



House of Commons
Defence Committee

**Lost in Translation?
Afghan Interpreters
and Other Locally
Employed Civilians:
Government Response
to the Committee's
Fifth Report**

**Eighth Special Report of Session
2017–19**

*Ordered by the House of Commons
to be printed 11 September 2018*

The Defence Committee

The Defence Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Defence and its associated public bodies.

Current membership

[Rt Hon Dr Julian Lewis MP](#) (*Conservative, New Forest East*) (Chair)

[Leo Docherty MP](#) (*Conservative, Aldershot*)

[Martin Docherty-Hughes MP](#) (*Scottish National Party, West Dunbartonshire*)

[Rt Hon Mr Mark Francois MP](#) (*Conservative, Rayleigh and Wickford*)

[Graham P Jones MP](#) (*Labour, Hyndburn*)

[Johnny Mercer MP](#) (*Conservative, Plymouth, Moor View*)

[Mrs Madeleine Moon MP](#) (*Labour, Bridgend*)

[Gavin Robinson MP](#) (*Democratic Unionist Party, Belfast East*)

[Ruth Smeeth MP](#) (*Labour, Stoke-on-Trent North*)

[Rt Hon John Spellar MP](#) (*Labour, Warley*)

[Phil Wilson MP](#) (*Labour, Sedgefield*)

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

Committee reports are published on the Committee's website at www.parliament.uk/defcom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry page](#) of the Committee's website.

Committee staff

Mark Etherton (Clerk), Dr Adam Evans (Second Clerk), Martin Chong, David Nicholas, Eleanor Scarnell, and Ian Thomson (Committee Specialists), Sarah Williams (Senior Committee Assistant) and Arvind Gunnoo (Committee Assistant).

Contacts

All correspondence should be addressed to the Clerk of the Defence Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 5875; the Committee's email address is defcom@parliament.uk. Media inquiries should be addressed to Alex Paterson on 020 7219 1589

Eighth Special Report

On 26 May 2018, the Defence Committee published its Fifth Report of Session 2017–19 [HC 572] on *Lost in Translation? Afghan Interpreters and Other Locally Employed Civilians*. The response from the Government was received on 25 July 2018. The response is appended to this report.

Appendix: Government Response

The Government welcomes the House of Commons Defence Committee’s report (HC 572) into the support offered by Government to former Afghan Locally Employed Civilians (LEC).

Since the publication of the report, the Secretary of State has announced an amendment to the eligibility cut-off date for the relocation option of the Ex-Gratia Scheme (EGS). This will change from 19 December 2012 (currently) to 1 May 2006, the date from which interpreters who were made redundant after serving for a year or more on the frontline in Helmand are eligible to apply for relocation to the UK under the EGS. 1 May 2006 is the date when British Forces took over responsibility for Helmand Province.

The UK, through its Intimidation Investigation Unit, continues to take all allegations of intimidation very seriously.

The Government’s formal response to the Committee’s recommendations and conclusions is set out below. The Committee’s findings are in bold, with the Government’s responses in plain text. For ease of reference, paragraph numbering follows that in the “Conclusions and Recommendations” section of the Committee’s report.

Conclusions and Recommendations

Locally Employed Civilians

1. **We agree with Tom Tugendhat MP that providing care and support for personnel engaged in conflict – whether as soldiers or as locally employed civilians (LECs) – is an incentive to recruiting such staff for future operations. Furthermore, on grounds of principle and morality, the UK Government owes a duty of care to those who served alongside UK forces. We express our gratitude for the hard work and bravery of the interpreters and other LECs who served with UK forces during the Afghan conflict. (Paragraph 13)**

The UK recognises the vital role LECs, including interpreters, played in operations in Afghanistan and that is why we created two LEC schemes to properly reflect the debt of gratitude and responsibility it has for ensuring those that served us so well are supported and safeguarded. We offered eligible staff a generous ex-gratia redundancy package in recognition of their service and we support all local staff facing intimidation. Through our Ex-Gratia Redundancy Scheme (EGS), approximately 415 former staff and their families (over 1000 people) have relocated to the UK, with the Government providing support to ease this transition. We expect a further 30 to relocate under the original EGS criteria. Over 350 staff are benefiting from our in-country finance and training packages. Our

Intimidation Policy has provided support to over 450 LECs, providing bespoke security advice and, in 35 cases, relocation within Afghanistan. The UK are the only nation with a dedicated permanent in-country Intimidation Investigation Unit which supports any local staff with concerns about intimidation as a result of their UK employment. Additionally, we have provided financial support to all those that suffered disabling injuries whilst on operational duty.

