it up with the
18 Iraqi Government, with the President, with the
19 Prime Minister, and with others.

20 Now, you know, it is two years on and this still
21 hasn't been resolved. It was said that the person, or
22 persons, who attacked this detainee were military
23 people, who were known to others higher up in the
24 Government of Iraq. I'm determined to get to the bottom
25 of this case, because, you know, people must not think

1 there is a culture of impunity and that you can get away
2 with doing these kinds of things.

3 BARONESS USHA PRASHAR: Are you, from the basis of
4 individual cases, rightly, you are pursuing, looking at
5 what needs to be done, as I say, in terms of how people
6 are trained and made aware of proper treatment of
7 people?

8 RT HON ANN CLWYD MP: Yes, because all the round tables that
9 we have had at the Foreign Office have discussed things
10 like rule of law, et cetera, and we have had very
11 detailed discussions with people who are working in Iraq
12 on our behalf, and Iraqis, you know, who have observed
13 the situation, keep asking for more training and
14 exchanges, and there have been quite a lot of exchanges,
15 as you know, of police officers, of educationists, of
16 politicians, and we are hoping, obviously, to organise
17 quite a lot of scholarships for Iraqi students to come
18 to the UK. That is under discussion and hopefully will
19 be underway before long.

20 BARONESS USHA PRASHAR: Can I move on to another area, which
21 is the abuses that took place under Saddam? Because you
22 have spent a lot of time dealing with some of these
23 issues.

24 What do you see as the main issues for investigation
25 of abuses during Saddam's time?

1 RT HON ANN CLWYD MP: Well, unfortunately, the abuses we got
2 to hear about, you know, as the evidence came out, and
3 I think the cases of torture are very well-known to you.
4 They were appalling.

5 I was in the north of Iraq in February 2003. There
6 was a young man who had been released from gaol, he had
7 been given some kind of amnesty. He had been in gaol
8 for eight years, and he talked about the kind of things
9 that went on, you know, the amputations, a hand chopped
10 off or a foot chopped off, or branding. He talked about
11 a woman professor who was a prisoner there at the same
12 time as him. She gave birth to a baby. She didn't have
13 enough milk to give the baby. She pleaded for milk,
14 because, obviously, the diet was appalling. She pleaded
15 for milk. They refused to give her milk. The baby died
16 a few days later and she held on to the baby for three
17 days until the temperature got so high in that
18 particular cell that the body started smelling, and the
19 guards came, and the woman wouldn't let go of the baby
20 and they took them both away and apparently they were
21 both killed.

22 Another young boy, also in the same cell,
23 a 15-year-old, who was actually crucified on a window
24 frame. They are horrific abuses, you know, rape --

25 BARONESS USHA PRASHAR: But this is quite a difficult area,

1 because, in terms of how you balance the question of
2 dealing with what has gone on in the past and how do you
3 deal with the immediate issues, is there a balance to be
4 struck here?

5 RT HON ANN CLWYD MP: As I said earlier, yes, there is
6 a balance to be struck, and I just think the Iraqis have
7 achieved a tremendous amount since 2003, given, you
8 know, the immense difficulties they have lived under,
9 the lack of electricity, the people who have had to flee
10 from the country because of kidnappings.

11 I did actually go to Syria and to Jordan to talk to
12 some of those displaced people, and you know, I think
13 they have -- they have dealt with that situation in
14 a remarkable way.

15 So that is why -- you know, I prefer the gentle
16 approach to begin with, but in the case of something
17 like that detainee I'm talking about, the people
18 responsible must not get away with that.

19 I don't want to see that culture of impunity
20 existing in Iraq, because, you know, that's, in my view,
21 one of the main reasons for going in there, to get rid
22 of the kind of tyranny and cruelty that was going on in
23 that country. I don't want to see it perpetuated.

24 BARONESS USHA PRASHAR: Thank you very much.

25 THE CHAIRMAN: Before coming towards the end and inviting

1 your final reflections, Ms Clwyd, I think one or two of
2 my colleagues may have points that they would like to
3 pick up, Lawrence?

4 SIR LAWRENCE FREEDMAN: Just one going right back. You had
5 spent a lot of time working with Iraqis prior to the
6 invasion, presumably -- well, obviously, you had quite
7 a lot of knowledge.

8 I'm just wondering to what extent, if at all, your
9 knowledge of the sort of state of civil infrastructure
10 in Iraq was fed at all into the planning processes for
11 the occupation. Did you have any role in that at all?

12 RT HON ANN CLWYD MP: You know, I hadn't been able to travel
13 round Iraq, and I'm still limited in the amount of
14 travel I can do, depending on the advice of people
15 responsible for security. But obviously, I hear a lot
16 of stories and I go back to the Water Minister.

