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Monday, 19 April 2010

(10.00 am)

Opening remarks

MR HALLIDAY: Good morning, Sir.

THE CHAIRMAN: Good morning, Mr Halliday. Good morning and welcome to everybody back to another hearing, all of you who are lucky enough to have come back from foreign climes. Perhaps it is those who are quite lucky to be stuck in foreign climes, but on we go. I think this four-week session is probably about the longest that we have had since about November or some time like that.

Yes. Very well. Would you be kind enough, please, to stand up, Mr Mitchell, and I will ask that you be sworn.

MILES MITCHELL (sworn)

THE CHAIRMAN: Thank you very much. Do sit down. May I ask you to get as close as you can to the microphone and speak into it? It's not terribly comfortable, I suspect, but if you could do that, then we will all be able to hear. Thank you.

Yes, Mr Halliday.

Questions by MR HALLIDAY

MR HALLIDAY: Could you state your full name, please?

A. Miles Mitchell.

Q. Is there a red folder on the shelf in front of you? Is

1 your witness statement inside it?

2 A. Yes, it is.

3 Q. Could you turn to the last page, please? Does your

4 signature appear on the final page?

5 A. Yes, it does.

6 Q. When you signed this statement, were you attesting that

7 it was true to the best of your knowledge and belief?

8 A. Yes.

9 Q. Thank you.

10 The chairman has read that statement so I am not

11 going to cover everything it in. But you joined the

12 army in 1996; is that correct?

13 A. That's correct.

14 Q. And your regiment was the Royal Dragoon Guards?

15 A. That's correct.

16 Q. Are you still in the army now?

17 A. No.

18 Q. When did you leave? Which year?

19 A. 2007.

20 Q. What was your rank at the time that you left?

21 A. Major.

22 Q. Did you deploy to Iraq in August 2003?

23 A. Yes.

24 Q. Does that mean that you went to Iraq partway through

25 Op Telic 2?

1 A. That's correct.

2 Q. What was your rank at that time?

3 A. Captain.

4 Q. And what post did you hold during that tour?

5 A. SO3 G3 training and plans.

6 Q. And which unit was that?

7 A. 19 Mech Brigade.

8 Q. As you came in partway through the tour, does that mean

9 you took over the role from someone else?

10 A. That's correct.

11 Q. From whom did you take over the role?

12 A. Richard Steptoe, Major Steptoe.

13 Q. Major Steptoe. Rupert Steptoe?

14 A. Rupert Steptoe, that's correct.

15 Q. Was there a handover between you and Major Steptoe?

16 A. Yes, there was.

17 Q. Did that handover cover prisoner handling?

18 A. Not to my knowledge.

19 Q. Not to your recollection?

20 A. No.

21 Q. You said you were SO3 training and plans. Is it right

22 to assume that in the middle of an operational tour not

23 a lot of training takes place?

24 A. That's correct.

25 Q. Does that mean you weren't in fact involved in

1 organising training for 19 Mech Brigade?

2 A. That's correct. The pre-deployment training would have
3 happened before I turned up.

4 Q. What about the operations part of your role? What did
5 that consist of?

6 A. Largely planning future operations for the brigade.

7 Q. So if you were planning future operations, when an
8 operation became current, does that mean someone else
9 would take over your responsibility so to speak?

10 A. That's correct.

11 Q. And who would that be?

12 A. Charles Burbridge.

13 Q. What was his post?

14 A. He was SO3 G3 operations and O&D.

15 Q. "Operations and deployment"?

16 A. I believe so -- I think it "organisations and
17 deployment".

18 Q. Thank you. Did you have any responsibility for
19 detainees and internees in your role?

20 A. Not that I recall.

21 Q. Which staff branch at 19 Mech Brigade was responsible
22 for internees and detainees?

23 A. I think prisoners of war which is -- how we would have
24 referred to this during training is a G3 responsibility.

25 Q. Was the brigade dealing with prisoners of war during

1 that particular tour?

2 A. Not that I'm aware of.

3 Q. It was dealing with detainees and internees?

4 A. Correct.

5 Q. And which staff branch at 19 Mech Brigade had

6 responsibility for detainees and internees?

7 A. Nominally G3.

8 Q. Do you say that because that was the ordinary policy or

9 because that was specifically followed during

10 Op Telic 2?

11 A. That would have been the ordinary policy.

12 Q. When you say "nominally G3", do you mean that in

13 practice it was not G3 or someone else?

14 A. My recollection is that G3 is responsible for prisoners

15 of war in a war-fighting role because of the

16 implications to ongoing operations.

17 Q. What about G2? Did the G2 branch have any

18 responsibility for detainees and internees during that

19 tour?

20 A. Yes.

21 Q. What responsibility did you understand G2 to have?

22 A. They were responsible for gathering any intelligence

23 and, as a result, had responsibilities to do with

24 coordination and things like that.

25 Q. Coordination of gathering intelligence?

1 A. Of gathering intelligence, yes, and where the internees
2 may be or ...

3 Q. Coordination of tactical questioning?

4 A. That's correct.

5 Q. Tracing detainees and internees as they went through the
6 system, would that be a G2 function?

7 A. That's what I understand and I believe it's in the --
8 some of the FRAGOs.

9 Q. We will come to those.

10 You say in your statement that there was a crossover
11 in responsibilities for detainees and internees between
12 G2 and G3. Is that a fair description of your
13 understanding now?

14 A. Yes -- yes, I think there was a -- a "crossover" implies
15 that it was once one thing and then is now another
16 thing. I think what I was trying to imply was that the
17 G2/G3 work quite closely together and it sat in that
18 area.

19 Q. It was a shared responsibility?

20 A. I think there were responsibilities on various aspects.

21 Q. Each had distinct responsibilities?

22 A. Yes, I think each had different responsibilities.

23 Q. Are you able to describe where the line was between G2
24 responsibilities for detainees and internees and
25 G3 responsibilities?

1 A. I didn't work in G2 so I would be unable to.

2 Q. Which individual or individuals, first of all in the G3
3 branch, had responsibility for detainees and internees?

4 A. I don't know.

5 Q. What about in the G2 branch?

6 A. My recollection is that Major Radbourne had
7 responsibilities for TQ, but apart from that I wouldn't
8 know.

9 Q. Was your perception that he was in charge of TQ at
10 brigade level or that he was merely drafted in to help
11 out?

12 A. I wouldn't know. He arrived in theatre the same day as
13 me.

14 Q. Is it fair to say that your knowledge of who was in
15 charge of detainees and internees at brigade level was
16 quite limited because that wasn't your area?

17 A. That's correct.

18 Q. Do you recall who the brigade legal adviser was during
19 that tour?

20 A. Major Russell Clifton.

21 Q. Did he have any role in relation to detainees and
22 internees?

23 A. Well, he was the legal adviser, so if there were any
24 legal issues, he would be the subject matter expert.

25 Q. Subject matter expert on how to deal with detainees?

1 A. Well, on any legal aspects.

2 Q. I understand. Apart from the death of Baha Mousa and
3 the treatment of those detained with him, were you aware
4 of any concerns being raised about the handling of
5 internees and detainees during that tour?

6 A. I don't believe so.

7 Q. You say in your statement -- we could go to the
8 paragraph you would like. We will put it on screen. It
9 is paragraph 17 at page 7 of your statement. It is on
10 the screen in front of you if that helps. It will save
11 you turning up the page. The final sentence there is:
12 "I seem to remember that Major Russell Clifton, the
13 brigade legal adviser ... visited locations where there
14 were any concerns about the handling of internees and
15 detainees."
16 Do you remember that in fact happening?

17 A. Yes, I believe so, yes.

18 Q. Do you recall anything about the concerns that were
19 being raised?

20 A. No.

21 Q. There are a couple of operational orders and fragmentary
22 orders that I would like to take you to. The first is
23 MOD030908.
24 If you look at the screen, you can see it's brigade
25 FRAGO 116. We can see the date of the FRAGO was

1 4 September 2003. Is that correct?

2 A. That's correct.

3 Q. If we go forward two pages, we can see your name at the
4 bottom of FRAGO next to "Auth", can't we?

5 A. That's correct.

6 Q. If we return to the first page, please, and focus on
7 paragraph 3. Paragraph 3 reads:

8 "Policy for apprehending, handling and processing of
9 detainees and internees.

10 "(a) Background. At enclosure 1 is guidance to
11 commanding officers and their staff on the amended
12 MND(SE) policy for apprehending, handling and processing
13 of detainees and internees. At enclosure 2 is the
14 reference document MND(SE) FRAGO 005.

15 "(b) Requirement. All BG staff are to read the
16 policy in accordance with direction given in the
17 enclosure."

18 We can, in fact, see the first enclosure at
19 MOD030914. Is this, in fact, the first enclosure
20 referred to in the order that we were just looking at?

21 A. I believe so.

22 Q. It went out, didn't it, under your letterhead?

23 A. That's correct.

24 Q. Did you, in fact, draft it though?

25 A. No.

1 Q. Can you recall who did draft it?

2 A. Russell Clifton.

3 Q. We may be able to see that if we turn to MOD049699. At
4 the bottom of the page we can see an email from
5 Major Clifton to you, can we not?

6 A. That's correct.

7 Q. He says:

8 "Miles, my suggestion for brigade FRAGO covering
9 div FRAGO 005 -- this should ideally go out in the next
10 five minutes please."

11 Then over the page is his draft attached to the
12 email. The text of that looks identical to the text of
13 the enclosure we just saw to your FRAGO, does it not?

14 A. That's correct.

15 Q. Do you recall during that tour seeing an order --
16 a divisional order -- from Op Telic 1 called "FRAGO 29"
17 which said that G2 would be taking overall control of
18 the internment process?

19 A. No, I don't recall that or I don't recall seeing that.

20 Q. Could we look, please, at the second enclosure to
21 brigade FRAGO 116 which went out under your name.
22 That's divisional FRAGO 005. It is at MOD022623. This
23 was enclosed with your FRAGO 116. Did you read this
24 order at the time?

25 A. I don't recall.

1 Q. Could we turn, please, to annex H? It is at MOD022645.
2 Annex H is described as "Outline of responsibilities".
3 We can see brigade is dealt with at paragraph 3, where
4 it says:
5 "Brigade will provide advice to battlegroup level in
6 all aspects of detainment and internment operations
7 including J3, J2, pro ..."
8 Provost?
9 A. That's correct.
10 Q. "... and legal."
11 Did that reflect your understanding of which staff
12 branches at brigade were responsible for advising on
13 detainment and internment?
14 A. Yes.
15 Q. The next subheading is "HQ MND(SE)", dealing with
16 divisional level; correct?
17 A. That's correct.
18 Q. Paragraphs 5 and 6 read as follows:
19 "J3. The handling of internees and detainees is a
20 J3-led operation J3 ops are to act as the point of
21 contact for all information and documentation relating
22 to captured personnel. J3 will be responsible for
23 coordinating the reviews of documentation to be carried
24 out by the Detainee and Internee Review Committee ... on
25 a weekly basis.

1 "J2. J2 are responsible for the collation of
2 intelligence information and will liaise with the JFIT
3 accordingly. J2 will provide the intelligence
4 assessment on every captured individual within 7 days of
5 capture and on each review."
6 THE CHAIRMAN: Can I ask, what's the date of this?
7 MR HALLIDAY: This is 3 September 2003.
8 THE CHAIRMAN: I do find the military method describing the
9 date as peculiarly difficult to read. Why do you say
10 that's the 3rd?
11 MR HALLIDAY: The first two digits refer to the date.
12 THE CHAIRMAN: And the next the hour, is it?
13 MR HALLIDAY: That's correct, Sir.
14 THE CHAIRMAN: I see. Thank you very much.
15 MR HALLIDAY: It has taken a little getting used to.
16 THE CHAIRMAN: Yes, I should by now have picked it up.
17 MR HALLIDAY: Looking at paragraphs 5 and 6, is your
18 understanding of that that, at least at divisional
19 level, J3 was to take the lead on detainment and
20 internment?
21 A. That's correct.
22 Q. Is your interpretation of this that the J3 lead is to
23 apply only at divisional level and not at brigade level?
24 A. Not necessarily.
25 Q. What's your interpretation of what is to happen at

1 brigade level?

