

**IRAQ-TELICREV 1-S**

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**From:** DjtCts-Pol1-S  
**Sent:** 20 August 2004 18:05  
**To:** IRAQ-TELICREV 1-S; SFOR BANJA LUKA-MNTFSU Tp OC; JDCC PJHQLO-S; DI HUMINT-MILO SO3 OPS-S; DI HUMINT SO2-S; Land-Pers - SO2 Pers Ops & Plans; CGS DGS-Pol SO2c; PJHQ-J9-LA2-SO1LEGAL-S; JDCC AD DOCTRINE-S; LA2-S; CTandUKOps-ADPol2-S; HQ DSF - SO2 Plans; HQ DSF - SO2 Ops; DISC-JSIO-CO-S; D INT - SO1 Legal Advisor-S; PJHQ-MEDOPS-SO2(B)-S; PJHQ-J9 POLOPS 10-S; EC SP-DD; EC GM-SO2c; EC GM-SO2i; DTIO-TGTS ROE-S  
**Cc:** DjtCts-Pol Dir-S  
**Subject:** (SUKEO) Policy Paper on Restricting Detainees' Vision - Comments COP 27 Aug

**Importance:** High

**Follow Up Flag:** Follow up  
**Due By:** 26 August 2004 17:00  
**Flag Status:** Flagged

Dear All

You will all be aware that I have been writing a paper on the MOD's policy towards restricting detainees' vision during arrest and transit, including the practice of hooding to achieve this, either because you attended an initial meeting chaired by DJtCts AD Pol, Mandy Hope (since moved to a new post); or because I have subsequently spoken to you about the matter.

Attached is a draft submission to CDS, together with a background policy paper outlining arguments/concerns over the practice of hooding, that recommends retaining the ability to hood as a last resort for use in extreme circumstances (accompanied by clear doctrinal guidance), but with blacked-out/opaque goggles established as "best practice".



20040819 CDS  
Submission on Res...



20040819 Annex A to  
CDS Submis...

I would be grateful for any comments you may have by COP FRI 27 Aug 04 (or earlier if possible). Apologies if this seems like a tight deadline but I am aware that the paper has already been delayed by Aug being the month of leave, and so am keen to press on with the staffing process.

If you have any questions, then please feel free to give me a ring.

Regards

Catherine

*Catherine Evans*  
*DJtCts-Pol1*



Circumstances Where Hooding May Still Be Required

12. Nevertheless, there are certain operational circumstances such as immediate action in the heat of battle, where using these alternative methods may not always be practical. In such situations, where the need to obscure vision remains, hooding (despite its associated risks) may be the most effective – and safe – means by which to achieve this. **We need to guard against exposing our soldiers to intensified risk by retaining hooding as one of the military options to restrict vision in-extremis circumstances, albeit it with clear guidance over when and how this should be employed to help prevent misuse.**

13. Given that the use of hoods is not the ideal, but should be retained for use in extreme circumstances only, clear parameters need to be defined to ensure that their use is consistent with the spirit of the UK's obligations under international law and care of duty. These may include, but not be restricted to, **the provision that they are for temporary transit and should be replaced by black-out goggles as soon as it is judged operationally feasible to do so; the use of only one hood; forbidding the use of additional tape etc.** The need to assess regularly the detainee's condition and possibly take steps to relieve it if this is operationally practical, should also be stressed.

14. **Proper written guidance needs to be developed in conjunction with legal advisers and inserted into annual and PDT training syllabus, establishing the use of blacked-out goggles as best practice.** This will help protect both our soldiers and the MOD from future allegations. Legal advice accepts that whilst we cannot guard completely against the risk of the accidents or abuse by a particular individual, nonetheless, we can demonstrate that our policy has been developed with due regard to the law, and that hooding is used appropriately and proportionately where other options are not feasible. In contrast to the OP TELIC abuse allegations, we will be able to point to a clearly defined policy/doctrine and associated guidance/training package to show that the MOD has carefully considered the circumstances in which it may be necessary to resort to the use of hooding and has provided guidance to ensure the human rights/safety of detainees as far as is operationally feasible. Furthermore, comprehensive training should help manage the risks associated with hooding and thus help protect the rights of all involved.<sup>5</sup>

15. MOD legal advisors are also content with the recommendation that in order to prevent future confusion over whether UK forces are permitted to use hooding within a particular theatre (in accordance with subsequently agreed doctrine), a line should be attached as a note to the relevant detention rule in subsequent Rules of Engagement (ROE) profiles to this effect.



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Page 5 of 7