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COS19mb

18 Sep 03

Comd

DEATH IN DETENTION

References:

- A. FRAGO 005 to MND(SE) OPO 03/03 – Policy for Apprehending and Processing of Detainees and Internees.
- B. G2/19/SP/007 Prisoner Handling and Tactical Questioning 19 Mech Bde OP TELIC 2 dated 17 Sep 03.

1. As requested, below is a chronology of events and clarification of responsibilities and procedures.

2. Background. OP SALERNO commenced Sun 140600DSEP03. QLR soft knock op on hotel in Basra. 8 pers detained, taken back to 1 QLR MAIN. Suspects had ID cards issued by US TITAN Corporation allowing them to carry weapons and pass through CF checkpoints. These were checked through J2 and CIA and found to be false. This, added to the weapons and documents found during the hotel search, led the QLR to believe they had discovered a FRL cell.

3. Chronology.

Time	Event	Remarks
(Sun 14 Sep 04)		
0600	HHr OP SALERNO	
0733	8 pax reported as being under arrest.	TQ requested from Bde
0900	TQ (1) arrives at 1QLR	Sgt Swarovski (from FST)
1008	QLR and suspects depart hotel	
1030	Arrive 1 QLR MAIN	
1030	Hoods placed on detainees	Hoods were removed periodically throughout the day by Provo staff. Detainees given water every 30 mins.
1030 – 1100	Evidence trawl through documents and weapons found	TITAN ID cards found
1100	Bde requested to verify authenticity of ID cards	
1230	Detainees given lunch	
1500	Medic checks all detainees. This should have been done on arrival.	Checked vitals, nothing untoward thus nothing recorded
1630	Bde cfm to 1 QLR that ID cards were false	
1700	TQ starts	30 – 40 mins per detainee, in rotation
1800	Medic called to check back and knee pains. These were not related to detention, but to existing med conditions	One had medication for a stomach complaint. NFDK
1830	Evening Meal	
2130 - 2200	Bn Provo Sgt ordered hoods and cuffs to be taken off.	TQ team then required that they were put back on.

1
CONFIDENTIAL - MANAGEMENT

BMI Downgrade - UNCLASSIFIED

lje/2 pg 13

CONFIDENTIAL - MANAGEMENT

2300	TQ(2) requested to speed up process	
2359	TQ(2) arrives QLR MAIN	SSgt Davies Int Corps, Bde G2 cell
Mon 15 Sep 03		
0001	TQ sessions continue	
0300	TQ (1) + (2) stop sessions to write reports	
0700	Detainees given breakfast	
0730 - 1200	Final 3 detainees undergo TQ	Hooded again after TQ, and remained that way until detainee died.
1855	Bde G3 informed detainees not going to TIF until Tue AM.	See para 6.b.(2) ref 'closure myth'
2130	RMO called after detainee found unconscious	
2135	Detainee taken to RAP	
2205	Declared dead by RMO	
2217	Bde G3 informed of death	Div, Bde Media, IO, and LEGAD informed
Tue 16 Sep 03		
0830	Remaining detainees leave 1 QLR for the TIF	
	On arrival at TIF, QLR pl comd accused publicly of brutality by OC TIF.	Report held by Bde COS
	Bde informed 2 detainees admitted to hospital with injuries - full details not known. One subsequently admitted to CZ hosp under QLR guard with renal failure. Second returned to TIF.	

4. Responsibility. There is no clear answer whether it is BG staff or Int Corps reps that are responsible for TQ and prisoner handling in theatre. It is clear however from this incident that an ad hoc arrangement has developed across the Bde AO. BGs are encouraged to conduct TQ by the JFIT as part of the interrogation process a suspect is put through from capture to internment.

5. Responsibility throughout however must be assumed to lie with the CO, delegated to the BG Internment Officer, (Major Peebles in this case) and the Bn Provo staff that run the detention centre. Major Peebles has received no formal training in this role, and assumed the post midway through the tour from another QLR officer. The Bn Provo Staff are trained in line with current UK legislation for the handling of servicemen in detention. They are not trained in TQ.