2 A. I think different G3/G2 provost legal had different
3 responsibilities. Where they met at division was at J3.

4 Q. This does appear to say, does it not, that J3 is to lead
5 the handling of internees and detainees at HQ MND(SE),
6 but it doesn't say the same thing for brigade, does it?

7 A. That's correct.

8 Q. Did you understand there to be any difference between
9 which branch was to lead on detainees and internees at
10 brigade and at division?

11 A. I think my understanding is that wherever they were --
12 wherever the responsibilities were held elsewhere, at
13 divisional level they were to arrive at the J3
14 department.

15 Q. But that didn't necessarily apply at brigade level, did
16 it?

17 A. Not necessarily, no.

18 Q. Are you able to explain why there is this apparent
19 difference between brigade and divisional levels?

20 A. No.

21 Q. The final order I would like you to look at is brigade
22 FRAGO 118. It appears at MOD030391. The date of this
23 FRAGO appears to be 8 September 2003. Is that correct?

24 A. That's correct.

25 Q. If we turn over the page, it went out under your name.

1 A. That's correct.

2 Q. Could we focus on paragraph 3, please? It reads as
3 follows:

4 "Detainees and internees notification.

5 "(a) Background. HQ MND(SE) is now the coordinating
6 authority for the release and control of all internees
7 detained by MND(SE) units. At present MND(SE) does not
8 have any visibility of the numbers of detainees being
9 taken on a 24-hour basis.

10 "(b) Tasks. All subordinate commands are to notify
11 G2 by 1800D every Sunday as laid down in annex F to
12 FRAGO 005 ...

13 "Point of contact. G2 cell ..."

14 Then contact details appear to follow.

15 Does this mean that at brigade level G2 was taking
16 a lead on internment and detainees?

17 A. That's what it seems to imply.

18 Q. Moving on to a different topic, did you ever become
19 aware, during Op Telic 2, of any practice of
20 conditioning prisoners prior to tactical questioning?

21 A. Not that I recall, no.

22 Q. You don't recall any discussion of that amongst staff
23 officers at brigade?

24 A. No. I don't remember that. It's difficult now, with
25 all the stuff that has gone on in between, but I don't

1 recollect that I knew what the phrase "conditioning" was
2 all about.

3 Q. What about the phrase "shock of capture"? Is that
4 something you heard during that tour?

5 A. Not that I remember, no.

6 Q. Did you discuss prisoner handling or tactical
7 questioning with Major Robinson or Major Radbourne
8 during that tour?

9 A. Not that I remember.

10 Q. Do you recall any discussion during the tour about the
11 use of stress positions on prisoners?

12 A. No.

13 Q. What about hooding? Did Major Steptoe mention to you
14 during your handover that hooding had been banned
15 previously?

16 A. Not that I recall, no.

17 Q. You tell us in your statement that you don't recall
18 seeing a FRAGO 152 which banned the covering of
19 prisoners' faces. Is that correct?

20 A. That's correct.

21 Q. Did you, at any point during your tour, learn that
22 hooding of prisoners had been banned?

23 A. Not that I can remember.

24 Q. Not even late in the tour, in late September, after the
25 death of Baha Mousa?

1 A. Not that I can remember, but -- but, you know ...

2 Q. It may have happened?

3 A. Sitting here today, yes, I can't remember.

4 Q. One final topic, please. Do you recall speaking to

5 Major Clifton about the death of Baha Mousa?

6 A. Yes, I do.

7 Q. When did that conversation take place?

8 A. At the very, very end of the tour.

9 Q. So which month would that have been approximately?

10 A. October-time, approximately.

11 Q. What did Major Clifton say about Baha Mousa?

12 A. I don't remember the exact words, but the gist of the

13 conversation was that -- well, I was -- I think why it

14 stuck in my mind was because of his categorical nature of

15 his comments, that he felt that something had gone

16 wrong.

17 Q. Did he say what had gone wrong?

18 A. Not that I remember.

19 Q. Did you have any sense of the gist of what he was saying

20 about what had gone wrong?

21 A. No, no. The reason it stuck in my mind was because it

22 hadn't necessarily occurred to me that there was any

23 blame necessarily and so I was quite surprised.

24 Q. I did say that was my final topic. I'm sorry, there is

25 one other final thing I should ask you about. Were you

1 aware that there was a 14-hour deadline for the transfer
2 of internees from battlegroups to the theatre internment
3 facility?

4 A. I knew there was a deadline. Now I couldn't tell you
5 whether I knew it was 14 hours or not.

6 Q. The 14-hour deadline appears in the policy which had
7 been drafted by Major Clifton, but which went out under
8 your name. Would you have been aware of the 14-hour
9 deadline at the time?

10 A. Quite possibly.

11 Q. Do you recall any difficulties complying with that
12 deadline during the tour?

13 A. In my role I was sometimes asked to organise transport
14 facilities, for example helicopters, which were a scarce
15 resource, and so my recollection is that I was sometimes
16 asked to provide a helicopter in order to comply with
17 certain timelines.

18 Q. And was compliance with the time limit always achieved
19 or usually achieved or rarely achieved?

20 A. I don't know. I was merely coordinating the resources,
21 so I wasn't necessarily interested in whether it was --
22 whether it complied or not.

23 MR HALLIDAY: I understand. Thank you.

24 THE CHAIRMAN: Yes, well, there will be some other questions
25 I expect.

1 Ms Hetherington?

2 Questions by MS HETHERINGTON

3 MS HETHERINGTON: Thank you, Sir.

4 Major Mitchell, just dealing firstly with a topic
5 that has been discussed already, namely the division of
6 responsibilities between G2 and G3 for internment and
7 detention. You have explained that your understanding
8 of the divisional FRAGO and the later brigade FRAGO is
9 that at divisional level it was a J3 [sic] lead, but at
10 brigade level a G2 lead. Am I right in thinking that
11 you weren't responsible for that decision as to who took
12 responsibility at brigade level?

13 A. That's correct.

14 Q. Can you help as to who was, either from your knowledge
15 or who you think would have been responsible for that
16 decision?

17 A. My understanding is that the G2 and G3 branches both
18 reported to the brigade chief of staff, so any division
19 of responsibilities within those functions would have
20 been his decision.

21 Q. Do you recall any discussions about that division of
22 responsibility at the time of those FRAGOs?

23 A. Specifically to do with prisoner handling?

24 Q. Yes.

25 A. No.

1 Q. Just on the topic of hooding, you have explained that
2 you weren't aware of any discussions about hooding
3 whilst you were on tour. Were you aware of the fact of
4 hooding going on on the ground?

5 A. Not that I remember, no.

6 Q. Just finally this: you described in your statement the
7 formal orders process, whereby you would receive
8 information from above or other branches and formulate
9 FRAGOs that would go to battlegroup. In terms of more
10 informal processes, I just wanted to ask your view on
11 this: if a battlegroup officer had an informal
12 conversation with an officer from brigade about a matter
13 of prisoner handling, would something mentioned by that
14 individual brigade officer be a brigade order or would
15 it have some lesser status than that?

16 A. That's a good question. I'm not sure.

17 MS HETHERINGTON: Thank you.

18 THE CHAIRMAN: Yes. Ms Simcock?

19 Questions by MS SIMCOCK

20 MS SIMCOCK: Thank you, Sir.

21 Could we have paragraph 17 of Mr Mitchell's
22 statement on the screen, please? It is BMI04954.

23 You have been asked questions about the last
24 sentence of this paragraph, Mr Mitchell, and you said,
25 in answer to questions about that, that you don't recall

1 anything of the concerns raised. Is it right that what
2 you actually recall is Major Clifton visiting particular
3 locations?
4 A. That's correct.
5 Q. You were aware that part of his role was to address any
6 concerns raised with him; is that right?
7 A. That's correct.
8 Q. And that that might involve visiting a particular
9 location?
10 A. That's correct.
11 Q. Have you then assumed that concerns over detainee
12 handling raised with Major Clifton were the reason he
13 visited particular locations because you knew of his
14 visits and you knew of his role, as you have just
15 described, when, in fact, he might have been visiting
16 for other reasons?
17 A. I think that visiting the locations was part of his
18 role --
19 Q. Yes.
20 A. -- and so, yes, I could have assumed that it was to do
21 with specifically detainees as that's part of his role.
22 Q. Thank you. Moving on, you weren't generally involved in
23 issues of detainee transfer from battlegroup locations
24 to the TIF; is that right?
25 A. That's correct.

1 Q. Were you aware that detainees were routinely transferred
2 to the TIF by vehicle by road?

3 A. Yes.

4 Q. Were you involved in the allocation of those resources?

5 A. No.

6 Q. So --

7 A. Sorry, can I qualify that?

8 Q. Of course.

9 A. I think my understanding was that it was a battlegroup
10 responsibility. If they, for any reason, didn't have
11 vehicles available, their next port of call would have
12 been the higher headquarters, which was my headquarters.

13 Q. I see. So to the extent that you were involved, were
14 you aware of difficulties in allocation of those
15 resources in meeting timelines and getting detainees to
16 the TIF by road?

17 A. Not necessarily, but vehicles were a scarce resource and
18 used for lots of things, so it is quite possible.

19 MS SIMCOCK: Yes, thank you. Thank you, Sir.

20 THE CHAIRMAN: Thank you. Mr Evans?

21 Questions by MR EVANS

22 MR EVANS: Thank you, Sir.

23 You were deployed, Mr Mitchell, on Telic 2 between
24 August and about the end of 2003; is that right?

25 A. That's correct.

1 Q. Can I ask you, please, just to tell us what the pace of
2 work was like for you during Telic 2?

3 A. It was a very fast-paced operation.

4 Q. What are the sort of hours that you were working during
5 that period?

6 A. 18/20-hour days.

7 Q. Was that over the whole period?

8 A. The vast majority.

9 Q. Did the pace of work get easier or worse as the
10 operation went on?

11 A. I think the pace of work got -- increased.

12 Q. You were asked about your conversation with
13 Russell Clifton, where he had said something had gone
14 wrong after Baha Mousa's death. In your statement you
15 said that that shocked you. Can you tell us why you
16 were shocked?

17 A. I was shocked because it hadn't occurred to me that this
18 would have been any malpractice, for want of a better
19 phrase. The soldiers are often put in difficult
20 situations and my experience is that they had always
21 behaved very well.

22 Q. Finally this: you talk in your statement, at
23 paragraph 25, about communications difficulties in
24 theatre. Can you just give us some idea about what, on
25 Telic 2 anyway, you experienced by way of communications

1 difficulties from a staff perspective?

2 A. Yes, the -- having re-read my statement, I think perhaps
3 what I was trying to say is that it was a constant
4 friction, rather than constant problems. But some of
5 the communications to the more far-flung corners of the
6 area of responsibility were difficult and the
7 telephone -- the kind of army telephone system was
8 fraught with having calls lost and dropped off and
9 things like that.

10 Q. Yes. Did that impede the execution of your function in
11 any practical way?

12 A. It was an added friction if you are in the middle of
13 a conversation and suddenly you get cut off or for some
14 reason you couldn't gain a connection.

15 MR EVANS: Yes. Yes, thank you very much. Thank you, Sir.

16 MR HALLIDAY: No more questions, thank you.

17 Questions by THE CHAIRMAN

18 THE CHAIRMAN: There are just one or two matters I would
19 like to ask you about, Mr Mitchell.

20 One tends to think perhaps of a division of
21 responsibilities between G2 and G3 and you expressed
22 a few views about the overlap. Physically, when you
23 were working, how close were you to your G2 colleagues?

24 A. The G2 cell was in a different room.

25 THE CHAIRMAN: Very far away or what?

1 A. The operations room was in what was described as the
2 "ballroom" --

3 THE CHAIRMAN: Yes.

4 A. -- and then in another adjoining room was the G2 cell.

5 THE CHAIRMAN: If you wanted to talk to your colleague in
6 G2, could you just walk in and speak to him?

7 A. Within reason. There were security measures to make
8 sure that people couldn't just wander in.

9 THE CHAIRMAN: No, I can see that.

10 A. Yes.

11 THE CHAIRMAN: They might perhaps be able to identify you
12 going from one place to another and your colleagues
13 coming back.

14 A. That's correct.

15 THE CHAIRMAN: Did that happen or did you tend to stick
16 rigidly to the divisions between the individual areas of
17 responsibility?

18 A. I think we stuck fairly rigidly within the ongoing
19 framework of the organisation.

20 THE CHAIRMAN: If a problem came up with detainees and it
21 was referred to you, would you say, "Not my problem,
22 take it over to G2"?

