A Gentle Occupation

Ten Cate, Arthur, Brocades Zaalberg, Thijs

Published by Leiden University Press

Ten Cate, Arthur and Thijs Brocades Zaalberg.
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On the morning of Thursday 31 July 2003, a modest change of command ceremony was held at a disused Iraqi railway workshop on the edge of the city of As Samawah, where the town meets the desert. For the occasion the building to the south of Al Muthanna’s capital had been decorated with Iraqi, Dutch and US flags, and with the regimental colours of the 2nd Battalion of the 5th Regiment of the US Marine Corps. For the past three months, the run-down building had been the headquarters of this Marine unit, which had served in the most forward lines of the advance on Baghdad in March and April and had subsequently been sent south to maintain law and order in the vast and sparsely populated desert region. Now, the commander of ‘2/5 Marines’, Lieutenant Colonel Daniel O’Donahue, handed over responsibility for Al Muthanna to the commander of the Dutch First Marine Corps Battalion, Lieutenant Colonel Swijgman. In the presence of many Iraqi and foreign dignitaries, the usual praise was expressed by all sides. Lieutenant Colonel Swijgman opened his speech with a couple of sentences in Arabic, a gesture rewarded by the Iraqis with a round of applause and given much attention by the local television station Samawah TV. The formalities lasted forty-five minutes. It was half past nine in the morning and the height of summer in Iraq. Soon thereafter the temperature would rise to 50 degrees Celsius.

Immediately after the ceremony, O’Donahue had a final meeting with Sheikh Sami, the Iraqi interim governor with whom the American – in his capacity as occupying authority – had done most of his business. The
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Marine commander was displeased. After the invasion, in April, Sami Azara Al Majun of the Al Ghanim tribe had returned to Southern Iraq from a twelve-year exile in London. He had been appointed by the US, but had higher ambitions than administering the peripheral province of Al Muthanna. Sami hoped to become a government minister in Baghdad. As a result, he increasingly left the administration of Al Muthanna to his younger brother, Khaled. Sheikh Khaled was known to be highly corrupt and behaved like a gangster. A few months earlier, with a view to pleasing Sami, the US Marines had issued the brother with a large number of gun permits, something which O'Donahue had soon come to regret. Khaled had even moved into the governor's residence without the commander's permission and was increasingly in charge of affairs in the province.

The farewell meeting between O'Donahue and Sami was about Khaled’s behaviour. Lieutenant Colonel Swijgman and his political adviser, diplomat Michel Rentenaar, were also present. Rentenaar had worked in several embassies in the Middle East and spoke fluent Arabic. His linguistic and cultural knowledge of the Arab world would soon prove to be invaluable to the Dutch mission. He had already spent over a week working intensively with the Americans and had witnessed the relationship between the occupiers and their Iraqi frontman deteriorate. The final meeting escalated into a tough confrontation and further worsened the difficult relations of the previous weeks. The domineering way in which O'Donahue threw his weight around spoke volumes about his power as a military representative of the occupation authority and his power to appoint and dismiss officials. The Lieutenant Colonel’s demeanour made the Dutch reflect on how they themselves could or should carry out their assignment – with a different status and a more restricted mandate – to create a safe and stable environment in Al Muthanna over the next few months.

In a pointed monologue, O'Donahue told Sheikh Sami that his brother Khaled had to relinquish his unofficial post immediately and vacate the governor's residence. Sami reacted evasively, dismissing most of his brother’s alleged misdeeds as lies while blaming some of his wrongdoings on inexperience. According to Rentenaar this meant that Sami was either ignorant or unreliable, but most likely the latter. The US commander continued to press for Khaled’s departure, thereby making the situation very uncomfortable for the Dutch. They also wanted the corrupt brother to leave, but Swijgman and Rentenaar did not want a confrontation with Sami at this stage. The old Sheikh was the most important point of contact in the local administration for the time being, all the more important given
the fact that the Dutch sought to avoid responsibility for administrative tasks. Moreover, Swijgman and Rentenaar did not wish to start their tour with a row with the interim governor or with the arrest of his malafide brother, an option which O’Donahue appeared to be seriously considering. When the American threatened Sami with dismissal halfway through the conversation, his Dutch successor wanted to oppose this openly. O’Donahue’s threats were, however, so poorly translated into Arabic, Rentenaar noted, that the Sheikh – who later proved to have a reasonable command of the English language – decided to misunderstand what he did not wish to hear.²

The interim governor eventually agreed to 10 August as the latest date on which his brother should leave. This was the day on which the last of O’Donahue’s Marines would leave Al Muthanna. The Dutch did not expect Khaled to comply with the ultimatum, but for the time being they still had Sheikh Sami as their point of contact. “Next Monday evening we are again invited for sheep’s head,” Rentenaar reported to the Ministry of Foreign Affairs in The Hague. By then, an interim representative of the CPA, British Colonel Maurice Bulmer, was finally to have arrived. Together with this Colonel – without the Americans – “the umpteenth attempt would be made to get Sheikh Sami to understand the job description of democratic governorship”³.

The area of operations

At over 50,000 square kilometres, Al Muthanna was one of the largest provinces in Iraq, and bigger than the Netherlands. With about half a million inhabitants living in relatively small concentrations, it was also the country’s most sparsely populated province. At the time of the 2003 invasion, the provincial capital As Samawah had no more than 130,000 inhabitants. The second town, Ar Rumaytha in the north, had about 75,000 inhabitants, and about 60,000 Iraqis lived in the third town, Al Khidr in the east. The south of the province consisted entirely of desert and was largely uninhabited, with the exception of the settlements of As Salman and Al Bussayah and some nomadic tribes.

Years of neglect and subordination by the Baath regime had resulted in a high level of poverty in Al Muthanna, as in most other Shiite areas of (southern) Iraq. The feared humanitarian crisis in the wake of the US-UK invasion did not materialise, however. Clean drinking water was a scarce commodity but food supplies were generally sufficient and the war had
not triggered floods of refugees. There had, however, been heavy fighting in and around As Samawah. From 30 March, a brigade from the US 82nd Airborne Division fought for five days to secure what the Coalition Forces called ‘Main Supply Route Jackson’, the crucial south-north highway connecting Kuwait to Baghdad which runs right through the city.4 During the fighting, several buildings had been destroyed or damaged, including the cement factory which formed the town’s main industry and employed three thousand people. The battered factory had subsequently been looted.

As elsewhere in Iraq, weeks of plunder and destruction had resulted in widespread damage to the administrative and economic infrastructure, even more than had been caused by the war. The Republican Guard and paramilitary Fedayeen fighters had been annihilated, had fled or had mingled with the local population. The Baath regime collapsed and the army, police forces and other security organisations had ceased to function. But it was not so much Baath party adherents or Fedayeen who destabilised the area. The main challenges to stability were the faulty infrastructure, poor public facilities, high unemployment and, above all, unbridled criminal activities. Looting, trafficking in arms and drugs, hostage-taking and armed assaults were common. The American Marines who briefed the Dutch reconnaissance team in May admitted that they had little control over the situation, especially at night.5

The British had warned the same team that the neutral to friendly attitude of the locals could undergo a rapid reversal if progress was not made in restoring law and order and improving water, fuel and electricity supplies.6 While Al Muthanna remained calm for the time being, the situation escalated in Basra in early August. In temperatures of over 50 degrees Celsius, the electricity supply failed and water services largely dried up due to the failure of the electric pumps. Shortages of petrol, diesel and propane for cooking worsened as the refineries repeatedly stopped operating due to the lack of power. Widespread riots broke out, with the people’s anger directed at the CPA building and the foreign troops in the city. There were even fatalities. A British officer was killed when his military ambulance was hit by a rocket propelled grenade (RPG) – a commonly used antitank weapon. “Stones, RPGs and bullets are the price we are paying” was the sober comment by Major General Graeme Lamb, the commander of MND South-East in the second half of 2003. “It is what we are here for and it’s the trade we are in.”7

Dutch military personnel working in Basra at the divisional headquarters or in support units in the surrounding area were confronted
by the riots. “We cannot go into the town any more as it is too dangerous,” a young Marine reported. “Buses carrying military personnel are being shot at ... . Locals have announced that foreigners – so that includes us – are not welcome in their country.” Major Albert Kortenhoeven, who served as liaison officer at the CPA in Basra, wrote:

“Tensions have risen in the town, oil distribution and power supplies are still inadequate after four months of ‘occupation’ by the coalition forces. The Iraqis have had enough and have taken to the streets. And as in any Arab country, that does not happen without violence. Many car tyres have been set alight in ad hoc roadblocks. There is the constant sound in the town of AK-47 rifles being fired. Most are fired into the air, but some shots have hit the mark, unfortunately leading to three British Royal Military Police colleagues having been killed. The mood in and around Basra is now truly hostile, civilian CPA employees are being evacuated to Kuwait.”

When Kortenhoeven, a veteran of previous missions in Cambodia (1992-1993) and Haiti (1994-1996), drove his Land Rover to the CPA building a rioter threw a fist-sized stone through his windscreen. Once he had arrived and washed the shards and splinters of glass from his face and hands, he went to the aid of a severely wounded compound security guard who had stumbled through the gate just behind him. The Nepalese private security employee had been seriously injured during an exchange of fire outside the compound. He died a few minutes later. Although the security situation in Basra improved following these riots, the events were an initial warning to all international troops in the south, including the Dutch in Al Muthanna.

