

Witness Name: Lt Colonel Gavin Davies

Statement No: 2

Exhibits: None

Dated:

THE BAHAMOUS PUBLIC INQUIRY

Second Witness Statement of Lt Colonel Gavin Davies

I, Lt Colonel Gavin Davies will say as follows: -

1. I make this statement in response to the Inquiry's Rule 9 Request dated 27 April 2010 for a second witness statement dealing with certain issues surrounding advice given by the Attorney General in 2003. I seek here to cover everything it raises to the best of my ability and recollection.
2. I have been asked to confirm whether or not I have ever read the Attorney General's 2003 advice on the application of the European Convention on Human Rights (ECHR). I can confirm that I have read that advice.
3. I have also been asked what my own view was as the application of the ECHR in Iraq in 2003. During my period of deployed service on Op TELIC 1, I believed that the Lex Specialis for the conflict was the Law of Armed Conflict and not Human Rights Law. I considered that Human Rights law would become applicable at some stage during the course of the conflict when sufficient control was exercised over Iraq to be able to apply it.
4. I have been asked to describe what impact the ECHR had on the prisoner handling issues that I was involved in. As explained above, I

did not believe that the ECHR applied during my time in theatre. I would add that even if I had taken the opposite view it would not have changed my views on the standards to be applied to prisoners

5. I have been asked whether I ever discussed with (then) Commander Neil Brown the content, or reason for the content, of his email of 2004 (please see MOD020204). At the time of that email, I no longer worked for Commander Brown, having moved to the Operational Law Branch in June 2003. I was not aware of its content until it was shown to me in the course of this Inquiry and have never discussed the content of his email with him.
6. The Inquiry has also asked me whether I was involved in any discussions as to the applicability of ECHR to events in Iraq in 2003 and if so, with whom. I cannot recall any specific discussions on this subject, although it is possible that some may have taken place on an informal basis.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed _____

Lt Colonel Gavin Davies

Dated 09 June 2010