2. We note that the Ministry of Defence has, on many occasions, expressed its appreciation to those who served as LECs in Afghanistan. We also note its claim to have recognised this debt by setting up the Redundancy Scheme and the Intimidation Scheme. The purpose of our inquiry is to assess whether these Schemes operate effectively and whether they discharge our country's debt sufficiently. (Paragraph 14)

The Government continues to keep under review the policies and the qualifying criteria, amending where we feel it is appropriate and correct to do so in the light of any changes to the security situation in Afghanistan.

The Redundancy Scheme

3. We understand the disappointment of those former LECs whose employment finished before the cut-off date, and are therefore ineligible to apply for the Redundancy Scheme. We note the suggestions that the cut-off date was arbitrary and that many feel that there was no justification for the date chosen. (Paragraph 29)

The date of 19 December 2012 was agreed by the National Security Council as it was the date on which the then Prime Minister announced the drawdown of British Forces. The Secretary of State for Defence recently announced the qualifying date for eligibility to apply for relocation to UK will be amended to include all those who left on redundancy with 12 months front line service in Helmand after 1 May 2006.

4. However, it is important to recognise what the scheme is and what it is not. The scheme is not designed to be a more general scheme of relocation and re-education for LECs. It is a Redundancy Scheme, focused on acknowledging the Government's responsibilities to LECs who have lost their employment because of the drawdown of UK forces in Afghanistan. (Paragraph 30)

We agree with the Committee's conclusion. The Ex-Gratia Scheme (EGS) was introduced by the Government in addition to the standard contracted redundancy terms as it recognised the debt of gratitude it had towards the LECs.

5. Given that the total number of former LECs and their dependents relocated to the UK is in excess of one thousand, and that nearly 400 former LECs have benefited from the in-country training and finance aspects, we consider that the Redundancy Scheme has been generous and proportionate in allowing locally employed civilians to settle in the United Kingdom as a result of losing their jobs when UK Armed Forces were withdrawn from Afghanistan. This generosity contrasts starkly with the total failure to offer similar sanctuary to interpreters and other LECs under the provisions of the Intimidation Scheme. (Paragraph 31)

The Government notes that the Committee considers the Ex Gratia Scheme (EGS) generous and proportionate – a view which it shares. The Government is committed to

ensuring the safety of its former LECs; it is the only nation that has an in-theatre specialist team investigating each case of intimidation and providing a range of security mitigation measures; ranging from bespoke security advice to in-country relocation or relocation to the UK. There have so far been no reported cases of those raising employment-related intimidation concerns being killed or injured. We are aware of the ongoing terrorist risk to Afghans and are careful to take the necessary steps to ensure that the lives of the LECs are not put at risk. We take all claims of intimidation very seriously.

6. Locally employed civilians and their dependents admitted to the UK by means of the Redundancy Scheme have not had to meet the asylum criteria applied to most former LECs seeking relocation to other ISAF states. However, the recent difficulties over payment for an extension of relocated LECs' Leave to Remain could have had serious consequences for those affected and should never have arisen. We are pleased that the Home Secretary has waived these unjustified fees, following an effective and conscientious media campaign. (Paragraph 32)

The Home Secretary's decision to waive fees for those applying for Indefinite Leave to Remain is welcomed by the MOD.

7. The Redundancy Scheme has enabled the relocation of a substantial number of locally employed civilians. However, if it was right to bring them to the United Kingdom, it is right to allow them to stay. All relocated LECs should, as a matter of course, be provided with Indefinite Leave to Remain. While the Home Office has agreed to waive the fees for those who have recently been faced with visa extension demands, those who have already paid for such extensions should have their fees refunded. (Paragraph 33)

The first relocations occurred in mid-2014; no relocated individual has reached the expiry of their five-year Limited Leave to Remain visa and applied for an Indefinite Leave to Remain visa. Therefore, all those eligible to apply to remain beyond the five-year point will be able to do this without paying the standard fees.