**Boots on the ground**

The newly-arrived Dutch Marine battalion in Al Muthanna did not share its government’s urge to distance itself from the US-UK occupation force. The Dutch enthusiastically adopted the 2/5 Marines’ motto, “no better friend, no worse enemy”. According to Lieutenant Colonel Swijgman it instilled the right basic attitude into the troops under his command. The battalion commander asserted that “not all aspects of the [Americans’] sometimes very robust action would be adopted”, but the Dutch Marines were overall impressed by their predecessors’ methods. They regarded the joint patrols at the start of the deployment as highly useful and “a sound
example for future operations”. As a friendly gesture, the Dutch named their newly-constructed camp outside As Samawah Camp Smitty, just like the American base at the railway emplacement, after Sergeant Edward Smith, who had been the US battalion’s first fatal casualty of the war, killed in action during the march up to Bagdad.

The abbreviation SFIR for Stabilisation Force Iraq, introduced in political and civil service circles in the Netherlands to distinguish the Dutch contingent from the two Coalition occupying powers, was not used by the Marines. Lieutenant Colonel Swijgman and his personnel preferred to refer to themselves as “the first Dutch detachment in Iraq”, abbreviated to 1 (NL) Det Iraq or 1 (NL) Battle Group, shortened to 1 NLBG. They saw themselves as an integral part of the Coalition Forces. At the same time, the detachment was told by the Defence Staff to pursue an expressly Dutch profile. Vehicles were marked with the words ‘The Netherlands’ in English and Arabic, and right at the start of the deployment the Marines distributed leaflets in the colours of the Dutch flag to announce the arrival of the new military unit and to distinguish themselves from their American predecessors. “We deliberately want to be recognisable as a Dutch unit,” Swijgman told journalists travelling with them. “The local people will be able to see a clear difference between the troops from the different countries.”

Soon after the change of command, 1 NLBG started patrolling independently in As Samawah and Ar Rumaythah, the only two locations to which the unit had deployed at that time. Initial impressions of As Samawah were not entirely positive. “It looked like a big rubbish dump,” according to a young Marine who was on his first overseas deployment. It was obvious to all that the area was overwhelmingly poor. Yet apart from the large impoverished residential districts with open sewers, the Dutch also saw large villas in and around the town. Daily life was mostly played out on the streets. In the town centre, a market was held each working day and there were children everywhere calling out “mister, mister”. Carts drawn by donkeys wove in and out of traffic between old Japanese cars. Quite often, men walked around openly carrying firearms and in the evening gunfire could regularly be heard.

The first patrols conducted by the Dutch took place without any notable incidents. However, Iraqis approached the Marines right from the start to tell them that they needed to display a greater physical presence. Before, the Americans had been more visible than the Dutch. Their presence had promoted a sense of security among the inhabitants
of the two towns. Commander Swijgman took the complaint to heart, as he believed it struck to the core of his operation. In his orders, he had emphasised the importance of a seamless transition between 2/5 Marines and 1 NLBG. Yet a gap had apparently arisen. This was due to the smaller size of his contingent and the difference in mandate.

The influence of 2/5 Marines had been confined to As Samawah – where the American presence had comprised two infantry companies and a company of military police (MP) – and Ar Rumaythah, where an infantry company had set up a temporary base in the local football stadium. The Dutch adopted this set-up and established a third company location near the town of Al Khidr. They therefore did more with fewer personnel. Shortly after the change of command, 1 NLBG had fewer than 800 military personnel, while the US reinforced battalion had had almost double that, at 1,500. Even when the unit was complete, Dutch infantry capacity was rather small. A full Dutch Marine battalion could deploy only twelve platoons for operations. A standard Marine platoon comprised 27 infantrymen, and four of these platoons were permanently tasked with guarding the camps. In addition, 1 NLBG kept two platoons ready as a Quick Reaction Force (QRF) in order to provide support in case of emergencies anywhere in the province at any time. This meant that under normal circumstances there were only six platoons containing just over 160 Marines for daily patrols.

There was also a considerable difference in capacity among the support units, and in resources and authorities. One good example was the 25-strong Marechaussee (military police) platoon, which relieved a complete company of 158 US MPs. The tasks of the Dutch military police unit were also different from those of their US colleagues, who in addition to patrols with the Iraqi police often took the lead in investigations and arrests. To his regret, Lieutenant Colonel Swijgman could only use his MPs for training, monitoring and supervising the local Iraqi police force. In this purely supportive role, the much smaller Dutch MP unit was far from carrying out arrests or house searches, as he would have liked. Nevertheless, they regularly assisted the Iraqi police during operations. Thanks to this operational task, they were known as the ‘green MPs’. The unit therefore had an entirely different task from the regular detachment of ‘blue MPs’ – comprising thirteen members – which conducted regular military police tasks inside the NLBG.

The total Dutch deployment in Al Muthanna ultimately comprised about 1,100 military personnel, from all parts of the armed forces. The battle group was built up around the First Marine Battalion and was headed
by a reinforced battalion staff. It comprised three Marine companies (11, 12 and 13 Infantry Company), a staff and combat service support company (10 Combat Service Support Company) and a combat support company (14 Support Company), which consisted of a reconnaissance platoon, an anti-tank platoon, a mortar platoon and an engineer reconnaissance platoon. The infantry and support companies formed the operational core of the NLBG.

The logistical effort during the initial build-up, executed mainly by a National Support Element (NSE) from Shaiba logistics base near Basra, amounted to “a logistical blitzkrieg” according to the Marines. About 522 prefabs for accommodation and office space and 700 containers containing material and equipment were delivered in a short space of time. In addition to the Marine battalion’s standard light-infantry equipment, such as small arms, anti-tank weapons, mortars and Land Rovers with mounted machine-guns, NLBG also had armoured wheeled Patria vehicles. The Royal Netherlands Navy provided the battle group with a field hospital (Field Dressing Station) and additional intelligence-gathering capacity in the shape of two Field Liaison Teams. These FLTS comprised a total of sixteen personnel from the Special Intervention Unit of the Marine Corps, who were Special Forces troops who had been trained in counter-terrorism operations. The formal task of the FLTS was to gather human intelligence (HUMINT), but they were also to arrest suspects. Like the battalion’s reconnaissance platoon, the teams were directed by the intelligence officer, a US Marine Corps Captain who had been assigned to the battalion since 2002 as part of an exchange programme.

Apart from the Royal Netherlands Marine Corps, the Royal Netherlands Army provided a substantial contribution of 230 troops. The greater part was made up of an engineer construction company that built the new camps in As Samawah, Ar Rumaythah and Al Khidr, plus the accommodation for the helicopter detachment on Tallil Airbase (close to the town of Nasiriyah in the neighbouring province of Dhi Qar) and the one for the transit detachment and Contingent Command at the large allied army camp near Shaibah. Contingent Command was a small detachment which operated separately from NLBG and acted as the ‘eyes and ears’ of the Netherlands Defence Staff. The army’s contribution also included a communications and information systems detachment and many logistics and technical specialists for the NSE. The Royal Netherlands Air Force supported the battle group with three heavy CH-47 Chinook transport helicopters for logistical support, troop transport, air reconnaissance and airmobile operations.
The Dutch battle group in Al Muthanna was unable to deploy its infantry capacity to the full during the first weeks for various reasons. Convoy protection absorbed a great deal of combat power, as did the need to deploy Marines in shifts for the construction of the new camps. On top of that, 12 Infantry Company arrived in Kuwait only on 4 August and still had to adapt before it could be fully operational.

And finally there was the searing heat. “When you arrive, sit still, drink lots of water and feel sorry for yourself,” was the advice of the British. In spite of all the warnings and the acclimatisation week in Kuwait, the extreme climatic conditions came as a surprise, particularly for troops patrolling in full body armour. Al Muthanna proved to be a red-hot sandpit, where conditions were tough. The fact that even the Iraqis thought it an extreme summer was little consolation.23

Outside the wire

The security situation in Al Muthanna was calm when compared with the rest of Iraq. There were only a few incidents of unknown assailants firing directly at patrols, convoys or watchtowers. Any other threat usually came from exchanges of fire between criminals or from arguments between neighbours and tribal disputes. Dutch Marines occasionally intervened, as happened during an exchange of fire on 4 August between two sub-clans of the large Albu Hassan tribe on either side of an irrigation channel near Ar Rumaythah. By driving Patria vehicles between the two conflicting parties as a kind of buffer, the QRF of 13 Infantry Company brought the fighting to an end. The parties did not shoot at the Dutch. The cause of the argument proved to be dissatisfaction with the functioning of the irrigation office’s manager, who was accused of corruption. In a Coalition project to clean the irrigation channels initiated three months previously, the highly-prized jobs had been handed out unfairly and far fewer people had been employed than had been promised.24

According to Major Jos Schooneman, commander of 13 Infantry Company in Ar Rumaythah, the intervention was a test in the eyes of the locals. Like his battle group commander, the Major stressed the importance of the perception of the Iraqi population, which in the view of both officers was the centre of gravity for their operation.25 They believed that Iraqi citizens had to be convinced of the fact that the Dutch could bring security. A second test for 13 Infantry Company in Schooneman’s opinion involved an operation at the chicken market a day later, where,
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in addition to fowl, Kalashnikovs and other firearms were being traded. The infantry company conducted a raid together with the then still present US military police. Schooneman stressed the signal function: “we take no nonsense and we can strike anywhere we like”.26 The result was somewhat disappointing, however: only five firearms and some ammunition were seized and one arrest was made.

