

94. Lt Col Mercer told me that a verbal order had been given by GOC 1 UK Armd Div, General Brims, prohibiting the use of hooding and that a written order had also been issued. I think a copy of the written order was in the file. I also saw the draft of a further order which included the ban on hooding (which he told me had been issued). I recall it had a draft soldier's card attached to it. He told me that they had been sent to the GOC 1 UK Div and that the card had not been issued. The GOC was Maj Gen Wall, who had by then been promoted and appointed GOC 1 UK Div. Recently I came to learn from Lt Col Mercer that Maj Gen Wall had decided not to issue both but I do not know why. I remember at the early stages of drafting FRAGO 005 that we took steps to find out whether this further order and the proposed soldier's card had been issued and it was then that we clarified that the soldiers' card had not been actioned. It did not seem crucial in any event as FRAGO 152 had been issued in May 2003 and this made clear that hooding had been banned.
95. I knew from Lt Col Clapham, Lt Col Conway and Col Garraway that there had been disagreements between Lt Col Mercer, Ms Quick and Cmdr Brown in respect of hooding. As I understood it, Lt Col Mercer's view was that hooding was unlawful in any circumstances and Ms Quick disagreed. The prohibition on hooding put in place by Maj Gen Brims was not news to me as I had already learned about this when I was briefed at PJHQ in June. As I recall, Lt Col Mercer told me that following an ICRC visit to the TIF, hooding had been verbally banned and that this was then followed up by written orders. Also, Lt Col Mercer had drafted an additional note for Maj Gen Wall dealing with the treatment of detainees which also included the ban. I do not know why he considered it necessary to reiterate the ban. I recall that FRAGO 152 reinforced the prohibition on hooding and that there was therefore no requirement on my part to action any aspect in relation to hooding. As I understand them, FRAGOs are regarded as being binding on subsequent formations