Creating a secure environment

A disorderly bunch

Serious rioting broke out in Al Muthanna a couple of weeks after the change of command from 1 NLBG to 2 NLBG. Dissatisfied citizens congregated near government buildings to protest about unemployment, fuel shortages and frequent power cuts. One demonstration on 8 December 2003 in Ar Rumaythah escalated when an angry crowd of several hundred people besieged the police station. The tough response from local cops and their arrest of a few key persons antagonised the demonstrators. Unintimidated by multiple warning shots, the protestors drove the police back into the building under a hail of stones. The Dutch Marines of 21 Infantry Company, responsible for security in the town, intervened to rein in both the crowd and the police. They placed a cordon around the complex and locked the police in. In doing so, they took the sting out of the confrontation for the time being.

The incident temporarily affected the relationship between 21 Infantry Company and the Ar Rumaythah police department. The Dutch thought that the Iraqi police had acted too provocatively by firing indiscriminately into the air and beating protestors. Moreover, the Marines thought the police were generally “a disorderly bunch” and suspected them of criminal activities including looting and dealing in abandoned vehicles. For their part, the Iraqi police forces believed that the Dutch had undermined their credibility by intervening. The Dutch were also criticised by the town’s
security committee. The NLBG was blamed for failing to create a sufficiently secure environment near the highway, where the number of carjackings was high, especially at night.²

The unrest was not confined to the town of Ar Rumaythah. The next day, demonstrations also got out of hand outside the CPA building in As Samawah. Peaceful demonstrations had previously been held here, but this time the crowd was extremely aggressive. Close to the CPA complex, about three hundred young men blocked the route of a US convoy and pelted the army trucks with stones. The convoy security guards panicked and fired rifle rounds over the heads of the crowd. Unimpressed, the rioters attempted to loot a number of civilian trucks in the convoy. It was obvious that a handful of protestors was playing a crucial role in egging on the crowd. The Iraqi police did nothing. A rifle section of Dutch Marines which was guarding the CPA building therefore intervened. When the Dutch Quick Reaction Force arrived, it too was pelted with stones. Using batons, the Marines managed to force a path through and drive back the crowd. The previously passive police eventually also lent a hand and the situation was brought under control.

This incident again made it painfully clear that public order and security, economic and social problems and the legitimacy of government were inextricably bound up with one another. In As Samawah, the immediate cause of the riots was the temporary suspension of the CPA’s mismanaged job creation scheme. The people wanted jobs and progress and had pinned their hopes on the occupation service, which continued to function poorly with too few personnel. This temporarily rocked the social order in parts of the ‘Dutch’ province. It took less and less to spark an incident. The disappointing performance of the Iraqi security forces remained a matter for concern.

The Dutch battle group’s operations underwent a shift around this time. The new priority was the build-up of Iraqi security organisations, which had been functioning poorly until then. The NLBG set to work selecting, training, monitoring and mentoring Iraqi security personnel, now that there was a date for the Iraqis to take on these tasks independently and June 2004 was fast approaching. The number of trained security troops was given an increasingly prominent role in Coalition statistics which, in defiance of the growing violence and criticism of the occupation, were aimed at demonstrating that there was indeed progress.³ Yet how effective was the build-up of the new Iraqi security sector? Was the objective to have Iraq stand on its own two feet in the summer of 2004 realistic, and
were Coalition intentions therefore more than just a numbers game? And with a focus on the Dutch: was ‘their’ relatively peaceful province ready for the intended substantial troop reductions when the year of occupation ended?  

**Security Sector Reform**

In its pre-war planning, the Coalition assumed a stable environment in which Iraqi police would remain at their posts and be able to maintain law and order. Until the fall of Baghdad in April 2003, the Americans and British had basically rejected the idea of a policing task for their own troops. The total anarchy which followed the fall of the Baath regime demonstrated the naivety of this assumption. In the spring and summer of 2003, US and British troops were therefore unprepared as they hastily started training large numbers of new Iraqi security personnel. The Coalition used the term ‘Security Sector Reform (ssr)’ for all these tasks, although in Iraq it was not so much about reforming as about *rebuilding* the police, army, legal system and prison service.

Over the preceding decade the Dutch armed forces had gained substantial experience of *ssr* during peace support operations. In Namibia in 1989, Cambodia in 1992-1993 and Bosnia from 1995 onwards it had generally been recognised that in addition to military peacekeepers the deployment of a civilian police force could be decisive to the mission’s success in the long term. In particular during the UN-mandated *de facto* occupations of Kosovo (including a Dutch contribution) and East Timor (without a Dutch contribution), relevant lessons had been learned. Anarchy and widespread looting, an international civil police force which was slow to deploy, military personnel unready and unwilling to maintain law and order, a failing judicial system – in this respect the situation in Iraq in 2003 was nothing new.

Within the *ssr* efforts as a whole, the build-up of the Iraqi police force was the Coalition’s initial priority. In contrast to the recently-disbanded secret police and security forces, the majority of the regular police – who under Saddam Hussein had been involved in little more than dealing with traffic offences and petty crime – had no Baath party affiliation. The force was therefore allowed to continue to exist after the invasion. However, the organisation lacked self-confidence and leadership. Some of the officers and most senior civil servants at the Ministry of the Interior had been members of the Baath party and had therefore fled abroad or
been dismissed by the Coalition. In a centralistic society with a military-hierarchical police force such as existed in Iraq, this resulted in a largely apathetic service.\textsuperscript{7}

For 2/5 Marines and the \textbf{NLBG} in Al Muthanna in the summer of 2003 it was a challenge to get the cops to do their jobs. “The police had to leave their hide-outs,” as Lieutenant Colonel Swijgman phrased it, “but they were scared.” Or they were drunk, as alcohol abuse was a major problem. The population had little faith in the force, which they associated with the former regime.\textsuperscript{8} Pragmatic considerations by military interim administrators often meant that key figures with a Baath history sometimes remained in their jobs. This was the case with the provincial commander in Al Muthanna, Colonel Faddil. When governor Al Hassani dismissed him in December 2003, his successor Lieutenant Colonel Kareem also turned out to be a former Baath party member.

