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Defence & Overseas Secretariat

**Sir Nigel Sheinwald
No.10**

15 March 2006

IRAQ: HUMAN RIGHTS

chaired a meeting on 14 March to discuss HMG's strategy on human rights. The meeting took Ms Clwyd's strategy matrix as its starting point. This letter records the main points of discussion.

Mainstreaming Human Rights

2. Ms Clwyd said she was concerned that there should be greater senior level consideration of our human rights policy, including at DOP(I). She were not confident that her monthly reports to the Prime Minister were being actively followed up. She also wanted to pursue further initiatives on the model of her VTC earlier that day with UNAMI. Looking at the current situation in Iraq, an early priority was lobbying hard for a minister for human rights to be appointed; previous patchy appointments had been inadequate. Ms Clwyd also raised the prospect of strengthening parliamentary links: the All Party Iraq Group was keen to visit; the Inter-Parliamentary Union could be urged to do more to support the new Iraqi Parliament; and the FCO were looking at the scope to arrange visits and twining between Iraqi and British female MPs.

3. Nigel Casey confirmed that William Patey regularly pushed on human rights issues. At present, his ability to make progress was constrained by the lack of an Iraqi government. However, with the prospect of the Council of Representatives convening on 16 March, it was possible we could press for a parliamentary committee to be set up immediately. The meeting discussed the scope for developing a core script/set of prioritised objectives to use during the period of government formation.

4. said that DFID was working to provide an underpinning for human rights by supporting institutional capacity building. They were also seeking to find ways to increase the effectiveness of the EU/World Bank-led sectoral working group on rule of law. More

generally, getting a wider range of donors engaged in Iraq, including on these issues, was a major priority. A welcome development was that Christian Leffler from the European Commission appeared open to UK thinking on how he might spend as yet unprogrammed Commission funding for Iraq. DFID had directed his attention to the rule of law sector.

Detainees

5. Ms Clwyd said, like the FCO and MOD, she had had regular discussions with the US on their detention policy. A key issue was the length of time Iraqis were spending in detention, often without the charges being laid (as was the case with the British detainee). Equally, the faith put in extremely limited ICRC oversight was unjustified, and she had real concerns about what the ICRC were actually able to do (they were not prepared, as per their mandate, to share reports on US facilities). Nigel outlined US plans to make significant reductions in detainee numbers, but stressed our concern of the continuing high levels of US detentions, stemming from a different military operational approach (and the difficult situation the US faced in some areas) which risked undercutting any progress made. He also noted the agreement at the Iraq Strategy Group that we should increase pressure on the US at all levels on detainee issues, and that this should be a key issue for Lt Gen Fry to pursue with Gen Casey. Points of leverage included Iraqi reluctance to take custody of detainees from the US, and the prospect of the UN mandate renewal later in the year.

6. Ms Clwyd agreed on the importance of engaging the US at all levels, and of increasing Iraqi capacity while making it clear that abuses were unacceptable. She also raised the Shways' report on the bunker incident. She was deeply concerned that it had been doctored since leaving Shways. We needed to ensure we saw the original version

Rule of Law

7 We had had limited success in persuading EU partners to engage on rule of law issues, many cited concerns over the death penalty. However, the Commission funding provided an opportunity, as did our plan to provide space to four or five Commission officials in the Embassy. We should push the Commission and other partners to follow up on UK training, and for the EUJUSTLEX programme to look more broadly at the scope for assistance.

8. Ms Clwyd also raised:

- the importance of continuing support to the Iraqi Special Tribunal. Nigel confirmed work was in hand to find a successor to Howard Morrison;
- the valuable work the human rights small grants fund had done in supporting 35 Iraqi NGOs and the importance of maintaining relationships with these groups;
- the scope to do further work on trades union links; and
- the complete lack of shelters to help victims of domestic violence.

9. said that DFID was funding work with unions through the civil society fund administered by the British Council, and that the political participation fund offered support to small civil society groups. The British

Council was now looking at the scope for wider work on social and economic rights.

Next Steps

10. The **meeting agreed:**

- it would be helpful to **have a more systematic approach to information sharing** on human rights issues. The **FCO would establish a working group** that would meet as necessary and which would provide a virtual network for information exchange;
- we needed to develop **a plan for influencing key partners** including the EU and UN. FCO should seek advice from UKRep Brussels on a lobbying strategy (which might include using your contacts) to deliver specific objectives with the Commission and member states;
- The **FCO would pursue a copy of the Shways report;**
- The FCO, through the working group, would take forward work to **develop a core script on human rights** that all departments could draw on;
- **Ms Clwyd would ensure that departments were alerted to points that you were making to the Prime Minister** so that they could pursue follow up action.

11. I am copying this letter to the those who attended the meeting, Sir David Manning (Washington), Sir John Grant (UKRep Brussels), William Patey (Baghdad), James Tansley (Basra), Dominic Asquith, Lt Gen Rob Fry (via PJHQ), V Adm Style, Martin Howard, Martin Dinham, Margaret Aldred and Nick Banner.