A few days later, the first gunfight took place in As Samawah at night when the reconnaissance platoon stumbled upon some looters on the site of the destroyed cement factory. The complex had been a popular target for thieves for months due to the copper piping and other valuable materials to be found there. The next night, the commander of 11 Infantry Company, Major Kees Schellens, sent a patrol of seventeen Marines in four Land Rovers back to the location. The Marines entered the site on foot, followed by the vehicles. When a shot was fired at them from a distance of about seventy metres, they advanced in a line in the darkness. By the light of a flare, they saw several armed persons, who reportedly “were delivering effective fire”. No-one was hit. The Dutch returned fire on three occasions.27 The intensity of this first firefight would not have impressed US forces engaged in ever more violent actions elsewhere in Iraq. However, for the Dutch military, it was the fiercest hostile exchange of small arms fire since UN operations in Cambodia and Bosnia in the first half of the 1990s.

While the Marines of 11 and 13 Infantry Companies grew accustomed to their roles by conducting intensive patrols and minor operations, there was dissatisfaction accumulating in 12 Infantry Company, as reported by its commander Major Mark van den Berg. In mid-August, in anticipation of the move to the new camp near Al Khidr, his unit was still operating from the old (American) Camp Smitty, where personnel spent most of their time undertaking guard duties.28 The mood improved after the move on 22 August to the unit’s own new compound in Al Khidr, which had been named Al Aser Al-jadid (the new era). The infantry company now commanded its own sector. Another boost to morale came from the news that the Marines were to be the first in the battle group to be accommodated in prefabs, robust accommodation with air conditioning.29

The express wish of the men of 12 Infantry Company to see more action was fulfilled at the end of that month. Major Van den Berg first focussed on the illegal distribution of water in his area of operations, a cause of much conflict around Al Khidr. To this end, the company conducted joint patrols with the Iraqi police along the main water pipeline. Their brief experience in Iraq had already taught them that working together with
local cops often meant an end to any secrecy surrounding an operation. The company therefore also conducted so-called “unannounced checks” – without the Iraqi police. Soon, the Dutch Marines caught four truck drivers red-handed, illegally tapping water from the pipeline. The suspects were detained on site, but in order not to overwhelm the still fragile legal system the Marines decided to send them home with a warning.30

The NLBG’s day-to-day operations were known as normal framework operations. These comprised patrols, intelligence gathering, securing convoys and static objects, and preserving law and order, sometimes in conjunction with the Iraqi authorities. An example of the regular battle rhythm was the work schedule of 13 Infantry Company in Ar Rumaythah. This unit rotated its three infantry platoons over three task fields every four days. One platoon, comprising three rifle sections of nine Marines and one staff section, was kept completely free for guard duties at Sun City, the company’s new camp outside town. The second platoon could then concentrate fully on patrols in and around Ar Rumaythah. These Marines conducted both motorised and foot patrols and set up checkpoints to search vehicles for weapons, drugs and other trafficked goods.31 In addition to presence patrols and reconnaissance, they also conducted ‘social’ patrols aimed at making contact with the locals and, for instance, distributing questionnaires in order to gather information. Apart from intelligence on criminals or any hostile parties the Dutch inquired about problems the Iraqis faced and about their attitude to the Coalition. The third platoon was assigned to a combination of convoy protection, providing a rifle section as Quick Reaction Force and, especially in the early stage, providing a work section of extra hands in constructing the new compound.32 The infantry companies in As Samawah and Al Khidr worked more or less in the same way. All three were reinforced in their tasks by a section from the anti-tank platoon, while 11 Infantry Company was also permanently reinforced by personnel from the mortar platoon in an infantry role.33

During the early weeks, public security tasks emerged as the main challenge for the infantrymen operating ‘outside the wire’. The Marines frequently had to maintain order around petrol stations, where fights broke out in the long queues for the pumps. They sometimes arrested illegal fuel traders. The structural fuel shortage was mainly the result of poor distribution and activities by armed gangs, who supplied the market by operating illegal petrol stations in the desert close to points where they illegally tapped oil from the pipelines. This was harmful to the infrastructure, the local economy and public safety, and forced the NLBG to take ever more radical measures.
In order to improve supplies, Dutch military personnel accompanied fuel convoys from the refinery in Shaibah to the petrol pumps in Al Muthanna, initially every other day and later twice a week. This made heavy demands on manpower. Even deployed helicopters to accompany these convoys, because drivers regularly drove their tankers into the desert to sell them and their contents to criminal tribes. In September, these efforts improved petrol supplies temporarily, but distribution and the high price of propane remained a persistent problem.

Murder, theft and looting as well as trade in stolen goods such as water, fuel and copper wire remained the greatest security problem in the impoverished province. Carjackings were another scourge. Criminals placed obstacles on roads to make cars and trucks stop, after which the occupants were forced out at gunpoint. The thieves often left victims blindfolded and handcuffed in the desert. Vehicle owners frequently ended up dead as a result of these assaults. The Dutch Marines responded to the different kinds of crime in a policing role, as was the case on 12 August after an attack on a security van carrying money for the children’s hospital in As Samawah, during which 32,000 dollars was stolen. The QRF of 11 Infantry Company reacted, but when it arrived at the location, the four perpetrators, who had shot the vehicle’s windows to pieces, had already escaped. They were thought to have been members of the infamous Al Zuwaid tribe, notorious for its criminal activities.

Almost all crimes involved firearms, of which there were plenty in Iraq. Former military personnel often still possessed their personal weapons and Iraqi army depots were looted after the fall of the Baath regime, which triggered a lively trade in firearms. Tribal militias and political parties were often the proud owners of heavier material, such as RPGs, machine guns and even mortars. According to British intelligence officers, some tribes in the south owned weapons arsenals which rivalled those of regular Coalition infantry units. The CPA therefore gave military commanders the right to confiscate weapons which they saw as a threat to the security of their troops and the local population. Each household or business was permitted one weapon, as long as it was not taken off the premises. Only those who held firearms licences were permitted to carry a weapon in public. The Dutch did not conduct large-scale searches for arms, but did act against those who openly carried weapons.

The Dutch government’s initial aim of having its troops operate in the background in Iraq and of conducting patrols and checkpoints as little as possible was in contrast to the wishes of most Iraqis with whom the
Dutch Marines came into contact. Right from the start, local politicians and administrators asked the Dutch troops to display a robust presence in the towns and villages in order to promote a sense of security. They also pressed for consistent action against the types of crime which the Iraqi police did not dare to fight, such as the widespread trafficking in fuel, water, arms and livestock (mainly sheep). The high prices paid for these goods in Saudi Arabia meant that it was profitable to smuggle these over the poorly guarded border. The retail price of lamb in Al Muthanna had consequently doubled, which made it unaffordable for many people.

It was one example of many which showed how military security tasks were bound up with the local economy, public security, the barely-functioning government and problems relating to public facilities. The illegal sheep trade made criminal organisations wealthy and led to inflation and social unrest. But did this mean that Dutch forces had to assist the Iraqi police and the Iraqi Public Prosecutor in As Samawah in intercepting clandestine transports? Such operations did not match their assignment, since the Dutch government held the formally responsible for tackling these kinds of administrative problems. For one in Al Muthanna, however, the express assignment of keeping tasks separate was not as simple as had been put down on paper in The Hague a few months before.

The proconsul of Al Muthanna

Only the bare bones of the civil occupying authority on which the Dutch government had pinned its hopes for separating military and civil-administrative tasks were present at the provincial level in Al Muthanna. Chief Paul Bremer had arrived in Baghdad in mid-May 2003 with a view to conducting a robust occupation policy, but had so far only translated this intention into big ambitions at the national level relating to the transformation of Iraq according to a liberal-democratic model. In the meantime, the had a poor grip on the day-to-day administration of the country. In June, the service appointed four regional coordinators, including one in Basra for the southern provinces (including Al Muthanna).

personnel were few and far between. The central administrative apparatus in Baghdad was largely run by junior diplomats and, in the case of the US, young political appointees of the governing Republican Party, who often arrived without relevant expertise or experience and who tended to depart after only a few months of service.
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worked in the heavily-guarded Green Zone, an area of central Baghdad around one of Saddam Hussein’s pompous palaces, and rarely left this isolated location due to the increasingly hazardous security situation. An often-heard comment in military circles was that the cpa lacked a realistic picture of the country. It became known amongst military personnel as Can’t Produce Anything.43

In the provinces, Bremer’s apparatus, formally separate from the military line of command, was kept afloat mainly by detached military personnel and military logistical support. Throughout the spring and summer of 2003, Lieutenant Colonel O’Donahue was therefore acting as a proconsul on behalf of the cpa in Al Muthanna. He was both military commander and interim representative of the occupation administration and embodied both military and civil power. All over Iraq, US and British military commanders took on occupying tasks at the provincial level. The last time US forces had taken on governance on such a scale had been during and after the Second World War in Europe and Asia. A crucial difference between the occupation then and the occupation of Iraq now was that after World War II the role of military personnel had been foreseen, prepared for and deemed essential by political and military leaders.44 In spite of all the far-reaching ambitions for the democratisation of Iraq, the 2003 occupation was almost entirely improvised.

