



House of Commons
Defence Committee

**UK land operations in
Iraq 2007: Government
Response to the
Committee's First
Report of Session
2007–08**

**Second Special Report of Session
2007–08**

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The Defence Committee

The Defence Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Defence and its associated public bodies.

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Publications

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Committee staff

The current staff of the Committee are Mike Hennessy (Clerk), Eliot Wilson (Second Clerk), Ian Rogers (Audit Adviser), Stephen Jones (Committee Specialist), Lis McCracken (Inquiry Manager), Richard Dawson (Committee Assistant), Christine McGrane (Secretary) and Stewart McIlvenna (Senior Office Clerk).

Contacts

All correspondence should be addressed to the Clerk of the Defence Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 5745; the Committee's email address is defcom@parliament.uk. Media inquiries should be addressed to Alex Paterson on 020 7219 1589.

Report

The Defence Committee published its First Report of Session 2007–08 on UK land operations in Iraq 2007 on 3 December 2007, as House of Commons Paper HC 110. The Government's response to this report was received on 4 February 2008. This is appended below.

Government response

The fact that this report does not comment on the progress of maritime operations in Iraqi waters is not a reflection of the relative importance we attach to those operations. We acknowledge the important contribution which all three Services are making to the security of the region. (Paragraph 12)

1. The Government is grateful for the Committee's acknowledgement of the important contribution which all three Services—and Ministry of Defence civilians—are making to the security of Iraq and the region. Our Service personnel and civilians are performing a range of valuable roles: developing the capacity of the Iraqi Ministry of Defence and Iraqi Security Forces (ISF); supporting ISF internal security operations if requested, and helping to protect Iraq's territorial integrity and strategic assets such as the oil platforms.

We note the progress of the US surge in and around Baghdad and welcome the apparent reductions in the level of violence, both against Coalition and Iraqi Forces and the civilian population. But it is important not to overstate the successes of the surge. The level of violence in Iraq is still worryingly high. It remains to be seen whether the improvements in the security situation represent a lasting reduction in insurgent, militia and sectarian violence or whether the violence will once again increase after the US withdraws the surge element of its Forces. (Paragraph 26)

2. The Government agrees that the reductions in the level of violence in Iraq are very welcome. Overall levels of violence are significantly lower than 12 months ago, and some areas are experiencing their lowest levels since 2004. Despite these improvements in security in many parts of Iraq, we, our coalition partners and the Government of Iraq are by no means complacent, and we agree that the level of violence in Iraq remains of deep concern. A certain level of violence is likely to remain commonplace in Iraq for some time, but the coalition and the Government of Iraq are making every effort to achieve further improvements to the security situation. These efforts are building on the factors behind the reductions in violence over the course of 2007: operations by the increasingly capable Iraqi Security Forces and coalition forces, including as part of the surge; the willingness of the Iraqi people to reject terrorism, for example through the formation of Concerned Local Citizens groups, and a desire on the part of the militias to move away from violence and towards the democratic political process. A further priority is to cement the improvements in the security situation by making real progress on reconciliation and economic development, to give Iraqis a stake in the future.

The Iraqi Government must make the most of the reduction in violence to move the political process forward to achieve meaningful and lasting political reconciliation in Iraq. In the long-term, it is only through reconciliation, both nationally and locally, that Iraq can develop into a secure and stable country. (Paragraph 27)

3. We fully agree with the Committee that political progress and national reconciliation are one of the keys to lasting stability in Iraq. The Government continues to press Iraq's political leaders to make early and substantive progress on reconciliation. The recent approval by the Council of Representatives of the Justice and Accountability law—which will allow former members of the Baath party to return to public life—is a significant step

in this direction, but more needs to be done. The priorities for the Government of Iraq are to improve inclusive decision-making in government and to pass legislation that is central to building confidence between communities and political parties, including on provincial powers, elections, detainees, hydrocarbons, revenue distribution and the constitutional review.