In spite of the emphasis on police reforms and security sector development, the resources made available by Washington and London for this purpose in 2003 were limited. \textit{SSR} funds were negligible in comparison to the astronomical cost of the military deployment as a whole. The management and implementation of the police programme was improvised and problematic. At the provincial level, there were very few civilian trainers or coaches – often retired police officers – and military personnel and \textit{MP} units themselves mostly took on the recruitment, training and mentoring of the Iraqi police forces. Coalition personnel also dealt with the purchase and delivery of material and with the building and improvement of infrastructure.

In Al Muthanna, 2/5 Marines and its supporting \textit{MP} company had raced about 800 police officers through a five-day training programme. From August 2003 onwards, with far fewer personnel, the Dutch \textit{MP} platoon initiated a programme of training, mentoring and monitoring this police force. The ‘green \textit{MPS}’ provided a basic training course for new personnel, conducted follow-up courses for existing forces and worked together with the Iraqis on patrols and office tasks. The basic course taught Iraqi police apprehension and investigation skills, and how to register a crime report using the Dutch method. The latter was sorely needed according to the chief public prosecutor in As Samawah, Abid Al Khidar. He regularly had to release suspects due to the many procedural errors in the investigation.\textsuperscript{9}

There was another cause for the low occupancy rate of As Samawah police station cells, however. As one prisoner explained, “those with money can buy their way out, those without money are stuck here”. According to
Major Mischa Geeratz, the teaching of legal values and standards needed to be a priority in the training course. The legal adviser of NLBG reported that the police were corrupt, incompetent and prejudiced. The Iraqi cops also paid little attention to human rights. The use of force in interrogations in order to obtain specific confessions proved to be a major problem. The basic training course therefore included a lesson about ethics, with the worthy aim of discouraging such practices.

At the start of the Dutch operation 1,050 police were employed, including about 100 officers. In two months, the Dutch MPs trained an additional 200 newcomers, which meant that numbers were back to pre-war levels by October 2003. With respect to materials and accommodation, however, the Al Muthanna police were in very poor shape. As Samawah was home to the provincial headquarters, seven local stations and one prison. The buildings and cells were in extremely poor condition, as was the furniture. There were few computers and there was no archive storage capacity. The situation was even worse in Ar Rumaythah, Al Khidr and the outlying areas. In October, at the instigation of the NLBG the Netherlands therefore donated nearly 900,000 euros for purchasing materials. Most of this money was spent on a project to link the various security services to a Motorola communications network. The Dutch also purchased computers, furniture, uniforms, bullet-proof vests, vehicles and pistols.

The task of the Al Muthanna police was easier to carry out than in the more rebellious areas of Iraq, where Coalition troops often deployed the local police as auxiliary troops in combat operations. In cities such as Baghdad and Basra, police stations and individual police were regularly the target of attacks and they hardly had time for public order tasks. In spite of the relatively favourable security conditions, the NLBG nevertheless experienced plenty of complications in building and reforming the police force in Al Muthanna. The Dutch in particular considered tribal ties to have a paralysing effect. There was always a risk of reprisals against police, their families or their tribe. It was also almost impossible for a policeman to arrest a suspect from his own tribe. No-one wanted to invoke the worst-case scenario of a vendetta. This was one reason why the police forces appreciated the presence of the Dutch Marines or MP personnel during detention operations. They could then always blame the foreigners for the house search or arrest.

Dutch priorities in building up the police force did not always correspond with those of the Iraqi leaders. Governor Al Hassani and interim police chief Kareem constantly pressed for more personnel and
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heavier weapons, while the Dutch insisted on more training and more effective deployment. The wishes of the police commissioner were mainly derived from fears of being attacked by militias or criminal gangs, which possessed impressive weapons arsenals comprising rifles, RPGs and mortars. The governor requested more personnel because he wanted to provide his party and tribe members with jobs. By including his own people in the force he also increased the loyalty of the police to him personally. Job creation was a major motive in demanding the expansion of the other security services too. This was particularly true of the FPS, the hotchpotch of security officials set up shortly after the Coalition’s invasion to prevent further looting of government facilities and industrial and economic infrastructure. The wages of the 1,000-plus FPS guards in Al Muthanna were paid out of the Coalition’s CERP fund, which in fact made it a job creation scheme. Many armed FPS guards had dual roles and also hired themselves out as foot soldiers to parties and tribes.

The international SSR effort comprised building up the traditional ‘triangle’ of a police force, legal system and prison system. 2/5 Marines spent 90,000 US dollars on rebuilding three law courts. The Government Support Team of 1 NLBG conducted a follow-up project worth 130,000 US dollars. In addition to this civil component of the SSR programme, there were the military and paramilitary components, which devoured an increasing proportion of NLBG’s money and training capacity. The new Iraqi army was to take on the task of defending Iraqi territory, but for the time being the priority was domestic security. There were no active army units in Al Muthanna. In mid-July 2003, the Coalition decided to set up the Iraqi Civil Defence Corps, the paramilitary organisation which could support both the local police and international troops in maintaining internal order and security. The violent resistance and advent of heavily-armed criminal organisations meant that Coalition troops had a growing need for this type of robust Iraqi auxiliary force. The occupiers also believed it was important for everyday security operations to have an ‘Iraqi face’. Formally, the Civil Defence Corps came under the Iraqi Ministry of the Interior, but recruitment, training and deployment were led by Coalition forces. Finance came from CERP funds, which meant that military commanders had direct control.

