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**Mr. Douglas Hogg (Sleaford and North Hykeham) (Con):** The Leader of the House will be aware of the evidence given to the Treasury Committee yesterday by Lord Turner, chairman of the Financial Services Authority, to the effect that the regulatory regime pursued by the FSA was based on poor instructions, that it was a bad model and that it was too light. He went on to say that

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that was because of pressure from the Treasury—in other words, from the present Prime Minister. May we have a statement from the Prime Minister next week on his response to those grievous allegations and, in particular, on how he can go on saying that our financial crisis was caused by problems abroad, given that it is wholly plain that he contributed very significantly to them?

**Ms Harman:** As I said, the Treasury Committee is doing very important work in its inquiry. We look forward to the evidence that continues to be given to the Committee and the report that will follow, which the Government will consider carefully. As far as statements are concerned, I would like to hear a statement from the right hon. and learned Gentleman himself and the Opposition on how it is that, after baying year in, year out for less regulation, deregulation and total deregulation, they appear suddenly to be in favour of more regulation.

**Alistair Burt (North-East Bedfordshire) (Con):** May we have an urgent debate on the disparity between what the Government say they are doing to help small business and the reality on the ground? On 10 December, I wrote to the Secretary of State for Business, Enterprise and Regulatory Reform, copying a simple inquiry from a constituent company in Sharnbrook, Bedfordshire about information on grants that had been announced. Having received no reply, I wrote again on 29 January, and this month I followed that up with two phone calls to the Department. After 10 weeks, there has been no reply to an inquiry about information that the company needs. What is business to make of that failure to deliver? In its own small way, is not that failure as fraudulent as what the high rollers of finance have perpetrated on the British people?

**Ms Harman:** It is important that initiatives designed to provide substantive support to our vital small business sector at a time of global economic challenge work in practice for every small business that needs help. About 66,000 small businesses have had their tax deferred and all small businesses benefit in one way or another from the VAT cut and the extra money that has gone into the economy from tax rebates. The need to ensure that loan guarantees are available for reasonable borrowing is one of the reasons we produced the booklet "Real Help now for People, for Business". We have divided that up so that businesses in each region can see what help is available. If the system is not working as intended, that is very significant for the individual who needs help. I will ask the Deputy Leader of the House to take up the case and report back to me and the Secretary of State for Business, Enterprise and Regulatory Reform, so that if an individual case has hit a problem it can be sorted out, or if it illustrates a wider problem, we can deal with it.

**John Bercow (Buckingham) (Con):** My hon. Friend the Member for Congleton (Ann Winterton) rightly referred to the urgent need for a debate on the situation in Afghanistan, but will the Leader of the House allow a full day's debate on foreign affairs in Government time on the Floor of the House? She has previously indicated that she would attempt to schedule such a debate. Given that there are simmering crises in Zimbabwe, Darfur in western Sudan and Burma—to name but three—with egregious human rights abuses being committed in each case, is it not time that this House debated the British and multilateral policy response to those crises?

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**Ms Harman:** The hon. Gentleman adverts to the fact that we have recently had several debates on important foreign affairs issues, including not only Afghanistan and Pakistan but Sri Lanka. The hon. Member for Macclesfield (Sir Nicholas Winterton) and my hon. Friend the Member for Vauxhall (Kate Hoey) regularly raise in business questions the need for a debate on Zimbabwe, and we all agree that that is pressing. Although I have not been able to announce such a debate in the business for the next two weeks, I can say that we will have a debate on Zimbabwe next month. I know that the House wants the opportunity to debate that issue.

On the wider point of a general debate on foreign affairs, there are routine general debates, and I shall have to look at that question.

**Sir Nicholas Winterton (Macclesfield):** Does the Leader of the House believe that it is appropriate to proceed with the appointment of Members to regional Select Committees at a time of dire financial crisis? That proposal will cost the House of Commons—in other words, the taxpayer—£2 million. I ask her to reconsider the appropriateness of proceeding with that proposition at this time.

May I also thank the Leader of the House publicly for saying that we will have a debate on Zimbabwe? I think that I have heard the date on the grapevine, and we are very grateful to her for finding time for a debate on that critical subject.

