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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:	Anthony Alexander Daniel ROYCE	
Rank/Status:	Maj	
Age if under 18: (if over 18 insert "over 18")	Over 18	Occupation: HM Forces (Army)
This statement (consisting of 3 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:	Dated the 6 <sup>th</sup> day of December 2005	

I am the above named person.

Further to my previous statements.

During the handover / takeover phase with 1 BW, whilst I was on a visit to one of their Company locations, the name of which I do not recall however it was later occupied by Anzio Coy, 1 QLR, I first saw an Iraqi male who had been detained by a 1 BW patrol. It was apparent to me that this individual was a prisoner as he was wearing a hood and was restrained with plastic cuffs. I believe that the male had just been brought in to the camp and therefore I did not see what happened to him thereafter, or how he was treated but as I have mentioned in my earlier statement it may have been here that I first raised the issue of hoods being used as, again as I have previously mentioned we had been told that hoods were not to be used on our tour, during pre-deployment training. Whilst I discussed the use of hoods at that time, I do not now recall who with within 1 BW, but I do remember being briefed that it was a 7 Armd Bde policy.

Initially and for several weeks into our tour Companies within 1 QLR, I understood, were dealing with persons they detained in the manner that they had adopted from 1 BW on handover. The Company would arrest the individual temporarily detain them and arrange for their conveyance to the Theatre Internment Facility (TIF) or release them, dependant on the reason for their arrest. As I was employed at the Headquarters and not at a Company I did not have sight of how they were dealing with detainees. This was prior to the role of the Battle Group Internment Review Officer (BGIRO) coming into existence and I my appointment as the BGIRO for 1 QLR. Therefore I had no responsibility or

Signature:

Signature witnessed by:

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control of detainees at that time. As far as I am aware there was no direction from Brigade or the Commanding Officer to the 1 QLR Company Commanders regarding the handling, treatment or disposal of persons they arrested. The CO may have issued instruction but I do not recall it as it would not have directly affected me at that stage, likewise I do not recall Company Commanders raising the issue and again had they done so it would likely have been directly with the CO as I was not the BGIRO at that time.

When the appointment of BGIRO was introduced I recall I was first briefed on it whilst attending a Bde conference, chaired by the Bde Comd Brig Moore, 19 Mech Bde. I was made aware at the conference that there would be a requirement for Battle Groups to appoint a BGIRO to categorise prisoners as either internees or detainees, before they were transferred to the TIF or released. I subsequently briefed this to the Commanding Officer at a 1 QLR O Group. I recall the CO discounted the Adjt and the Ops Officer from the role due to their workloads and therefore appointed me to the task.

I do not recall how quickly after being briefed on the requirement to appoint a BGIRO that a FRAGO arrived from Bde which detailed the role of the BGIRO, though it was within a day or two at the most. I received no further guidance.

When dealing with the first detained male I encountered I was informed via the Ops room that a detainee was arriving so I walked across to a small building which was a former Iraqi sentry post (the compound had been the HQ of the Baat'h Party), to the rear of an area of waste ground at the far side of the camp, which had been utilised by 1 BW as a detention building for detainees. The location was near to B Coy, who were co-located with HQ 1 QLR in the former Ba'ath Party complex.

I recall the Iraqi male had been arrested by C Coy, for threatening the patrol with a hand grenade. When the man arrived with the patrol I cannot be sure whether he was hooded or not or whether he was restrained or not. Because the man had threatened the patrol I believe he was interned thereafter. I recall the man was in custody for only a few hours and he was not tactically questioned by a Bde tactical questioner.

Having conducted the first internment, I considered the location of the building to be inconvenient in that it was too far from my place of work, which made it difficult for me to observe what was taking place in the facility. Subsequent to this first detainee's departure, I identified a second building in the barracks closer to the HQ building, which I know was formerly used by 1 BW as the offices of the CSM, HQ Coy, 1 BW. This building was not utilised by anyone within our unit and being vacant I identified it as a suitable location for detainees it being close to HQ, the unit restaurant and toilet facilities. As a result the guard would not have to move the detainee far to any of these amenities.

As detailed in my earlier statement when I arrived in theatre, there was no appointment of BGIRO as everyone detained by Coalition Forces (CF) was sent directly to the TIF. Following my appointment as I have previously mentioned I produced a Battle Group document. This directed that for each

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detainee, the arresting company would be responsible for guarding the prisoner and for escorting him, should it prove necessary, to the TIF. The key rationale behind this was that the arresting soldiers would be available to me to provide their witness statements to support the reasoning for the arrest so that I could incorporate their statements in the documentation required to be submitted to the TIF or to assist me in satisfying myself that there was no case to answer and that the detainee should be released.