The Coalition aimed to set up at least one Iraqi Civil Defence Corps battalion per province. The calm conditions in Al Muthanna meant that 1 NLBG was initially ordered to create only a company-sized unit. In December 2003, 2 NLBG expanded this to a battalion, although at 500 strong this unit
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was substantially smaller than the usual size of about 850.\textsuperscript{22} The Iraqis were largely trained on the job. They were deployed almost immediately under the command of Dutch Marines for patrols and manning checkpoints. They also supported the police, the FPS and the border police.\textsuperscript{23} The Civil Defence Corps carried light weapons and its members’ level of expertise varied greatly. The auxiliary troops were appreciated by the locals in Al Muthanna.\textsuperscript{24} This did not alter the fact, however, that the Dutch regularly caught them looting vehicles and committing other crimes. The Marines were forced to continue monitoring the organisation closely.\textsuperscript{25}

The transition plan

Motivated by the desire to drastically reduce the number of troops in Iraq in 2004 and 2005, the Coalition started working on a transition plan for security tasks in October 2003.\textsuperscript{26} The agreement with the Iraqi Governing Council of 15 November 2003 on the 2004 transfer of sovereignty led to things shifting up a gear. The Coalition did not just step up the training of security personnel; the institutional build-up and reforms within ministries and police academies were also given greater attention. The aim was to achieve self-government and Iraqi responsibility for maintaining public order by the end of June 2004.\textsuperscript{27} The ssr plan had three phases: local control, regional control and strategic overwatch. In the first phase, the Iraqi security forces continued to operate under the direct control of Coalition troops. At this stage, international forces were merely to fulfil a QRF role while retaining responsibility for the outlying areas. The second phase, regional control, entailed the local security bodies being able to operate sufficiently effectively to be able to maintain law and order under the responsibility of the new local government. The international troops would then no longer lead but act as advisers or – in emergencies – operate independently at the request of the Iraqi provincial governments. The aim was to reach this phase before the transfer of sovereignty at the end of June 2004.\textsuperscript{28} The phase of strategic overwatch meant that the Iraqis could guarantee their own internal security and that the security bodies could operate in an integrated manner. The foreign troops would then carry out only the defence of the national borders.

The three phases overlapped. This certainly had advantages when it came to applying deadlines, because the latest date the Coalition had set itself for local control proved to be over-ambitious. The original date
of 1 March 2004 was quickly changed to 1 April. In fact, this phase was only achieved within MND South-East at the end of April. British divisional commander Lamb embraced the motto: “We have to do things Iraqi style, which means that adequate is good enough.” He was clearly inspired by T.E. Lawrence, the famous British army officer and writer who fought alongside Arab rebels against Ottoman rule during the First World War. “Do not try to do too much with your own hands. Better the Arabs do it tolerably than you do it perfectly. It is their war, and you are to help them, not win it for them,” ‘Lawrence of Arabia’ wrote in his famous ‘Twenty-Seven Articles’, a summary of all the lessons he had learned as a military adviser in the Middle East. His words were taken as gospel among military forces and CPA personnel in Iraq.

Major General Andrew Stewart succeeded Lamb as divisional commander on 28 December 2003 and formally made SSR the chief task of MND South-East. The general described the end objective of the programme as: “a secure and stable environment maintained by credible, self confident and capable security structures under Iraqi governance”. The shift of emphasis within the multinational division required some adjustments. To this end, in December a 14-strong SSR cell was set up in Basra. The headquarters also reorganised the five battle groups of the British brigade so that one could be completely freed up for training, mentoring and monitoring the Iraqis. The UK, Canada, Australia and Spain would provide senior police officers to support, coach and monitor provincial police chiefs. From April 2004, the Netherlands joined this initiative and deployed Marechaussee Colonel Robert Veltman as CPA police mentor alongside Al Muthanna police chief Kareem.

The British also initiated a number of new projects, including training a Police Support Unit (PSU). This unit was to be trained for tougher police tasks and specialist duties such as crowd and riot control (CRC) and complex arrest operations. Divisional headquarters also took the initiative to create Provincial Joint Coordination Centers (PJCC). In early December 2003, the Dutch battle group set up the PJCC for Al Muthanna, which acted as a command post for directing the various security bodies, the fire brigade and ambulance service in the event of emergencies. In the long term, the PJCC would be placed under the control of the Provincial Security Committee. The NLBG provided fifteen military personnel to assist Iraqi personnel at the emergency command centre.

NLBG followed suit and reorganised itself so as to be able to carry out the adjusted assignment. Under its predecessors, responsibility for SSR had been spread across the MP platoon, the infantry companies and
the Government Support Team. Now the Dutch concentrated this task in the Operations staff section (s3). Several military forces were given a dual role.33 The anti-tank platoon took on the full-time task of training new personnel for the border police. The battle group initiated the required ssr projects, some of which were financed by the Netherlands. Apart from the abovementioned purchase of police equipment, the Ministry of Foreign Affairs put half a million euros into an independent communications network for the pjcc and contributed financially to the construction of the regional police academy in As Zubayah. The Netherlands also paid for the rebuilding of the provincial prison and the nlbg began the construction of three small barracks for the Iraqi Civil Defence Corps.

Reorganisation and improvisation were insufficient to cope with the extreme demand for ssr, however. The battle group had long pressed The Hague for additional personnel to implement its new main task. On 13 February 2004, the Dutch government agreed to expand the nlbg by 108 troops. In addition to replacements for the commandos who had been training the Iraqi Civil Defence Corps, the additional personnel comprised sixteen instructors for the Iraqi police, twelve instructors for the border police, seven crc instructors for the Police Support Unit and six instructors for the police academy in As Zubayah. The Dutch armed forces also provided six additional officials for the pjcc and ten for the permanent support of the Civil Defence Corps battalion staff. For crowd and riot control, the Royal Netherlands Army sent a specially trained 37-strong crc platoon to Iraq from February to June 2004.34