6. Procedures. I have not been able to identify the authority for the handling of detainees during TQ, nor can Div. The detail of how to categorise detainees, and the subsequent procedure to determine whether they should go to the TIF or IZ police is well documented. Reference A covers this in detail and was distr to BGs on 05 Sep 03. There is no available documentation covering TQ procedures in theatre that we in Bde can identify. MND(SE) is now attempting to codify a TQ SOP.

a. TQ. TQ was conducted by Sgt Swarovski (FST) and SSgt Davies, Int Corps. Both are properly trained and in date in TQ procedures. Reference B was produced by SSgt Davies as a brief on TQ for COS. It is on his advice that we hood and hand cuff detainees, in order to enhance the shock of capture and improve the level of information extracted from the suspect.

Rje/2 19 14

CONFIDENTIAL - MANAGEMENT

b. Delay in moving to the TIF. Reference A stipulates that all detainees should be taken to the TIF within 14 hours of arrest. This timeline appears to be rarely met. In this case, the initial delay in the start of TQ was caused by the need to clarify the authenticity of the TITAN ID cards. 1 QLR had to be sure the men were not in fact CIA or US employees. The following points are also relevant:

(1) Lack of trained TQ pers in the Bde. There are 6 trained TQ in the Bde (4 in Bde HQ, 2 in 1KINGS), of which only 2 were available to 1 QLR on 14/15 Sep. The TIF can only hold 11 detainees at any one time, and BGs have been criticised in the past for sending detainees there who have proved to be innocent, or of no value to the JFIT. Thus the practice of TQ of all suspects before they go the TIF has evolved to weed out those who should be released.

(2) Closed TIF 'myth'. The TIF has also perpetuated the myth that they cannot receive detainees outside the hours of 0900 - 1700. They have a problem processing detainees outside those hours as they need their US colleagues to be present, which is harder outside those hours. They are in fact open 24hrs. (BGs now aware)

(3) Poor Feedback. Bde and BGs receive little feedback or actionable intelligence from the TIF. BGs thus try to obtain as much information as possible to exploit against FRL before the detainees go to the TIF. J2 have been asked to ensure Bde receive a copy of all reports produced by the TIF as a result of Bde arrests, and any other material considered of relevance.

c. The QLR requested additional Bde help on the morning of Mon 15 Sep to speed up the process of TQ. As none was available from us or Div J2, Maj Radbourne ordered QLR to take the detainees to the TIF for further questioning. The QLR had a BG op on until 151800D (OP CENTURION), and as they had no escorts available in time for the '1700 hrs TIF closing time', they chose to wait until the morning of Tue 16. Bde were unaware that the detainees had not been taken to the TIF as ordered until 151855hrs. Regrettably the watch keeper was also under the false impression that the TIF closed at 1700hrs, and did not refer the matter to any of the Bde staff.

7. Subsequent Bde Action. An order was issued at the 171800hrs Bde Conf Call to cease all hooding and blindfolding forthwith. G3 Ops has been tasked to issue an order detailing the salient points of detainee handling, while we await Div direction.

- To be in the TIF within 14hrs, or transferred to IZ Pol, or released.
- No hooding or blindfolding. (temporary blindfolding allowed to deny detainee ability to recce inside CF bases)
- Medical inspections to be done on arrival, periodically as required, and at end of detention with unit.
- Welfare issues. (Food and water)
- Only TQ qualified pers to conduct TQ.

RJE/2 19 15

CONFIDENTIAL - MANAGEMENT

- The TIF is available 24/7

8. Summary. The BG detention staffs are treating detainees within the guidelines for unit detention centres in the UK, and understand their duty of care. It is clear however an ad hoc process of TQ has evolved, without clear guidance on BG responsibility. This has been left to qualified TQ in theatre, FHT, and SF. A review of procedures is underway. It must be stressed however that BGs are handling potential high level terrorists, and as such must be robust in their handling procedure to ensure duty of care of our soldiers, as well as maximising exploitable information. We have detained 226 pers since 19 Mech Bde took command of the AO and have had no previous allegations of abuse in detention.

E A FENTON
Maj
COS
[REDACTED]