

Our ref AR.Chilcot
Your ref Iraq Inquiry

24 September 2010

Sir John Chilcot
Chairman
Iraq Inquiry
35 Gt Smith Street
London SW1v 3BG

Dear Sir John

We act for Eida Thanoon Ayoob, the wife of Ahmed Jarjees Ayub, the mother of Mohammed Ahmed Jarjees, Sultan Ahmed Jarjees, Luqman Ahmed Jarjees and the daughter in law of Jarjees Ayoob Sultan.

Our client's family are the victims of indiscriminate aerial strikes by an Anglo/US alliance ("the coalition") during the course of the operation of the northern no-fly zone which was maintained over Iraq.

We wish to submit evidence relating to the circumstances of the deaths of members of the Jarjees family. These individuals were killed on 30 April 1999 in Bashiqa in the Ninervah province near Musol (in Iraq). The events surrounding the deaths represent matters which are, we respectfully submit, material to your consideration in the course of the Inquiry.

The terms of reference of the Inquiry confirm "that the Inquiry will seek to consider the period from the summer of 2001 to the end of July 2009, embracing the run-up to the conflict in Iraq...". In doing so, the Inquiry is committed to examining "the UK's involvement in Iraq including the way decisions were made and actions taken, to establish, as accurately as possible, what happened and to identify the lessons that can be learned". Those lessons are to "help ensure" that future Governments are assisted.

It is our respectful submission that the Inquiry must have regard to key events (such as those set out in the evidence with this submission) which precede the summer of 2001, but which are nevertheless an inextricable part of the "run up" to the conflict, in that they constitute steps leading to the conflict in Iraq and/or the war itself.

To exclude a consideration of such key events and the circumstances surrounding them would inevitably undermine the Inquiry's findings as any determination would lack material evidence of the way in which decisions were made and actions were taken.

As a result, this would give rise to a real risk of the Inquiry failing to understand "what happened". Any lessons to be learned or conclusions to be drawn would also, as a result, be inherently incomplete and risk lacking credibility.

We submit that the circumstances prior to 2001 (in particular, the UK's agreement to establish and operate the northern no-fly zone with their US allies) are also relevant to fulfil the goals of the Inquiry in that an absence of their consideration makes the selection of 2001 as the year commencing the period falling to be considered by the Inquiry, arbitrary.

We respectfully say that omitting to refer to the matters set out in this submission, would mean that the outcome of the Inquiry would lack in certain material respects comprehensive and effective guidance for any future Government.

A future Government would lose the benefit of having regard to fundamental errors in the approach and steps taken to prepare the ground for conflict, such steps being in grave disregard of the rule of law.

We enclose:

1. Witness Statement of Count Hans von Sponeck dated 23rd September 2010
2. Exhibits to Witness statement: "HVS1", "HVS2", "HVS3".
3. Report dated 25th March 2003 (prepared by our firm).
4. Enclosures to report dated 25th March 2003

We would respectfully draw your attention to the Witness Statement of Count Hans von Sponeck dated 23 September 2010 which refers to the establishment and operation of the northern no-fly zone by the coalition.

Hans von Sponeck was employed by the United Nations for 32 years in a variety of positions and from November 1998 to March 2000 he held the position of UN Security Co-Ordinator in Iraq at the level of Assistant Secretary General. His responsibilities included the UN's humanitarian efforts, managing UN security and representing the UN Secretary General in Iraq.

Hans von Sponeck describes how from December 1998 onwards the coalition forces "enlarged the rules of engagement", unlawfully by attacking civilian targets under the no-fly zone. Significantly, such acts "were designed to be acts to de-stabilise and eventually prepare for war... the underlying mission of the coalition was quite apparently to de-stabilise Iraq The British and American Governments were sending out a message by their conduct: they meant business and were acting pursuant to a mandate of destruction not protection".

The effect of the coalition's operations were "to instil profound fear in the civilian population to likewise render any risk of opposition or harm from them useless" in the course of the subsequent conflict.

In summary, Hans von Sponeck states:

"During 1999 it became apparent to us in the United Nations that the coalition pilots indeed had been given a significantly greater range of freedom to attack targets. They became increasingly bold with their missions and increasingly aggressive. Their aims were clearly to de-stabilise the region irrespective of the cost of life and property".

The decision by the British Government (in partnership with their American counterpart) to establish the northern no-fly zone and to operate this area in the way that they did to prepare for the war, is therefore, we respectfully submit, a matter the Inquiry should both consider and investigate.



We should be grateful for written confirmation that the Inquiry will accept our representations and the evidence in support to assist with the preparation of the Inquiry's Report. In the event that the Inquiry chooses not to have regard to these representations, a stance we would urge the Inquiry not to take, we should nevertheless be grateful for written notification of the same.

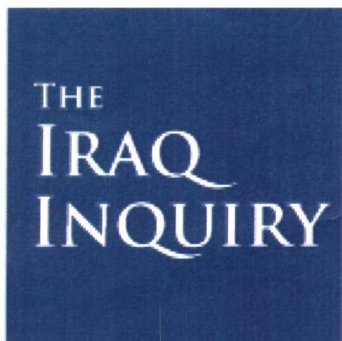
In the meantime, we remain willing to assist and co-operate with the Inquiry in whatever way we can.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Akhtar Raja', with a stylized flourish at the end.

Akhtar Raja
Quist Solicitors





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Address: 35 Great Smith Street,
London SW1P 3BQ

Website: www.iraqinquiry.org.uk

Email: secretariat@iraqinquiry.org.uk

Committee: Sir John Chilcot (Chairman)
Sir Lawrence Freedman
Sir Martin Gilbert
Sir Roderic Lyne
Baroness Usha Prashar

Our ref: ILS040-6
Your ref: AR.Chilcot

Quist Solicitors
12th floor
The Broadgate Tower
20 Primrose Street
London EC2A 2EW

25 October 2010

Dear Sirs

Iraq Inquiry – Your client Eida Thanoon Ayoob

Thank you for your letter of 24 September and enclosures.

Sir John Chilcot has repeatedly stated that the Inquiry is not a court of law. In fulfilling its terms of reference, including establishing a reliable account of the UK's involvement in Iraq between 2001 and 2009 and identifying lessons to be learned, it is not able to investigate individual cases. It has no power to order compensation. Addressing the circumstances of the tragic deaths of your client's relatives on 30 April 1999 lies outside the Inquiry's Terms of Reference.

The Inquiry has heard public evidence on the establishment and operation of the No Fly Zones from officials who were involved. It has also received a Memorandum from the MOD on the operation of the No Fly Zones, which it has published on its website. I have drawn the Committee's attention to your letter and they have read the statement from Count Hans-Christof von Sponeck. That will supplement the formal evidence the Inquiry has received through public and private hearings, the contemporary documentation it has seen and the written evidence it has sought.

Yours sincerely

Sarah Goom
Legal Adviser