The specialist crc platoon was not specifically on the battle group’s wish-list. The Marines thought that they could conduct this task very well with their current capacity, but the Ministry of Defence was less than enthusiastic about the Marines having to do crowd and riot control in Iraq. Nevertheless, the crc-trained artillery platoon left Iraq four months later without having been deployed to conduct its specific task. Instead, the gunners spent their days doing guard duty. Demonstrations, riots and looting did continue, but 2 nlbg (and subsequently 3 nlbg) refrained from using the crc unit to counter these. According to the staff of 2 nlbg, the nature of the minor uprisings did not lend itself to the deployment of the platoon due to its relatively long reaction time. The riots were usually small-scale, occurred throughout the sizeable operational area, flared up quickly and died down again in no time. Use of the special crc platoon was also not encouraged by battalion commanders. They envisaged a very different solution whereby the emphasis was on ‘fire prevention’ rather than ‘putting out fires’.35
In the meantime, the security situation was a rather mixed picture. “Calm” was the most common description in the daily reports. Yet things went badly wrong in As Samawah on 3 January. Just as in early December, the CPA employment programme triggered severe rioting. The programme’s planning and information provision was still very poor, and so a crowd of about a thousand job-seekers congregated on a square, a few hundred metres from the CPA building, without anyone being prepared. Tensions quickly rose. The crowd looted a government building, and when troublemakers also started to throw stones at a neighbouring building belonging to a political party shots were suddenly fired. One person was killed and several injured. The Quick Reaction Force of 2 NLBG, which had arrived at the square along with several MPS, was verbally abused and pelted with stones. The Dutch had to fire several warning shots to keep the angry crowd in check. Only after urging by the NLBG did the Iraqi police intervene, enter the building from which the shots had been fired and apprehend the suspects. The result of the chaos: 2 dead, 5 wounded and 62 arrests.

As political adviser Rentenaar said one week prior to his departure, these events were a sign that “the praised stability in Al Muthanna” was fragile indeed. That same day, Marines fired warning shots to drive away about one hundred looters from two stranded US Army trucks, and men bearing RPGs were seen on the streets of As Samawah that evening. A few weeks later, the province was confronted for the first time with the phenomenon of Improvised Explosive Devices (IEDs), the roadside bombs which had become a veritable plague in other parts of Iraq and caused many deaths in Coalition ranks. Explosive ordnance personnel defused one IED on 24 January; another exploded early without causing any damage. Two weeks later, early in the morning, two explosions occurred close to the main police station in the centre of As Samawah. The QRF discovered an improvised launching device for seven rockets with an alarm clock and batteries as a detonator. Two rockets were missing from the launch tubes. It never became clear whether the police station or the CPA compound had been the target, but the perpetrators were very likely from the Al Zuwaid clan, intelligence sources reported.

In between such incidents many things were still going well, as could be seen from the governor’s announcement that, in addition to a ring road around As Samawah, a connecting motorway was to be built between the highways known as Jackson and Tampa. The construction of a new power station had also been started. The NLBG put a great deal of effort into these
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projects. Further good news was that the Japanese government had decided to send a 600-strong humanitarian support battalion to Al Muthanna following lengthy political consultations and a constitutional amendment. Until then, the pacifist Japanese constitution had prohibited deployment of the Japanese Self-Defense Force to an overseas war zone. The Japanese unit was to perform tasks such as water purification, improving medical care and renovating and constructing public buildings. The first personnel arrived on 20 January, accompanied by a large contingent of journalists and television crews. Clearly lured by the supposed calm in this specific area of deployment, the Japanese armed forces thus initiated their first non-UN overseas mission since the Second World War.

Troops in contact

Ever more often, Dutch military personnel used their weapons that winter. From December 2003, apart from warning shots fired during riots in the towns, more and more shooting incidents occurred due to crime along the main roads and highways. Carjackings posed a constant threat to Iraqis and had caused the Dutch a great deal of work since the start of the mission in August 2003. The looting of stranded US vehicles along the Main Supply Routes had also been a problem for months. Two factors led to the convoy problems taking a new turn from December. Firstly, the US initiated the rotation of 250,000 of its military personnel, the largest war-time troop replacement in their armed forces since the Second World War. This was due to last until April 2004.

Secondly, heavy rainfall transformed fifty kilometres of Route Tampa’s dirt road into a quagmire. This meant that all the convoys heading north, often comprising hundreds of vehicles, had to take the alternative Route Jackson, which ran right through the town of As Samawah. The heavy rainfall and increased traffic on the main roads also often led to trucks breaking down, which meant that the Dutch Marines increasingly had to mobilise to save what they could. The surrounding muddy terrain imposed an additional complication, as broken-down trucks, which thieves had previously towed into the desert to strip at their leisure, under the current chaotic conditions were looted right at the side of the road.

In the course of autumn 2003, this spontaneous looting became organised robbery by criminals who were sometimes also armed. US MPs were initially responsible for accompanying the convoys, but their restricted numbers were further being reduced. At the same time, the
blunt behaviour of US convoy guards deteriorated further with the arrival of inexperienced, and therefore nervous, new personnel. One day, Lieutenant Colonel Oppelaar was driving behind a US-guarded fuel convoy in As Samawah and witnessed for himself how some Americans behaved towards the local population.

“A rifle butt was used several times to hit Iraqi cars to make way for the convoy and create room for manoeuvre for the US military personnel. This unnecessary action set me thinking. I continued driving northwards behind a civilian vehicle on MSR Jackson towards Ar Rumaythah. Suddenly I was overtaken by a US HMMWV [army vehicle] which tried to force the civilian vehicle from the road and even visibly (directly) threatened the Iraqi using a pistol. I personally intervened and told the American in question that he was totally out of order. Intolerable behaviour! These Americans have a serious attitude problem.”45

US convoy security guards treated Iraqis roughly and had a low threshold when it came to using force, but the Dutch units also occasionally used their weapons in such circumstances. On 2 December, Marines fired warning shots using .50 machine guns to disperse a group of several hundred looters from a stranded tractor-trailer combination. The Americans had set the vehicle alight and abandoned it. The container had been forced open and most of the contents had been removed.46 Setting light to trucks and their loads to prevent theft was a frequent occurrence and had a very negative effect. The Americans gradually ceased to do this, but only following urging by the Dutch battle group and the British divisional commanders, who believed that Coalition vehicles and goods ought to be recovered wherever possible, not destroyed. The NLBG used engineers under the protection of the QRF to recover trucks, containers, prefabs and other loads.