In order to be able to conduct his task as civil-military commander in Al Muthanna, O’Donahue possessed the required institutional powers. He was authorised to appoint and dismiss government officials and always had the final say in local political decision-making. He took most decisions on his own initiative, although he usually pushed interim governor Sheikh Sami to the fore to put an Iraqi face on the administration. In July, O’Donahue set up a town council of twelve administrators for As Samawah in order to get the Iraqis more actively involved. They were selected for their professional expertise by an electorate of forty leading personages, known as a caucus. This procedure was not particularly democratic, but Major Matt Fellinger, the Civil Affairs officer in the US Marine battalion, did his utmost to make the caucus as representative as possible. Once the provincial capital’s administrative council had been installed, the staff of 2/5 Marines in Al Muthanna went a step further than their colleagues in the other Iraqi provinces. They also drew up a Charter in order to create a system of checks and balances. This stipulated that the executive, technocratic town council would be supervised by an advisory council comprising forty seats, in which the main tribes and political parties were to be represented.45
Lieutenant Colonel Swijgman praised his American predecessor for his dealings with the Iraqis, in particular the council members in As Samawah. His political adviser Rentenaar also generally praised the American achievements in administrative terms. However, the diplomat did believe that the US Marines had displayed their power too forcefully. Lieutenant Colonel O’Donahue obviously took decisions independently and did not seem to understand the art of making the Iraqis feel as if they themselves had come up with the solution.46 The Dutch would do things differently, if only because they were forced to do so by the restrictions their national mandate placed upon them.

So to what extent were the Dutch prepared for the administrative chaos in Iraq? In May, the reconnaissance team had not failed to notice that the US–UK occupying force had taken on extensive responsibilities regarding administration and maintaining public order. According to the international Law of Occupation, these are responsibilities connected to the status of an occupying power. The team and political adviser Rentenaar both had suggested that the Netherlands should also take on the tasks of such an authority. The British divisional commander let it be known that he expected them to do so.47 However, the Dutch government specifically did not want to operate and be viewed as an occupying power in Iraq. In The Hague, the news that O’Donahue appointed and dismissed government officials was received with dismay.48 The consensus was that Dutch military personnel should distance themselves from such practices, due to the controversy surrounding the Iraq war prior to the operation. Moreover, in the Netherlands ‘occupation’ was widely associated with ‘oppression’ – hardly surprising in a country where the term is commonly equated with the experiences under German occupation during the Second World War. The Netherlands government translated this sentiment rather forcibly into a limited mandate that proved extremely difficult to work with.

In international law, the term occupation has a completely different, non-emotional and concretely descriptive meaning, however. According to the international Law of Occupation, as laid down in the Hague Conference Laws & Customs of War on Land of 1907 and the Fourth Treaty of Geneva of 1949, the status of occupying power mainly entails obligations towards the population in addition to specific entitlements. To the best of its ability, the occupier is obliged to ensure public order and security, medical care and food supplies and to safeguard public facilities. These extensive responsibilities in themselves were just as much a cause for concern in The Hague as the negative associations with the occupation status.49
Recent experiences in peace support operations had demonstrated that the maintenance of public order by military personnel, including arrests and detention, was a legal and political minefield. The NATO operation in Kosovo in 1999, in which Dutch forces had been de facto occupiers and exercised military rule, had for this reason caused the then Minister for Defence many a headache.\(^{50}\)

In order to be able to contribute to the stabilisation phase in Iraq, without taking on the status of occupying power, the Dutch government pinned its hopes on UN Security Council Resolution 1483. Without a mandate under international law, Dutch military personnel could after all only be present in Iraq at the invitation of the occupying powers. The Netherlands would then also possess an occupying status.\(^{51}\) This was obviously not the intention and the Netherlands therefore worked hard to have the distinction between occupier and non-occupier stressed in the UN resolution. The resolution issued on 22 May 2003 nevertheless was a disappointment in this respect. The distinction between the occupying powers and their non-occupying Coalition partners, a new concept in international law, was referred to only in the preamble.\(^{52}\) Resolution 1483 also contained no explicit authorisation for a separate international force in addition to or as a replacement for the US-UK army of occupation. Only in the autumn, with the adoption of Resolution 1511 on 16 October 2003, when 1 NLBG had already been deployed for three months, was this lack of proper authority repaired.\(^{53}\)

Perhaps precisely because of the weak basis for the deployment, the Netherlands government emphasised the supposed difference between the US-UK occupying force and its own troops in Al Muthanna to the extreme. It did so more than the other participating countries, such as Italy, Poland, Spain and Denmark.\(^{54}\) No other Coalition partner used the name Stabilisation Force Iraq as the Netherlands did, and although the Dutch Minister for Defence acted as if all non-occupying powers in Iraq served within an ‘SFIR alliance’, the abbreviation was used only in the Netherlands.\(^{55}\) The word ‘SFIR’ could also only be seen on Dutch military vehicles from early 2004. The Danes and Italians, partners in the multinational division in the south, did not make such an effort to distinguish themselves. They saw themselves simply as belonging to the Coalition Forces and at the request of the British happily provided civil personnel for the CPA.\(^{56}\)

In spite of several warnings about both the irrelevance and impracticality of a strict demarcation of the role of the NLBG with respect
to administration and law enforcement, the Netherlands continued to press the United Kingdom to segregate the two domains. To this end, in consultation with the Ministry of Foreign Affairs, the Ministry of Defence drew up caveats. The British were aware of Dutch sensitivities, but were hoping for a pragmatic attitude, similar to that of the Danish and Italians. They regretted the fact that the Netherlands did not wish to take on a number of cpa tasks temporarily. Plagued by personnel shortages and eager to demonstrate the multinational character of the occupation, they continued to try to involve the Netherlands in governance, for instance by asking it to provide the cpa governor for Al Muthanna. This request was refused, as was a similar appeal for civil support personnel for the cpa in August.

Irritation about the Dutch stance came to light a month later during a visit to Iraq by Minister for Defence Henk Kamp. The Dutch Minister gave the British regional coordinator of the cpa in Basra, Sir Hilary Synnott, what Synnott himself described as a “schoolmasterly lecture about Dutch political attitudes” and requested the coordinator to tell the Iraqis that the Dutch would distance themselves from civil-administrative matters. The British diplomat responded to this rather brusquely:

“that I could personally assure the Minister that Iraqis ‘would not give a damn’ about Dutch sensitivities; they just wanted to see progress on the ground. But if the Minister wished us to publicise the limitations of Dutch engagement in assisting Iraq, we would of course be ready to oblige him. The minister switched to conciliatory mode and the instruction was dropped.”

The desired distinction between the Dutch stabilisation force and the occupying powers was formally laid down in a Memorandum of Understanding (MOU). Of the nine countries within the British-led multinational division which concluded this memorandum with the British Ministry of Defence, the Netherlands added by far the longest list of national limitations. The two main caveats were that the Netherlands would not undertake any civil-administrative tasks and would not participate in executive law enforcement. In a province of an occupied country rife with crime this seemed rather odd. For the credibility of the Dutch government in creating its own ‘special status’ in occupied Iraq, the proof would be in the eating.
Crime fighting

In the first weeks of August 2003 it became clear that the Dutch Marines could not escape having to enforce public order. After all, how did NLBG expect to create “a secure and stable environment” without being allowed to fight crime in a province where crime was the main security problem? Pressure from local dignitaries and the Iraqi people rapidly demonstrated that the Dutch politicians’ desire to keep the military presence as much in the background as possible was impractical and unrealistic. Dutch credibility was consequently being tested. A rapid transfer of responsibilities to Iraqi security bodies was the obvious aim, but proved to be premature.

As in the rest of Iraq, the police force in Al Muthanna was extremely weak. Members were poorly trained, mostly corrupt and unreliable due to their loyalty to tribal and political groups. The Dutch military police had to conduct criminal investigations into activities of Iraqi policemen far more frequently than expected. The technical skills of the police were also poor. They were not trained to collect evidence and had little knowledge of arrest techniques. A carefully prepared joint raid by Dutch MPS and Iraqi police failed completely because the policemen opened fire immediately on arrival. “We got out of the car and bullets started flying all around” Captain Dennis Klein, who led the MP platoon, said. According to a colleague, it was quite common among the Iraqis to fire first into the air “to let people know they are here” and only then to knock on doors.

The Dutch wish to leave executive police tasks to the Iraqis was further hampered by the strategy of division commander Lamb, who had made combating crime one of his priorities. In early September, on the orders of the commander of all the Coalition troops, US Lieutenant General Ricardo Sanchez, Operation Longstreet was launched to destroy “destabilising elements” in those parts of Iraq where the Coalition had so far hardly made its presence felt. Major General Lamb’s chief concern was organised crime and he translated the assignment in the southern sector into tackling hostile and criminal groups. In Al Muthanna he mainly wanted to improve insight into illegal activities along the long border with Saudi Arabia. The Coalition’s information gathering was poor in this area, because divisional headquarters and the CPA initially allocated a much higher priority to guarding the border with Iran. The vast, sparsely-populated desert area of Al Muthanna was crossed by smuggling routes which had also been well used under the Baath regime. The Coalition suspected that radical Islamic
fighters were mingling with the nomads who regularly crossed the border, although there was still little concrete evidence for this.