I have today been asked by WO2 Spence to detail whether stress positions were ever used on detainees, when I was in the appointment of BGIRO. Firstly, I understand a stress position to be a position designed to be uncomfortable without inflicting any physical harm upon an individual. I can confirm that stress positions were used on detainees at our unit. This would involve their being placed in the standing position facing a wall with their hands outstretched before them parallel to the ground or where they would be seated on the ground with their hands on their heads.

I have today been asked by WO2 Spence to detail whether I am familiar with the term 'Shock of Capture' and whether detainees were subjected to this treatment when I was in the appointment of BGIRO. I understand the term 'Shock of Capture' to mean disorientation and unease in the mind of an individual who is taken prisoner. Maintaining the shock of capture I understand is extending the period of time a person may experience this shock to prepare them for tactical questioning. In respect of detainees held during my tenure as BGIRO, then this would be performed only if the individual was required to undergo tactical questioning. The use of hoods and stress positions are forms of maintaining the shock of capture.

I have today been asked by WO2 Spence to detail whether I am familiar with the term 'Conditioning' and whether detainees were subjected to this treatment when I was in the appointment of BGIRO. I understand the term 'Conditioning' to mean the method used to continue the 'Shock of Capture.' This would include the use of stress positions and hooding.

During my tenure as BGIRO whilst the above methods were implemented at the Detention Facility under my control, they did not include any form of violence towards the detained persons.

Conferences were held daily at the Bde HQ and chaired by the Bde Comd, Brig Moore during which discussions would take place about operations. Nearly all Operations which occurred on Op TELIC during our tour were directed by Bde. The Bde would produce target packs of the locations and individuals it wanted to target based upon their intelligence and the Battle Group would execute the search and make arrests where necessary.

Operations still in planning phase were discussed separate to the Bde Conference and were often attended by SO2 G2, Maj Robinson, Intelligence Corps staff (Tactical Questioners), HUMINT teams and other external elements having a bearing on the Operation. It was at these conferences that discussions regarding whether a Tactical Questioner may be required would be held. The purpose of tactical questioning was never explained to me at the Bde meetings although I had an understanding

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that tactical questioning was to gain intelligence from the persons being interviewed which may assist in deciding whether to intern that individual, and it was used also to gain intelligence on the organisation the suspect may have been working for.

I recall at that time there were 2 tactical questioners within the Bde that I knew of, one a member of the RTR and the other I can offer nothing to assist identification.

It was early in my appointment as the BGIRO during a discussion with Maj Robinson that he informed me the use of hoods and stress positions was necessary to prolong the 'Shock of Capture' prior to tactical questioning. It was either at that time or subsequently that the term 'Conditioning' was also used to describe the treatment of detainees, although I do not recall exactly in what context this term was used.

I am not aware whether these methods of treatment were in use prior to the appointment of the BGIRO being created.

When asked by WO2 Spence whether I discussed the methods of treatment, 'conditioning', the use of stress positions or the term 'shock of capture' with the CO, Lt Col Mendonca, prior to formulating the Battle Group document I can state that I do not recall discussing these terms with the CO. We definitely discussed the process for dealing with the prisoners prior to my drawing up the Battle Group document in Jul 03, but I do not recall the exact content of this conversation.

When asked by WO2 Spence whether I discussed the methods of treatment, 'conditioning', the use of stress positions or the term 'shock of capture' with the CO, Lt Col Mendonca, after the document was drawn up I can state that I did discuss these terms one evening with the CO. The exact date I do not recall, however within a few weeks of the Battle Group document being introduced and it was one of the first lifts of a number of detainees as I recall. I was at the Detention Facility and Detainees were in the process of being tactically questioned and the CO approached me at the Detention Facility. I believe he may have been passing the detention facility returning from a patrol when he alighted his vehicle, outside the facility. I recall we had a discussion about the conditioning process and can only assume the reason we did so was because he observed the detainees inside the building undergoing 'conditioning' and then raised the issue with me. When asked by WO2 Spence I cannot comment on whether the detainees were hooded, restrained or in stress positions at this time. Whilst I do not recall the exact conversation, I do recall we discussed the fact that the conditioning was being done at the request of the tactical questioners and therefore at the behest of Bde HQ.

The CO did not stop the conditioning process and I do not know whether he spoke to the tactical questioners to seek clarification on the purpose for conditioning. However, as a result of the discussion I was not instructed by the CO to amend any of our working practices or to amend the Battle Group document covering the internment procedures.

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