23 A. There was a fairly robust approach to dealing with work
24 that wasn't in your remit.

25 THE CHAIRMAN: That means that you have got enough to do of

1 your own, so you shoved it off to whoever had
2 a responsibility; is that right?

3 A. Yes.

4 THE CHAIRMAN: Yes. I follow.

5 All right. Now the other thing that slightly
6 surprises me -- and I don't know whether you can throw
7 any light on it at all here -- but you have been asked
8 about documents and FRAGOs, and FRAGO 118, which is a
9 19 Mech Brigade document, which, as I understand it, is
10 dated 8 September.

11 A. That's correct.

12 THE CHAIRMAN: You had been in theatre since, when,
13 mid-August?

14 A. Something like that, Sir, yes.

15 THE CHAIRMAN: And the brigade had been in theatre for some
16 time longer than that.

17 A. That's correct, Sir.

18 THE CHAIRMAN: Why suddenly are they coming up with these
19 orders about detainees? There must have been many
20 detainees before this order was made.

21 A. That's correct.

22 THE CHAIRMAN: I am just puzzled by the timing of it, why
23 somebody is getting round to doing it then. Can you
24 throw any light on that?

25 A. I wasn't in theatre much before this, so --

1 THE CHAIRMAN: I see that. But that doesn't mean to say
2 that you don't know why it suddenly came up then.
3 A. No, I don't know --
4 THE CHAIRMAN: You don't know either.
5 A. -- what prompted this to appear in this FRAGO.
6 THE CHAIRMAN: All right. Thank you very much. That is all
7 I have to ask you.
8 Thank you very much for coming to give evidence.
9 I am very grateful to you. You are now free to go.
10 A. Thank you, Sir.
11 MR ELIAS: Sir, may I call Charles William Burbridge,
12 please, Major Burbridge?
13 THE CHAIRMAN: Yes.
14 Major, if would you be kind enough, please, to stand
15 for a moment, I will ask that you be sworn.
16 CHARLES WILLIAM BURBRIDGE (sworn)
17 THE CHAIRMAN: Thank you very much. Do sit down. If
18 I could ask you to get as close to the microphone as you
19 can, then we will all be able to hear you. Thank you.
20 Questions by MR ELIAS
21 MR ELIAS: Would you give the Inquiry your full name,
22 please?
23 A. My name is Charles William Burbridge.
24 Q. You are still in the army; is that correct?
25 A. Yes.

1 Q. Do I have your rank correctly as "major"?

2 A. Yes.

3 Q. Thank you very much. Major Burbridge, would you look at
4 a folder which I hope is alongside you and at a copy of
5 your statement to this Inquiry? Would you go
6 particularly to the last page of that statement, please,
7 at our BMI04804, and confirm that you find your
8 signature above the date 6 October of last year?

9 A. I do.

10 Q. Thank you. When you signed that statement, were you
11 confirming to the Inquiry that the contents of it were
12 true to the best of your knowledge and belief?

13 A. Yes, at the time.

14 Q. Thank you very much. If you put it aside then please.
15 We have read that statement obviously and I don't
16 propose to ask you about, by any means, every aspect
17 that you cover in it, but to go to certain parts of the
18 evidence that you can help this Inquiry with.

19 First of all may I deal very briefly with your
20 career history? You set it out in paragraphs 2 to 19 of
21 your statement and I am not going to go through that in
22 its detail at all. What it demonstrates, I think, is
23 that you joined the army in 1996; is that correct?

24 A. That's correct.

25 Q. Without giving your date of birth, Major, how old were

1 you when you joined the army?

2 A. 23.

3 Q. Thank you. You started at Sandhurst, is that right?

4 A. That's correct.

5 Q. As your statement indicates, you have served in various

6 parts of the world, including Northern Ireland.

7 A. That's correct.

8 Q. At the time of your deployment to Iraq in 2003, what was

9 your rank?

10 A. Captain.

11 Q. You tell us that you were deployed to Basra in early

12 June 2003, returning to the United Kingdom at the end of

13 that tour in November of 2003.

14 A. That's correct.

15 Q. Your rank was captain; what was your role in Iraq?

16 A. My job title was "SO3 operations, organisation and

17 deployment".

18 Q. I will just come to discuss with you in a little detail

19 what that meant in day-to-day terms in a moment or two.

20 It was after Iraq, was it, that you were promoted to

21 your current rank of major?

22 A. That's correct.

23 Q. Do you remember when that was?

24 A. 2000 -- sorry, 2003 -- 2004, it would be.

25 Q. 2004, thank you. Prior to your deployment to Iraq, may

1 I just ask you this in general terms as to your
2 understanding from training and/or instruction that you
3 may have received in the army of the use of certain
4 techniques and other matters with which this Inquiry is
5 particularly concerned? Prior to deployment to Iraq,
6 what was your understanding about the use of hoods for
7 prisoners?

8 A. It was something that I was aware happened in
9 a war-fighting situation from my general professional
10 inquisitiveness, but it was not something I was trained
11 in.

12 Q. You had received no training in it at all?

13 A. No.

14 Q. But you knew that it went on, did you, and it happened
15 in the army?

16 A. My general understanding was that, were I to see it,
17 I wouldn't be surprised in a war-fighting situation.

18 Q. So did you understand it to be, if you like, an SOP --

19 A. No.

20 Q. -- that when prisoners were captured they would be
21 hooded?

22 A. No.

23 Q. But you did not receive any training as to whether it
24 was right -- specifically whether it was correct or
25 otherwise?

1 A. No.

2 Q. What about the use of stress positions? You know what
3 I mean by "stress positions"?

4 A. I do, yes.

5 Q. Did you receive any specific training or instruction in
6 the rights and wrongs of the use of stress positions on
7 prisoners --

8 A. No.

9 Q. -- and other what are sometimes called "conditioning
10 techniques"?

11 A. I received no training in that.

12 Q. Your role in Iraq, what did it involve on a day-to-day
13 basis?

14 A. I managed the day-to-day conduct of the operation in
15 Basra and Maysan provinces.

16 Q. Did that mean, amongst other things, that you would have
17 responsible for and see, for example, FRAGOs before they
18 were issued and at the time of their being issued?

19 A. I would see FRAGOs after they were issued.

20 Q. Did you have any specific responsibility for the
21 handling of prisoners or detainees?

22 A. No.

23 Q. You say in paragraph 21 of your statement to this
24 Inquiry -- may we have that on the screen, please, at
25 BMI04785 -- you refer to the confusion about exactly

1 what your role was to be in Iraq, "... namely whether it
2 was ... drawdown or whether there were ongoing stability
3 operations". May I just clarify with you what you mean
4 by whether it was to be "drawdown"?

5 A. The mission which we had received prior to our
6 deployment was to take over from 7 Armoured Brigade and,
7 by September of that year, to leave only an armoured
8 battlegroup in residence in Basra and then for their
9 withdrawal to take place a few months after that. That
10 was our mission.

11 Q. You go on to say "... or whether there were ongoing
12 stability operations".

13 A. That is correct.

14 Q. I think, in the result, it proved that there were
15 ongoing stability operations to be carried out, were
16 there not?

17 A. There was a need for that, yes.

18 Q. And things were getting worse, if not far worse, as time
19 went on?

20 A. That's correct?

21 Q. But did the drawdown, the cut-back, as I understand it,
22 in the number of soldiers deployed -- did that
23 nonetheless continue, as it were, to take place?

24 A. No, quite the opposite happened.

25 Q. You had a handover, did you, from 7 Brigade?

1 A. Yes.

2 Q. You describe that in your statement as carrying on over
3 a number of days. Would you, in that handover, have
4 expected to be made aware of what might be called the
5 "key orders" that were in place at the time that you
6 were taking over?

7 A. Yes, but not necessarily in those terms.

8 Q. So how would -- can we take a concrete example? If
9 there were in place, for example, a ban on hooding --
10 and I will come back to that in due course -- but if
11 there were in place a ban on hooding, how would you have
12 expected to have learnt about that in your handover?

13 A. I would expect to be told by Andrew Cox, who I took over
14 from.

15 Q. Why would you expect to be told about that?

16 A. I would expect to be told about that if it was pertinent
17 to the operation at the time. It's the same with all
18 other facts as part of the handover.

19 Q. So would this be fair as a generalisation -- and
20 I appreciate it is: if you were taking over a situation
21 where perhaps long-existing SOPs were simply being
22 carried through, you would not expect anyone to tell you
23 about that?

24 A. That's correct.

25 Q. But if there were changes to the standard operating

1 procedures which impacted on troops on the ground, you
2 would need to know about that?

3 A. That's correct.

4 Q. In the handover, can you recall, were you told anything
5 about the ban on hooding?

6 A. It didn't feature in the handover.

7 Q. Say that again, please.

8 A. It didn't feature in the handover.

9 Q. If indeed there were a ban on hooding in place at the
10 time that you were taking over, in June 2003, would you
11 have expected to have been told about it, given your
12 knowledge, as you have recently told us, of how hooding
13 was from time to time used?

14 A. If it was pertinent to the operation at the time, yes.

15 Q. Does that mean if prisoners were being taken?

16 A. That's correct.

17 Q. And prisoners were being taken, weren't they?

18 A. Well, we weren't conducting detention operations with
19 the frequency we were later in the tour.

20 Q. At that stage?

21 A. At that stage.

22 Q. I follow. Not to say that prisoners were not being
23 taken, but not being taken in such numbers as was to
24 happen later is what you say?

25 A. That's correct.

1 Q. Did you become aware, when you were in Iraq, that
2 hooding was being used?
3 A. I became aware of it, yes.
4 Q. Did you see it?
5 A. Yes, I did.
6 Q. Where did you see hoods used?
7 A. I saw on one occasion outside brigade headquarters in
8 Basra Palace.
9 Q. One prisoner or a group of prisoners?
10 A. One Iraqi in a Land Rover.
11 Q. In a Land Rover and hooded?
12 A. That is correct.
13 Q. As I think you have already told us, that presumably
14 then caused you no surprise, did it?
15 A. It made me look twice.
16 Q. Because ...?
17 A. It was something I had not seen before in reality and it
18 was something that made me feel slightly uncomfortable.
19 Q. Was the hood a sandbag?
20 A. The hood was a sandbag.
21 Q. A hessian sandbag?
22 A. That's right.
23 Q. You felt slightly uncomfortable about it. Why was that?
24 A. For two reasons. Firstly, it was an indicator of the
25 seriousness of the operation we were conducting and,

1 secondly, because it was something that I had not seen
2 before, but again it reinforced the idea that this was
3 a very real operation.

4 Q. Did it cause you, in your own mind, to question the use
5 of sandbags?

6 A. No.

7 Q. For example, at this time of the year, your deployment,
8 it was very hot there?

9 A. It was extremely hot.

10 Q. Did you have worries about a man, as you saw, being
11 sandbagged in these conditions?

12 A. Not at that stage, no.

13 Q. You didn't raise the issue with anyone else, despite
14 your unease about it?

15 A. I later had a conversation with the chief of staff about
16 the nature of tactical questioning.

17 Q. The chief of staff being ...?

18 A. Major Fenton at the time.

19 Q. So you saw hooding on one occasion. Were you aware that
20 it was being used rather more extensively?

21 A. No.

22 Q. What, if anything, did you understand was the purpose of
23 hooding?

24 A. To prevent a prisoner from seeing the layout and
25 dispositions of our headquarters.

1 Q. So what might be called, in shorthand terms, "security
2 reasons"?

3 A. That's correct.

4 Q. Was that the only reason that you understood hoods were
5 used?

6 A. That was the only reason as I understood at the time.

7 Q. When was it that you saw the hood being used, bearing in
8 mind you were deployed -- do you have a date in June
9 when you were first deployed?

10 A. I can't remember.

11 Q. But it was some time in June, was it?

12 A. It was early June.

13 Q. When was it that you were seeing this hooded Iraqi in
14 the Land Rover?

15 A. In high summer.

16 Q. So we have gone through, what, until July/August?

17 A. Perhaps. I can't recall an exact date.

18 Q. If we just jump ahead a little in time to deal with this
19 now, please, could we have look at MOD016120? If we
20 look at the email in the second half of the page, the
21 bottom half of the page, do I understand this correctly
22 that -- under the heading as we now have it on the
23 screen "Original message", "From: Burbridge Captain",
24 "To: Richards Major", "Follow-up to incidents
25 15 September", so this is obviously post-dating the

1 death -- yes?