In the long-term stability and security in South Eastern Iraq will only come about through progress with political reconciliation. But, as at the national level, political reconciliation at the local level demands a degree of security for the political process to function. (Paragraph 40)

4. The transfer of security responsibility for Basra province to Provincial Iraqi Control on 16 December 2007 was a major step forward, and all four provinces that comprise Multi-National Division South East's area of operations have now achieved this milestone. We do, though, agree with the Committee that long term stability and security can only come about through political reconciliation. There have been some encouraging developments on this front. For example, 22 political parties and other groups, including the Sadrist, signed a 'Charter of Honour' on 4 December, agreeing to maintain security and work for stability and growth. This indication of a new level of commitment to the political process on the part of all Basra's parties was followed on 18 December by a press conference which brought together Governor Wa'ili, General Mohan and a delegation from the Office of the Martyr Sadr (OMS) on the same platform. We will continue actively to support and encourage Basrawis as they take charge of their own affairs and develop local solutions to current and future security challenges.

The reduction in the number of attacks on UK and Coalition Forces in South Eastern Iraq since August 2007 is significant. However, the fact there has been no corresponding reduction in the number of attacks against the civilian population of the city is a matter of concern. Violence in Basra Province continues to undermine the development of civil society. The relative security of Basra is said to owe more to the dominance of militias and criminal gangs, who are said to have achieved a fragile balance in the city, than to the success of the Multi-National and Iraqi Security Forces in tackling the root causes of the violence. Although the reduction in attacks on UK Forces can only be welcome, this alone cannot be a measure of success. The initial goal of UK Forces in South Eastern Iraq was to establish the security necessary for the development of representative political institutions and for economic reconstruction. Although progress has been made, this goal remains unfulfilled. (Paragraph 41)

5. The security situation in Basra is not benign—we have never said otherwise. But Basra accounts for only a very small proportion of overall levels of violence in Iraq. The strategy of coalition and UK forces is to help improve security and build the capacity of the Iraqi Security Forces to the level where the Iraqi authorities are able to take on security responsibility in a province. The transfer of security responsibility for Basra province to Provincial Iraqi Control therefore represents a significant sign of progress, and the security situation since has tended to confirm the validity of our strategy and assumptions. Basra has been relatively stable, with the Iraqi media and our own contacts reporting that that Basrawis are going about their daily business without undue concern about security. There have of course been security challenges, such as the disturbances provoked by the Soldiers of Heaven cult on 18 January during the Shia festival of Ashura, but the ISF have worked

well together to bring them under control quickly and effectively, with limited coalition support.

6. We would dispute the suggestion that the relative security of Basra is the result primarily of militia dominance rather than the actions of coalition forces and the ISF. Shia militias undoubtedly have an important influence in Basra, and that is why we and the Iraqi authorities are making vigorous efforts to persuade them to pursue their aims through the democratic political process rather than by using violence. But our forces have done much to improve security in Basra, both through our work to develop the capacity of the Iraqi Army, Iraqi Police Service and Department of Border Enforcement and through specific operations, increasingly in a supporting role to the ISF. Moreover, the ISF have played an increasingly prominent role in delivering security in Basra, particularly under the strong leadership of Generals Mohan and Jalil and since the transfer of security responsibility to Provincial Iraqi Control. Firm action is being taken against rogue militias and criminal elements who seek to undermine security or oppose progress, for example by tackling militia influence and corruption in the Iraqi Police Service. We will continue to provide advice, support and encouragement to strengthen the capability and professionalism of the ISF as they take the lead in tackling Basra's security challenges.

7. We agree that, in order for security in south-eastern Iraq to be self-sustaining, Iraqis need to experience the benefits of representative political institutions and economic reconstruction. The improved security situation has allowed real progress to be made on those fronts, although there is clearly more still to do. We are, for example, urging local leaders and political parties to respect the democratic process, and to provide honest, effective and inclusive government for the people of Basra. We hope that Provincial Elections later in 2008 will strengthen the democratic process and continue to draw militia elements away from violence and into the political arena. The Basra region has considerable economic potential and we are continuing to foster economic development throughout the province, including through the economic initiatives announced by the Prime Minister in October 2007. The Government of Iraq has committed to taking forward a series of initiatives aimed at kick-starting private sector-led growth in Basra, which the UK is supporting through the Provincial Reconstruction Team (PRT). The focus of these initiatives is to help unlock Iraq's own resources. The Basra PRT is also building the capacity of the provincial government in managing public finances and the economy, including planning and costing of budgets. This will help rebuild infrastructure and provide essential services such as healthcare and education. We will continue civilian capacity-building work with the local authorities towards this end, tackling the corruption that threatens to limit economic growth.

