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LOOSE MINUTE

JSIO/2200

30 Nov 99

CO JSIO

INTERROGATION REQUIREMENTS STUDY - PRELIMINARY RESULTS

Reference:

A. CO JSIO e-mail of 111719 Oct 99.

BACKGROUND

1. Reference A detailed the following requirements for a preliminary study on interrogation and its support:

- a. Assembly of all relevant policy documents for use as references.
- b. Perusal of relevant extracts.
- c. Definition of the first identified interrogation policy (The Cold War is early enough).
- d. The last identified policy on interrogation support and its source and currency.
- e. Current concepts and methodology and an examination of whether current training addresses the requirement.
- f. Provision of statistics on assets currently available to perform interrogation support, including the number of reservists and their language qualifications.
- g. Legal debates which quantify requirements for interrogation outside Article 5 operations.

2. A common factor which has become apparent during the research into the subject is how little exists in print. This is due to two factors:

a. When JSIW and SIW merged to form JSIO and then when the whole moved to DISC, Chicksands there was a weeding of the ex-SIW and JSIW files. Post-weeding there is little to be found on the subject. Documents with the old SIW or JSIW headers have never been found. It is as though the world began afresh in 1997. A similar state of affairs exists in the DISC Registry.

b. A fruitful place of enquiry was to have been the MOD archive, in particular those files produced by what was DI16 during 1992 and 1993. Recent enquiries have revealed that *all* relevant files for the whole of the 1990s have been destroyed (but not the 70s or 80s!). Whether this was brought about by the continuing office shuffles and lack of storage space within the

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MOD London real estate, an attempt to destroy evidence in connection with Gulf War Syndrome or short-sighted incompetence is not known. Whatever the reason the effect is the same, nothing exists on paper

POLICY DOCUMENTS

3. After extensive enquiry in DISC, MOD and PJHQ the *only* evidence found to date of the existence of any policy or doctrine on interrogation is in the old and familiar publications, namely:

- a. JSP 391 – Instructions for the Handling of Prisoners of War.
- b. STANAG 2044 – Procedures for Dealing with Prisoners of War.
- c. JSP 120(6) – Interrogation in War.
- d. STANAG 2033 – Interrogation of Prisoners of War.

4. It is fortunate that in the act of signing any NATO STANAG the UK has by definition declared the contents of it to be national policy. A further document, JWP 1-10, is in its First Study Draft and is intended to replace JSP 391 only. A copy of JWP 1-10 is available in JSIO on the LAN and in hard copy. Its Second Study Draft is due to be produced around Christmas 99 and its author, Col (Retd) Paul LEFEVER, DGD&D, SIO Command Support, Upavon, welcomes any JSIO input and has thus far been promised feedback from JSIO by Christmas. Although JWP 1-10 details D INT CORPS as the provider of advice on interrogation and tactical questioning techniques and the processing of captured documents and equipment for intelligence purposes, it otherwise deals with interrogation in an extremely cursory and rather confused manner. There is as yet no evidence of any intention to replace JSP 120(6).

RECENT USES OF INTERROGATION

5. UK Forces have conducted interrogation of prisoners on at least 3 occasions since 1980. This does not include any activities which took place in Northern Ireland. The 3 occasions were:

- a. The Falklands Conflict. After initial instruction from the Cabinet Office that interrogation of Argentine PW was not to take place, it then permitted 'Specialist Tactical Questioning', a term not seen prior to or since the conflict. An ad hoc JFIT comprising various Spanish language speakers was set up on a piecemeal basis. A hard copy report of interrogation operations during Operation Corporate covering the period 21 May to 22 Jun 82 is available.
- b. The Gulf War. At first Malcolm Rifkind intended to hand all PW to [REDACTED]. When it was pointed out to him that the UK would first need to promulgate internationally a specific derogation of its Geneva Convention responsibilities for PW he changed his mind. Thus UK Forces held PW which were duly interrogated by the JFIT attached to various parts of I(UK) Div. Additional interrogation centres were set up in 4 sites in the UK.
- c. Northern Iraq Post Gulf War. Interrogation of Iraqis captured crossing the border was conducted by UK personnel during operations in Northern Iraq.

CURRENT INTERROGATION CAPABILITY

6. To date an interrogation capability resides within all 3 MI Battalions, JSIO, the RNR Interrogator Branch and 7630 Sqn. That said, it is difficult to foresee a scenario where the FHT's provided by the MI

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13. Obviously each conflict will have its own peculiarities and each one will need its own set of rules which may or may not allow interrogation. These rules will probably be subject to continuous review, but it is probably a truism to say that once politicians become aware of the value of intelligence obtained by interrogating enemy PW they will stretch their own rules to allow it in some form or another. How conscientious they will then be in protecting those individuals who actually do the interrogation from collateral legal action can only be imagined.

14. The overall factors which it is envisaged would lead to legally sanctioned interrogation are:

- a. All UK Forces are subject to English, European Community and International law. Any actions which they take must be legal within that framework.
- b. There must be a promulgated right for UK Forces to detain whoever is classed as 'the enemy'.
- c. Permission to interrogate must be specifically given by the National Authority.

15. As a start to the debate Army Legal Services were asked to clarify the legal status of interrogation in situations other than general war. The letter requesting clarification and the subsequent answer from ALS2 are attached overleaf.

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