The NLBG contributed to Operation Longstreet by setting up mobile checkpoints to obtain an overview of these smuggling operations. Dutch troops stopped and searched vehicles. Helicopters were used to drop off forces over distances of hundreds of kilometres on the desert roads. During the one week long operation the Dutch Marines caught only a few people trafficking goods. They found no evidence of terrorist infiltration. However, they did confiscate dozens of firearms. Despite some irritation over the security checks, they received a surprisingly positive response. In particular, Iraqi travellers found the road between As Salman and As Samawah (Route Milwaukee) to be safer.

A larger-scale crime fighting operation was Operation Sweeney, held from 6 to 26 October 2003. The assignment was to “disrupt the threats of smuggling and organised large-scale crime”. The focus of this MND South-East operation lay in the ‘British’ provinces of Basra and Maysan. Operation Sweeney was part of a broad campaign focused on restoring essential public services. The division also intended to provide assistance to the CPA in building administrative capacities and stimulating the local economy. Codenamed Big October, it was an ambitious plan, mainly intended by the headquarters in Basra to influence public opinion. The UK especially wanted the operation to provide a counterweight to the extremely negative picture of the occupation of Iraq being painted back home.

At the end of September, Major General Lamb announced that Operation Sweeney took absolute priority. He asserted that crime posed a threat to the mission as a whole and had strategic consequences for the reconstruction of Iraq. He therefore ordered sub-units such as the Dutch battle group to counter large-scale organised crime by gathering information, arresting key criminal figures, identifying trafficking routes, intercepting vehicles and supporting police and border control activities. According to Lamb, the success of the operation would not be measured by the number of arrested criminals and the quantity of smuggled goods, but instead by the perception of it among locals.

Lieutenant Colonel Swijgman considered the visible presence of Coalition troops on the streets the key to influencing public perception. Organised crime, as Swijgman explained in his operation concept, had to be disrupted and deterred. NLBG focused mainly on the arms and stolen cars trade, carjackings and police corruption. A major additional consideration for the Dutch battle group commander was the destabilising
conduct of political and religious parties, who tended to use armed militia to demand a role in preserving law and order. Although these actions were as yet limited, these groups were becoming increasingly vocal.

Within the framework of Operation Sweeney, Dutch Marines conducted joint patrols with the Iraqi Civil Defence Corps (ICDC), a paramilitary organisation set up by the Americans to maintain law and order and ultimately to form the basis for a new Iraqi army. As part of the Big October campaign, MND South-East aimed to train and equip an ICDC battalion in each of the four southern provinces. For the time being Al Muthanna had to make do with a company. Locals responded very positively to the presence of the Dutch-trained Iraqi auxiliary troops.72

In the opinion of Lieutenant Colonel Swijgman, Operation Sweeney did not result in much more. When it came to the actual reduction of crime, there were merely indications that criminal organisations had been temporarily disrupted in their activities and that NLBG’s intelligence section had gained better insight into their modus operandi. The Dutch were especially bewildered by the degree to which the Iraqi security services themselves proved to have been infiltrated and corrupted by criminals. Evidence gathered by the Dutch MP platoon showed that services such as the Iraqi police and the Coalition-financed Facility Protection Service (FPS) – an armed guard service for government buildings and essential public complexes – were not just turning a blind eye, but were in some cases also themselves actively involved in criminal activities.73

The theft of vehicles and looting of cargo on the highways (including military Coalition convoys) created a great deal of unrest throughout the southern region, including Al Muthanna. In September and October, NLBG devoted much attention to tracing and returning stolen vehicles.74 The Marines occasionally caught criminals in the act and reacted robustly. On 12 October, for instance, a patrol saw a truck being hijacked and opened fire on the attackers’ vehicle as there seemed to be acute danger for the occupants of the truck.75 Dutch forces thus did not shirk executive police tasks. Such tasks were important to the credibility of the Dutch military in Iraq.

**Targeting operations**

In order to increase its operational effectiveness, the NLBG conducted targeting operations in addition to normal framework operations. It did so both on its own initiative and on orders from MND South-East.
Targeting operations were aimed at arresting suspects or meeting specific intelligence requirements. Information-gathering was done for instance by setting up observation posts. Reconnaissance teams used this method to observe the office of a political party and the firearms trade in the centre of As Samawah. Operations to apprehend suspects targeted organised crime on the one hand, such as the aforementioned raids on members of the criminal Al Zuwaïd tribe and attempts to arrest the looters at the cement factory. On the other, 1 NLBG concentrated on apprehending officials of the former Baath regime or insurgents who might pose a threat to the Coalition.76

Operation Pocket Search was the first major operation in the second category. During this operation, on 10 September, the Dutch battle group attempted to round up number 62 on the blacklist of suspects sought by the Coalition. Intelligence had shown that General Abdul Wahid Shinan Ribat, the former Chief of Staff of the Iraqi army, regularly stayed with family in and around As Samawah. However, the information obtained from local sources by the intelligence section on this High-Value Target (HVT) was rather vague. As a result, a simultaneous raid on four possible locations was required. The operation also aimed to contribute to the positive image of 1 NLBG among local Iraqis. Al Muthanna’s overwhelmingly Shiite population, which had suffered so severely under the Baath regime, increasingly complained about the lack of robust action by the Coalition. Officials from the former regime were apparently still walking around freely, even though citizens regularly provided information on the whereabouts of such people. 1 NLBG prepared Operation Pocket Search in the utmost secrecy, but decided to publicise it widely afterwards. The intended message was that the Dutch “were actively looking for” senior officials from the former dictatorship.77

In order to guarantee an element of surprise, the Dutch Marines did not inform the Iraqi police of the imminent operation and only commenced their training the evening before. During the intelligence briefing that evening, the intelligence chief estimated that a few armed guards posed no great threat and closed with the words: “Be professional, not trigger-happy”.78 The Marines acted at dawn. Task groups raided the four targets simultaneously. They were accompanied by interpreters, and also by female military personnel to search rooms containing women and children. At Camp Smitty, a QRF and a Chinook helicopter with its rotors turning were ready to provide assistance. The targets were the homes of the general’s son and brother in the city and two residential complexes
in the countryside. The operation went according to plan, but the Dutch
failed to find the former Iraqi Chief of Staff at any of the locations.79

According to commander Swijgman, the attempt to arrest the Iraqi
former General made an impression on the residents of Al Muthanna
thanks to the scale and manner of the operation.80 The operation’s specific
message — the Dutch are actively seeking important Baath officials — was
c contrary to the national mandate, however. This stated that Dutch military
personnel would not deliberately seek war criminals and former regime
officials.81 But there was some flexibility in interpretation. The NLBG was
permitted to “act against occasional targets on the basis of intelligence”
and also had ample powers to undertake action against people who posed
a threat to the Coalition.82 The latter provision in particular implied that
Operation Pocket Search ostensibly fell within the mandate, as did other
NLBG operations to apprehend suspects. “The search for HVTs” continued in
Al Muthanna, the intelligence section reported enthusiastically to British
divisional headquarters.83

**Detention and interrogation**

Yet what if an attempt to apprehend a suspect succeeded?84 At the time
of Operation Pocket Search, most rules and procedures on dealing with
detainees had not yet been drawn up. Thanks to its status as a non-occupying
power, the Netherlands was in principle not authorised to apprehend and
hold in custody residents of occupied Iraq.85 The Dutch government hoped
to avoid this responsibility by keeping crimefighting and the search for war
criminals out of the NLBG’s tasks by means of caveats.86 Moreover, Dutch
military personnel were not permitted to interrogate anyone. Yet during
the first year of the operation in Al Muthanna they apprehended more
people than during any previous crisis response operation since 1989.
Furthermore, the Dutch did subject suspects to questioning. In a legal
sense, there proved to be flexibility between terms such as ‘apprehend’
and ‘arrest’, ‘detain’ and ‘intern’, ‘interview’ and ‘interrogation’. Even for
the legal advisers in the Dutch contingent and at the Defence (Staff) Crisis
Management Centre (DCBC) in The Hague, there was initially no clarity on
this — as with the other national caveats.

The distinction between internees and detainees caused particular
confusion. On the basis of the Law of Occupation as laid down in the
Fourth Geneva Convention, the British in Southern Iraq were entitled to
apprehend and intern citizens for crimes and other security reasons. The
Rules of Engagement (ROE) applied by MND South-East also stipulated that units in the UK-led division – i.e. including Dutch military forces – could arrest people, but in the case of the NLBG these always had to be termed ‘detainees’. The Memorandum of Understanding between the Netherlands and the UK stated that Dutch military personnel were permitted to detain but not to intern people. On 27 July, the commander of 1 NLBG had translated these stipulations into a fragmented order, in which he sketched the general framework for apprehending suspects in both planned and reactive operations. According to this order, “questioning” by the battle group’s intelligence section or anyone else appointed by the commander was possible.