Iranian influence in Iraq is longstanding and religious and cultural links between Iranians and Iraqis is strong, particularly in the Shia South. However, reports that elements within Iran are fuelling the violence in Iraq through the supply of arms are deeply troubling. (Paragraph 47)

8. The Government also recognises the longstanding religious, cultural, economic and other links between Iran and Iraq. The range of interests that Iran has in Iraq mean that it has much to gain from a stable, secure and democratic Iraq.

9. Any Iranian links to certain armed groups in Iraq, whether through the supply of weapons, training or funding, are unacceptable. The Iranians are well aware of our concerns, as Ministers and officials have on many occasions raised this kind of Iranian interference in Iraq with the Iranian authorities. We continue to press Iran to cut its links with armed groups operating in Iraq, and to do more to improve border security and fight terrorism. In Iraq, coalition and UK forces are helping to develop the capacity of the Iraqi Security Forces – and in particular the Department of Border Enforcement—to protect Iraq’s borders and stem the flow of weapons into the country.

10. We are also encouraged by the strong sense of Iraqi sovereignty across the political spectrum in Iraq, and welcome the Government of Iraq’s clear indications that it will not tolerate outside interference that undermines the prospects for a secure, stable and democratic Iraq.

There has been significant progress over the course of the past year in building the capacity of the Iraqi Army in South Eastern Iraq. Major improvements have been made to the capacity and readiness of the 10th Division, to its ability to operate independently of the Multi-National Forces, and to the equipment made available to it. We welcome the creation of the new 14th Division for Basra as a way of addressing the problem of loyalty which had confronted the largely Basrawi recruited 10th Division. We also welcome the MoD’s assurance that General Mohan has adopted a robust approach to the development of the Iraqi Security Forces in Basra. But the job is not yet complete. Despite its increasing capability, the Iraqi Army in South Eastern Iraq still requires the support of UK Forces, particularly in logistics and intelligence. The MoD should explain in its response to this report how it is addressing this lack of “rear end” capability in the Iraqi Army, when it expects this capability gap to be filled, and for how long it expects UK Forces to be required to lend support to the Iraqi Army. We also call upon the MoD to provide in its response an analysis of UK expenditure on, and the results of, projects for the provision of equipment and infrastructure to the Iraqi Security Forces, including Operation OSIRIS. (Paragraph 59)

11. The significant progress made by the Iraqi Army in southern Iraq is testament to the hard work of British forces and the determination of the Iraqis themselves. As UK forces in southern Iraq have moved into ‘overwatch’, their main focus is on monitoring, mentoring and training the Iraqi Security Forces in order further to enhance their capacity and confidence to be able to operate effectively without coalition support.

12. Our monitoring, mentoring and training efforts to date helped establish the ability of the Government of Iraq and Iraqi commanders to maintain an Iraqi owned security framework within southern Iraq. As part of our ongoing work, we will continue to provide support in particular specialist and enabling areas of the Iraqi Army that are in need of further development, such as telecommunications, transportation, logistics and intelligence. Whilst the Iraqi Army currently requires some logistic support from coalition forces, its logistic capability continues to mature. In addition to our monitoring, mentoring and training activity in southern Iraq, UK advisors have also been embedded within the Multi National Security Transition Command—Iraq Headquarters to provide support and guidance throughout the logistics chain, from the units on the ground to the Iraqi Ministry of Defence. As a result of coalition efforts, the Iraqi Army (and other elements of the ISF) has implemented a viable logistic structure which enables them to identify and monitor

their own equipment levels and requirements, distribute equipment to their battalions and set priorities at all levels. Intelligence within the Iraqi Army is managed as a staff branch similar to that of the British Army, with an Iraqi Surveillance and Reconnaissance (ISR) company in each division. The UK's monitoring, mentoring and training efforts with the ISR companies continue to focus on intelligence gathering, analysis and execution, but the fact that the Iraqi Army are able to conduct successful intelligence-based operations demonstrates that their intelligence capability is continuing to mature. We will continue to provide assistance to the ISF until we, the Iraqi Government and our coalition partners are confident that the ISF can operate effectively without such support.