The immediate threat on the roads increased not just for Iraqi travellers and US convoys. The Dutch were also running ever-greater risks themselves. On 7 December 2003, a patrol conducted by 23 Infantry Company in four Land Rovers came under fire from unknown attackers on Route Jackson between As Samawah and Al Khidr. The Marines thought they saw muzzle flashes coming from a wrecked car about two hundred metres away. They returned fire and thought they had wounded one of the attackers.47 Returning fire fitted in with the British divisional commander’s stance in such situations, as was proved when military personnel from his own staff twice came under fire in Basra city. In both cases, there were Dutch personnel
present in the vehicle. The response of the vigorous Scottish general during his daily briefing at headquarters was reportedly “Kill the motherfuckers”.

The Rules of Engagement, however, meant that this encouragement was rather problematic. First, enemy gunmen were difficult to distinguish from ordinary citizens. Secondly, ambushers were not always the enemy as such. A third shooting, which occurred that same day near Al Khidr, shortly after Lamb had expressed himself in such unambiguous terms, illustrated this and was a good example of the complications involved. The QRF of 23 Infantry Company encountered a group of eighty looting Iraqis around a broken-down truck abandoned by a US convoy along Route Jackson. When the crowd ignored the instructions issued by the Marines to disperse, the Dutch fired warning shots. Two answering shots were fired from the crowd. In order to get a better view of the situation, the Marines let off a few flares, but the gunmen could not be identified. Opening fire was not an option.

On 18 January, near the village of Hamza, the difficulties of distinguishing between friend and foe when military troops came under fire were again made clear. That evening, six Marines from 21 Infantry Company, accompanied by an interpreter and seventeen Iraqi policemen, conducted a patrol in an area infamous for its many carjackings and trafficking activities. After a brief pursuit of a suspicious vehicle, the Dutch and Iraqi forces temporarily became separated. During a short stop near a school building, the Marines suddenly came under fire from three sides. They found a number of unarmed civilians in the school. These urged the Marines and those who had fired at them to cease their firing immediately. Fifteen unarmed men then appeared from all directions, presumably having left their arms in the surrounding area. No-one had been hurt.

The civilian militia members had taken the Dutch for carjackers. They apologised and invited the Marines to drink tea with them the following day. Criminals had recently attempted to break into the school and car thieves were very active in this area, according to the locals. Major Olivier Loos, commander of 21 Infantry Company, was worried about the confusion and other such cases of mistaken identity. It was the third occasion within a short space of time on which a patrol from his unit had been fired upon because members of the FPS, ordinary policemen or armed Iraqi civilians had mistaken the Dutch Marines for criminals in the dark. It was perfectly possible for the Dutch to make the same mistake. Light signals were agreed with the security services, but such arrangements were clearly impossible with civilians.
The decision to use force in a given situation was taken by the commanders of the unit on the spot. They based their choice on the ‘Aide-mémoire for SFIR commanders’, the Dutch instructions on the use of force derived from the Rules of Engagement (ROE) of MND South-East. These were summarised on a pocket-sized soldier’s card carried by all military personnel. In drawing up these instructions, the Dutch aimed to grant flexible authority for both self-protection and conducting operations. Like the British, they applied the principle that military personnel should use no more force than was strictly necessary (proportionality). It was up to the commander to decide whether this meant firing six hundred shots as on 9 December, the twenty rounds fired to provide cover on 18 January, just a few warning shots or no force at all – as was most often the case. Individual servicemen of course made their own assessment of the situation in the thick of the action. Decisions were assessed in retrospect when reported. In the event of a suspected breach the ‘blue MPS’ were called in, but not all shooting incidents needed to be reported.

If Dutch forces came under fire, the decision to return fire usually involved split-second decision-making under pressure. But what if apparently innocent civilians were involved, who might well pose a threat to the Coalition troops, other persons or material? This was the main issue on 27 December 2003, when a Dutch Sergeant Major fired a warning shot in order to secure supplies in a shipping container left behind on the side of the road by a US convoy travelling through Al Muthanna. The second shot, which the Sergeant Major said he had aimed at the ground, apparently ricocheted and wounded a person at approximately eighty metres from where the Marines were standing. The Iraqi man had been part of a group that was approaching the location with the intention of looting the container. The victim collapsed and died soon thereafter.

The Sergeant Major was apprehended by MP personnel, removed from Iraq and prosecuted in the Netherlands by the Dutch Public Prosecution Service (OM) on suspicion of breaching the instructions on the use of force by, as the Public Prosecutor put it, firing unnecessary warning shots which led to the death of the Iraqi. The case became a matter of prestige and caused a big stir in Dutch society and in the armed forces. The so-called ‘Eric O. case’ dealt with the nature of the Dutch SFIR operation, the operational circumstances in which Dutch troops were doing their jobs in Iraq, and which rules did or did not apply. The chairman of the Board of Prosecutors General defended prosecuting the Sergeant Major on television by comparing the Marine’s work to that of a police officer on the beat in the Netherlands.
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The incident caused uproar in political circles in The Hague and in the Dutch media in relation to the instructions on the use of force for the NLBG. It was claimed they were unclear. A leaked letter from the Public Prosecutor dated 15 January 2004 gave the impression that Dutch military personnel were not allowed to use force, even to fire warning shots.\textsuperscript{56} This appeared to contradict statements by Minister of Defence Henk Kamp that “robust” force might be used where necessary. Members of Parliament from across the political spectrum tried to outdo each other in demanding explanations and focused their criticism mainly on the Public Prosecution Service. According to one Member of Parliament, it was as if the chairman of the Board of Prosecutors thought that Dutch military forces were “holidaying in Benidorm”.\textsuperscript{57} The Prosecution Service stressed in retrospect that the letter specifically referred to the incident on 27 December 2003, during which Sergeant Major O. allegedly should have refrained from firing any warning shots, either into the air or at the ground, as the situation was not sufficiently threatening to warrant his decision.

