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37

MOD Form 266A (Military)

Case No: 64695/03

WITNESS STATEMENT

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

Statement of: Jorge Emanuel MENDONCA**Age if under 18:** Over 18 **Occupation:** HM Forces (Army)
(if over 18 insert "Over 18")

This statement (consisting of 4 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.

Dated the 22nd day of October 2003

Signature: JE MENDONCA

I am the above named person.

I am the Commanding Officer of the 1st Battalion, Queens Lancashire Regiment (QLR) presently serving on Op TELIC 2 in Basrah, SE Iraq.

My Battlegroup (BG) has responsibility for the whole of the city of Basrah, save for a small part north of route yellow on the Basrah spot map, this area being the responsibility of 1 KINGS BG.

I hold daily conferences with key personalities in my BG, often at 1 QLR Main, but for security reasons, on occasion at differing Coy locations. Among the personalities at the conferences is the Intelligence & Surveillance Target Acquisition and Reconnaissance (ISTAR) officer, who is also the BG Internment Review Officer (BGIRO).

In Jun 03, on deployment the role of BGIRO was held by Maj Taylor Royce, 1 QLR. In mid/late Aug 03 he was succeeded by Maj Peebles, 1 QLR, who currently holds this appointment.

On appointment Maj Royce produced a set of guidelines for the Internment process for dissemination within the BG. Our predecessors 1 BW did not have a BGIRO and therefore Maj Royce was required to prepare the document anew. This document was extant over the period of the incident and I was unaware of any documentation compiled and distributed by MND (SE) or 19 Mech Bde to the contrary.

I understand this document was compiled using procedures advised by the Pro Sgt regarding the detention of prisoners/detainees. There were no problems with the manner in which we were doing business given we have previously processed some 60 - 70 detainees without incident.

Signature: JE MENDONCA

Signature witnessed by: DPW SPENCE

AD - 1
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MOD Form 266E (Continuation Sheet)

Sheet No 2

Case No: 64695/03

Continuation of statement of: Jorge Emanuel MENDONCA

I have today, Wed 22 Oct 03, handed to WO2 Spence, RMP (SIB), the following document to which he attached a label marked:

JEM/1 – Certified true copy of 1 QLR Internment Procedures dated 9 Jul 03 (3 pages).

I have signed the attached label.

On Sun 14 Sep 03, during Op Salerno, I was aware a number of males had been detained and returned to the Holding centre, at 1 QLR Main.

That afternoon, the exact time I do not recall, at 1 QLR Main, I spoke with Maj Peebles. I asked what we had by way of Intelligence value from the detainees and was provided a summary regarding ID cards, weapons, photographs and literature, which had been recovered. I was aware, as was Maj Peebles, through previous detentions of a requirement for detainees to be delivered to the Theatre Internment Facility (TIF) within 14 hrs and therefore my line was that we should make Bde aware that we required individuals to perform Tactical Questioning (TQ) as soon as possible. I did not place undue pressure upon Maj Peebles to gain answers to specific points, only to ensure that the detainees were TQ'd soonest so if there were a delay in their delivery to the TIF it was not due to inactivity or inefficiency on our part and we should be able to account for and justify any delay.

I was briefed by Maj Peebles, though when exactly I do not recall, except that it was whilst I was coming into or leaving 1 QLR Main, that the TQ was ongoing but hadn't revealed much.

Whilst the detainees were in our custody I recall that on the evening of Sun 14 Sep 03, that I briefly visited the Holding Centre. My purpose was to ensure the prisoners had water available, which they did. I do not now recall who was present, as guard at the location, but after a very brief discussion with the guard, ensuring all was well, I departed. Of the detainees I recall only they were seated and were quiet.

About 0730 hrs on Mon 15 Sep 03, I recall that whilst taking breakfast I observed a soldier plating meals to take away, of scrambled eggs, tomatoes and other items, though no meat products and thinking a potential hygiene breach I asked: "Are you taking that to the guard?"

He replied, "No Sir, these meals are for the prisoners," or words to that effect.

I am not able to recall who this soldier was however, the food supported his claim given there were no meat products present.

Signature: JE MENDONCA

Signature witnessed by: DPW SPENCE

AD - 2
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39

MOD Form 266E (Continuation Sheet)

Sheet No 3

Case No: 64695/03

Continuation of statement of: Jorge Emanuel MENDONCA

During the afternoon of Mon 15 Sep 03, the time I do not recall, I was briefed by the Adjt, that a prisoner had collapsed and died. I was briefed that the prisoner had been struggling all day trying to get out of his restraints, being difficult and whilst 2 guys were trying to bring him under control against a wall, he fell over striking his head against the floor. When picked up, he did not respond and although first aid was provided and a Doctor attended, they were unable to save him.

Signed: JE MENDONCA

Signed: DPW SPENCE
WO2
RMP (SIB)

Signature: JE MENDONCA

Signature witnessed by: DPW SPENCE

AD - 3
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