13. As part of our work aimed at supporting and hastening the Government of Iraq's ability to build capable ISF, we recognised in 2004 that a programme to provide basic equipment and infrastructure would be required to complement our programme of training and mentoring. This programme was intended to bring the ISF up to an appropriate baseline of capability from which to develop their capacity. As set out in a series of minutes laid before Parliament, between 2004 and 2006, the UK used Project OSIRIS to gift a range of military equipment and facilities for use by the ISF, to the value of £82.8M. Military and security-related equipment gifted included patrol cars, radios, water trucks, x-ray machines, metal detectors, logistic support centres, materials to build HQs and police stations as well as other infrastructure projects. We have also procured public order equipment, weaponry, helmets, boots, medical stores, refurbishment of existing buildings and ammunition. Built into the programme is the ability to sustain equipment, for example through the provision of spares needed for vehicles.

14. Since the Iraqis now have sufficient structures in place to procure their own equipment, we do not currently foresee any requirement to gift further equipment to the ISF. The mechanism remains in place should the requirement arise in the future. While it would not be practical to provide an itemised assessment of the efficacy of this equipment, it is our clear view that, as a whole, this investment has played a significant role in enabling the ISF to develop the capabilities and capacity to take responsibility for security in the four provinces in MND(SE).

The development of the Iraqi Army and the Iraqi Police Service as credible, capable, and effective Forces, which enjoy the confidence and support of the Iraqi people, is fundamental to the long-term security of Iraq and to the drawdown and eventual withdrawal of UK Forces. If Iraq is to evolve into a stable, functioning and prosperous country, the Iraqi Army and Police must be properly equipped and trained. The Iraqi Government must ensure that corruption and militia infiltration are rooted out and that the Army and Police are properly supported by the Defence and Interior Ministries. We call upon the MoD to explain in its response to this report how the training of the Iraqi Security Forces—both the Army and the Police—will progress once the number of UK Forces in Iraq has been reduced to 2,500. (Paragraph 64)

While we welcome the efforts reported to have been made by General Jalil to counter murderous, corrupt, and militia-infiltrated elements within the police in Basra, we remain concerned about the present state of the Iraqi Police. Progress with reforms has been painfully slow and serious questions appear to remain about the loyalty of a significant number of officers. Unlike the Army, which shows clear signs of progress in achieving operational independence, the Police would seem to have a long way to go in

becoming truly effective and in gaining the trust of the population. Given the scale of the problems which still need to be tackled, there would seem to be a need for an ongoing commitment by the UK to training and mentoring the Iraqi Police. We call upon the MoD to explain in its response to this report how it proposes to continue its mentoring and training programme following the proposed reduction of UK Forces. (Paragraph 65)

15. The Government's current focus for the security line of operation in southern Iraq is on monitoring, mentoring and training the ISF, with UK forces leading on the development of the Army, and the Foreign and Commonwealth Office coordinating our work with the Iraqi Police Service.

16. The UK has a well-developed strategy to assist the training and mentoring of the Iraqi Army. This starts with basic infantry training for large numbers of recruits, before moving on to the provision of training to a small number of competent Iraqi officers who will themselves become the trainers. Iraqi trainers are at that stage mentored through their programmes, and the approach then changes to one of monitoring Iraqi-led training programmes once they are sufficiently mature. This work will remain our top priority after the proposed drawdown in UK force levels in southern Iraq from the spring. As now, a battle-group will continue to be dedicated to monitoring, mentoring and training activity, and other elements of the force will also deliver specific capacity-building tasks.