[Signed]

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Theme	Targeted Institutions	Objectives	Delivery Strategy	Timeline
<i>Mainstreaming of Human Rights in Iraq and in Iraq Policy</i>	<p>Network of Iraqi politicians including new Parliament, MOI, MOJ.</p> <p>HMG – FCO, MOD, DFID and No.10.</p>	<p>□ 'Mainstreaming' human rights in Iraqi Government and building up the human rights capacity of Iraqi Government institutions.</p> <p>□ 'Mainstreaming' human rights in HMG's Iraqi policy.</p>	<p>In the short term, lobbying for Minister for Human Rights; working with partners to establish an Independent Commission for Human Rights as a long-term alternative.</p> <p>Monthly reports to PM highlighting current and potential areas of concern.</p> <p>Deployment of human rights officer and consultant to BE Baghdad.</p> <p>Reinforcement of human rights message with relevant Iraqi Ministers and sympathetic politicians.</p> <p>Establish a monthly working group to discuss issues of concern, handover plans, detention process etc. and bi-monthly regular video conferencing with FCO, MOD, and DOD and State.</p> <p>Working with new Iraqi Parliament, e.g., human rights committee, women MPs, new human rights legislation.</p>	<p>Minister for HR – January 2006</p> <p>Independent Commission - Ongoing</p> <p>Ongoing</p> <p>January 2006</p> <p>Ongoing</p> <p>December 2006</p> <p>Visit of TNA women planned for early 2006</p>

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<i>Detainee Rights</i>	Iraqi Government esp. MOI and MOJ	<ul style="list-style-type: none"> ❑ Working with the FCO to improve conditions in Iraqi and US prisons. ❑ Monitoring US handover plans, detention practices in Iraq and abroad ❑ Following up individual cases to illustrate wider problems with system of detention. 	Lobbying for a Special Committee to investigate ISF abuses, or similar, (i.e. a person or body with independent oversight and investigative powers on the Iraqi side).	Latest January 2005 for Special Committee
	US administration – DOD, State, MNF-I command		Reinforcement of human rights message with relevant Iraqi Ministers and sympathetic politicians.	Ongoing
	Human rights organisations – e.g. HRW, ACLU etc.		Tracking the work of investigations already set up in Iraq.	Ongoing
			US – continuation of lobbying and information gathering. Establish a monthly working group to discuss issues of concern, handover plans, detention process etc. and bi-monthly regular video conferencing with FCO, MOD, and DOD and State (see above also)	End of December 2005 for working group.
			Working with NGOs – regular contact.	Ongoing
<i>Rule of Law / Judicial Capacity</i>	IST	<ul style="list-style-type: none"> ❑ Working with UK, EU and international partners to ensure that sufficient resources are committed to improving judicial capacity in the 	IST – continuation of lobbying, scrutiny, support.	Ongoing
	CCCI MOJ		RoL - Rule of Law Sectoral Working Group & EU JUST LEX (EU's Rule of Law mission for Iraq). Contribution to	Ongoing

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	MOI	<p>criminal justice system.</p> <ul style="list-style-type: none"> □ Ensuring that the cases are dealt with expeditiously so that people are only held for a reasonable period of time before being charged and tried; □ Highlighting the need for rule of law to underpin the new Iraq. 	<p>implementation of strategy (?).</p> <p>Special Committee to investigate ISF abuses (see above).</p>	
<i>Strengthening Civil Society & Human Rights Education</i>	<p>Iraqi NGOs</p> <p>International NGOs</p> <p>International donors esp. the UN, UNIFEM etc. British Council / DfID esp. on schools programme</p> <p>US Embassy</p> <p>Iraqi Trade Unions</p>	<ul style="list-style-type: none"> □ Promote and administer Human Rights Small Grants Fund (HRSGF); □ Establishing long-term, reciprocal relations with NGOs, such as Amnesty, Islamic Relief. E.g., roundtable with human rights experts to discuss HMG's / MHR's human rights strategy, and international bodies such as UNAMI. □ Ensuring that these organisations are engaging with civil society, and building up the oversight capacity in 	<p>HRSGF: Working with targeted institutions to identify potential recipients of funding. Assisting in the administration of the scheme.</p> <p>Organising conference of HR experts (venue tbc).</p> <p>Setting up bi-monthly video conferencing with UN Human Rights Office, Baghdad</p> <p>Finalising human rights strategy and liaising with US Embassy Baghdad to ensure implementation.</p> <p>Working with British Council on establishing schools programme.</p>	<p>Fund of £50k must be allocated by 31 March 2006</p> <p>Spring 2006?</p> <p>December 2005 / January 2006</p> <p>Ongoing</p> <p>Ongoing – visit planned for mid</p>

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		<p>the Iraqi community;</p> <ul style="list-style-type: none"> □ Educating and working with the different sectors of the Iraqi community, such as students, professional organisations, and trade unions. 		2006
<i>Support for Victims of Former Regime / Exhumations Policy</i>	Centre for Missing Persons and Exhumations (a UN / MHR initiative)	<ul style="list-style-type: none"> □ Closer engagement with the National Centre for Missing Persons and Exhumations (the only body that in the long term will have the authority and expertise to tackle the many difficult issues related to the 'missing' in Iraq). 	Establishing stronger links with UN on this issue - including bi-monthly video conference with UN officials on the ground in Baghdad (see above).	Ongoing