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Case Ref No: 64695/03

MOD Form 266A/B  
(Introduced 12/03)SERVICE POLICE  
WITNESS STATEMENT

(CJ Act 1967, S.9; MC Act 1980, SS.5A(3a) and 5B; MC Rules 1981, r70)

Statement of: Edward Anthony FENTON	
Rank/Status: Maj	
Age if under 18: Over 18 (if over 18 insert "over 18")	Occupation: HM FORCES (Army)
This statement (consisting of 12 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.	
Signature: EA FENTON	Dated the 5 <sup>th</sup> day of December 2005.

I am Maj Edward Anthony Fenton, currently serving with my unit, 1 RHF, in Episkopi, Cyprus. I am the OC of C Coy, an appointment I have held since Aug 05.

Prior to this, I held the appointment of Chief of Staff (COS) for 19 Mech Bde, Catterick, N Yorks. I took over as the COS from a Maj HR Eaton, 1 Highlanders on 18 Aug 03. At that time 19 Mech Bde were deployed in the south east area of Iraq, as part of Op TELIC 2. I subsequently deployed to theatre on 13 Aug 03 and had about a week's handover from Maj Eaton. The Bde Comd at this time was Brig Moore.

My responsibilities as COS is in essence to implement Bde policy at the Bde Comd's direction and to ensure the smooth running of the day to day management of the Bde staff. I would also be responsible for briefing the Bde Comd on issues I felt that required to be addressed or issues that were of a nature that required immediate action.

During my handover with Maj Eaton, I would have been briefed on a wide range of issues relating to the Bde's deployment. Although I cannot specifically recall any conversation I had with Maj Eaton regarding the detention procedures in relation to Iraqi detainees, I would have received such a brief. As I recall, I was aware that there were procedures already in place for detained Iraqis and was aware that there was no issue or problem with such procedure. As I recall, there was a system in place to allow a period for Tactical Questioning (TQ) by the Battle Groups (BG) – this was to obtain intelligence, prior to their transporting to the TIF. I was not aware at this time of any timeframes in place for this event, only that a system had been in place prior to my arrival and that it was a system that appeared to be operating properly. I did not feel the need to address or review this issue further, nor can I recall it being raised as a concern by any of the Comds on the ground or Bde Staff.

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Signature Witnessed by: G RITCHIE

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On a daily basis I was present during a Secrets Committee chaired by the Bde Comd. These meetings were held at HQ 19 Mech Bde and involved the attendance of a member of key personnel from an intelligence/security aspect. The main purpose of these meetings was to collate and discuss information and intelligence in order to act accordingly, as directed by the Bde Comd.

On a weekly basis I was also present during Command meetings, which involved the presence of G2 staff, COs within the Bde, Legal Branch staff and DCOS. Similar issues were talked about, including the current situation on the ground and the instruction to mount any operations by the BG.

At least once a week I would also have a face to face meetings with Unit 2ICs to discuss the operational situation and address any issues or concerns being raised. I had more contact with unit 2ICs than I did with COs, who mainly conversed directly with the Bde Comd.

As previously mentioned, I arrived in theatre on 13 Aug 03 and although aware of a policy in place regarding Iraqi detainees, I did not physically see this written policy. I was also aware the G2 were responsible for TQ and appeared to have a strong system in place for TQ and dealing with detainees. As such, it was not an aspect I really focussed on as there were further issues on the ground requiring action.

I have today been shown by WO2 Ritchie G, RMP (SIB), the following document to which an exhibit label was attached, marked as indicated:

SED/1ab - Copy of FRAGO 005 to MND(SE) Op Order 03/03 Policy for apprehending handling and processing of detainees and internees.

I have signed the label.

In relation to this document, I can say that I would have seen this document, either by hard copy or electronically on the I-Net system. Any FRAGO issued by Div HQ would likely have gone to SO3 G3 Plans (Capt Mitchell), who would have distributed to the BGs of the Bde electronically and would be preceded with a Bde covering letter accordingly. This document is, in essence, an updated policy for apprehending, handling and processing of detainees and internees. As the policy was detailed, it would have not required any further action by Bde staff, other than its distribution. The document also confirmed to me that there were policies and procedures in place for dealing with Iraqi detainees. Subsequently, I would have issued direction to the BGs (by way of distribution of this document) to ensure the BGs were aware and implementing the policy.