17. The Government will also be maintaining the commitment to reform, train and mentor the Iraqi Police Service (IPS) throughout 2008. In Basra, the combined civilian and military policing team will continue its work to support the Chief of Police, General Jalil, in combating corruption and developing training capacity in and around Basra. Whilst the IPS still faces challenges, General Jalil has now removed or transferred hundreds of unsuitable police from the Basra force, dissolved the most corrupt units (including the militia-affiliated remnants of the Serious Crimes Unit and National Investigation and Information Agency), and removed senior commanders whom he judges unfit for leadership. The local Internal Affairs Department has also arrested around 40 officers for corruption. As a result, we have seen an increasing number of successful policing operations, carried out in conjunction with the Iraqi Army, including raids on weapons caches and the arrest of criminal and militia members. We are also working with coalition partners to build a police force that is able to sustain itself in the long term, with personnel in Baghdad helping to build Iraqi capability to lead and develop a competent nationwide police force. Into 2008/09, the UK will focus on strategic level engagement with the Ministry of Interior and in three areas: leadership development; strengthening the Ministry of the Interior's institutional functions; and building key policing capabilities, especially in Internal Affairs. This programme of work will not be affected by any reduction in UK force levels in southern Iraq.

It will be important for the MoD to monitor closely the progress of the Merlin and Chinook programmes and, if necessary, take appropriate action to prevent slippage so that these helicopters are available for operational use as soon as possible. (Paragraph 70)

18. The Government can reassure the Committee that it is monitoring closely the progress of the Chinook Mark 3 and Merlin programmes.

19. A joint Ministry of Defence/ industry project team has been established for Chinook Mark 3, and detailed programme planning and cost, schedule and performance (or ‘earned value management’) data are reported and shared on a regular basis. This allows us to ensure that any potential risks, overruns or overspends can be identified and addressed at the earliest opportunity. We have put in place a number of other measures to ensure that the Government obtains best value from the contract with Boeing, including an incentive fee arrangement to encourage the earliest possible delivery of these much-needed assets to the front line. Following the main investment decision, we expect the first Chinook Mark 3 helicopters to be available for operations in late 2009, with the rest expected to follow in 2010. NATO’s announcement in December 2007 that they are entering into a contract for the provision of additional airlift to the ISAF mission in Afghanistan will help ease the burden on UK and NATO helicopters, freeing them up for military tasks.

20. The project team responsible for Merlin also oversees carefully all aspects of the helicopter’s procurement and provision of in-service support. The programme to transfer six Merlin Mk3a helicopters from the Danish Government is on schedule and will conclude with the declaration of full operating capability in July this year.

We welcome the deployment of additional armoured vehicles to our Forces in Iraq and are reassured that the Urgent Operational Requirement (UOR) process is delivering much needed equipment to our Forces in theatre. The deployment of additional Mastiff and Bulldog armoured vehicles has significantly improved the force protection available to our Forces in Iraq. However, we are concerned that current operations are reducing the planned lives of equipment and that this could lead to potential capability gaps in the future. We are also concerned that equipment returning from operational theatres—whether it was procured through the routine acquisition process or as UORs—will require substantial expenditure to repair, refurbish, support and store, and it appears that no provision has been made for this in the MoD’s budget. This will make the management of the MoD’s budget increasingly difficult. We expect the MoD, in its response to our report, to set out how it plans to address any capability gaps arising from the intensive use of equipment on current operations, its estimate of the costs needed for repairing and refurbishing equipment returning from operational theatres, and how this will be funded. (Paragraph 72)

21. We welcome the Committee’s recognition that many of the new equipment capabilities deployed on operations in Iraq have proved extremely effective. Whilst some items of equipment have indeed reached their maintenance intervals earlier than we would anticipate once a new capability has been fully rolled out, we do not at a fleet management level envisage that operations will affect original assumptions about the vehicles’ working lives.