8. The MoD should also consider more seriously how it responds to those who worked for UK forces before the cut-off date and who feel unfairly excluded. In particular, the MoD should examine the possibility of extending its in-country training options to former LECs who left service before 19 December 2012. We suggest, for example, that the Government could provide scholarships and offer training support to educational facilities in Afghanistan. (Paragraph 34)

One of the options available as part of the EGS was a training offer. This allowed former LECs to undertake education or vocational training for five years whilst receiving a stipend equivalent to their basic monthly salary. They were also given the option of gifting the training package to an immediate family member, which has in many cases provided wives and daughters with the opportunity for further education or upskilling. Over 130 former LECs are currently in receipt of this offer, becoming lawyers, doctors, learning English or completing their high school education. Under the recent scheme change announced by the Defence Secretary, all those who were made redundant after serving 12 months on the front line in Helmand will be eligible to apply for relocation to the UK, irrespective of the date of their redundancy.

The Intimidation Scheme

9. The Intimidation Scheme’s investigatory process has been criticised and there appears to be a perception that investigators are hard to contact, aloof and unfamiliar with the actual situation on the ground outside Kabul. While we do not question the sincerity of those who have criticised the investigatory process, we have found little evidence to support the claim that the process is “unfair, unreasonable and shameful”. It is, however, over-dependent on indirect evidence from third parties, such as Afghan Government agencies, since the local security situation makes it too dangerous for Westerners to carry out their inquiries in person. (Paragraph 62)

The intimidation telephone is monitored seven days a week when the Intimidation Investigation Unit is in the office. Usual office hours (which can vary) are 8am to 7pm. Initial assessments are conducted within 24 hours of the initial report to determine whether the individual is under immediate threat, in which case they are temporarily relocated whilst their claim is being investigated. Former LECs are advised to contact the Afghan National Police if there is an immediate threat to their safety as the UK has no responsibility for security around Afghanistan. The Investigative Officer post is always filled by a member of the Ministry of Defence Police or Home Office Constabulary appropriately trained and experienced in criminal investigation. Our experience, and that of our coalition partners, is that it is possible to conduct effective investigations of claims.

10. The MoD admits that its investigators conduct their work remotely, from the NATO base at Hamid Karzai International Airport. This is a far from ideal situation and, despite the MoD’s assurance that all claimants are provided with initial assessments within 24 hours of their concerns being raised, the fact that investigators are unable to leave their base camp only serves to highlight the serious threats that international actors face in Afghanistan. (Paragraph 63)

Interviews are arranged to address considerations of urgency and local staff safety. They take place face-to-face at Hamid Karzai International Airport or the British Embassy, where possible, and are otherwise conducted by phone. It would not be appropriate for the investigator to go to the individual as a Westerner would face risks far greater than those faced by locals. There would also be an increased risk to local staff if they were seen out in their community with Westerners. Interviews are also conducted with key witnesses, again either face-to-face where possible or by phone. The Investigative Officer also analyses any key evidence presented as part of the claim in accordance with the Authorised Policing Practice used in the UK, including direct examination of any medical or threat evidence (letter or mobile phone data).

11. There is clearly a deep suspicion of the Afghan authorities among the LEC community. The Intimidation Scheme, in its current form, has dismally failed to give any meaningful assurance of protection. The scheme suffers from perceptions that it is unfair and miserly and provides insufficient protection for LECs living in what the UK Government has itself conceded is a ‘dangerous and volatile place’. Such perceptions will persist until the Intimidation Scheme offers a genuine prospect that, when individuals face serious and verifiable threats to their lives, as a result of having helped UK armed forces, they will be allowed to come to the UK. (Paragraph 64)

The Intimidation Investigation Unit has supported 450 former LECs with claims of intimidation. This has included providing bespoke security and in 35 cases funding relocation to a safe place within Afghanistan. The levels of intimidation faced in these cases have so far not been such that we have had to relocate individuals to the UK to ensure their safety. We track a number of former staff who have claimed intimidation and are aware of none that has subsequently come to harm.

