

Iraq: UK Ministry of Defence Response to Amnesty International

30 June 2004

I. Introduction

1. This document sets out the MOD's formal response to the following reports which Amnesty International has presented to the Her Majesty's Government (HMG) about Iraq:

- **23 July 2003** - Amnesty Report: Iraq - memorandum on concerns relating to law and order – **Report A**
- **18 March 2004** - Amnesty Report: Iraq - one year on the human rights situation remains dire – **Report B**
- **11 May 2004** - Amnesty Report: Iraq – killings of civilians in Basra and al-'Amara – **Report C**

2. Additionally Amnesty wrote to the Prime Minister of 14 May 2004 with additional allegations about two incidents not mentioned in previous reports (referred to herein as **Letter D**). In response the Minister for the Armed Forces, Adam Ingram, wrote to Amnesty saying he would provide this consolidated response to these reports and that he would publish them in the Library of the House of Commons.

3. The response focuses on the responsibility and role of the UK Armed Forces. It does not address wider issues, although HMG is, of course, involved in a wider effort to assist Iraq.

4. In analysing the various allegations and recommendations made in the reports we have broken them down into the following subject areas.

- **Conduct of the UK Armed Forces** – Amnesty alleges that UK Forces use excessive force and are not properly trained in policing methods;
- **Protection of Iraqi Civilians** – Amnesty says we are not doing enough to create a secure environment for Iraqi civilians;
- **Detention** – Amnesty says that detention facilities do not meet international standards and that detention by UK Forces is "arbitrary";
- **Investigations** – Amnesty is dissatisfied with the legal framework applied to UK Armed Forces and our investigations of incidents associated with them;
- **Communicating with Iraqis** – Amnesty is unhappy with our overall ability to communicate with Iraqis in particular the families of detainees and those subject to investigations.

contents. But we can say that we believe we enjoy a very good relationship with ICRC officials on the ground in Iraq. We have always acted on their recommendations and will continue to work closely with them.

38. Between May and December 2003 - when the UK Divisional Temporary Detention Facility was opened - almost all of those interned by UK forces for security reasons were held at the US facility in Umm Qasr. There was a continuous UK presence at the Camp and we are not aware of any reports of deliberate mistreatment of UK internees held there. The majority of early detainees (including Prisoners of War as well as security internees) were released prior to December or transferred to the UK DTF when it was opened.

39. Members of the UK Armed Forces are issued with clear instructions on the treatment of prisoners through the Joint Warfare Publication 1-10: Prisoner of War Handling. This instruction makes clear, in accordance with the Third Geneva Convention (GC III), that no physical or mental pressure, nor any form of coercion may be exerted on a PW in order to induce him or her to answer questions. Likewise, civilian detainees are protected from such treatment by GCIV

40. In order to obtain vital intelligence material, UK detainees have been subject to questioning. It is UK policy that interviews are carried out well within the terms of the Geneva Conventions. UK Military Interrogators are trained to a high standard in methods of questioning. The Joint Service Intelligence Organisation's Training Documentation states that the following techniques are expressly and explicitly forbidden:

- Physical punishment of any sort (beatings etc)
- The use of stress privation
- Intentional sleep deprivation
- Withdrawal of food, water or medical help
- Degrading treatment (sexual embarrassment, religious taunting etc)
- The use of 'white noise'
- Torture methods such as thumb screws etc

41. The UK does not employ any Contractors within its detention facility.

42. Amnesty has specifically asked for information on the UK's use of hooding. Hooding as a temporary means of detaining and transporting prisoners was used earlier during Operation TELIC in Iraq. It has *not* been used for interrogations.

43. The Heath Ruling of 2 March 1972 determined that hooding would not be used for the purposes of interrogation. Since then, the training and doctrine of the UK Armed Forces has made clear that the use of hooding during interrogation or tactical questioning is unacceptable. We continue to believe, however, there may be operational circumstances where there are clear military reasons for obscuring detainees' vision and which is fully compatible with the terms of the Geneva Conventions. In September 2003, however,

hooding was no longer considered necessary. There is currently no UK operational theatre in which the use of hooding is permitted.

MOD Response to Amnesty Recommendations

44. Amnesty says *the UK should ensure that the prohibition of torture and any other form of ill-treatment is absolutely respected by Coalition Forces, Iraqi police and any other forces involved in detaining suspects. (Reports A and B)*

Our response: Measures have always been in place to ensure that UK detainees are treated in accordance with international standards. It goes without saying that torture is a crime under English Criminal Law.

45. Amnesty says *the UK should improve conditions of detention so that they comply with the Standard Minimum Rules for the Treatment of Prisoners. (Reports A and B)*

Our response: Our policy has always been to comply with appropriate international standards

46. Amnesty says *all allegations of human rights violations involving UK personnel documented in the February 2004 report by the ICRC, as well as those previously raised by the ICRC in 2003, be investigated as a matter of urgency by a civilian-led body. (Letter D)*

Our response: The ICRC, as a civilian-led body, has been given unfettered access to UK detention facilities. We have enjoyed a very good relationship with ICRC officials on the ground in Iraq. We have always acted on their recommendations. The matters relating to the UK documented in the February 2004 report had been addressed well in advance of the leaking of the ICRC document. We have not waited for written reports from the ICRC before acting on their recommendations.