Swijgman’s legal adviser, Major Misha Geeratz, claimed that if suspects had “actually been in our power”, they then were ‘Dutch’ detainees. For the process following apprehension, the distinction between those suspected of ‘ordinary’ crimes and those who posed a threat to the Coalition was crucial. Those suspected of crimes – often caught in the act and brought in by regular infantry patrols – were classed as criminal detainees and handed over almost immediately to the Iraqi police. Those people brought in because they posed a threat to the Coalition had to be handed over to the British. These were classed as security detainees and became internees from the moment they were handed over.

MND South-East incarcerated Iraqis in the Theatre Internment Facility (TIF) in Umm Qasr. The transfer had to take place as soon as possible, but certainly within four days. Due to the distance between Al Muthanna and Umm Qasr and for security reasons, transport was mostly carried out by helicopter. The first time this happened was on 6 September 2003 with a former Captain from the Iraqi army who had been arrested the day before in As Samawah for distributing pamphlets calling for violent action to be taken against foreign troops.

On the basis of international law, the British could detain people without any form of trial. A Detention Review Committee reviewed each case on the suspect’s arrival, and subsequently conducted regular repeat reviews, in order to advise the divisional commander on either extension or release. The Geneva Convention expressly prohibits the use of physical or mental force in obtaining intelligence. The Americans’ tarnished reputation with respect to human rights in the Global War on Terror (mainly due to their controversial treatment of so-called ‘unlawful combatants’ in Guantánamo Bay in Cuba and Bagram in Afghanistan) had contributed to the provision that former ‘Dutch’ detainees were not to be handed over to
the US after they had been surrendered to the UK – unless the Netherlands gave the UK explicit permission to do so. However, it was still unclear who was supposed to give this kind of permission on behalf of the Netherlands during Operation Pocket Search. It had been established that, if former General Ribat were to be arrested, the British would hand him over to the United States. In order not to delay the operation, Swijgman decided to accept this.

Red Cross employees had unrestricted access to the internees in the American and British prisons in Iraq and identified problems early on. For instance, there was an incident concerning the violent apprehension of nine people in Basra and their mistreatment in temporary custody on 15 September 2003, in which one person died. The suspect probably suffocated in the hood placed over his head by British forces. The practice of ‘hooding’ was frequently used to disorientate detainees, as well as to prevent recognition of military personnel, interrogators and interpreters. According to the Red Cross, US military personnel sometimes used hoddng to exert physical pressure by making it difficult for the detainee to breathe.

Shortly after the Basra incident, divisional commander Lamb tightened the rules. He expressly reiterated the existing regulations for humane treatment (no torture, physical punishment or humiliation) and prohibited the use of hoods and bags on heads. As almost all examples of maltreatment by British military personnel occurred during the apprehension, transport or temporary internment phase by sub-units, Lamb also accelerated transfers to the division’s internment facility. Separation of detainees and internees now had to be completed within eight hours, so that from 30 September on the handover to Iraqi police or to the British internment authorities could take place within twelve and fourteen hours respectively.

The new guidelines clarified procedures, but for Dutch military personnel a grey area remained in the hours between apprehension and handover to the British. During this period, detainees were held in three cells in an auxiliary building at the CPA complex in As Samawah, where the battle group’s Field Liaison Teams were also housed. Here, among other things, it was determined whether a suspect could be released or handed over – and to whom. Questioning and interrogation were prohibited, but Dutch military personnel held ‘interviews’ with the detainees for the benefit of the selection procedure. Detainees had to be treated as prisoners of war in the sense of the Third Geneva Convention. Lieutenant Colonel
Swijgman requested his military intelligence service Counter Intelligence and Security (civ) team to conduct these interviews, as its personnel – although not trained in tactical questioning – were at least qualified to screen people. However, Swijgman insisted that his legal adviser Geeratz be present during the questioning, in the same way as the ‘Legad’ sat in on interviews conducted with detained Iraqis by the FLT.100

The civ team comprised a Lieutenant Colonel and two NCOs and its task was to gather intelligence on potential threats to the Dutch detachment. Military intelligence (MIVD) personnel screened Iraqi employees who worked on the bases as well as locally recruited interpreters. They also independently sought information sources, but this proved tricky. The team therefore enthusiastically took the opportunity to talk to all detainees. The interviews were not allowed to delay the handover to the British and intelligence personnel were eager to obtain the maximum amount of information within the limited time available. The interviews therefore had all the hallmarks of interrogations.101 The civ team was not encouraged to do it this way. The British Joint Forward Interrogation Team in Umm Qasr in fact indicated that it preferred to have detainees delivered ‘raw’. The main motive for MIVD personnel to question the prisoners anyway was to improve their own poor intelligence position.

The MIVD detachment was expressly not under the command of the battle group, but took its orders directly from The Hague. Arguing that they wanted to keep their interview methods secret, the MIVD personnel objected to the presence of Major Geeratz as a legal supervisor. The Defence Staff accepted the argument that the military intelligence service had to be able to guarantee confidentiality, and in early September confirmed that the civ team was authorised to determine who could be present at the interviews. A “ten-point list” of instructions on the process for the detention and handover of suspects sent by The Hague on 1 October confirmed this directive. Nevertheless, the commander of 1 NLBG was emphatically given final responsibility in this process. Lieutenant Colonel Swijgman subsequently sent a letter of protest, in which he refused to take responsibility for detainees questioned without his legal adviser being present.102

The civ team commander was responsible for the interviews, but he only worked at Camp Smitty and was never actually present in the As Samawah compound. The result was that the two NCOs in his team conducted the interviews on their own and unsupervised, although they were not trained to do so.103 The Dutch Ministry of Defence’s focus on detention and questioning in Iraq increased as the autumn continued. On
15 October, the Defence Staff asked for a list of persons who had so far been handed over to the British division on suspicion of activities against the Coalition. The list contained ten names, eight of whom had been interviewed by the civ team. Several had initially been arrested by the Iraqi police. The charges varied from suspected interest in Coalition troops to suspicion of planning attacks.\textsuperscript{104}

Exactly a week later, on 22 October, Lieutenant Colonel Swijgman received a disturbing report via the highest Dutch representative at divisional headquarters, Lieutenant Colonel Ruud Hardenbol. Following his handover to the British, a Saudi national of Iraqi origin had complained about his treatment by the Dutch. The man had been arrested by Iraqi police on Saturday 4 October and subsequently given to the Dutch flt. The civ team had spent that evening and night questioning him. They suspected him of preparing an attack in As Samawah and setting up a local Al Qaeda network. He claimed to have had water thrown over him during three interviews and to have been been subjected to sleep deprivation by so-called white noise from a radio. He also claimed to have had a hood placed over his head.\textsuperscript{105}

Swijgman asked the flt and civ team for an explanation. He also consulted Major Geeratz, who had received similar information from a fellow legal expert at mnd South-East that same evening.\textsuperscript{106} Following consultation with his ncos, the head of the civ team admitted that his personnel had used water to keep the detainee awake during the interviews but denied using a hood. They had used blackened dust goggles. The flt commander admitted to Swijgman that the flt did indeed use white noise in the corridors of the cell complex to prevent eavesdropping on interviews and communications between prisoners.\textsuperscript{107}

The Saudi national made two further serious allegations, but these were initially not included in the reports.\textsuperscript{108} The man said that the Dutch had beaten him and attached electrodes to his body. Captain Anna Mobbs, commander of the Joint Forward Interrogation Team in Umm Qasr, did not really believe the latter. Yet she asked about it when the civ team, an interpreter and a flt member came to Umm Qasr at her request on Monday 20 October to explain in more detail the interview methods used in As Samawah. The Dutch declared that white noise was indeed used in the cell complex to render communication between detainees impossible and admitted using cold water to keep detainees awake during the occasionally very lengthy nocturnal interviews. They stated that the allegations about the use of hoods and physical violence were false. They further claimed
that the story about the electrodes had been made up. The British tactical questioners accepted this explanation, but did wonder whether the MIVD personnel knew what they were doing. In the opinion of Captain Mobbs, their level of expertise was “pretty low”.109

In the meantime, battle group commander Swijgman received more information from Basra which appeared to contradict earlier statements made by the CIV team. Partly on the insistence of his legal adviser, he was inclined to report the incident to the military police. Yet because he had little faith in the capability of the MPS in Iraq and feared that the incident would be leaked to the media, on 25 October he decided first to call Air Commodore Pieter Cobelens, who headed the Defence (Staff) Crisis Management Centre in his capacity as Director of Operations. Swijgman informed Cobelens of the allegations and his dilemma.110 After completing his report by phone, the battle group commander wrote a memo on the alleged misconduct. Consultations were subsequently held in The Hague between the Defence Staff, the MIVD and the Directorate of Legal Affairs, during which Cobelens’ advice due to a possible outcry in the media was to “sweep it under the carpet and have the MIVD take measures.” However, the Deputy Director of Legal Affairs wanted “to remove all doubts about [a] cover-up”, and together with his superior pressed for the incident to be officially reported. Once Minister Kamp had been informed by Chief of Defence Staff Kroon, Lieutenant Colonel Swijgman was therefore ordered to report the incident on 4 November. The military police initiated an investigation.111

The British released the Saudi Arabian national on 18 November 2003. There was no evidence of membership of Al Qaida or of any plans for attacks against Coalition targets.112 The MPS completed their investigation two days later. The Public Prosecutor’s recommendation was that no criminal prosecution be pursued. However, the military police did lament the fact that the legal adviser had been prevented from attending interviews and that “some form of force” had been used during a number of interviews which could have been perceived as threatening by detainees. The investigation concluded that water had been thrown only at times when detainees threatened to fall asleep, hoods had never been used and white noise was only used against eavesdropping and communication between detainees.113

It therefore seemed as if the case was closed, until it came to light three years later. On 17 November 2006, Dutch daily newspaper de Volkskrant reported in large letters on its front page: “Dutch tortured
Iraqis”. Six months later, an inquiry set up by the government in response to this allegation concluded that there had been no tormenting, torture or humiliating treatment in contravention of Dutch or international law. The inquiry report did, however, have one criticism: “In a single case, during the questioning of a Saudi detainee, the lines were crossed. His treatment, when viewed as a whole, could be classed as humiliating.” In a general sense, the inquiry concluded that the MIVD had interpreted its authority too broadly. In the opinion of the inquiry commission, the responsibility for this lay with an inadequate political mandate.