12. Afghanistan was, and remains, a highly dangerous place, and we note that, aside from the FCO's travel advice, the Home Office has also drawn attention to the potential threats that face civilians working for Governmental, civil society and international organisations. In this context, a scheme to protect former LECs is of the utmost importance. (Paragraph 68)

The Government is committed to ensuring the safety of its former LECs. Westerners travelling in Afghanistan run high risks. The substantial amount of evidence available to us, covering a large number of former staff, indicates that former local staff are rarely targeted as they go about their daily lives.

13. The first priority of any Intimidation Scheme should be to ensure the safety of individuals, particularly those who have put their own lives on the line when serving for, and alongside, UK forces. However, as it currently exists, the Afghan Intimidation Scheme appears to go to considerable lengths to preclude the relocation to the UK of interpreters and other locally employed civilians who have reported threats and intimidation. Instead, the scheme has prioritised internal relocation and personal security measures, with admission to the UK treated as an absolutely last resort. The result is that not one person has been relocated to the UK under the current Intimidation Scheme. (Paragraph 69)

The front line in Afghanistan was defined as Helmand. A concerted effort was made not to employ individuals from the local area, and to accommodate these individuals on bases to reduce the risk of being identified through working with the UK. Kabul was considered a much safer place to work, as evidenced by the fact there have so far been no on-duty deaths of LECs working in Kabul. The Government remains confident that the UK's arrangements for addressing intimidation concerns meet our commitment to protect our former LECs, whilst also respecting the Afghan government's concern that well-educated Afghans should help rebuild their country. We are not aware of any former LEC who has been killed or injured having raised with us a concern about employment-related intimidation.

14. It is impossible to reconcile the generous provisions of the Redundancy Scheme, which have allowed the relocation of 1150 Afghan interpreters, other LECs and dependents to enter the UK, with an Intimidation Scheme that has not admitted anyone at all. While we do not criticise the generosity of the Redundancy Scheme – which may well have saved many LECs from vengeance by the Taliban – we strongly suspect that the Afghan Government is reluctant to acknowledge that the country is too dangerous to guarantee the safety of local people who helped the NATO mission to combat the Taliban. (Paragraph 70)

We do not consider it appropriate for the measure of success to be based on whether or not former staff have been relocated to the UK under the Intimidation Policy. The policy

was set up to ensure the safety of our LECs from risks arising from their work alongside the UK forces. We are not aware of a single case to date where a former LEC has been killed or injured as a result of his or her UK employment. We acknowledge that civilians in Afghanistan face threats to their safety, but we do not accept that there is reasonable evidence that former staff – most of whom left our employment at least five years ago – are being targeted by terrorists, other than in very small numbers and in particularly exposed locations.

15. Given our Government’s own stark assessment of the perilous Afghan security situation, the idea that no interpreters or other former LECs have faced threats and intimidation warranting their relocation to the UK is totally implausible. (Paragraph 71)

The in-theatre Intimidation and Investigation Unit make an assessment as to whether the intimidation reported can be directly attributed to the former LEC’s UK employment and if so, whether they are at threat above the general threat level in Afghanistan. The levels of intimidation faced in the cases investigated so far have not been such that we have had to relocate individuals to the UK to ensure their safety. Some 35 have been relocated within Afghanistan. These measures appear to have addressed the threat to those at risk.