2 A. Yes.

3 Q. -- some questions were posed, is that right, by
4 Major Richards and you provided answers to them?

5 A. That is correct.

6 Q. If we look towards the foot of the page, under the
7 "1 KOSB", at 1 the question is posed:
8 "Cause. Your SINCREP stated ...", and so on.
9 Then there appears to be an answer:
10 "Soldier was on guard and dropped his weapon ...",
11 and so on.
12 That is your answer, is it, your draft answer, as it
13 were, to the question posed?

14 A. Yes, it is.

15 Q. Can we go over the page, please, down to question 9,
16 where the question posed at 9 is, in relation to the
17 deceased Baha Mousa -- but I am just dealing with it
18 generally for the moment -- "How long held and bagged?
19 Did he need to be?" Two questions.
20 It is your answer, is it?
21 "Subject was held for 36 hours in total ..."

22 A. That's correct.

23 Q. It reads on:
24 "... of which he was hooded for 23 hours and
25 40 minutes."

1 When did you get that information from about this
2 specific incident?

3 A. I don't recall in detail, but I will have spoken to the
4 battlegroup concerned and they would have provided me
5 with that information.

6 Q. Would that have been the battlegroup ops officer?

7 A. It would have been, yes.

8 Q. But there's this, Major, which is what you have said, it
9 seems, in answer to the question:

10 "There was a requirement for the hood as part of TQ
11 conditioning and disorientation process."

12 A. That's not my opinion.

13 Q. That's the answer that you are providing.

14 A. It's the answer I provided based on the information
15 given to me by the battlegroup.

16 Q. So the battlegroup would have given you the information
17 and the battlegroup would have been the battlegroup
18 responsible for the detainee who had died in this case,
19 is that right, Baha Mousa?

20 A. That's correct.

21 Q. So should the Inquiry understand that what you would
22 have been told was that there was a requirement for the
23 hood as part of tactical questioning, conditioning and
24 disorientation process?

25 A. That's the information I would have passed on.

1 Q. In order to pass on that information, presumably you had
2 to understand what it was that you were passing on.

3 A. Not necessarily, no.

4 Q. Did you in this case?

5 A. I understood what he had told me, yes.

6 Q. What did you understand was meant by the "requirement
7 for the hood as part of TQ, conditioning and
8 disorientation"?

9 A. I didn't understand because I don't understand the
10 TQ'ing process.

11 Q. I understand that you may not understand all the
12 ramifications and implications of the TQ'ing process,
13 but you surely understood what the term "conditioning"
14 meant.

15 A. No, I don't. I had not been trained in conditioning.

16 Q. When you were told by battlegroup that he was hooded --
17 presumably this is what you were told -- as part of the
18 tactical questioning and conditioning process, did you
19 say "What does that mean?"

20 A. No, I don't think I did. I simply asked the question,
21 I was provided with the answer, I put the answer on
22 email and sent it.

23 Q. You didn't ask "What does that mean?"

24 A. I don't think I would have done, no.

25 Q. "What does that involve, conditioning?"

1 A. There was very little time.

2 Q. If you will forgive me for saying so, it is hardly worth
3 providing the answer if it is meaningless, isn't it?

4 A. I do not think so. That's not meaningless to other
5 people.

6 Q. So you understand that other people would understand
7 "conditioning" where you didn't; is that what you are
8 telling us?

9 A. I know there were other people that did understand
10 "conditioning".

11 Q. What did you understand was meant by "disorientation"?

12 A. I understood that to mean the shock of capture.

13 Q. So what did the shock of capture mean to you?

14 A. To ensure that a prisoner of war is -- or maintains
15 a disorientated perspective.

16 Q. So when -- we are now, in September, of course -- you
17 were told, as you tell us you were, that apparently
18 there was a requirement to hood for TQ purposes, part of
19 conditioning and disorientation, what was your reaction
20 to that?

21 A. My reaction to the answer I gave there was one of
22 abhorrence.

23 Q. Even though you didn't really understand it?

24 A. I don't think hooding someone for 36 hours is
25 acceptable.

1 Q. Well, that's part of it. Hooding for 36 hours, not
2 acceptable. What about the conditioning and the
3 disorientation?

4 A. Well, I don't understand what the conditioning process
5 is, but I accepted that disorientation is part of that.

6 Q. Just while we have it open -- it's quite a separate
7 matter, but let me deal with it while we have it open.
8 Could we just have a look at question 8 above it,
9 please? When the specific question was asked, "Was he
10 injured on arrival; if so, had a medic seen him" -- do
11 you see that?

12 A. Yes.

13 Q. -- the answer you provided is:

14 "Subject was examined by a doctor within four hours
15 of his arrival at Battlegroup Main, with no injuries
16 detected. He was further examined on at least one more
17 occasion during his detention."

18 Should the Inquiry understand again that that is
19 information which was provided to you which you have
20 simply faithfully recorded in answer here?

21 A. Yes.

22 Q. Thank you.

23 You had, had you, heard the term "conditioning"
24 while you were in Iraq --

25 A. I will have done, yes.

1 Q. -- prior to that email exchange on 18 September?

2 A. I don't recall if it would have been prior to that.

3 Q. What would "conditioning" have meant to you?

4 A. To me "conditioning" would have meant maintaining the
5 shock of capture.

6 Q. You say in your statement to this Inquiry that your
7 understanding of what conditioning involved -- do I have
8 it correct -- changed as a result of conversations that
9 you had in Iraq?

10 A. Yes, possibly.

11 Q. Sorry is the "possibly" that I have got something wrong
12 or am I --

13 A. No, my concern is what your definition of "conditioning"
14 is as compared to what I understand "conditioning" to
15 be.

16 Q. Well, mine doesn't matter. It is yours that the Inquiry
17 is interested in. Can we look at paragraph 67 of your
18 statement to this Inquiry, please, at page BMI04797.
19 Thank you very much. At paragraph 67, under the heading
20 "Conditioning", you say:

21 "I have never been trained on conditioning. Up
22 until 2003, I thought that conditioning was the same
23 thing as shock of capture ..."

24 That is what you have told us this morning, isn't
25 it?

1 A. That's correct.

2 Q. "... in other words, the swift processing of a suspect
3 by security authorities in such a way that he is unable
4 to take time to get his story straight and recover from
5 the shock of being captured."
6 What, being moved around, being isolated and so on?

7 A. That's correct.

8 Q. Is that what you understood it to be?

9 A. Yes.

10 Q. Thank you. You say:
11 "However, my understanding changed whilst I was in
12 Iraq, because of my informal conversations with
13 Major Radbourne."
14 Can you tell us, therefore, what it was that you
15 came to understand, after conversations with
16 Major Radbourne, conditioning involved?

17 A. Major Radbourne explained to me in broad terms the
18 techniques that he sometimes used to conduct TQ'ing, and
19 this was moderating his voice, shouting and then using
20 a softer voice, and the interpreter would mimic that
21 voice as well. That's what I came to understand as
22 "conditioning".

23 Q. Not that it involved the use of stress positions, for
24 example --

25 A. No.

1 Q. -- or the use of hooding?

2 A. No.

3 Q. You tell us in your statement that in certain
4 circumstances you understood that stress positions could
5 or might lawfully be used.

6 A. Based on my background at Sandhurst, for example, and
7 also general professional inquisitiveness, that's the
8 sort of treatment that we would expect were we to be
9 captured.

10 Q. You say -- perhaps we should go to it in paragraph 69 --
11 that stress positions, although you had never been
12 trained in them, as you told us -- you say in your
13 statement, the last half of the paragraph:

14 "Stress positions can encompass many different
15 things, from sitting in a cross-legged position, to
16 lying on your back with your palms pointing upwards, to
17 leaning against a wall. As far as I am aware, that it
18 [sic] is a lawful way of controlling an aggressive
19 prisoner."

20 That's right, is it?

21 A. That's what I have said, yes.

22 Q. But you go on to say you didn't ever see stress
23 positions being used in Iraq.

24 A. No, I didn't.

25 Q. Furthermore, you were never told, were you, that stress

1 positions were used in any shape or form, for example,
2 prior to TQ'ing?

3 A. I was never told that.

4 Q. So what was it, Major, that caused you to be concerned
5 about the TQ'ing process?

6 A. We were relatively young officers on an embryonic
7 operation and my conversation, which is what I think you
8 are referring to, with Major Fenton was based on an
9 inquisitiveness, a concern, about whether we were ready
10 to conduct that sort of activity and he reassured me
11 that we were.

12 Q. You are dropping your voice slightly at the end.

13 A. Sorry, he reassured me.

14 Q. Forgive me, but can we just get to the nub of what your
15 concerns were? It was a relatively new process?

16 A. It was a new operation.

17 Q. A new operation.

18 A. We were a young headquarters and we were conducting very
19 serious operations at a very high tempo and this was one
20 aspect that I was interested/concerned about.

21 Q. Well, what, if anything, had Major Radbourne told you
22 that was happening to detainees that raised any concerns
23 for you?

24 A. Nothing more than that which I have already told you.
25 He moderated his voice, he conducted the questioning in

1 Basra Palace, but there was nothing more than that. But
2 that was enough to concern me and cause me to have
3 a conversation with the chief of staff.

4 Q. What, that there were variations in the voice and things
5 of that kind?

6 A. No, that we were a brigade headquarters and had been
7 schooled in Northern Ireland and Bosnia, and now that we
8 were operating in an embryonic operation which was
9 difficult and of high tempo and so we were conducting
10 activities that I had not seen before or conducted
11 before.

12 Q. You see, what you say at paragraph 60 of your statement
13 to this Inquiry -- can we have that please at
14 BMI04795 -- you are referring here to post your
15 conversations with Major Radbourne. You deal with that
16 in the previous paragraph. You say:

17 "Although I knew that Major Radbourne was
18 a qualified and probably competent TQ'er and that TQ'ing
19 was part and parcel of a military operation,
20 I nevertheless was somewhat concerned because, as
21 someone who was not trained in TQ'ing, I felt a little
22 uncomfortable about the report of the manner in which
23 the detainees were being questioned ..."

24 A. That's correct.

25 Q. Was the manner in which they were being questioned and

1 the report that concerned you simply the tone of voice
2 and matters of that kind?

3 A. Pretty much. I would not like to be TQ'd.

4 Q. Well that's another matter.

5 A. Well, I have always believed in treating others as one
6 would wish to be treated yourself.

7 Q. You were not told that conditioning went any further,
8 were you?

9 A. No.

10 Q. That it did involve stress positions?

11 A. No.

12 Q. That it did involve the use of hoods?

13 A. No.

14 Q. Because the use of hoods, anyway, was certainly
15 something that you were told categorically on
16 18 September or thereabouts, when you made your inquiry
17 from the battlegroup, was something that was used for
18 TQ'ing, for conditioning purposes.

19 A. I was told that by the battlegroup, yes.

20 Q. But you were not aware of that at any earlier stage,
21 were you?

22 A. No.

23 Q. Those weren't the concerns that you were raising with
24 Major Fenton?

25 A. No, they weren't.

1 Q. Can I ask you a little, please, about FRAGOs that it
2 seems would have been issued in your time? Can we have
3 a look at your statement just to see what you say about
4 them at paragraphs 41 and on. BMI04790, please. I will
5 come to the three of them together if I may, but it is
6 Operation Quebec where you acknowledge that you were on
7 the distribution list but you don't recall ever seeing
8 the FRAGO. Does that mean that you probably did see it?
9 I am not being critical that you don't remember, but is
10 that really what you are saying here, that you would
11 have seen it but you don't remember it?

12 A. I would have seen all FRAGOs, but I don't remember that
13 specific one.

14 Q. Operation Quintessential, again you were on the
15 distribution list and would have seen that, too, but you
16 don't remember it. Over the page, at paragraph 43 of
17 your statement, Operation Lightning, you don't remember
18 receiving this, you say, although you note that you are
19 on the distribution list. So, again, you would have
20 seen it, would you --

21 A. Yes.

22 Q. -- at the time? Can we just have a look, please, at
23 those three FRAGOs for a moment or two? I will just
24 take you to the document, Major, if I may, at MOD030899.
25 It is Operation Quebec. We can see it's dated 13 August

1 so you would have been there for some time.