17 SIR LAWRENCE FREEDMAN: But I'm just talking about the
18 period up to March 2003.

19 RT HON ANN CLWYD MP: Yes, this is -- the Water Minister
20 told me the infrastructure was in a terrible condition.
21 You know, people were saying they didn't have enough
22 water, not enough electricity, and he was saying, "Well,
23 you know, the whole place was falling apart, you know,
24 prior to 2003. Things were rusting, they hadn't been
25 replaced for years". The infrastructure was rotten, and

1 so, after 2003, one of the things that they have had to
2 do was try and repair that basic infrastructure before
3 they can provide the kind of services the Iraqis should
4 be receiving.

5 SIR LAWRENCE FREEDMAN: A number of government witnesses
6 have told us that they were shattered, surprised,
7 shocked by what they found of the state of
8 infrastructure.

9 Now, you have managed, through conversations with
10 your Iraqi colleagues, to get a grasp that it actually
11 was in this terrible state, but you, yourself, weren't
12 able to feed that into the policy-making in the UK?

13 RT HON ANN CLWYD MP: Well, obviously I talked about it.

14 I talked about the conversations I had with people.

15 SIR LAWRENCE FREEDMAN: Was this with the Prime Minister?

16 RT HON ANN CLWYD MP: Yes, I would have certainly talked to
17 the Prime Minister.²

18 SIR LAWRENCE FREEDMAN: So he knew from you that there were
19 real problems with the infrastructure in Iraq?

20 RT HON ANN CLWYD MP: Oh, yes, certainly.

21 SIR LAWRENCE FREEDMAN: What about the urgency, therefore,
22 of doing something about it after March 2003?

23 RT HON ANN CLWYD MP: Well, people, I think, were trying
24 very hard, but obviously there were attacks on -- for
25 instance, when they were trying to repair the oil

² Letter from Rt Hon Ann Clwyd MP 8 February 2010: "I would like to clarify the position in the period leading up to March 2003. Though I was hearing things from Iraqi friends with contacts in Iraq about the state of civil infrastructure, and I was making speeches and having discussions about that situation, I was not, at that time, having any direct meetings with the Prime Minister, and there was no mechanism for me to feed this information into the pre-war planning. It is not correct to say that I told the Prime Minister before March 2003 that there were real problems with the infrastructure in Iraq."

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1 pipelines, which, of course, were subjected to a lot of
2 attacks from people, you know, who were opposed to the
3 new regime, and that was a continuing problem. The
4 safety of the people who tried to carry out the repairs
5 and, you know, that had to be balanced again.

6 But I think, again, you know, a lot has been
7 achieved in the meantime, and of course people
8 started -- you know, there was a big drain on the
9 electricity supplies, because, in 2003, when you went
10 down the streets -- in 2003/2004, I was able to walk
11 around Baghdad, for example, and you could see all the
12 white goods being sold in the shops. Things that they
13 had been obviously denied in the past. So people, you
14 know, wanted things like laptops and washing machines
15 and dishwashers --

16 SIR LAWRENCE FREEDMAN: They all needed more power?

17 RT HON ANN CLWYD MP: Yes, all needed more power.

18 SIR LAWRENCE FREEDMAN: Thanks very much.

19 THE CHAIRMAN: Roderic?

20 SIR RODERIC LYNE: Yes. Can I ask you about the case of
21 Mrs Margaret Hassan, the hostage aid worker for many
22 years in Iraq who was taken hostage and then murdered
23 and whose remains have not been found? We have met her
24 family here. I would like to know whether this is
25 a case that you have been able to raise during your

1 visits to Iraq.

2 RT HON ANN CLWYD MP: I raised the cases of hostages on many
3 occasions, with the President, with the Prime Minister,
4 with the religious leaders, as recently as December,
5 when I was last there.

6 I raised again the hostages, because, of course, we
7 didn't quite know whether some were alive or dead and
8 you know, I expressed my own concern and obviously
9 concern on behalf of the British Government. But apart
10 from, you know, raising those matters, when I have
11 meetings with people, I didn't get any information.

12 SIR RODERIC LYNE: But they are obviously conscious from
13 your representations that, either where the fate is not
14 known, or where the fate is known but the remains have
15 not been returned, that this is a matter of huge concern
16 and something where action, any action they were able to
17 take, would bring comfort to grieving relatives in this
18 country and elsewhere?