16. Much has been made of the need to avoid a supposed ‘brain drain’ as a major obstacle to a more generous Intimidation Scheme. This is completely disingenuous. If the ‘brightest and the best’ have to go into hiding, their brains will hardly be available for the advancement of Afghan national development. Moreover, the ‘brain drain’ avoidance argument, if genuine, should also have precluded hundreds of Afghan LECs being relocated to the UK under the Redundancy Scheme; yet that was allowed to proceed without objection. (Paragraph 72)

If an intimidation claim investigation concluded that an individual could not safely live anywhere in Afghanistan, then we would act to relocate them to the UK regardless of their background, the role they occupied whilst employed with us, or their current work in Afghanistan. There is an agreed process for relocating them and their immediate family to the UK outside of Home Office immigration rules, subject to security checks. The levels of intimidation faced in the cases investigated so far have not been such that we have had to relocate individuals to the UK to ensure their safety. Our general experience of a large cross-section of former staff with whom we have maintained contact is that the overwhelming majority are well able to carry on their normal work and home life without risks to their safety arising from their former employment. The number of former staff relocated to the UK is a small proportion of the total number of around 7,000 that we employed. We have sought to balance reward for the most deserving with the need to secure Afghanistan’s future.

17. The fate of interpreters and other locally employed civilians, who bravely served UK forces, and who now fear for their lives, should not be dependent on the wishes of the Afghan Government to deny the reality of the threats which they face. We have a duty of care to those who risked everything to help our armed forces in Afghanistan. (Paragraph 73)

The Government is committed to ensuring the safety of its former LECs. If an intimidation claim investigation concluded that an individual was not safe to live anywhere in Afghanistan then we would act to relocate them to the UK regardless of their background, the role they occupied whilst employed with us, or their current work in Afghanistan.

18. We, therefore, strongly agree with Baroness Coussins and Lord Stirrup that there is room for a looser and more sympathetic approach to the application of the Intimidation Scheme, though we accept that the current security situation in Afghanistan makes it difficult to verify the authenticity of threats. We accept that many people at risk of intimidation may have been relocated already under the Redundancy Scheme; but its cut-off date, whilst reasonable from the perspective of redundancy, risks excluding those employed too early to qualify, who are yet at risk of Taliban vengeance. Such people can be saved only by the proper application of the—hitherto useless—Intimidation Scheme. (Paragraph 74)

The role of the Assurance Committee is to scrutinise the application of the Intimidation Policy and ensure that it is effectively administered to ensure the safety of Afghan staff who feel they are being threatened due to their employment by the UK. The Assurance Committee includes a former Afghan LEC, who can bring first-hand experience of the realities of the security situation in Afghanistan and the threats that former staff may face. The Assurance Committee has found that the Intimidation Policy was effectively and sympathetically applied in the cases reviewed to date. Where the Assurance Committee has made observations, these have been addressed and the processes used by the Intimidation Investigation team in Kabul have been updated accordingly.

We do not consider it reasonable to criticise the scheme when it has met its objective of keeping former local staff safe. In the cases that the Assurance Committee have examined so far, whilst they may have made some procedural suggestions and improvements, they have yet to find anyone whose level of risk was underestimated and whose life or security was threatened as a result. This would suggest that the present arrangements, which includes an array of outcomes designed to mitigate risk, has been successful.

The Secretary of State for Defence recently announced the qualifying date for eligibility to apply for relocation to UK will be amended to include all those who left on redundancy with 12 months front line service in Helmand after 1 May 2006.

19. The Government should therefore invite the LEC Assurance Committee to consider how to apply the existing terms and conditions of the Intimidation Scheme in a looser and more sympathetic way. In doing so, the Assurance Committee and the MoD should look at the policies adopted by other ISAF countries, such as the capped visa programme used by the USA. As part of this work, the Government should move away from its ‘relocation in extremis’ policy and adopt a more needs-based approach to the Intimidation Scheme. Otherwise, the scheme will continue to lack all credibility. (Paragraph 75)

The Assurance Committee considered the Defence Committee’s recommendation. It was agreed without dissent that policy was being applied carefully, giving the benefit of any reasonable room for doubt to former LECs concerned that their lives may be at risk because of their UK employment. Security needs of those affected were carefully considered during a professional investigation, and we are aware of no former LEC who has been

killed or injured having raised with us a concern about employment-related intimidation. Funding has been provided to ensure safe-housing for anyone who might be at immediate risk and to relocate over 30 former LECs within Afghanistan. But we are also aware that individual circumstances and the national security situation can change quickly; we keep our administration of the scheme and the policies that underpin it under careful review in the light of any changes.