2 Just to go over to the second page, middle column,
3 subparagraph 6. The Inquiry has seen this now on many
4 occasions but just to ask you about it please:

5 "Prisoners should arrive for TQ bagged and tagged
6 unless over 45 years of age."

7 Do you see that?

8 A. Yes.

9 Q. You would have seen that at the time, would you?

10 A. Yes.

11 Q. And what would it have meant to you?

12 A. It would have meant that they had been identified,
13 I would assume that they were handcuffed and I would
14 assume that they were -- had been prepared for TQ'ing.
15 I wouldn't have been any more inquisitive about that.
16 It's a slang phrase.

17 Q. Say that again?

18 A. It's a slang phrase.

19 Q. A slang phrase, what, "bagged and tagged"?

20 A. Yes.

21 Q. "Bagged" means "hooded", doesn't it?

22 A. Not necessarily.

23 Q. What did you think it meant?

24 A. It can mean two or three different things. It could
25 mean that -- it sometimes refers to identifying bodies

1 in bags; it sometimes refers to identifying the
2 possessions that individuals have and then those are
3 placed in a bag and then that is tagged for
4 identification.

5 Q. And sometimes the third?

6 A. Well, I assume that -- well, that's all -- I think
7 the -- because it's a slang phrase, I read it as a whole
8 as having been processed ready for TQ'ing. It's not
9 something I would have necessarily analysed any further.

10 Q. Let's have a look at those three possibilities. We
11 don't TQ a dead body, so we can eliminate that one.

12 A. That's correct.

13 Q. And we wouldn't differentiate, would we, bagging and
14 tagging prisoners according to their age if it simply
15 meant gathering their belongings and putting them in
16 a bag?

17 A. No.

18 Q. So would you agree that "bagging and tagging unless over
19 45 years of age" in that FRAGO can really only mean
20 "have them hooded"?

21 A. Well I -- it depends. I can't remember how I analysed
22 it at the time. It's not something that I became
23 concerned about at the time.

24 Q. Well, you see, if "prisoners arriving for TQ bagged"
25 does mean "hooded", it would have alerted you,

1 wouldn't it, if you saw it in August, to the fact that
2 these things were going on?

3 A. Yes.

4 Q. Would that have concerned you at the time?

5 A. It would have done if a prisoner was being bagged for
6 anything other than the security of our base.

7 Q. If we go back, please, to MOD011741 and
8 Operation Quintessential. We are now at 7 September, as
9 I think you can see from the top left as we look at the
10 screen. Again I just want to ask you about one part of
11 it. You would have seen this FRAGO. Can we go over the
12 page, please, to sub-heading (5) and "Detainment":

13 "[Prisoners] are to be arrested under suspicion of
14 illegal smuggling of fuel and are to be taken to BG Main
15 where questioning will take place and the evidence
16 bundle will be compiled. All arresting soldiers must
17 write statements with the attached RMP at BG Main."

18 Then this:

19 "Detainees are not to be conditioned but must be
20 handcuffed."

21 What would you have understood "conditioning" to
22 mean there in reading that FRAGO, as you would have
23 done?

24 A. Because the conditioning was the responsibility of
25 G2 ops, it is something I have not been trained in and

1 therefore I didn't -- it is not something I would have
2 overanalysed.

3 Q. You wouldn't have analysed it and you wouldn't have
4 questioned it?

5 A. That's correct.

6 Q. You were aware, were you, Major, of the requirement that
7 British soldiers should treat all prisoners humanely --

8 A. Yes.

9 Q. -- or, as you put it a little earlier, as you would
10 expect to be treated?

11 A. Yes.

12 Q. When you saw the terms "bagging and tagging" or
13 "conditioning", you didn't question them at all, did
14 you?

15 A. No.

16 Q. Can we then have a look at MOD043232,
17 Operation Lightning? We can see this is 25 August 2003.
18 Again it is a FRAGO that you would have seen. In middle
19 column, please, under "Concept of ops", just before the
20 number 3 at the bottom, this is what is said:

21 "Prisoners are not to be conditioned unless TQ is
22 authorised on the basis of substantial evidence found
23 during searches."

24 What, Major, would you have understood by that?

25 A. That the prisoners wouldn't be conditioned -- indeed

1 whatever that means -- by G2 staff unless sufficient
2 evidence is available. I wouldn't have questioned it
3 further than that.

4 Q. So despite, as it were, reading these FRAGOs when they
5 were issued and your conversation with Major Fenton and
6 with Major Radbourne, you never delved in, did you, with
7 anyone to what was really meant by the term
8 "conditioning"?

9 A. No, and I don't remember the sequence in which those
10 events took place.

11 Q. It isn't the case, is it, that you knew that
12 conditioning, in terms of the use of stress positions,
13 of hoods, was being used on prisoners before they were
14 questioned?

15 A. I didn't know that.

16 Q. What did you think was the purpose of tactical
17 questioning?

18 A. To generate intelligence.

19 Q. Did you understand that tactical questioning was
20 something that was to be carried out in any particular
21 time-frame?

22 A. I did later in the operation.

23 Q. When does that mean?

24 A. I was given a task by the chief of staff to write --
25 draft a note which gives a TQ timeline.

1 Q. We will come on to the timeline in just a few moments.
2 But it wasn't until then, you say, was it, that you
3 understood that tactical questioning should take place
4 within a short period?
5 A. I don't recall.
6 Q. May we have a look, please, at paragraph 79 of your
7 statement to this Inquiry at BMI04800, in which you
8 say -- and you give some detail before this -- that you
9 had understood that the death of Baha Mousa had happened
10 at the TIF.
11 A. Yes.
12 Q. That had been your understanding before making the
13 statement to this Inquiry?
14 A. That's correct, yes.
15 Q. I am not going to trouble you with that or why it may
16 have been, but I do want to ask you about this in
17 paragraph 79. You say:
18 "I believe that this information was relayed to me
19 in two different phone conversations. I think that
20 I was initially told that the detainee had suffered
21 renal failure ..."
22 You say this:
23 "... and I assumed that he had been kicked in the
24 kidneys."
25 Why did you make that assumption that the detainee

1 had been kicked in the kidneys?

2 A. My mother is a nurse and she used to work in London
3 accident and emergency, so renal failure in London is
4 often as a result of a violent attack.

5 Q. Why did you assume it was an attack at all?

6 A. Anyone dying of renal failure would raise concerns for
7 me and I have that knowledge from my family background.

8 Q. What, and so you believed it to be more likely to be the
9 result of an assault than from any natural cause?

10 A. I did at the time.

11 Q. And an assault that involved kicking rather than, for
12 example, punching?

13 A. Well, I don't -- no, I don't think it makes -- at the
14 time I just assumed it was a blow to the kidneys.

15 Q. Could we have a look, please, at a document at
16 MOD022299? Could we just look at the second page? We
17 find that it's your document; is that right?

18 A. Yes.

19 Q. Going back to the first page, it is dated 18 September.
20 It is the timeline that you were drawing -- is this
21 correct --

22 A. That's correct.

23 Q. -- after knowledge of the death of Baha Mousa, the
24 detainee in custody.

25 A. That's correct.

1 Q. Who was it who instructed you to draw such a timeline?

2 A. The chief of staff.

3 Q. And the purpose of it?

4 A. To give clear guidance to the battlegroups as to the

5 timeline that they could hold detainees.

6 Q. I just want to take you to certain parts of it please.

7 We can see, can't we, from the box at the foot of the

8 page, that, running from 1 to 7, the total time allowed,

9 as it were, from detention to departure for the TIF is

10 14 hours.

11 A. That's correct.

12 Q. Then within two hours there was to be a consolidated

13 report to brigade headquarters about that prisoner.

14 A. That's correct.

15 Q. If we look at paragraph 2, please -- perhaps I should

16 just take you to paragraph 1. Forgive me.

17 "The detention of individuals either as part of

18 a planned or reactive operation is an expected activity.

19 It should continue to happen. Information, which may be

20 held by detainees, may be of immediate tactical value.

21 TQ of detainees in a controlled environment is often the

22 only way in which this can be determined."

23 So tactical questioning was undoubtedly to go ahead.

24 A. Yes.

25 Q. Then at 2:

1 "Tactical questioning must only take place after an
2 individual has received a medical examination."
3 Whose instruction was that, do you recall?
4 A. I don't recall.
5 Q. But that would have been something about which you would
6 have been instructed, is it, or would it have been --
7 A. Yes.
8 Q. -- your initiative, as it were?
9 A. I would have taken advice from all staff branches before
10 compiling the document.
11 Q. "It ..."
12 That is tactical questioning; correct?
13 "... should be conducted by qualified personnel
14 only."
15 A. Yes.
16 Q. "They must have passed the PH&TQ course run by JSIO."
17 Then this:
18 "Tactical questioning should be conducted in single
19 session."
20 Why was that requirement, as it were, put into this
21 document?
22 A. I don't recall.
23 Q. Again, would that have been your initiative or something
24 that came from elsewhere?
25 A. It's highly unlikely to be my initiative.

1 Q. "If the questioner assesses that the detainee has more
2 useful information, they should be transferred to the
3 TIF for further questioning. Commanders should use
4 discretion at this stage."

5 Then you set out the timeline, which includes, as we
6 can see, the medical inspection on arrival. Again, was
7 that something that was a matter that arose in
8 discussion or your initiative or what?

9 A. It's unlikely to be my initiative.

10 Q. All right. Water is to be made available hourly. After
11 three hours there is to be examination by an RMO. As we
12 can see under the heading "Remarks", there is the
13 reference to records kept. Can we go over the page,
14 please, to paragraph 7, where we find "Medical records".

15 Medical records must be kept of all medical
16 examinations."

17 Whose instruction was that?

18 A. I don't recall.

19 Q. What was the purpose of medical records being kept of
20 all medical examinations?

21 A. I don't recall.

22 Q. It certainly wouldn't have been regarded, would it,
23 Major, as something that was impractical to carry out?

24 A. The medical examination?

25 Q. No, the record-keeping of them.

1 A. No, I think the army are inveterate record-keepers.

2 Q. "This will allow the detainees to be transferred to the
3 TIF on or before the 14-hour mark without the concern
4 that he/she will not receive medical attention before
5 9 o'clock when the TIF medical staff start their duty."
6 You say in paragraph 85 of your statement to this
7 Inquiry that you discussed the contents of the timeline
8 with Major Robinson, the deputy chief of staff,
9 Major Fenton and Major Clifton, the legal adviser. That
10 would be right, would it?

11 A. Yes.

12 Q. That's before it was issued presumably?

13 A. Yes.

14 Q. You say:
15 "I remember that the draft went round HQ for wider
16 consultation."
17 Then you say this. We have it on the screen now.
18 You can see it, Major:
19 "The purpose of the timeline was to provide clear
20 guidance for the battlegroups as to how long a suspect
21 can be detained prior to either his release or
22 internment in the TIF."
23 Should we understand from that that it was felt that
24 there was not clear guidance in this regard prior to the
25 issuing of this document?

1 A. That's a fair assumption.

2 Q. Just moving to another document which isn't yours, but
3 which was sent to you, could we have a look at
4 MOD016114. This an email from Major Fenton to
5 Major Robinson, but copied to Captain Burbridge, as we
6 can see. I just wanted your help about something that's
7 in the middle of the page, please. It is that paragraph
8 beginning:

9 "Are we still, under 4 ROE and status, allowed to
10 keep detainees handcuffed and hooded? I understand the
11 need to maintain the 'pressure' in order to get a better
12 product, but I feel we are going to have to work hard to
13 justify this in future."

14 Can I just ask you this, Major?

15 "I understand [said Major Fenton] the need
16 to maintain the 'pressure' in order to get a better
17 product ..."

18 Did you understand, when you received this document,
19 that Major Fenton was indicating that he understood
20 handcuffs and hoods as a way of maintaining the pressure
21 in order to get a better product?