**Ms Harman:** Bearing in mind the enormous investment in regions—through the highways authorities, the learning and skills councils, Building Schools for the Future and new hospitals and health centres, not to mention the regional development agencies—which can have a profound effect on a region and its people, this is precisely the time when regional agencies should be more accountable for how they spend the money in their region, especially as there is even greater concern now that every pound of public money should be spent properly. I want those regional masters of the universe—the directors of those agencies that have a massive impact at local level—to be accountable to hon. Members for what they do. Therefore, the regional Committees should get to work on looking at the capital investment and the regional strategies of agencies.

Far be it from me to suggest what any regional Committee should do, but one of the things that the Committees could do is ask these regional masters of the universe for the details of their bonuses and pension packages. That would be an increase in accountability that might have a good effect on public spending.

**Dr. Julian Lewis (New Forest, East) (Con):** Will the Leader of the House convey my thanks to the Justice Minister for the help I have received from his officials in defining both the content and form of my amendment that, if Mr. Speaker selects it on Monday, will allow Members to decide whether candidates should be forced to reveal their home addresses during elections? When she is thanking the Justice Minister, will she ask for a statement from a Minister or a Law Officer about whether the law on treason still applies? I ask that in the light of yesterday's serious reports that British passport holders are operating in war zones and attacking British

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service personnel. It needs to be made clear to anyone who seeks or holds a British passport that such activity is not only criminal, but treasonable.

**Ms Harman:** I will ask the Attorney-General to write to the hon. Gentleman about the enforceability of different aspects of our domestic law in respect of overseas actions. She can set out the full position for him.

I will convey the hon. Gentleman's comments to the Justice Secretary, but I wish to thank the hon. Gentleman for his work. He has tabled a good amendment that, if selected and accepted, will make it clear to electors in which constituency candidates live without forcing candidates to reveal their addresses if they do not want to do so. That is a very sensible amendment, and I understand that Labour Members will have a free vote on it. If it is selected, I shall certainly vote for it.

**Mr. Philip Hollobone (Kettering) (Con):** May we have a statement on the pernicious effects on local economies of the abolition of empty property relief for business rates? My constituent, Mr. Chris Brigstock, runs a local property development company and next week he will have to dismantle one of his warehousing facilities because he simply cannot afford to pay the business rates on it and he does not qualify for the temporary relief scheme that the Government have introduced. Economies such as Kettering cannot afford the loss of local infrastructure, and it is entirely due to Government legislation.

**Ms Harman:** I know that the Treasury is keeping this issue under review and I suggest that the hon. Gentleman write to the Chancellor of the Exchequer with details of the company concerned to see whether any wider lessons can be drawn from its experience.

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### Records of Detention (Review Conclusions)

1.9 pm

**The Secretary of State for Defence (Mr. John Hutton):** Before I begin my statement, I should like to pay tribute to the three soldiers from 1st Battalion The Rifles who died on operations in Afghanistan yesterday, and to the Royal Marine from 45 Commando who died yesterday from wounds received earlier this month. Today is a sad day for our armed forces and a reminder of the exceptional challenge that our personnel meet with such extraordinary resolve every day. We owe our security to these brave servicemen and women, and I am sure that the whole House will join me in sending condolences to the families and friends of those whom we lost yesterday.

I wish to make a statement on the results of a recent Ministry of Defence review of records of detention resulting from security operations carried out by UK armed forces in Iraq and Afghanistan. It is, I believe, essential that our armed forces are able to detain people who pose a real threat to our troops, our allies or the local population whom we are seeking to protect. These operations are

conducted by our forces with courage, integrity and professionalism. In undertaking them, we take fully into account our obligations under international law.

In February last year, allegations were made that persons captured by UK forces in Iraq were transferred to US detention facilities and were mistreated and removed unlawfully from Iraq. My predecessor, my right hon. Friend the Member for Kilmarnock and Loudoun (Des Browne), rightly launched a review, and much of the work was led personally by a very senior British Army general. My right hon. Friend was right to satisfy himself that appropriate procedures were in place to ensure that persons captured by UK forces and transferred to US detention in Iraq were treated in accordance with UK policy and legal requirements. Separately, he also set in hand work to examine all available documentary material relating to detention operations in Iraq and Afghanistan, and to review the parliamentary record.