**The limits of the mandate**

Meanwhile, the initiatives for maintaining public order in Al Muthanna no longer went unnoticed at the Ministry of Defence in The Hague. At the end of August, following reports of operations against criminals, the Contingent Command’s legal adviser had to reassure the Defence Ministry’s lawyers that the Dutch caveats were not being breached. Contingent commander Colonel Fred Hoogeland had thus far defended the Nlbg’s modus operandi as justified for maintaining a “safe and secure environment”, as laid down in the assignment. “We are, however, very well aware that we may be operating at the edge of the mandate,” he stated. Although there was a risk of “mission creep” – the gradual expansion of tasks beyond the limits of what was permitted – he assured the Ministry that was not yet the case. The Ministry’s Directorate of Legal Affairs had its doubts and issued a general warning.

October’s Operation Sweeney created a new situation. Even before the campaign had begun, the Defence Staff wondered whether intended activities such as identifying trafficking routes and apprehending suspects and vehicles were within the Dutch mandate. The Chief of Defence Staff, who in his operational instructions had determined – in line with the political guidelines – that the Nlbg would not conduct executive police tasks on its own initiative, began to feel uncomfortable. In response, the Contingent Command argued that Operation Sweeney came within the mandate as the operation was aimed at contributing to the general objective of a safe and secure environment. Legal experts in The Hague, however, let it be known that they viewed things differently. In their opinion, Operation Sweeney was indeed a form of crime fighting. Such support for the Iraqi police was possible within the limits of the national mandate only if it could be demonstrated that the initiative lay with the
Iraqi authorities. Without the Iraqi police in the front lines, the legal branch argued, planned operations to fight crime could be undertaken at the initiative of the Dutch only if the criminal activity in question posed a threat to Coalition troops.\textsuperscript{119} By making this connection to force protection, the lawyers effectively created the justification for operations such as Sweeney. After all, criminals who possessed Kalashnikov rifles and other firearms could easily be classed as a threat to Dutch troops. However, the Ministry of Defence’s legal advice to justify operations was issued two weeks after Sweeney started. Preparations had already been underway for some time. \textsuperscript{1} NLBG called it Operation Greenfield, and the aim was to tackle the main source of firearms in the province: the illegal arms trade at the sheep market in As Samawah.\textsuperscript{120} Lieutenant Colonel Swijgman agreed to set up an inconspicuous observation post in an abandoned hotel close to the market in order to collect sufficient evidence. His main motive was the request from many Iraqis to do something about this trade. In the Dutch commander’s view, the operation was clearly not about the security of his own troops, but that of the Iraqi people.\textsuperscript{121} On the basis of a reasonable amount of photographic and video evidence, Swijgman decided to initiate Operation Greenfield on 21 October. The objective was to detain thirty identified traders and their henchmen and to confiscate their goods. Major Schellens of 11 Infantry Company led the operation and had fifteen ‘green’ MPs under his command in support. The Dutch military policemen were to supervise the reception and transport of any suspects arrested by the Iraqi police to the local police stations, where they would monitor the investigations and interrogations. The role of the Iraqi police was restricted because a number of police officers were themselves regularly sighted at the arms market. \textsuperscript{1} NLBG informed the local police officers of the operation just prior to its commencement and immediately picked them up from the police stations so there was no time to blow the operation’s cover. Previous attempts to approach the arms markets in Ar Rumaythah and As Samawah during patrols or in operations had taught \textsuperscript{1} NLBG that the traders used a network of children to alert them. In order to sidestep this system and retain the full element of surprise, the Dutch Marines ordered taxis in Al Khidr. 11 Infantry Company used these to approach the market unnoticed from three sides. As additional civilian camouflage, the Marines wore Arab \textit{shamags} on their heads while in the taxis. When they got out of the vehicles and threw off the headscarves, the surprise was complete.
Traders and customers tried to flee in vain. A few blows hit home as the crowd was forced back. The Marines fired a single warning shot when armed suspects ran away. Those fleeing dropped their weapons but still managed to escape.\footnote{122}

Once the market site had been sealed off, about three hundred people were trapped. Search and arrest teams set to work, watched by a large audience drawn to the spectacle. The Iraqi police kept the crowd at a distance. A search of market customers led to 85 arrests being made using photographs.\footnote{123} Among those arrested were two police officers video footage of whom later proved their involvement in arms trading. All in all, the Dutch Marines thought the operation had been a success, even though the number of confiscated weapons was far lower than expected. Twenty-five firearms, including one Dragunov sniper rifle, eight hand grenades, a large quantity of ammunition, firearms components and knives were found.\footnote{124}

Some of the MPS later criticised the “cowboy-style” operation. Furthermore, a number of them thought that the unexpectedly large number of suspects had led to detainees being treated sloppily and poorly.\footnote{125} They did not, however, note any irregularities. The Marines were proud of the operation. The fact that the limits of the political mandate had been stretched did not diminish that.

\section*{Separation of powers?}

By now it was clear that the caveat on executive police tasks often proved untenable in practice. The other main caveat, which stipulated that the Dutch in Al Muthanna would take on no administrative tasks, was also subject to a tough practical test. Immediately after arrival, the Dutch Marines attempted to convey the message that the ‘civil domain’ and the ‘military domain’ were to be separated following the departure of the Americans. Political adviser Rentenaar described this objective as follows:

“On the one hand, there is the Dutch battalion which is contributing to security in Al Muthanna within the framework of the stabilisation force. On the other, there is the CPA and for the time being this [authority] is responsible for everything else. Anyone with questions, complaints or tips on villains, rogues and/or other subversives can turn to the Dutch troops. However, if the questions, complaints or tips concern the inadequate utilities, financial arrears, the reorganisation of the corrupt and incompetent government apparatus, the form and
content of the new public administration etc., then the first point of contact is the CPA.”

The Dutch repeated the message that the NLBG bore responsibility for security only and the CPA for everything else several times a day on local television, in the local paper and in individual conversations. They stressed the role of British Colonel Maurice Bulmer in his capacity as temporary CPA administrator. With a view to emphasising the civilian nature of the CPA, the Briton was not introduced as a Colonel, but as Mister Bulmer. The Royal Engineer had exchanged his uniform for chinos and a shirt after a quick visit to the American PX store in Kuwait. In the meantime, Rentenaar noted a sense of resignation among Iraqi administrators for someone they considered to be yet another new and probably temporary face. Rentenaar hoped that this would change when Paul Bremer’s definitive representative arrived in As Samawah. The US diplomat Dick Andrews would take up his post in early September.

The apparently straightforward separation of civil administrative and military tasks on which the Dutch placed so much emphasis proved not to exist in practice however in Al Muthanna province. This clearly showed from the organisational model, which was presented as a pie chart cut into four slices. In the middle of the pie was CPA representative Bulmer (later Andrews). Formally this official, the CPA Governorate Coordinator, played the central role of shadow governor. The first slice of the administrative apparatus pie under his command was the representative’s Governorate Team (GT), at this point still a modest staff of two British officers who, like their boss, had changed into civilian clothing and occupied themselves with the most crucial administrative issues, such as paying the salaries of civil servants. The GT was of course far too small. In a study in July 2003, a team of US specialists in post-conflict reconstruction informed the CPA that twenty to thirty officials were required per province in order to conduct local administration properly. This recommended number was not achieved anywhere. The three-strong CPA team in Al Muthanna was far below requirements even for this sparsely populated and remote province. The void could only partly be filled by the other three ‘slices of pie’.

