



File 22/23 P+ A
336

ENCL No. 27

MINISTRY OF DEFENCE
OLD WAR OFFICE BUILDING WHITEHALL LONDON SW1A 2EU

Telephone [redacted] (Direct Dialling)
[redacted] (Switchboard)

MINISTER OF STATE FOR
THE ARMED FORCES

D/MST/4/5/2

Dep Hd IIT

Copy to:

APS/Secretary of State	MA1/CGS	PS/CDI
PS/Minister(DP)	PSO/CAS	Hd of MOD LA
PS/USofS	NA/CNS	PS/DGCC
PS/PUS	MA/CJO	Head of Sec(HSF)
PSO/CDS	MA/DCDS(C)	D News
PS/2 nd PUS	PS/Policy Director	Parliamentary Clerk
PS/VCDS	MA/DCDS(Pers)	

25 June 2004

Dear Jean

Thank you for your letter of 4th June. I have also seen a copy of Bruce George's letter to you of 9 June and am copying him this letter. You raised a number of points and I shall answer them in turn.

I can confirm that the directive on interrogation referred to in Para 135 of the Judgment in Ireland v UK prohibiting the use of the five techniques found to constitute degrading treatment (hooding, wall standing, sleep deprivation, food deprivation, and white noise) remains in force. The training given to those Service personnel in appointments which could require them to conduct interrogation of captured enemy personnel takes full account of this directive, of the Geneva Convention and of the Laws of Armed Conflict.

All Service Personnel are, of course, obliged to comply with the Geneva Conventions and International Law in addition to UK legislation. Throughout their service life members of the Armed Forces are made fully aware of their obligations under international law. Prior to deployment all UK personnel must complete pre-deployment training. This includes refresher training on their responsibilities under the Law of Armed Conflict and covers the relevant sections of the Geneva Conventions.

All members of the Army also receive training on prisoner handling. In the case of soldiers this is during their initial training whilst for officers it is at the Royal Military Academy Sandhurst. This training is supplemented by mandatory training on the law of armed conflict and direction on prisoner handling. In addition, personnel deploying on operations must also complete mandated Pre Deployment Training which, as is the case for deployment to Iraq, includes briefing on the Rules of Engagement and procedures for dealing with Prisoners of War or other detainees. Each combat unit is required to have senior non-commissioned officers trained in handling Prisoners of War and units which are responsible for the routine handling of detainees conduct further specialist training. A card (JSP381) was also issued in theatre with written instructions on the handling of prisoners.

Responsibility for review of the practical application of these instructions rests with Unit Commanders, who are ultimately responsible for all aspects of the behaviour of those under their command.

Private Office

The Rt Hon Jean Corston MP
Chairman of the Joint Committee on Human Rights



MOD050702_R



The training of military intelligence officers does not in any respect include the use of any of the methods described in paragraph 25 of the ICRC Report, or indeed any other cruel or degrading treatment, as an interrogation method.

British troops were instructed to stop hooding detainees in September last year, and this remains the case. However, there are some circumstances during initial detention and transit, where for good military reasons, such as to protect sensitive information or to protect the identity of an individual, it is necessary to obscure the vision of detainees'. The UK believes that this is acceptable under the Geneva Conventions but I should make absolutely clear that hooding was only used during the transit of prisoners; it was not used as an interrogation technique.

The Ministry of Defence takes all allegations or suspicions of misconduct or criminal behaviour by UK Armed Forces very seriously. Where it is appropriate, investigations are initiated either on the initiative of the Service Police or after referral by the chain of command. The principal function of the Royal Military Police (RMP) is to enforce the law within the Service community and assist with the maintenance of military discipline. Its powers of arrest are established in the Army Act 1955 and can be exercised anywhere in the world, as Service personnel are subject to English criminal law wherever they are serving. The Special Investigation Branch (SIB) forms part of the RMP and exists to conduct investigations into serious criminal offences committed by or against British Service personnel. The SIB is a fully professional investigative body conforming to Home Office standards and required by statute to follow civilian police force procedures. Statute also requires that the SIB be subject to peer review in the same way as any civilian police force in the UK.

At the conclusion of any RMP investigation a report together with supporting evidence is submitted to the appropriate Commanding Officer and to the Army Legal Services (ALS). ALS then advise the Commanding Officer whether or not there is a *prima facie* case for the purposes of disciplinary action. In serious cases ALS will advise the Commanding Officer on the procedure for referral to a higher authority and then, if appropriate, onto the Army Prosecuting Authority (APA). The APA is statutorily independent of the chain of command and the chain of command is not allowed to seek to influence its case management or decision making processes. In addition to his non-statutory role as head of the ALS, the Director Army Legal Services has a statutory role as the Army Prosecuting Authority for which he is appointed by the Queen. In the exercise of his statutory functions he, too, is entirely independent of the chain of command. As members of professional bodies (the Bar Council or the Law Society), Army prosecutors, who practice in accordance with the





Prosecutors' Code, have an overriding duty to the court to act with independence in the interests of justice. As an additional measure of protection from interference, the APA is answerable to the Attorney General on prosecution issues.

As you would expect, we keep the effectiveness of these procedures under regular review, including the effectiveness of service police investigations. Furthermore, all aspects of our forces disciplinary systems are being considered with a view to modernisation and harmonisation in preparation for a Bill leading to a Tri Service Act, which we hope to introduce in the 2005/06 session.

A handwritten signature in black ink, appearing to read "Adam Ingram".



The Rt Hon Adam Ingram MP