The Ministry of Defence has now completed a detailed review of records of detention in Iraq and Afghanistan since the start of each campaign. I am today placing in the Library details of all detentions in southern Iraq in each year since 2003.

In Iraq, we have reviewed the record of detainee numbers listing all individuals held in UK detention facilities, first at the Shaibah logistics base and subsequently at the contingency operating base at Basra. In December 2003, when the facility at Shaibah was first opened, records show that 105 internees captured by UK forces were transferred into it from US custody at Camp Bucca. A further 19 were released at that stage. After December 2003, an additional 546 individuals were interned in these facilities. The majority, 491, were released once it was judged that they no longer represented an imperative threat to security, while 141 were transferred to the Iraqi authorities. A further 12 escaped, six were transferred to US detention facilities and, as hon. Members will know, one sadly died in custody.

In conducting this review, it became apparent that, in three parliamentary answers since February 2007, Ministers had overstated by approximately 1,000 the numbers of  
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detainees held by UK forces in the period since January 2004. Nine further answers contained minor inaccuracies. I have written separately today to hon. Members setting the record straight, and I have also placed copies of the letters in the Library of the House. I want to apologise unreservedly for these inaccuracies.

We have also reviewed our records of detentions in the period from March to December 2003, when large numbers of individuals were captured by UK forces during the initial, high-intensity combat phase of the operation. Many of them were held for very short periods or were transferred to the US facility at Umm Qasr and then released. This facility was run by the UK from late March to mid-April 2003, at which point it was transferred to US control.

Given the circumstances in which the database was compiled, we cannot be confident that the data that we hold today are entirely complete. On a small number of occasions, answers or statements provided by my Department have included figures relating to the position in 2003 that indicated that we initially held up to 5,000 Iraqi prisoners during that period. However, a significant number of these were held on behalf of other coalition forces. We now believe that UK forces transferred around 3,000 individuals to the detention facility at Umm Qasr between March and December 2003, but I would ask the House to treat this figure as a best estimate.

In areas outside multinational division south east, UK forces have undertaken operations to capture individuals who were subsequently detained by the United States. These individuals do not feature in the data that I have set out today, but I want to reassure the House that the review has concluded that UK forces have exercised appropriately their responsibilities towards all captured personnel handed to US custody, whether in Multi-national Division (South-East) or elsewhere, and that it has uncovered no evidence of mistreatment.

During the final stages of the review of records of detentions, we found information about one case relating to a security operation conducted in February 2004. I am sure that hon. Members will recall that that period saw an increased level of insurgent activity as the transfer to Iraqi sovereignty drew closer. During the operation, two individuals were captured by UK forces in and around Baghdad. They were transferred to US detention, in accordance with normal practice, and subsequently moved to a US detention facility in Afghanistan.

This information was brought to my attention on 1 December 2008, and I instructed officials to investigate the case thoroughly and quickly so that I could bring a full account to Parliament. Following consultations with US authorities, we confirmed that they transferred the two individuals from Iraq to Afghanistan in 2004 and they remain in custody there today.

I regret that it is now clear that inaccurate information on this particular issue has been given to the House by my Department. However, I want to stress that that was based upon the information available to Ministers and those who were briefing them at that time. My predecessors as Secretaries of State for Defence have confirmed to me that they had no knowledge of these events. I have written to the hon. Members concerned correcting the record, and am placing a copy of these letters also in the Library of the House. Again, I want to apologise to the House for these errors.

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The individuals transferred to Afghanistan are members of Lashkar-e-Taiba, a proscribed organisation with links to al-Qaeda. The US Government have explained to us that those individuals were moved to Afghanistan because of a lack of relevant linguists to interrogate them effectively in Iraq. The US has categorised them as unlawful enemy combatants and continues to review their status on a regular basis. We have been assured that the detainees are held in a humane, safe and secure environment that meets international standards that are consistent with cultural and religious norms. The International Committee of the Red Cross has had regular access to the detainees.

A due diligence search by US officials of the list of all those individuals captured by UK forces and transferred to US detention facilities in Iraq has confirmed that this was the only case in which individuals were subsequently transferred outside Iraq. This review has established that officials were aware of the transfer in early 2004. It has also shown that brief references to this case were included in lengthy papers that went to the then Foreign Secretary and the Home Secretary in April 2006. It is clear that the context provided did not highlight its significance at that point to my right hon. Friends.