The second component of the administrative diagram was the team of the Iraqi Reconstruction and Development Council (IRDC). Its three members were Iraqis who had fled Iraq following the uprising in 1991 and had since resided in the US and Canada. They had returned from exile and been contracted by the US Department of Defense. Having no formal job description, they were the eyes and ears of the Governorate Coordinator.
and CPA in Al Muthanna. Without the IRDC, British shadow governor Bulmer would have been virtually blind and deaf to the needs of the local population. Yet in spite of their appointment and generous salaries paid by the Pentagon, the trio did not view the local CPA chief as their boss.129

This also applied to the international consultants of the Research Triangle Institute (RTI), the third ‘slice of pie’. RTI had been contracted by the US Agency for International Development (USAID) to tackle setting up administration in the provinces.130 As the executive development arm of the US State Department, USAID played a major role in Iraq, but because the CPA was accountable to the Defense Department rather than the State Department, the relationship between the Governorate Coordinator and the RTI was unclear. The RTI consultants stressed their semi-independent status by moving into their own location in As Samawah on the other side of the Euphrates river at the end of 2003, away from the CPA compound. “In short” the Dutch political adviser Rentenaar wrote, “we have been confronted with a minor ‘pie revolt’. Slices of the ‘pie’ do not accept the authority of the ‘pie boss’ and the pie consequently appears to be crumbling.”131

Bulmer and his successor Andrews were thus fortunate that the personnel in the final ‘slice of pie’ at least adopted a more helpful attitude. This ‘administrative branch’ of the CPA was formed by the Dutch battle group’s CIMIC team, which took over many tasks from the US military Government Support Team (GST) of 2/5 Marines. CIMIC meant ‘civil-military cooperation’, a function which is explained within the NATO alliance as cooperation between military personnel, the civilian population, administrative authorities and international governmental and non-governmental organisations, all in support of the military mission. During previous overseas operations by the Dutch armed forces, CIMIC personnel confined themselves almost exclusively to liaison tasks and conducting small-scale aid projects. The main objective was to win the local people’s support for the military presence, or at least make them view it in a favourable light.

CIMIC practices in Iraq were completely different, however. “During our acclimatisation period in Kuwait, it quickly became clear that we were going to have to do more than just CIMIC” one of the section members reported. The reason was that there was need for a team which could support the CPA. “From that time on, we have been no longer known as CIMIC, but as a Government Support Team” – like the US team before.132 The CPA did not formally run the Dutch CIMIC team as a full GST, but commanding officer Swijgman did not restrict his people in any way. A broad interpretation of
tasks proved unavoidable when the American GST departed on 15 August, earlier than agreed upon, to support the understaffed Polish division in tumultuous Central Iraq. The NLBG commander thus again came up against the limits of his mandate, but was covered in a formal sense when the Ministries of Defence and Foreign Affairs decided to permit Dutch ‘military advisers’ to work with the CPA. Still, official CIMIC policy imposed restrictions. The Ministries of Foreign Affairs and Defence formally barred administrative activities, as well as structural reconstruction of infrastructure and public services.

The Dutch CIMIC team cooperated smoothly with CPA administrator Bulmer, especially after the arrival of Major Stefan Nommensen as the new leader of the Dutch GST in mid-August. The team initially comprised only eight members and could do little more than put out fires. It was therefore enlarged by four forward air controllers, who obviously did not have a full-time job in guiding laser-guided missiles onto enemy targets in Al Muthanna and were therefore assigned CIMIC as an additional task. The legal adviser also supported the team. Along with Major Nommensen, another four officers arrived from the Netherlands to provide temporary manpower. The Dutch GST, now comprising eighteen members, was based in the CPA building in As Samawah, where the political adviser, the FLT and a Marine infantry platoon tasked with security were also stationed. Nommensen consulted with the CPA representative on a daily basis and accepted that his GST was there mainly to support the CPA.

In addition, the NLBG commander and his political adviser also played crucial roles in local government that were not identified in the administrative ‘pie chart’. The amount of time Lieutenant Colonel Swijgman spent on political and administrative problems in his area of operations was considerable. He concentrated on topics which related to the security situation, and wherever possible left governance-building and reforms to others. He visited the many sheikhs in the province very regularly in order, among other things, to take stock of their wishes concerning future governmental and political relations. Where he deemed it necessary, he also encouraged the CPA to appoint officials in the government and legal system.

All in all, in spite of the Dutch caveats, the provincial CPA coordinator in Al Muthanna could not complain about the support provided by the NLBG. He was in fact confronted by a military commander with very firm ideas. These did not necessarily match his own, as noted in particular by American CPA Governorate Coordinator Dick Andrews. One major bone of contention between the two authorities was the differing importance they
attached to relations with the local sheikhs and the role of tribal leaders. The sheikhs were the traditional elite. In conservative Al Muthanna, their tribes continued to play a major role. Andrews ignored them, however, as they were not compatible with his idea of a modern Iraq. In mid-September, Lieutenant Colonel Swijgman, who held a different view, visited the leaders of the eighteen largest tribes in order to make their acquaintance and to explain the objective of the Dutch presence.\textsuperscript{140} By mapping the various tribes, their interests and wishes, he hoped to fill part of the intelligence gap he had identified in this area.\textsuperscript{141}

Political and administrative matters also demanded a great deal of the attention of Swijgman’s company commanders, who, occasionally with political adviser Rentenaar at their side, had to steer a course, like diplomats, between the local sheikhs, political parties, clerics and other Iraqi officials. According to Swijgman, his subcommanders were occasionally not afraid to play at “power politics”.\textsuperscript{142} While he himself deliberately left visits to council meetings at his level to Rentenaar, the company commanders could often be found at similar gatherings in their sectors. In an area of responsibility where security tasks were closely bound up with political and social problems, these meetings were a critical source of information.

\textbf{De facto occupation}

The Dutch worked according to the operational concept of the UK-led division, known as the Master Plan. The British distinguished between four lines of operation: security, essential services, economy and administration, aimed at reaching the ultimate objective of “a free, stable and democratic Iraq, which is capable of defending itself, but which no longer poses a threat to international security”.\textsuperscript{143} Seemingly, this British plan and the Dutch political mandate were incompatible. If the Dutch battle group under British command had interpreted its national assignment strictly, it would have taken responsibility only for the security line of operation, without having to engage in crimefighting and administration. Moreover, its CIMIC team would only have conducted small-scale hearts-and-minds projects with a view to improving the battle group’s own security.

In reality, an entirely different situation arose after 1 August 2003. In addition to its responsibility for security, 1 NLBG in Al Muthanna assumed the role of the main executor of the lines of operation for essential services and economic reconstruction.\textsuperscript{144} Almost all the province’s small and medium-
sized projects in these fields were identified, assessed and implemented by Dutch CIMIC personnel and largely paid for by funds which the NLBG had at his disposal. These development funds from the Coalition Commander’s Emergency Response Program (CERP) had been made available by the CPA several months earlier as an emergency measure. The Dutch Government Support Team was therefore able to spend many hundreds of thousands of dollars each month on projects, and in doing so equalled the generosity of its US predecessor. In fact, according to Lieutenant Colonel Swijgman, the Iraqis would have been severely disappointed in the Dutch if they had only spent their own budget of 50,000 euros for Quick Impact Projects.

In the autumn of 2003, millions of dollars extra became available via CPA channels. And those with money to spend wielded power. Circumstances dictated that – for the time being – this meant mainly the Dutch battle group. Other players in Al Muthanna, such as local parties and town councils, had no or few financial resources themselves. The CPA provincial coordinator had access to considerable funds from Baghdad, but could do little with them due to complicated financial procedures and understaffing. Responsibility for development and reconstruction in Al Muthanna therefore rested squarely on the shoulders of the NLBG. The almost total lack of international governmental and non-governmental organisations (IGOs and NGOs) also gave the Dutch a monopoly in this respect. In Al Muthanna, there was only one NGO active in this period.144

Of the four lines of operation in the British Master Plan, the CPA was left with civil administration. And there, too, the Dutch were heavily involved. The military influence on governmental issues was mostly indirect, but the Dutch share was significant as a result of the prominent role played by political adviser Michel Rentenaar. According to his official job description, the diplomat was only to provide political advice to commander Swijgman and report back to The Hague. In practice, 90 per cent of his time was taken up with forming a new Iraqi local government: setting up town and provincial councils, electing and determining the role of the governor and involving in this process the political parties, tribes, religious leaders and other interested parties. In addition to being political adviser to the Dutch battle group, Rentenaar was also unofficial adviser to the CPA Governorate Coordinator.145 In fact, he shared an office in the CPA building in As Samawah with first Bulmer, and later Andrews, with a sign on the door which read “Coalition Provisional Authority – Al Muthanna”.146

In practice, the Dutch political adviser was fully integrated into the occupational authority and wielded great influence on the policies pursued
by the local CPA. As he also built up excellent working relations with the Dutch Marines, the military and civil-administrative efforts in Al Muthanna were closely integrated. The highest CPA representatives stayed too short a time in the province to be able to make their mark on developments and therefore relied heavily on Rentenaar. Bulmer spent only one month as shadow governor and Andrews would last only three months because, in the end, the American diplomat made himself impossible to deal with and was ultimately replaced.

In the eyes of the Al Muthanna people, powerbrokers and administrators, the Dutch duo of Swijgman-Rentenaar — “the Commander and Mr Michel” — therefore was in charge of the province, just as Lieutenant Colonel O'Donahue had been in the period prior to their arrival. The fact that the Iraqis saw Swijgman, just like his US predecessor, as the true holder of power was made clear when, to his discomfort, he saw Iraqi boys on the street carrying his portrait. These were photos they had cut out of the flyers distributed to locals by Dutch military personnel at the time of the change of command. In a society in which it was common to display and use portraits of the head of state or of those in positions of power, Swijgman’s picture was apparently cherished. It was an innocent illustration of the fact that the situation in Al Muthanna in the summer and autumn of 2003 was similar to military rule. This changed only when a new CPA representative took up office about the time of the change of command from 1 NLBG to 2 NLBG. The election of a new Iraqi governor in October would also lessen the Dutch administrative role. However, with Sheikh Sami still in office and no local democratic tradition whatsoever, for the time being this would prove a challenging process.