22. In order to maintain equipment capability and avoid degeneration, we may repair and overhaul military vehicles used on operations more often than would routinely have been planned for in through-life costing assumptions. But the precise impact of activity on current operations and the subsequent costs of recuperation to a balanced force are complex issues, which depend on a range of factors. We have therefore initiated a substantial study to provide a detailed assessment of these issues, including the costs relating to operational usage, which will help to inform future equipment and financial planning.

We also welcome the planned increase in the number of Chinook and Merlin helicopters. This should improve helicopter availability when these helicopters become available for operational use over the next two years. The purchase of an additional C-17 large transport aircraft will further improve the MoD's strategic airlift capability and we look forward to receiving the MoD's end-to-end review of the airbridge—the Air Movements Process Study—when it is published in December 2007. We will continue to monitor the MoD's equipment programme, the support to troops in theatre, and the impact of the current high tempo of operation on our Forces in our current inquiries into Defence Equipment and the MoD's Annual Report and Accounts. (Paragraph 73)

23. The Government is working hard to deliver additional Merlin and Chinook helicopters for deployment on operations and welcomes the Committee's acknowledgement of these efforts.

24. The requirement for helicopter lift is assessed across all operational theatres and for Iraq, military commanders have indicated that they currently have sufficient helicopter capability to fulfil their tasks. We have therefore been focussing our efforts on delivering increased capability to Afghanistan, and good progress is being made. Helicopter flying hours delivered by British helicopters in Afghanistan have increased by a third since March 2007 and we have successfully deployed upgraded Sea King helicopters; the aim is to deploy more in the spring. We also plan later this year to uplift flying hours for our critical Chinook and Attack Helicopter fleets.

25. On Strategic Airlift, the procurement of a fifth and, more recently, a sixth C17 will significantly increase our ability to transport both equipment and personnel to and from operations. We will, as agreed, provide the Committee with the findings of the Air Movements Process Study once it has been completed.

The detention of Iraqis without trial is a matter of public concern. We call on the MoD to respond in its response to this report to the questions raised by the Redress Trust about the handling of detainees in Iraq. (Paragraph 78)

26. The UK retains the right to intern individuals where they are judged to present an imperative threat to security. The coalition's right to intern was set out in letters annexed to UN Security Council Resolution (UNSCR) 1546, and continued in the current UNSCR 1790. We continue to use internment sparingly. Regular review procedures ensure that internees are released as soon as they cease to pose an imperative threat to security. Over the last few months, this review process has led to the release of all UK-held security internees (although two individuals are held on remand awaiting trial by the Iraqi criminal justice system).

27. The UK would hold any internees in Iraq at the Divisional Internment Facility (DIF) at Basra Airbase. Previously, they were held at the Divisional Temporary Internment Facility (DTDF) at Shaibah Logistics Base. The DTDF was, and the DIF is, under UK control at all times.

28. To answer the specific questions posed by the Redress Trust in its memorandum:

- *What is the expected time frame that units are to place detainees in the custody of the Divisional Temporary Detention Facility and/or the Divisional Internment Facility?*

Initially, individuals will be detained by units on the ground. Units should hold detainees for only so long as it takes to get them to the Brigade Processing Facility (BPF) at Basra Airbase. Once in the BPF, detainees may be interned in the DIF, released, or transferred to the Iraqi authorities. The initial decision as to whether to release, transfer to the Iraqi police or intern must be made within 8 hours (extendable to 12 in exceptional circumstances) of initial detention.

- *To what extent are detainees held by Units (Battle Groups)?*

Only to the extent necessary to get the detainee to the BPF.

- *Will this change with or during the move to the Divisional Internment Facility?*

No—the principle remains the same.

- *Is the Divisional Temporary Detention Facility and will the Divisional Internment Facility be run by the UK or the US, and to what extent?*

The DTDF was, and the DIF is, under UK control at all times.

- *Will it take in detainee/internees 24 hours a day?*

Yes—detainees can be admitted to the DIF 24 hours a day.