In response to the uproar, Minister Kamp informed the Dutch Parliament that he considered the instructions on the use of force to be satisfactory. Senior military personnel in Iraq agreed with him that the ROE offered “generous” scope for the use of force.\textsuperscript{58} The confusion proved mainly to be in the Netherlands and not only related to the ROE, but also to the nature of the mission as a whole. For instance, the Public Prosecution Service emphasised that the Netherlands was not an occupying power in Iraq, which meant that in its opinion the Dutch instructions on the use of force should contain more restrictions than the British ROE.\textsuperscript{59} In saying so, the Board of Prosecutors echoed the lack of clarity that had developed in the Netherlands on the nature of the SFIRO operation. After all, the government portrayed the mission as different and separate from that of the occupying powers and even from the Coalition effort in general.

Yet did the Dutch in Iraq have such a different assignment from the British, under whose command they were serving? Not really, at least not when it came to the use of force. The national caveats, which excluded executive police tasks and governmental tasks for Dutch military personnel, created the impression of different powers and a different set of tasks, but these caveats (unworkable in practice) had no influence on the instructions relevant to this case. Divisional commander Lamb had expressly ordered his troops to act against looters, and Dutch forces in Southern Iraq were generally allowed to act in the same way as their British or other allied colleagues. Moreover, their modus operandi was in practice very similar –
partly due to the close ties between the Dutch Marine Corps and the British armed forces. The task of retrieving Coalition property, such as stranded material along the Main Supply Routes, remained unchanged for the NLEB.

“The golden rule,” operations officer Major Peter Hengeveld explained, “is that we do not withdraw. If you do so, it’s game over.” In his opinion, there was no lack of clarity among the soldiers and NCOs. “Until the Iraqis can take over, we are in command here. And this command simply does not tolerate such looting.”

The Memorandum of Understanding between the UK and the Netherlands stipulated that the British ROE list was the source document for the Dutch instructions on the use of force. This document permitted all types of warnings (including warning shots) for the protection of Coalition goods. It was up to the judge to decide whether the situation at the retrieval site along Route Jackson on 27 December 2003 warranted the shots fired by Sergeant Major Eric O. and whether the Marine NCO had actually fired his rifle in a safe enough direction. The commotion surrounding the case continued for months, but the court case ended in acquittal on 18 October 2004. The judgment was upheld on appeal six months later.

Knock Talk Search

The commotion caused by the Eric O. case demonstrated that the Netherlands had to come to terms with tougher conditions in crisis response operations. Following participation mainly in peacekeeping operations under the UN flag, since the mid-1990s the Dutch had been primarily deployed on missions with a peace-enforcement mandate in the Balkans (Bosnia and Kosovo), as part of the NATO alliance. After the US forcefully overthrew the regimes in Afghanistan in 2001 and Iraq in 2003, the Dutch government decided in both cases to contribute to the stabilisation of these countries by joining the specifically created US-led coalitions. However, these missions did not comply with ‘traditional’ patterns. Iraq and Afghanistan were different. Violence against the Coalition and the internal struggle between population groups and factions grew rapidly in both cases, which substantially hindered reconstruction and made ‘peace support’ by definition difficult.

Nevertheless, the rather unrealistic image of the Dutch mission in Iraq as a ‘peace operation’ remained due to the relatively positive developments in Al Muthanna itself. CPA personnel who came to the province from Baghdad and Basra were surprised by the absence of violence and the ease.
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with which Dutch troops and they themselves were able to go out into the streets and make contact with the locals. The idea of a specific ‘Dutch approach’ therefore arose. The Dutch troops prided themselves on their open behaviour towards the Iraqis. They preferred not to wear sunglasses or helmets and conducted many patrols on foot and almost exclusively in open vehicles. The Dutch almost always carried their weapons pointing downwards. Respect for the locals, their culture and customs was given high priority. “It’s all about respect,” Lieutenant Colonel Oppelaar told British journalist Nicholas Blanford. “If you don’t grab the culture, you won’t grab the problem.”

This self-image was confirmed by departing divisional commander Lamb, who was full of praise for the Dutch: “My right flank has always been secure thanks to the Dutch Battle Group. The situation in Al Muthanna is down to hard work, professional practice and a light touch.” Journalist Blanford talked subsequently of a subtle “Dutch touch”, which he contrasted with the often forceful approach of the Americans. What he called the Dutch “‘softly-softly’ approach” was also in stark contrast to the counterinsurgency measures elsewhere. Major General Mieczyslaw Bieniek, the Polish commander of Division Central-South, which was plagued by bomb attacks and operated in the sector north of Al Muthanna, was interested in Dutch experiences for this reason. In February 2004, he paid a visit to As Samawah to see the ‘Dutch approach’ and the ‘Muthanna model’ in practice.

Yet that winter the so-called ‘Dutch approach’, which apparently was a topic of discussion even outside Al Muthanna, was accompanied by a more robust stance. On the one hand, the Dutch Marines had to respond to the growing number of minor disturbances and lootings in their capacity as upholders of law and order. They did so without hesitation. On the other hand, sections of the NLBG increasingly conducted targeting operations, both on their own initiative and on the orders of MND South-East. The term 2 NLBG used for this type of operation was ‘Knock Talk Search’, or KTS operations. The Marines searched homes for prohibited weapons or suspects. Units first surrounded the area. Next, the occupants of the compound were told that they had to leave the building under escort. The Marines subsequently searched it. If they suspected serious opposition, the Dutch would skip the knock on the door and the request for permission to enter and immediately force their way in. This often entailed breaking down the door. In military jargon, this was known as a ‘hard knock’.

The increase in the number of targeting operations – which went almost unnoticed in the Netherlands – could not be attributed to a
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deliberately tougher approach by the Dutch. Lieutenant Colonel Oppelaar, a military officer with a law degree, was in fact known within the Marine Corps as the ‘military diplomat’, while his predecessor Swijgman was better known as a more traditional Marine and warrior. Both styles proved their usefulness. The second battle group’s creed was to act respectfully towards the locals, but to use robust action where required. The Dutch campaign approach therefore remained largely unchanged. The second NLBG was able, however, to operate in an increasingly focused manner thanks to its improved intelligence position. More and more actionable information led to a growing number of arrests.