19 RT HON ANN CLWYD MP: I absolutely agree, and almost
20 precisely the words that I used when I spoke to one of
21 the main religious leaders in December, because not
22 knowing -- the Iraqis know themselves what not knowing
23 means. I saw that in the Free Prisoners' Association,
24 you know, in 2003, when people were just coming in to
25 find out what had happened to people, and I had a phone

1 call from a friend, who asked me, "Was there anybody
2 alive at the prison near the airport in 2003?" and
3 I asked her why, and she said, "My uncle was there
4 35 years ago". So people always, quite rightly, need to
5 know, and I do very much hope the Iraqis will answer
6 some of those questions, because, you know, for
7 everybody who has lost people, they need to know.

8 SIR RODERIC LYNE: Thank you.

9 RT HON ANN CLWYD MP: Can I just say at this point that, you
10 know, I also have great understanding of those people
11 who have lost husbands, sons, during the military
12 action. You know, we sat in the House of Commons as
13 Members of Parliament feeling particularly responsible
14 when the Prime Minister read out the names of those who
15 had died, and you know, we all feel great sympathy for
16 those people, but I do hope that Iraq eventually will
17 turn out to be the kind of country that everybody can be
18 proud of, and, of course, not just British troops, but,
19 you know, American troops, coalition troops, civilians
20 who have died, many, many Iraqi civilians have died.

21 Then I can only say how sorry I am and -- but I hope
22 that, at the end of it, Iraq will be a much better
23 country. I know Iraqis -- I say this because Iraqis
24 tell me so often. You know, they feel great sadness
25 about people from this country who have given their

1 lives to achieve their freedom and they certainly
2 appreciate it.

3 THE CHAIRMAN: Thank you, Ms Clwyd. It has been really
4 important to this committee to hear your account of your
5 long experience of Iraq and to have this on the public
6 record. It is a very important part of the narrative
7 and one of our purposes is to establish as well-informed
8 and reliable an account as we can.

9 We do hope very much to visit. We can't commit yet.
10 To visit Iraq before our Inquiry is complete. We have
11 both heard for a couple of hours now what you have been
12 able to tell us and share with us, and we have also had
13 two valuable witness statements. Thank you for those.

14 Is there any other or final point that we haven't
15 given you the opportunity to cover this afternoon?

16 RT HON ANN CLWYD MP: Could I talk about a couple of things?

17 THE CHAIRMAN: Yes, please.

18 RT HON ANN CLWYD MP: Thank you.

19 One is the ongoing trials in Iraq. I have gone
20 there every time to the trials to see the people that we
21 wanted to indict, like Saddam Hussein, like
22 Ali Hassan Al-Majid, like Tariq Aziz, sitting in the
23 dock and the INDICT evidence is in the court. I handed
24 it all over to the American Ambassador for war crimes
25 prior to the trial starting, and it has supplied very

1 useful evidence in the trials.

2 Secondly, I just want to impress on the importance
3 for the Iraqis of freedom of speech. You know, we have
4 done a lot of training with the Institute of War and
5 Peace Reporting. We have supported their work in Iraq
6 and to see young journalists who previously had to write
7 stories from a supplied press release from the regime
8 actually thinking for themselves, and one of them saying
9 to me, when I went to watch them, and they asked me
10 a lot of questions, and then -- or rather, I asked them
11 a lot of questions and I asked them, "Have you got
12 anything to ask me?" and his question was, "Why did it
13 take you so long?"

14 Then, one other story, this Iraqi who used to bring
15 us evidence, from 1984 onwards, to me at the House of
16 Commons about executions at the Abu Ghraib, he is now --
17 he sent me an email from Iraq in 2003 telling me what
18 his proper name was and he said -- his name
19 is Khalil Al Mosawi -- and that's the first time that
20 I knew his proper name, because people were so afraid of
21 revealing their names, and he sold up his three
22 manufacturing businesses, invested all his money in
23 setting up a radio station in Iraq, which is now one of
24 the best radio stations, and is about to be made an
25 Ambassador for the Iraqi Government.

1 So you know, there are lots of plus stories of
2 people who went back there and are now working together
3 for their own country and they appreciate what we have
4 done for them and hopefully will continue to do so.
5 I think we have got an obligation to continue to support
6 the Iraqi Government and the people of Iraq in their new
7 democracy and in their elections, which are taking place
8 in a few weeks' time, and I hope to be one of the
9 election monitors. Thank you very much.

10 THE CHAIRMAN: Thank you. I should like to thank our
11 audience, those of you who have sat this afternoon
12 through some very moving and important testimony from
13 Ann Clwyd, and we are grateful to her -- to you -- for
14 it. Thank you for that.

15 As we close, can I remind those interested that at
16 11.30 on Monday we shall resume our hearings with
17 General John McColl as our first witness, and then, in
18 the afternoon on Monday, Jack Straw will give his second
19 set of testimony, and with that, I'll declare the
20 session closed. Thank you.

21 (3.55 pm)

22 (The Inquiry adjourned until Monday 8 February 2010 at
23 11.30 am)

24

25