- *What procedures are in place to ensure that Human Rights Act is applied at these facilities?*

We are always careful to ensure that the human rights of detainees are respected. UK Service personnel undergo extensive mandatory training, which includes specific guidance on handling prisoners. All personnel must attend refresher training every year. Provost Marshal (Army), the Competent Army Authority and Inspectorate for custody and detention, inspects all detention camps on a regular basis to ensure compliance with all relevant human rights obligations. The International Committee for the Red Cross (ICRC) has regular and open access to our internment facility and all our internees. The Divisional Internment Facility has also been visited by a team from the Iraqi Ministry of Human Rights. Detainees can contact the ICRC at any time, and robust mechanisms are in place to allow the reporting of any wrongdoing.

- *Since the Ministry of Defence conceded in the Al Skeini that the Human Rights Act applies to UK detention facilities in Iraq during, and of course the House of Lords judgement itself, have any procedures or conditions of detention changed, and if so, how?*

The House of Lords held in 2007 that the Human Rights Act (HRA) applies to UK detention facilities in Iraq. However, the standards of conduct and physical treatment of prisoners required of UK forces have always been in accordance with the relevant international humanitarian law, and the domestic criminal law that applies to UK forces at all times, wherever in the world they are serving. Service personnel can, and will, be prosecuted if there is evidence that they have tortured, assaulted or committed

any other offence against a person. Those standards are not affected in any way by the question of the application of the European Convention on Human Rights/Human Rights Act.

Since 2004, training and doctrine have been revised to reinforce the standards that should be applied at all times. For instance, improvements have been made to Regimental Police training to include training on operational custody matters from point of capture through unit holding to handover to the Military Provost Staff, with an emphasis on the humane treatment of all captured persons at all times and in all environments.

- *Has the document JDN 3/05 Tactical Questioning, Debriefing and Interrogation or other documents been modified to reflect the applicability of the Human Rights Act to detention facilities abroad?*

JDN 3/05 has been subsumed by JDN 3/06 (“Human Intelligence”), which was published in April 2006. JDN 3/06 makes specific reference to the European Convention on Human Rights (ECHR) (paragraph 117b).

- *Has the Ministry of Defence any plans to make the internal reviews and investigations into detainee abuse available to the Committee for scrutiny?*

While the Ministry of Defence did not provide any internal reviews or investigations to the Committee, it submitted comprehensive memoranda of evidence. In addition, the report by Brigadier Aitken into cases of deliberate abuse and unlawful killing in Iraq in 2003 and 2004 was published on 25 January 2008.

- *Are procedures now in place to ensure that important procedures and orders are not lost when Units are replaced?*

There are (and have been for several years) detailed Standard Operating Instructions (SOIs) which set out how detention is to be undertaken. In addition, pre-deployment training, handovers, and post-tour reports are undertaken by individuals, units and formations in order to prevent loss of knowledge and experience. OP TELIC SOI 390 (revised in November 2006) is the detailed UK instruction for prisoner handling in Iraq. Every unit deploying to Iraq receives a presentation on this SOI as part of their initial orientation package. Every sub-unit undergoes practical testing on the application of SOI 390.

- *To what extent do detainees go through a medical examination before undergoing questioning?*

Upon arrival at the Brigade Processing Facility (BPF), detainees are given a brief medical examination by a qualified military doctor to ascertain their physical condition. A similar medical examination takes place when they leave the BPF. If an individual is subsequently interned there will be a full medical examination as part of the arrival procedure.

As the UK moves towards full operational overwatch in South Eastern Iraq, the key issues are how many troops will be needed in theatre, whether overwatch could be performed outside Iraq, and whether the UK might need to maintain a reserve of

troops to re-intervene if the security situation in South Eastern Iraq deteriorated significantly. (Paragraph 90)

The MoD has said that, despite transferring security responsibility to the Iraqi Security Forces, UK Forces will retain the capability to re-intervene in South Eastern Iraq if the security situation deteriorates. If that re-intervention capability is to be credible the UK will need to be capable of drawing upon Forces from outside Iraq. We call upon the MoD to clarify how it plans to maintain a re-intervention capacity, which Forces would be assigned to that role, and where they would be based. (Paragraph 97)

29. The successful transfer of responsibility for security in Basra province to the Iraqi authorities in December 2007 saw UK troops move into the first stage of ‘overwatch’. As we have always made clear, decisions on the optimum number of UK personnel required in Iraq are taken on the basis of conditions on the ground and the advice of military commanders. The increased capabilities of the Iraqi Security Forces and the improved security situation which helped enable the transfer of Basra province also allowed us to reduce UK force levels in southern Iraq to around 4,500, as planned, and we have subsequently been able to withdraw a further 350 personnel. The balance of the force now reflects the increased emphasis on monitoring, mentoring and training the ISF rather than on strike operations.

