

133. With the preparation of Annex A, we sought guidance from J2 on the different categories. I remember we had to make sure Judge Laith, (who was the Iraqi Senior Judge of Basra Province), was happy with our approach to dealing with criminal detainees, as they were the responsibility of the Iraqi criminal justice system. When such categories of prisoners were captured, I or my staff would appear before Judge Laith in both chambers and public hearings to obtain the necessary orders to either hold an individual on behalf of the Iraqi Criminal Justice System or to transfer the individual to an Iraqi jail for investigation by an Iraqi investigative judge.
134. I recall that in the drafting of this FRAGO, I had originally wished to include some guidance additional to that which we eventually issued. I remember speaking to J2 Intelligence staff (including Chief J2 Lt Col Graham Le Fevre) and Provost staff (including Lt Col Bill Warren) and advising them that I was preparing a single comprehensive document on detainee procedures. I wished to insert sections on tactical questioning and arrest and custodial procedures and I requested that they provide me with some suitable paragraphs on these aspects. However, they were not keen to do so. They explained that such areas had already been trained to relevant specialist personnel and that they were, in any event, too complex to summarise in brief and would therefore render the document either inaccurate if too short or too unwieldy if too long. I accepted that advice.
135. I did not insert details of hooding in particular in this FRAGO as I did not think it was an issue at the time, believing that it was clear and that all were aware that it had been prohibited. Detainee treatment principles were not included in the FRAGO because it was designed as a procedural document. In any event, I believed it was clear that hooding had been prohibited. I was confident of this from what I had been told by