One of the first major targeting operations conducted by 2 NLBG at the request of divisional command was Operation White River. On 26 December 2003, 22 Infantry Company cordoned off an area on the river Euphrates thirteen kilometres west of As Samawah. Special Forces from the FLT together with the reconnaissance platoon subsequently entered and searched a number of houses. Intelligence received from MND South-East indicated that this area was a possible gathering place for insurgents. The objective of the operation was described in rather vague terms as “identifying and disrupting anti-Coalition elements”. This referred to a planned arrest that went further than the friendly-sounding ‘Knock Talk Search’. During the operation, the Dutch Marines confiscated fourteen weapons and a substantial amount of ammunition, but could not establish a concrete insurgent connection and therefore made no arrests. They reported afterwards that divisional intelligence on the suspected terror cell was “very thin”. The locals were surprisingly cooperative. No shots were fired. The fact that one of the properties turned out to be a brothel may have contributed to the mainly positive response from those living nearby.

2 NLBG viewed Operation White River as a good dress rehearsal for subsequent operations. The first followed quickly when a new clean-up of the sheep market in As Samawah proved necessary due to the return of arms traders. Another action was executed a few days later, on 19 January 2004, when 22 Infantry Company together with the FLT conducted a ‘soft-knock’ operation to the south-east of Camp Smitty. Here, the Marines arrested four Iraqis suspected of smuggling arms and drugs from Saudi Arabia. Three of them were suspected of helping the resistance against the Coalition. The next day the NLBG handed them over to the British, who had moved their internment facility from Umm Qasr to Shaibah in December and renamed it the Division Temporary Detainment Facility (DTF). In
addition to a sizeable arsenal of arms, the Marines also found night-vision and satellite communications equipment.\textsuperscript{73}

The Dutch military forces also regularly conducted operations on the basis of their own intelligence. The greater part of NLBG’s information, an estimated 80 per cent, was gathered using humint.\textsuperscript{74} In addition to active intelligence-gathering by the FLTS and the reconnaissance platoon, the NLBG received information via normal patrols, CIMIC activities and an information hot line. Civilians could anonymously telephone the FLT at the CPA building with information on potential threats or suspect strangers. It only took a truck driver from the rebel stronghold of Fallujah to check into the local hotel and the telephone would start ringing.\textsuperscript{75}

Before the NLBG could act on the basis of intelligence, it had to be confirmed by several sources. If the Dutch did act on a false tip-off or, as also happened, simply broke down the wrong door in the heat of the moment, a food parcel was delivered in compensation. Any damage was paid for or repairs were carried out by the NLBG’s engineers. According to political adviser Rentenaar, it was this ‘Dutch touch’ which often made the difference between anger and understanding.\textsuperscript{76} He did gain the impression, however, that the flow of information from the Al Muthanna community decreased as general dissatisfaction with the occupation grew during the winter of 2003-2004. The locals were more inclined to look the other way in the case of suspicious activities and informed the Dutch less frequently of the presence of suspicious strangers.\textsuperscript{77} The feelers put out into the local community by the NLBG had initially been a major success factor, but from early 2004 onwards produced less and less information.

For an arrest operation to be conducted within the Dutch battle group’s mandate there had to be an identified threat to the Coalition. Prominent Baath members were by definition targets, and operations to apprehend them fitted the assignment. In the winter of 2003-2004, however, there was a shift from the violent acts perpetrated by these ‘Former Regime Elements’ to attacks by different types of insurgents, such as religious fundamentalists and nationalists.\textsuperscript{78} Anti Coalition Elements was the new, broader term which the Dutch also started to use to describe these enemies. If such groups posed a threat to the international troops or the CPA, the NLBG was allowed to act.\textsuperscript{79}

The rules for detaining suspects remained unchanged: apprehended suspects were handed over to the British if they formed any kind of threat to the Coalition and to the Iraqi police if they were ‘normal’ criminals. At the same time, there was a definite overlap between insurgent groups and criminal organisations. Organised crime syndicates proved to be assisting
rebels with transport and logistics. The most significant example of this was the infamous Al Zuwaïd tribe mentioned earlier, which was concentrated to the north of As Samawah. A sizeable part of this heavily-armed tribe enriched itself by smuggling, carjackings and looting convoys. Indications were rife that the Zuwaïdis transported arms and foreign fighters from and to the Sunni rebel groups in Central Iraq.

At the end of January, Lieutenant Colonel Oppelaar decided that the intelligence section possessed enough evidence to prove that the Zuwaïd tribe’s activities posed a threat to stability and security in Al Muthanna. The Iraqi police were not informed, as a number of cops had close ties with the tribe. After four days of intensive preparation, the was ready. In the early morning of 31 January, Lieutenant Colonel Oppelaar gave Operation Thunderstruck the green light. The Marines carried out three simultaneous actions at five different locations near As Samawah in order “to neutralise” senior members of the Al Zuwaïd tribe and confiscate arms, explosives and ammunition. Afterwards, they searched another two locations. Almost the entire was involved in the operation in some way. The Special Forces and reconnaissance platoon conducted the main raid against the residence of the prime suspect, Sheikh Klaybich al Zuwaïd. Like previous actions, Operation Thunderstruck was classified as a , although it explicitly focused on apprehending suspects and therefore entailed more than just knocking on doors, talking and searching.

In total, caught 22 men, including the ‘top prize’, Sheikh Klaybich. This tribal leader stood accused of numerous crimes and was sought in connection with the As Samawah hospital robbery of August 2003. The Dutch found a total of 25 small arms, a rocket launcher with three anti-tank rockets and five hand grenades. Klaybich and two other chief suspects were taken by helicopter to the MND South-East temporary detention facility in Shaibah that same evening. Two Iraqis were immediately released for lack of evidence and the other seventeen were handed over to the Iraqi police. Eight were on an arrest list and appeared before a judge. The reputedly untouchable clan had been dealt a severe blow, and the Iraqi police resumed patrols in the tribe’s area the very next day.