22 A. No.

23 Q. What did you understand him to mean by it then?

24 A. I understood that the prisoner was to remain
25 disorientated.

1 Q. Well, having regard to the content of the document --
2 I appreciate you didn't write it, but you received it --
3 "Are we still ... allowed to keep detainees handcuffed
4 and hooded? I understand the need to maintain the
5 'pressure' in order to get a better product ...", wasn't
6 it perfectly clear that what was being said was that
7 handcuffs and hoods have been used in order to maintain
8 the pressure and get a better product?
9 A. That's not clear to me.
10 Q. It wasn't clear to you then, was it?
11 A. No.
12 Q. And it is not clear to you now, is it?
13 A. No.
14 Q. "... but I feel we are going to have to work hard to
15 justify this in future."
16 What did you think that meant? Justify what --
17 A. I don't know.
18 Q. -- if it didn't mean hoods and handcuffs?
19 A. Well, I would assume that Major Robinson would have
20 understood because he's trained in that.
21 Q. That's the truth, is it? You really didn't understand
22 that that is what was going on and that was what was
23 meant by Major Fenton in sending that email?
24 A. That is the truth.
25 Q. Were you aware of any difficulties -- just dealing with

1 one or two miscellaneous matters finally, perhaps before
2 we take a break, Sir.

3 THE CHAIRMAN: Yes.

4 MR ELIAS: Did you understand that there was any difficulty
5 with what is sometimes called the "14-hour rule", the
6 requirement that prisoners should be delivered to the
7 TIF in that period of time?

8 A. Yes.

9 Q. You were aware of difficulties, were you?

10 A. There were always difficulties.

11 Q. What was the cause of those difficulties or the nature
12 of it?

13 A. There was never one cause. It could be that the drive
14 to Umm Qasr would take longer than expected; it might be
15 that the TIF appeared to be closed or wasn't accepting
16 prisoners, but they all -- a helicopter was cancelled or
17 a helicopter was not available or they could not get out
18 of the city. The list of possible reasons for missing
19 that deadline are innumerable.

20 Q. Were you ever aware of the deadline in fact being
21 breached?

22 A. I can't recall.

23 Q. What the Inquiry may be interested to know is whether
24 your understanding was that the 14-hour was rather
25 a hopeful target, rather than a realistic one.

1 A. At that stage, on an embryonic operation, it is very
2 difficult to be definitive about anything we did. By
3 that I mean the establishment of the 14 hours was the
4 deadline I was given to draft the document and then, as
5 the weeks would go by after that, I imagine it would
6 become clearer as to whether that was possible to meet.

7 Q. I follow.

8 Did you ever become aware, whilst in Iraq, of the
9 existence of a ban on hooding?

10 A. Yes.

11 Q. When was it that you first became aware of that?

12 A. When Colonel Mendonca came to the headquarters with some
13 goggles that he had blacked out.

14 Q. So this was after the death of Baha Mousa?

15 A. That's correct.

16 Q. To your knowledge, was any clear order issued thereafter
17 that hoods were not to be used?

18 A. I don't recall.

19 Q. Finally, from me anyway, this: you tell us in your
20 statement -- I don't take you to it -- that the effect
21 of the deaths, the murder of the RMP soldiers and
22 perhaps more so the murder of Captain Dai Jones, had
23 a considerable effect on 1 QLR.

24 A. It had an effect on all of us.

25 Q. Are you able to help about this? Was the effect such

1 paragraph, the last sentence says this:

2 "Under no circumstances may a suspect be
3 interrogated until he has been processed by the TIF."

4 Were you ever aware of that order during your tour
5 in Iraq?

6 A. I was not aware of it.

7 Q. Had you been aware, what would you have understood by
8 that sentence?

9 A. That we wouldn't have been able to question any
10 prisoners until they got to Umm Qasr.

11 Q. Just on a matter of process -- we don't need to look at
12 them -- but that order and also the order which had
13 a prohibition on the covering of prisoners' faces,
14 although issued before the 19 Mech Brigade tour, were
15 copied to Mech Brigade for info. Can you help as to who
16 would have seen any such orders sent back to the UK
17 prior to deployment?

18 A. I don't know. We didn't see them back in the UK.
19 I certainly didn't see those back in the UK before
20 deployment.

21 Q. Just on the matter of your understanding of
22 "conditioning", you say in your statement that your
23 understanding changed because of discussions with
24 Major Radbourne during the tour and you said this
25 morning that you understood from him that conditioning

1 involved the moderating of one's voice while asking
2 questions.

3 Could we just look again at paragraph 67 of your
4 witness statement? You say something slightly different
5 there. If we go from:

6 "However, my understanding changed whilst I was in
7 Iraq, because of my informal conversations with
8 Major Radbourne. He told me that the TQers in brigade
9 HQ were 'conditioning' detainees, which he told me meant
10 holding prisoners for an undefined period of time after
11 capture and before questioning."

12 Now it sounds from that that Major Radbourne was
13 saying that conditioning was something that happened
14 before questioning. Can you help as to what that was?

15 A. Help in what way? What the nature of conditioning is?

16 Q. If he told you that it meant holding them for an
17 undefined period of time after capture and before
18 questioning, what did you understand would be happening
19 to them during that undefined period of time?

20 A. I did not understand any further. It was -- these are
21 fleeting conversations.

22 Q. You didn't think to ask what was happening whilst --

23 A. No, because they are fleeting conversations. These are
24 30 seconds snatched between other activities.

25 Q. But you did talk to him about stress positions and you

1 say as a matter of your professional interest?

2 A. Yes.

3 Q. You weren't professionally interested in what was going
4 on during this holding period?

5 A. I was professionally interested, yes, but there's -- but
6 that doesn't necessarily mean we had the time or the
7 capacity to go into detail about it.

8 Q. I see. You did have a conversation about stress
9 positions. You say your understanding is that they were
10 lawful for controlling prisoners where necessary. Can
11 we take it from that that, in your conversation with
12 Major Radbourne, he didn't say to you that they were
13 unlawful?

14 A. That's correct.

15 Q. You said, I think, that you had no conversation with
16 Major Radbourne about hooding, yet earlier in your
17 evidence today you suggested that that was something
18 that you raised with Major Fenton in a conversation
19 about TQ'ing. Is that right?

20 A. Yes -- yes, I think so.

21 Q. What prompted you to raise hooding with Major Fenton as
22 a matter connected to TQ'ing?

23 A. Forgive me for not remembering the sequence of events,
24 but noticing someone sitting outside brigade
25 headquarters wearing a hood raised my eyebrows. That

1 may have prompted it.

2 Q. And prompted a question as to whether it was connected

3 with the TQ process?

4 A. No, prompted a question as to did we believe that what

5 we were doing in terms of TQ'ing was correct, as in was

6 the TQ process being done correctly.

7 Q. But having seen someone with a hood on outside brigade

8 headquarters, you understand that to be somehow

9 connected to the TQ'ing process?

10 A. No, I understood that to be about preventing him from

11 seeing our location.

12 Q. Why then did you raise it with Major Fenton in

13 a conversation about the TQ process?

14 A. Because it is an umbrella term for -- one captures an

15 individual, I suspect, in order to TQ them.

16 Q. I understand. Thank you. You say in your witness

17 statement that you spoke to members of QLR probably

18 about six times a day.

19 A. That's correct.

20 Q. You also say that you think you spoke to Major Royce

21 about hooding after the death of Baha Mousa.

22 A. I don't recall the conversation now.

23 Q. I was going to ask you about that because Major Royce

24 had left theatre by the time Baha Mousa died.

25 I wondered whether, in fact, you were confused and had

1 spoken to Major Royce about hooding at an earlier point.

2 A. I doubt it.

3 Q. You would presumably talk to Major Royce from time to
4 time about the movement of prisoners and such matters?

5 A. Yes.

6 Q. Did he ever say to you that he was stopping conditioning
7 prisoners because a TQer had not arrived and they were
8 going to run into problems with meeting the deadline?

9 A. I don't recall.

10 Q. You say in your statement that when detainees were
11 questioned at the Palace by Major Radbourne, you would
12 sometimes perform the role of adjutant, which you
13 explained was monitoring how long they had been there
14 for. Were you ever present at any briefings about the
15 operations at which detainees would be held at the
16 Palace?

17 A. No.

18 Q. Can we have on the screen a statement from
19 Major Elliott, who was the ops officer at QLR for the
20 first part of the tour. It is at BMI06388, paragraph 7,
21 if that could be enlarged. He says:

22 "I have never received any training on the shock of
23 capture or conditioning. The only time that I heard
24 these terms was during the early part of my tour when
25 I was working as the ops officer in 1 QLR ... I remember

1 that I received an oral request over the telephone from
2 Captain Charlie Burbridge ..."

3 And he gives your role:

4 "He had received a request to task a battlegroup and
5 had contacted me. I would estimate that this was in
6 June or July. He asked me to provide soldiers to go to
7 brigade HQ at the Palace to assist intelligence
8 personnel with conditioning. I particularly remember
9 this because I asked what was involved so that I could
10 task troops more clearly and he said it involved
11 maintaining the shock of capture, by moving prisoners
12 from A to B and creating the impression that they were
13 still in a military camp."

14 Do you recall having that conversation with
15 Major Elliott?

16 A. I don't recall the conversation.

17 Q. Do you deny that it happened or --

18 A. No.

19 Q. -- or do you simply not recollect?

20 A. I just don't recall the specifics of the conversation.

21 Q. Do you accept from his account that it looks like you
22 were aware of a conditioning process during the first
23 half of the tour and that, within it, it involved moving
24 prisoners around to create a false impression of where
25 they are?

1 A. I accept that.

2 Q. Can you help as to who would have tasked you to pass
3 that request on to Captain Elliott?

4 A. Yes, the task would have come to me from the chief of
5 staff.

6 Q. From the chief of staff?

7 A. That's right.

8 Q. Just lastly, in terms of your discussions with
9 Major Fenton where you say that you queried the TQ
10 process and he assured you that the brigade was
11 competent to conduct it, on the timing of that, if we
12 just look at paragraph 61 of your statement, at
13 BMI04796, you explain that you had these concerns, but
14 didn't raise them with Major Fenton's predecessor,
15 Major Eaton, because you had a slightly formal working
16 relationship. You say:

17 "... when Major Fenton took over, about three to six
18 weeks after the death of Baha Mousa, I did explain my
19 concerns."

20 We know that, in fact, Major Fenton took over before
21 the death of Baha Mousa in mid-August. Can you help at
22 all as to when it was that you had this conversation
23 with him?

24 A. I do not recall the exact sequence.

25 Q. And you can't recall whether it was before or after the

1 death of Baha Mousa?

2 A. I can't recall.

3 MS HETHERINGTON: Yes, thank you Sir.

4 THE CHAIRMAN: Ms Dobbin?

5 Questions by MS DOBBIN

6 MS DOBBIN: Thank you, Sir.

7 Major, when you were asked about the permissibility
8 of stress positions, you appeared very briefly to
9 mention that they might be the sort of treatment that
10 you would expect if you were captured. Do you recall
11 that?

12 A. That's correct.

13 Q. Were you referring there to some sort of training that
14 you had had in conduct after capture?

15 A. No. I was referring to training I was anticipating
16 having. I conducted special forces selections prior to
17 my employment at 19 Mech Brigade and I was anticipating
18 having to maintain stress positions as part of that
19 selection course.

20 Q. So is the position, then, that your understanding as to
21 the possible use of stress positions did not come from
22 any sort of training that you had had?

23 A. That's correct.

24 MS DOBBIN: Thank you, Sir.

25 THE CHAIRMAN: Ms Simcock?

1 Questions by MS SIMCOCK

2 MS SIMCOCK: Thank you, Sir.

3 You have told us that you are not TQ trained, so
4 is it right that any discomfort that you say you felt
5 following conversations with Major Radbourne about
6 methods used in TQ'ing were not borne out of any concern
7 that he wasn't acting in accordance with his TQ
8 training?

9 A. That's correct.

10 Q. You didn't express any concern directly to
11 Major Radbourne about what he had said, did you, despite
12 him being a good friend of yours?

13 A. That's correct.

14 Q. You have already said that you didn't report any such
15 concerns up the chain of command immediately that you
16 had them; is that right?

17 A. That's correct.

18 Q. In paragraph 61 of your statement -- we have just looked
19 at it, but we can have it up again if you need to -- you
20 said there that you hadn't, in fact, reported concerns
21 to Major Fenton until after the death of Baha Mousa.
22 Was that because, in fact, you weren't actually
23 concerned following talking to Major Radbourne, but
24 became concerned about methods of TQ'ing used by those
25 who had TQ'd the Baha Mousa detainees following his

1 death?

2 A. If I follow you correctly, yes. I was concerned

3 following his death that something had gone wrong --

4 Q. Yes. Thank you.

5 A. -- but I don't necessarily think that's part of the

6 conversation with Major Fenton.