I have today been asked by WO2 Ritchie to explain in detail what training and direction was given by the Bde HQ prior to and during deployment. In reply, I cannot comment on this as I did not join the Bde until Aug 03, as previously stated. During my tenure as COS, no direct training was given in relation to detainees, other than I was aware that Legal Branch were reinforcing the Rules of Engagement and were proactive in delivering updates in humanitarian law and the Laws of Armed Conflict to the BGs.

I have been asked if I had conversation with Maj Royce, Maj Peebles or Col Mendonca regarding the detention of Iraqis. In reply, I can't recall meeting Maj Royce, but had met Maj Peebles and Col Mendonca. However, I cannot now recall any specific conversation with either in relation to Iraqi

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Sheet No	3	Case No:	64695/03
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detainees, as previously stated, I didn't feel there was a need to. I should say however, that I was aware TQ was in place, was a good idea as it allowed for low level intelligence to be gained which could be acted upon. I should say that I had no real dealings with Maj Peebles during my tour, but did see him at Bde quite often as he was the unit's LO. I was also aware that he was the appointed 1 QLR BGIRO - whose role I was led to believe was the process of detainees.

As previously mentioned, I attended many meetings as COS, including daily discussions from Bde via the communication systems to the BG. I can say that at no time during any meeting or conversations in which I was present were the treatment of Iraqis raised, nor were any concerns raised by the Bde Comd or the Bde staff to the BG Commanders regarding any mistreatment or heavy handling of Iraqis during operations or whilst in military custody. Had I been aware, I would have briefed the Bde Comd and taken the necessary action.

I was aware of an operation in Sep 03, involving the searching of hotels to locate any terrorists or to gain information about terrorist activity. I was aware that as a result of the 1 QLR mounted operation, a number of weapons and monies had been found, resulting in approximately 8 or 9 Iraqis being detained. I recall being made aware by G2 staff (possibly Maj Radbourne), that TQ of the Iraqis was ongoing. However, as I believe this was the following morning after the Op, I was curious as to why they were still in detention and had not been conveyed to the TIF. Although I cannot recall who I spoke to at 1 QLR, but it would have been the 2IC or the Ops Offr and queried the Iraqis' detention. I can't recall details of the specific conversation but was informed that there was a lack of manpower and transport to take the Iraqis to the TIF at Umm Qsar. Knowing it to be a very busy period, with petrol stations being manned, outbreaks of violence across the town of Basrah and an increased threat towards Coalition Forces, it seemed to me a valid reason of which I was contented, for their continued stay at 1 QLR Main. However, I did say that they should be transferred to the TIF at the earliest opportunity. I did not have any conversations that I recall with Maj Peebles or Col Mendonca in relation to the arrest of these detained Iraqis. My advice/guidance to 1 QLR regarding these detainees, as far as I am aware, were the only given from Bde in relation to their movement to the TIF.

I cannot specifically recall receiving any intelligence back from 1 QLR BG in relation to this particular Op, other than some weapons were found and a large amount of money in one of the rooms. I would suggest, however, that I gleaned this information that same day from the BG. I do however recall that there was no substantial information to mount a subsequent Op. I cannot recall receiving any further information regarding this Op, but this type of operation was being conducted across the Bde AOR by the BGs on a frequent basis and as nothing critical had resulted from this Op, I would not have been required to get involved further.

I have also been asked by WO2 Ritchie regarding the content of any discussions I had with Brig Moore, Col Mendonca or Maj Peebles, about the events surrounding the death of Baha Musa and generally about the detention of Iraqis by 1 QLR. In reply, I can say I would have spoken to Brig Moore and Col Mendonca about this incident, however, would not really have spoken to Maj Peebles, as I recall. Due to the time that has elapsed since these conversations, my recollection is now vague. I would have discussed with Col Mendonca the facts surrounding the circumstances and would have required from him a wide variety of information so that I could brief the Bde Comd and in essence to establish the facts and take any remedial action as necessary. Information from Col Mendonca would have been obtained during 'O' Groups, briefing, or via the communications system, but as for specific

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