30. We keep under review the number of personnel who need to be based in Iraq. As a result, we have already decided that some enabling personnel can be relocated to a support facility outside Iraq, but within the region; this decision was announced by the Prime Minister on 8 October 2007. We continue to judge, though, that, in order to have the maximum effect from the monitoring, mentoring and training work and be ready to support ISF operations if requested, the majority of UK forces need at this stage of overwatch to be stationed in Basra. We will continue to keep under review the force package in support of operations in Iraq under review, including the feasibility of relocating forces outside Iraq.

31. UK forces in southern Iraq retain the capability to provide support to ISF operations if requested. Routinely, we would envisage this taking various forms of ‘light touch’ support in areas such as operational planning, logistics, and surveillance. But in the event of a very severe deterioration in the security situation in a province within Multi National Division (South East)’s area, the most demanding form of coalition support, a substantial coalition deployment (or ‘re-intervention’), could be considered. The coalition has a contingent capacity in Iraq to do this if required. Such a level of support would, however, only be necessary were the deterioration so significant that the ISF, firstly with their own reinforcements and then with the range of combat forces MND (SE) could provide, were unable to manage the situation. Given the increasing capacity of the ISF, we judge this to be a very improbable scenario.

32. The Ministry of Defence always has additional forces outside Iraq, which could be made available for deployment in support of any operation should the need arise. This contingent capacity will remain, but it is judged highly unlikely that it will be required in Iraq.

The Prime Minister's announcement that the number of UK Forces in Iraq will be reduced to 2,500 from the Spring of 2008 is noted, but important questions remain about the sustainability of a force of this size. If there is still a role for UK Forces in Iraq, those Forces must be capable of doing more than just protecting themselves at Basra Air Station. If the reduction in numbers means they cannot do more than this, the entire UK presence in South Eastern Iraq will be open to question. (Paragraph 98)

33. The UK still has a clear mission to fulfil in Iraq, to which the Government remains fully committed. We expect conditions on the ground to allow us to further reduce force levels in southern Iraq to around 2,500 from spring 2008 as we move into the second stage of 'overwatch'. These forces will be supported by a logistics and support element based outside Iraq, but elsewhere in the region outside Iraq. We are continuing to refine our detailed plans, in consultation with our US and coalition partners and the Iraqis, but we can assure the Committee that the final force package will be balanced and robust, and capable of carrying out the full range of military tasks required in southern Iraq in 2008.

34. The primary focus of the force from spring 2008 will continue to be the monitoring, mentoring and training of the ISF, with a battle-group dedicated to this activity, and other elements of the force also delivering specific capacity-building tasks. This work takes place both at the Basra Air Station and at other locations such as Shaibah and Umm Qasr. The force will also retain the capacity to provide various forms of support to ISF operations if requested, ranging from niche capabilities to—in *extremi*—the ability to conduct strike operations. This would continue the pattern of engagement since the transfer of security responsibility for Basra province to Provincial Iraqi Control. We have since then, for example, provided niche air and intelligence, surveillance, target acquisition and reconnaissance (ISTAR) support to the ISF as they tackled the violence in Basra and Nasiriyah provoked by the Soldiers of Heaven cult on 18 January during the Shia festival of Ashura, and our forces have continued to conduct operations with the ISF to disrupt the movement of weapons across the border with Iran. Our force in place from spring 2008 will also continue to support the work led by Foreign and Commonwealth Office and Department for International Development to staff to help develop reconciliation and representative political institutions and stimulate economic reconstruction. Finally, the force will, of course, be able to protect and sustain itself effectively.