7 Q. Moving on then. Your understanding that stress

8 positions were a lawful way of controlling an aggressive

9 prisoner, you didn't gain that understanding from your

10 conversations in theatre with Major Radbourne, did you?

11 A. No.

12 Q. So at no time did Major Radbourne tell you in Iraq that

13 stress positions were acceptable?

14 A. No, he didn't.

15 MS SIMCOCK: Thank you.

16 Thank you, Sir.

17 THE CHAIRMAN: Thank you.

18 Mr Evans?

19 Questions by MR EVANS

20 MR EVANS: Thank you, Sir.

21 Your rank in Iraq at the time, Mr Burbridge, was

22 that of captain; is that correct?

23 A. Captain.

24 Q. How old were you?

25 A. 29.

1 Q. In Telic 2, at the time that you were there, over the
2 period between late June and early November when you
3 said you were there, what was the pace of work like for
4 you in ops?
5 A. It was frenetic.
6 Q. Can you give us some idea of the demands upon your time
7 so far as your sleep time and your work time was
8 concerned?
9 A. I would get about four hours' sleep a night if it was
10 undisturbed and then I would probably try and get
11 a 20-minute nap at about 2 or 3 o'clock in the afternoon
12 in the hottest part of the day, when the tempo was at
13 its slowest.
14 Q. During the course of your working day in operations,
15 what was the atmosphere like so far as the demands upon
16 you were concerned?
17 A. How do you mean?
18 Q. Well, was the atmosphere in the ops room calm throughout
19 the day or not?
20 A. The atmosphere within the G3 staff cell was very
21 frenetic. We were operating at our absolute capacity.
22 The small staff cell of six watchkeepers and myself and
23 my assistant were having to deal with a diverse and
24 often completely unrelated series of events throughout
25 the course of the day and the night. We wouldn't be

1 able to predict what was going to happen for the next
2 sort of 20 minutes.

3 Q. All right. In that context, how much attention did you
4 give to individual words in FRAGOs that you have been
5 taken to, such as the Lightning FRAGO, the
6 Quintessential FRAGO and the Quebec FRAGO?

7 A. All the words in those FRAGOs which relate to my
8 responsibility I acted on, but if it wasn't directly my
9 responsibility, then I can't say.

10 Q. What was your focus, then, when reading those kind of
11 FRAGOs in the context of the operational environment
12 which you have described?

13 A. My focus would be the adequate allocation of resources,
14 the -- anticipating the requirement for, for example,
15 medical reinforcement, ammunition resupply, the
16 allocation of aeroplanes, and also that the
17 neighbouring -- neighbouring battlegroups were not
18 conducting operations which either might compromise or
19 hinder that operation from taking place.

20 MR EVANS: Yes, thank you very much.

21 Thank you, Sir.

22 Further questions by MR ELIAS

23 MR ELIAS: Just this, Major. I understood you to agree with
24 Ms Simcock, in her questions a moment or two ago, that
25 in relation to the TQ'ing of the Baha Mousa detainees,

1 the group of detainees of which Baha Mousa, who died,
2 was one, you did have concerns about the TQ'ing process.

3 A. Yes.

4 Q. What were your concerns about that particular process?

5 A. It is -- it represents one of the small areas of an
6 overall operation that I had no responsibility for and
7 I was interested -- I was concerned that we had people
8 within the headquarters who were adequately trained and
9 competent.

10 Q. I am sorry, what were your concerns about that process
11 which caused you, then, to have further conversation, as
12 I understood your evidence?

13 A. The question is did I believe -- and I needed
14 reassurance -- that we had people within our
15 headquarters and within the brigade who were trained and
16 competent at conducting TQ.

17 Q. It was simply that? It was not that you had learnt that
18 anything that had gone on in that TQ'ing was in fact
19 plainly and clearly improper?

20 A. No, although that incident is something which clearly
21 went wrong.

22 MR ELIAS: Thank you.

23 Questions by THE CHAIRMAN

24 THE CHAIRMAN: Before you go, a tiny point. Paragraph 30 of
25 your Rule 9 statement at BMI04788, in the middle of the

1 paragraph:

2 "In my opinion ... Colonel Mendonca was the most
3 talented commanding officer in the battalion."

4 Do you mean "in the brigade"?

5 A. "In the brigade". He was the most talented commanding
6 officer in the brigade.

7 THE CHAIRMAN: That is a misprint, is it?

8 How often did you come in contact with
9 Colonel Mendonca?

10 A. I would see him once every three to four days and
11 I might have a short conversation with him maybe once
12 each time I saw him and it would be convivial.

13 THE CHAIRMAN: That represents your experience of him upon
14 which you say -- I am not decrying this -- that he was
15 the most talented commanding officer in the brigade.

16 A. Yes, by comparison with the others as well.

17 THE CHAIRMAN: How many others were there?

18 A. Five to seven.

19 THE CHAIRMAN: Similarly you are complimentary about
20 Captain Seeds at paragraph 31. How often did you have
21 contact with him?

22 A. Five to six times a day.

23 THE CHAIRMAN: Directly or --

24 A. On the telephone.

25 THE CHAIRMAN: On the telephone. I see.

1 One other matter. Can I ask you about the document
2 that you were asked to look at dated 17 September at
3 MOD016114? This is Major Fenton's email to you all.
4 I am not absolutely certain that I understand your
5 answer about that. Does that not read as Major Fenton,
6 post the death, looking to see whether there might be
7 problems which you hadn't flagged up or hadn't, all of
8 you, seen?

9 A. I think that's fair, yes.

10 THE CHAIRMAN: "So, let's tighten up what we do".

11 A. Yes.

12 THE CHAIRMAN: It is fairly obvious, isn't it, that he is
13 rather anxious about what has gone on in the past?

14 A. I agree.

15 THE CHAIRMAN: I wasn't sure that was quite what you were
16 saying a moment ago when you were asked questions by
17 Mr Elias.

18 A. My participation in this process, as you will see, is
19 the production of the SOP -- the SOI, which would come
20 following the investigation. Major Robinson, who was
21 the G2 officer, had responsibility for these aspects of
22 the operation. So I could see -- and I think it's fair
23 to say Major Fenton is concerned there and he was
24 getting to the bottom of the matter. But the activity
25 that took place was that small part of the operation for

1 which I was not responsible personally.

2 THE CHAIRMAN: So what does the second line from the end,
3 where it says, "Ops: BPT issue an SOP that will be
4 enforced by brigade" --

5 A. That means be prepared to issue a standard operating
6 procedure that will be enforced by brigade.

7 THE CHAIRMAN: Right. Now, what was the standard operating
8 procedure that you understood might be put in place to
9 be enforced?

10 A. I don't know, ie at that stage I didn't know what the
11 SOP needed to say. The G3 ops officer has
12 responsibility to maintain all the SOPs in the brigade
13 even if they don't sit within G3.

14 THE CHAIRMAN: Yes, but this would come directly to you,
15 wouldn't it?

16 A. The task to produce the SOP would come to me. The
17 research needed to conduct the SOP would be the result
18 of my conversation with others.

19 THE CHAIRMAN: What did you do to converse with others about
20 the SOP?

21 A. I waited for further direction from the chief of staff
22 and then I produced the TQ timeline.

23 THE CHAIRMAN: You produced ...?

24 A. The TQ timeline, I think. I think that was the product
25 of this.

1 THE CHAIRMAN: I follow. So that's what came up with the TQ
2 timeline; is that right?

3 A. I believe so, yes.

4 THE CHAIRMAN: Is that the document of 18 September,
5 MOD022299?

6 A. Yes, that's it, yes. That's the SOP I believe that
7 I produced as a result of that direction.

8 THE CHAIRMAN: To whom did you speak in order to produce
9 that direction?

10 A. I can't recall exactly who I spoke to, but I will have
11 spoken to the staff branches within the brigade
12 headquarters and to the divisional headquarters as well.

13 THE CHAIRMAN: You were able to do that all obviously within
14 24 hours, is that right, or ...?

15 A. Yes.

16 THE CHAIRMAN: And you have no idea to whom you spoke?

17 A. I can't recall exactly.

18 THE CHAIRMAN: All right. Thank you.

19 Yes, well, thank you for coming to the Inquiry,
20 Major. That's all the questions you will be asked. You
21 are now free to go.

22 A. Thank you.

23 THE CHAIRMAN: We need a two-minute break, I understand,
24 before we start the next witness.

25 MR ELIAS: I gather we do, Sir, yes.

1 (12.02 pm)

2 (A short break)

3 (12.06 pm)

4 MR ELIAS: Sir, in respect of the next witness, there is
5 a restriction order in place screening him from public
6 view and therefore the video camera to outside this room
7 will not operate. We shall know him as "S056" and
8 I call him now, please.

9 THE CHAIRMAN: Yes. I wonder would you be kind enough to
10 stand up, please.

11 S056 (affirmed)

12 THE CHAIRMAN: Thank you very much. Do sit down. Can I ask
13 you, please -- ah, you have yourself well perched
14 towards the microphone. If you don't, it is very hard
15 to hear. All right? Thank you very much.

16 Questions by MR ELIAS

17 MR ELIAS: S056, it is by that cipher that we shall know
18 you. Can I please confirm with you -- I see that you
19 have a folder open -- that you have copies of the two
20 statements that you have made to the Inquiry in front of
21 you. Would you confirm that it's your signature that
22 appears in your first statement at our BMI06125, above
23 the date of 20 November of last year?

24 A. That's correct.

25 Q. In the second short statement your signature appears

1 above the date 15 April of this year, just a week or so
2 ago.

3 A. That's correct.

4 Q. Thank you very much. When you signed those statements,
5 were you attesting that the contents of them were true
6 to the best of your knowledge and belief?

7 A. Yes, I was.

8 Q. If we put then aside the hard copy. If we need to refer
9 to it, the statement will come up on the screen. We
10 have read those statements and I propose just to take
11 you to a few parts of the evidence that you may help
12 this Inquiry with. Please put aside any documents that
13 you have for the moment. Thank you very much.

14 I just ask this -- and I don't want any detail at
15 all -- you are currently in the army?

16 A. That's correct.

17 Q. And your current rank?

18 A. Is major.

19 Q. Without giving anything, for example, like your date of
20 birth, when was it that you joined the army and how old
21 were you when you joined?

22 A. I went to Sandhurst in 1988 about the age of 18.

23 Q. Thank you. You were deployed to Iraq, you tell us in
24 your statement, between February and July of 2003.

25 A. That's correct.

1 Q. Can you remember the date in February when you went to
2 Iraq?

3 A. No, I can't. I think it was about the 20th.

4 Q. So late February?

5 A. I believe so.

6 Q. And the date in July when you left?

7 A. I believe I left by 1st July.

8 Q. Sorry, by the 1st?

9 A. That's correct.

10 Q. Thank you. And your rank and role in Iraq?

11 A. I was a major and I was a company commander.

12 Q. In 1 Black Watch battlegroup?

13 A. That's correct.

14 Q. Before deployment to Iraq, may I just ask you a little
15 about training and understanding of the use of various
16 techniques with which this Inquiry is concerned. What
17 was your understanding about that time about the use of
18 hoods for prisoners that might be taken by British
19 soldiers?

20 A. I believe that the use of hoods was permissible.

21 Q. Was that as a result of your training in general in the
22 army up to that time?

23 A. That's correct. It was.

24 Q. And had you specifically been instructed or trained that
25 hoods could be used?

1 A. No, I was not.

2 Q. But you were never instructed that they could not be
3 used?

4 A. That's also correct.

5 Q. So where did your understanding come from, then, that
6 hoods might be used?

7 A. I believe it was from the training that I had taken part
8 in and I believe, from all my experience within that
9 training, that hoods in conflict were permissible.

10 Q. So hoods, you say, in conflict -- do you mean in
11 a war-fighting situation?

12 A. That's correct.

13 Q. What, if anything, did you understand was purpose of
14 hooding in that context?

15 A. It was to maintain security.

16 Q. Was there any other purpose of hooding that you were
17 instructed in?

18 A. The primary purpose was to maintain security.

19 Q. Was there a secondary or other purpose?

20 A. There was a secondary benefit, which I have said in my
21 statement, but the primary purpose was for security.

22 Q. The secondary benefit, if you wouldn't mind spelling it
23 out?

24 A. The secondary benefit is to maintain what is known as
25 the shock of capture.

1 Q. I don't want you to guess about it, but if you can
2 remember back to the beginning of 2003, at that stage
3 did you understand that it would be proper or not to use
4 hooding solely to maintain or prolong the shock of
5 capture?