In retrospect, it is clear to me that the transfer to Afghanistan of these two individuals should have been questioned at the time. We have discussed the issues surrounding this case with the US Government. They have reassured us about their treatment but confirmed that, as the individuals continue to represent significant security concerns, it is neither possible nor desirable to transfer them to either their country of detention or their country of origin. The UK no longer has power to detain suspects in Iraq, and only limited powers of detention in Afghanistan.

For Afghanistan, robust checks have confirmed that we have detailed and precise numbers of all those detained by UK forces since we deployed Task Force Helmand in July 2006. As of 31 December 2008, our database holds the capture details of 479 individuals, including 254 who were subsequently transferred to the authority of the Government of Afghanistan, 217 who were released, and eight who died as a result of injuries sustained on the battlefield.

We hold capture details relating to a total of a further seven individuals detained by UK forces between 2001 and April 2006, and I believe that this represents a complete record. I am also placing the complete details of the detainee numbers for Afghanistan in the Library of the House.

Our detention operations in Iraq and Afghanistan are underpinned by arrangements with our international partners. We have a memorandum of understanding in place with the Government of Afghanistan, signed on 23 April 2006, covering the treatment of individuals detained by UK forces and transferred to Afghan custody. We also have a memorandum of understanding with Iraq, agreed on 8 November 2004, on the treatment of detainees transferred to Iraqi custody. Iraqi Interior, Justice and Defence Ministers have confirmed to us that Iraqi detention procedures remain consistent with the principles set out in that memorandum of understanding.

For the initial stages of the campaign in Iraq, we also had in place a memorandum of understanding with the US and Australian Governments covering arrangements for the treatment and transfer of detainees. We worked

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on the mutual understanding that the key provisions of the memorandum of understanding continued to apply until it was replaced last year by a further memorandum of understanding with the US. We have also confirmed with the US that the provisions on arrangements for the treatment and transfer of captured prisoners remain under the new legal framework in Iraq and that no person captured with assistance from UK forces will be removed from the territory of Iraq without prior consultation with the UK.

Let me make a final observation. We ask our armed forces to operate in highly dangerous environments, where there is often a limit to the capacity of local agencies to enforce security and the rule of law. In those circumstances, it is essential that we provide our forces with the authority and capabilities to deal effectively with individuals who represent a serious threat to our troops or those they are there to protect; the two detainees to whom I referred earlier fall into that category. We recognise the sensitivity of detention operations. We have put in place rigorous safeguards to ensure that detainees are treated properly. We will continue to carry out detention operations in accordance with our legal and policy obligations, in concert with the US and other allies. This is, and will remain, absolutely central to the way our armed forces conduct these vital operations.

**Mr. Crispin Blunt (Reigate) (Con):** May I fully associate the Conservative party with the Secretary of State's comments about the deaths of the four soldiers yesterday? It was a black day for the armed forces, and it was particularly sobering for me as my old regiment is shortly to go to Afghanistan. I entirely associate the Conservative party with the comments made by the Secretary of State at the end of his statement, when he made clear the challenge faced by the armed forces on operations overseas in very difficult circumstances.

I thank the Secretary of State for giving me early sight of the statement and I note that it follows the undertaking in his letter of 17 November to the Chairman of the Defence Committee to answer the questions put to him by the Chairman and my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) in the sitting that he had three weeks earlier with the joint committees. It is a serious concern that there is an underlying charge of complicity with serious abuse of people detained by British forces on operations overseas. Properly, I presume that it is to address that charge that the Secretary of State has decided to come to the Chamber to make an oral statement, and we thank him for treating the issue with the seriousness that it deserves.

Much of the Secretary of State's statement dealt with the transfer of two members of Lashkar-e-Taiba to Afghanistan in 2004 following their capture by British forces and their being handed over to the American forces. I am grateful for his candour on the details uncovered by the review. It is clear—I know that he has had a conversation with the shadow Secretary of State, who is abroad, about this—that this is a specific rather than systemic failure. I also accept that there appears to be no legal or practical alternative to their continued detention, where they have access to the International Committee of the Red Cross and appear to be detained in proper circumstances.

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