The Dutch battle group’s next arrest operation fitted the mandate more readily. It entailed the arrest of Iraqis suspected of involvement in a gunfight in which a Spanish Guardia Civil Major was killed. On 22 January 2004, a Spanish military police patrol had driven into an ambush laid by the Nahi clan, which operated in both Al Qadisiyah province and the north-western part of Al Muthanna. This group was well-known for
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its large-scale criminal activities and had fired at Coalition troops several times before. A complicating factor in the planning was the fact that the Spanish brigade was part of a different division. There were also some sensitive issues at stake for the Spanish side. With national elections imminent and with Iraq a major topic, Prime Minister José Maria Aznar’s government could use a success. Several Spanish troops had been killed and the deployment had been extremely unpopular in Spain from the start. The Spanish applied a totally different operational concept from the Dutch. They had Iraqi police perform the actual arrests, while Spanish military personnel manned the outer ring for security. The Dutch in Al Muthanna planned to do the arrest of five suspects themselves. In contrast to previous major arrest operations, this time the police and the Iraqi Civil Defence Corps were also involved, but they were only allocated a role in the outer cordon. Divisional headquarters provided 2 NLBG with an Unmanned Aerial Vehicle (UAV).

Operation Gonzalo, named after the Spanish officer who had been killed, kicked off in two phases on 28 February. The first phase took place at night and focused on two targets, each comprising several houses. The second phase was initiated at dawn and the Dutch again tackled two targets comprising several buildings. The Marines of 22 Infantry Company did not find the first three suspects at the expected location, but 21 Infantry Company was more successful and apprehended ‘number five’ on the list of suspects. 23 Infantry Company, which conducted a search and entry operation at a third location, also seemed to be out of luck when the search of a property showed that the suspect had departed. While the Marines prepared to withdraw, they received a report that the British UAV had spotted an Iraqi attempting to escape by swimming across the Euphrates. When the man was plucked out of the river, he turned out to be the number four suspect on the list. As planned, a Dutch Chinook helicopter flew the two apprehended suspects to the British detention facility in Shaibah.

In contrast to previous and later operations by 2 NLBG, the Ministry of Defence in the Netherlands reported this cordon, search and arrest operation in detail in a press release. On this occasion, the suspects were clearly Anti Coalition Elements and the operation had been conducted jointly with the Iraqi security forces. Furthermore, the operation was in direct support of an ally. The Spanish colleagues’ operation was less successful though. The three suspects they had set their sights on proved to have been tipped off in advance. Once again, Coalition troops were confronted with the flaws in the Iraqi security apparatus.
**SSR: the interim score**

With a great deal of improvisation, the Dutch in Al Muthanna notched up some impressive achievements in building up Iraqi security forces and maintaining local security. They showed a great deal of creativity in designing their training and mentoring programmes and in the deployment of their own personnel. In doing so, they were granted additional support from the Netherlands. According to the Ministry of Defence, the results of the SSR effort made a mixed but predominantly positive picture. Up to March 2004, the NLBG had given 884 policemen a refresher training course and 400 new recruits had received basic police training. Over 100 extra border guards were also trained and 58 policemen followed a two-week management course based on study material provided by MND South-East. The completion in early March of the construction, training and accommodation of a 520-strong Iraqi Civil Defence Corps battalion was also no mean feat.

Al Muthanna was more advanced in developing its police force, paramilitary forces and border guards than most of the neighbouring provinces. While the Al Muthanna authorities under Dutch supervision had evidently made the 1 April 2004 deadline for the handover of local control, elsewhere the Coalition had to push this date back. The transfer of regional control, whereby local security forces had to be able to operate independently at the provincial level, would now probably not take place before the end of 2004. The point at which the Iraqis would be able to take responsibility for security at the national level was therefore not likely to occur before mid-2005, according to the most optimistic estimates.

 Lieutenant Colonel Oppelaar witnessed the extra SSR efforts in Al Muthanna starting to bear fruit as early as January 2004. In particular there was a greater police presence on the streets. “What they need now is more self-confidence and support among the population,” he noted. According to the NLBG commander, it was a case of two steps forward, one step back. Police lining their own pockets continued to be a major problem, and Oppelaar exercised severe pressure on governor Al Hassani to get rid of corrupt personnel. The many arrests of criminals and subversive elements by the Dutch also demonstrated that the Al Muthanna security apparatus was not yet able to operate fully independently.

Dutch Minister of Defence Kamp was therefore somewhat premature in informing Parliament in December 2003 that he was confident the Iraqi government would be capable of guaranteeing the security of its own
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people in the spring of 2004. He expressed the hope that Dutch troops would be able to withdraw gradually from the towns and villages.\textsuperscript{92} This was still a long way off, however. When 2 NLBG’s operation ended in March 2004, the signs in relation to SSR were nevertheless positive. In training and coaching the local security forces, the Dutch role shifted gradually to mentoring and monitoring, which meant that Dutch military personnel were less and less involved in actual law and order tasks. The Dutch also increasingly used trained Iraqi cadres to educate their new colleagues. This caused Minister Kamp to decide in mid-April 2004 that the number of extra personnel for SSR tasks could be substantially reduced.\textsuperscript{93}

The fact that Al Muthanna was doing well compared to many other Iraqi provinces could largely be ascribed to the Dutch and Iraqis being able to conduct their operations unhindered by bombings or armed attacks by insurgent groups, which were rife elsewhere in Iraq.\textsuperscript{94} The real test of Iraqi security personnel was still to come, now that unrest was growing and there were signs of a power struggle evolving within the Shia community. Had the quantitative achievements, made under pressure due to the approaching deadline for Iraqi self-government, been at the expense of quality? The police reform programme in particular had been focussed on churning out large numbers of new recruits. It was becoming clear that the Al Muthanna police force’s main weaknesses were its failing leadership and defective management. The picture was similar in the other security services. How they would deal with a tougher scenario – an approaching armed insurgency – would have to become clear after the arrival of a new Dutch battle group.