6 A. No, as I have clearly said, it would not be correct to
7 use hooding for the shock of capture.

8 Q. So you acknowledge that it happens to be a benefit, but
9 you say it was very much a side -- as it were, a benefit
10 that comes in at the side and is not the purpose?

11 A. That is my belief.

12 Q. What about the use of stress positions?

13 A. I don't believe stress positions are permissible.

14 Q. And you would not have believed that in 2003, would you?

15 A. I clarify that. I don't believe stress positions were
16 permissible by those who were not trained to use them.
17 I was not trained to use them. As far as I am aware
18 nobody in my company was trained to use them. Therefore
19 they were not permissible at our level and we would not
20 have used them.

21 Q. Still staying with 2003 and your deployment to Iraq at
22 that time, what about the use of other conditioning
23 techniques, such as deprivation of sleep, perhaps the
24 deprivation of food and water and things of that kind?
25 Had you received training or instruction in those

1 matters?

2 A. No, I did not. I believe I would have received
3 instruction that they were not allowed, however I can't
4 recall on a specific instance that being the case.
5 I believe that we were trained that food and water had
6 to be given. I don't recall any training that you were
7 allowed to use these techniques to deny such -- sleep or
8 food or water.

9 Q. Now your role in Iraq was the officer commanding
10 C Company --

11 A. That's correct.

12 Q. -- in the 1 Black Watch. Did you see the use of hoods
13 in Iraq?

14 A. Yes, I did.

15 Q. For what purpose?

16 A. It was to maintain security when you take a prisoner
17 between transiting between where the point of capture
18 and the holding facility -- to maintain security.

19 Q. So was this something that you observed or that you
20 learnt about or both?

21 A. I am sure it's something I observed.

22 Q. Your own soldiers using hooding for the purpose of
23 security?

24 A. Yes, that's correct.

25 Q. Did you ever give any order as to the use of hoods to

1 any soldiers of yours?

2 A. I can't recall, but I probably did.

3 Q. Was it -- please don't just accept it because I say so
4 or I put it to you -- a standard operating procedure
5 that prisoners would be hooded; that is to say it
6 routinely happened?

7 A. I wouldn't say that it was routine as a standard
8 operating procedure. I would say that it was very
9 possible. But I think people would use their common
10 sense as to whether they felt there was a requirement to
11 use a hood if the prisoner was likely to pose any threat
12 and I think, therefore, we start to understand the
13 difference between a person who posed a threat and
14 perhaps a criminal.

15 Q. So the person who poses a threat who needs to be hooded,
16 what sort of threat is the Inquiry to understand would
17 justify hooding?

18 A. Well, a person who is going to use a bomb or a gun to
19 kill people.

20 Q. As opposed, you say, to dare I call it the "average
21 criminal"?

22 A. Yes.

23 Q. Yes. Was there any instruction given, if hooding was to
24 be used in circumstances such as you describe, as to the
25 length of time during which hooding would be justified?

1 A. No, I don't think there was any instruction given, but
2 I think this was based upon, again, common sense. The
3 requirement for a hood to maintain security means that
4 when that requirement is no longer required, then
5 clearly the hood is no longer required either.

6 Q. Does the converse apply, that is to say that so long as
7 the security risk remains, it is justifiable for the
8 individual to be hooded?

9 A. Yes, within reason. I think again common sense applies
10 here. But, yes, I think that's fair to say.

11 Q. And what does "within reason" mean?

12 A. Well, the likelihood was that they would be in custody
13 for several hours, so it's -- we are talking about
14 a matter of hours, but not days.

15 Q. Can you say of your own knowledge, Major, that
16 instruction was or was not given as to the length of
17 time during which it would be appropriate for a detainee
18 to be hooded?

19 A. No, I can't -- I can't recall giving any instruction.
20 It's my belief that I would have given instruction that
21 hoods were no longer required once they were in our
22 prisoner-holding tent and therefore they would have been
23 removed and that's what I believe happened.

24 Q. Do you recall any occasion when the Black Watch held
25 prisoners for whom you or your company were responsible

1 for more than a day?

2 A. No, I do not recall holding a prisoner for even one day,
3 but -- no, not longer than a day.

4 Q. Between the end of February and effectively the end of
5 June, you tell us, your tour, did you ever become aware
6 of any ban on the use of hoods?

7 A. Yes, as I have laid out in my written evidence.

8 Q. Was that FRAGO 152?

9 A. I don't think I knew it as FRAGO 152. I think it would
10 have been FRAGO 63, which was issued by 7 Armoured
11 Brigade.

12 Q. Yes. But you were aware, were you, then of a FRAGO
13 which banned the covering of the face?

14 A. I may not have known it as a FRAGO. I may simply have
15 known it as direction received. But it's my belief that
16 I received direction in an O Group which to all intents
17 and purposes banned -- stopped the use of a hood which
18 would cover the face.

19 Q. I will ask you to look at it with me in a moment in its
20 FRAGO 152 version if we may, but I understand you may
21 have seen it in others. But up until that time, you
22 were not aware of any ban being issued on the use of
23 hoods?

24 A. No, clearly not.

25 Q. When you saw hoods being used, what were they?

1 A. They were sandbags.

2 Q. Hessian sandbags?

3 A. Yes.

4 Q. Can you say whether sandbags were used singly or were
5 there occasions when prisoners were hooded with more
6 than one?

7 A. No, I can't. I would believe that they would probably
8 be singular.

9 Q. You don't know either way, do you, what the practice
10 was?

11 A. No, but the benefit of using a hood is to maintain
12 security and the use of a sandbag does so.

13 Q. Can we have a look, please, at MOD019145? Forgive me,
14 Major, we are looking at it in its FRAGO 152 version,
15 but I think it doesn't matter for the purposes of my
16 questions anyway. You can see the date of this FRAGO is
17 20 May 2003. Correct?

18 A. Yes. That's correct.

19 Q. If we go over the page, please, to 5, under the heading
20 "Minimum force", two or three lines down:

21 "... the detained person should be treated with
22 humanity and dignity at all times. They should not be
23 assaulted. They should be provided with water in all
24 cases and food if they are detained for longer. If they
25 need to be restrained then this should only be effected

1 where absolutely necessary and using the minimum force
2 required."

3 Then this:

4 "Under no circumstances should their faces be
5 covered as this might impair breathing."

6 As I understand it, that is the phrase, is it, that
7 you would have become aware of, which in your statement
8 you say you were briefed about, as it were, directly?

9 A. That's correct.

10 Q. So this would have been following on shortly,
11 presumably, from the issuing of this FRAGO on 20 May or
12 about the time of its issue?

13 A. I think the 7 Brigade FRAGO was the day after.

14 Q. Thank you. Who gave the briefing that you recall about
15 this particular order?

16 A. I believe that this was given in an O Group which we
17 held daily -- unless there was a reason why it couldn't
18 be held -- on a daily basis, at about 17.00 hours in the
19 Black Watch battlegroup headquarters, which I was
20 required to attend. I recollect that this FRAGO was
21 likely to have been read out because I recollect certain
22 facts during the FRAGO which I remember.

23 Q. This element being one of them?

24 A. The piece of information which I recall clearly was
25 about the timeline of six hours, and that is why

1 I believe this FRAGO was read out and therefore why
2 I would have gone back to my company and effectively
3 banned the use of using any hooding that covered their
4 faces.

5 Q. If we go back to the previous page, then, please, and
6 under heading "Minimum force" at 4, that's where we
7 find, isn't it, in the fourth line, "This should occur
8 within six hours of detention"; that is to say the
9 handing over to military police, as it then was, as
10 quickly as possible, but within six hours of detention.
11 That's the six hours that you recall; is it?

12 A. That's correct. It was the first timeline that I recall
13 and therefore that is why I believe that this was read
14 out and that is why I recollect this occurrence.

15 Q. Do you recall who it was who read this out at the
16 O Group?

17 A. No, I don't. I do recall that in my statement
18 I believed it was probably the battalion second in
19 command. It may have been the battalion second in
20 command; it may also have been someone else.

21 Q. You simply don't remember?

22 A. No, I can't remember clearly. I think it was the
23 battalion second in command, but I could be mistaken.

24 Q. Do you recall who that was at this time?

25 A. The battalion second in command was Major Channer.

1 Q. Thank you. If we go back over the page, then, please,
2 to the second half of 5 and that phrase, "Under no
3 circumstances should their faces be covered as this
4 might impair breathing". What did you understand or
5 what, if anything, was explained to you in this briefing
6 as to what that meant?

7 A. Well, I can tell you what I understand by that, but
8 I can't tell you whether there was any other explanation
9 of that because I simply don't recall it.

10 Q. What did you understand by it?

11 A. Well, that their faces should not be covered would mean
12 that you couldn't use any hood or sandbag.

13 Q. Did you understand, either from anything you were told
14 or, as it were, deducing it for yourself, why this order
15 used those terms, "Under no circumstances should their
16 faces be covered as this might impair breathing", if
17 indeed what was intended was that you should understand
18 that there was no longer to be any hooding?

19 A. I am sorry, could you rephrase the question?

20 Q. Yes. Was it explained to you why this terminology was
21 used, rather than a straightforward, "There shall be no
22 hooding hereafter"?

23 A. I suppose this explanation is slightly wider and
24 encompasses any sort of covering, whereas, you know,
25 a hood is a hood and therefore, if you are not to cover

1 their faces, that could mean you can't use a jacket or
2 a piece of material or -- it has a wider understanding
3 if you can't cover their face, rather than just saying
4 "You may not use a hood". So I am sure that they were
5 trying to catch all of those circumstances and therefore
6 use this wording.

7 Q. That was your clear understanding at the time, was it?

8 A. Well, I can't say it was my clear understanding at the
9 time, no.

10 Q. But, at all events, you understood that order or the
11 version of it which you may have seen and which was read
12 out to clearly ban, amongst other things, the use of
13 hoods?

14 A. It's my recollection that this was read out and that
15 therefore I would have understood this to have clearly
16 meant that hoods were banned.

17 Q. If this were a ban on hooding, putting it in shorthand
18 terms, whose duty was it then to promulgate that order
19 to ensure that all your troops, for example, knew that
20 this was now the position?

21 A. After the 17.00 briefing I would return to my camp,
22 usually by 19.00. At 19.00 I would then have a meeting
23 with my subordinates and would then brief them. They
24 would then brief their soldiers in turn. So it was --
25 whilst I was not going to directly brief soldiers, there

1 was only one other person who would do so in my chain of
2 command and that was my troop or platoon commanders. Is
3 that clear?

4 Q. Do you know that they did so brief your soldiers that
5 hooding was no longer on the menu, as it were?

6 A. I have absolutely no reason to doubt that they wouldn't
7 do so.

8 Q. But can you tell the Inquiry with absolute confidence
9 that hooding did not take place with prisoners who were
10 taken by Black Watch soldiers thereafter?

11 A. No, I can't say that Black Watch -- I was in charge of
12 C Company and I feel fairly sure that hooding was not
13 used after this. I don't recall any hooding being used
14 after this and I strongly believe that having given
15 this, they would have done exactly as told.

16 Q. Do you have any recollection of the arrival of QLR, the
17 handover?

18 A. I have a recollection of the arrival of
19 Major Paul Davis.

20 Q. Do you recall at the time of handover whether prisoners
21 were still being hooded by Black Watch soldiers?

22 A. I can't say for all of the Black Watch. I can only
23 speak for C Company and it's my strong belief they
24 weren't being hooded.

25 Q. That would be your strong belief -- this is not

1 a criticism for one moment -- because you believe your
2 soldiers would have followed whatever instruction they
3 were given?

4 A. Yes, that's correct.

5 Q. Did you ever receive any report of any ill-treatment of
6 prisoners by Black Watch soldiers?

7 A. No, I don't believe I can.

8 Q. Were you ever made aware, if it happened, of any concern
9 that the padre had about the treatment of prisoners?

10 A. No, I don't.

11 Q. Your second statement to this Inquiry deals with matters
12 that are raised as a result of the book written by
13 Tam Henderson, as you know, and that's the focus of your
14 second statement to this Inquiry, isn't it? I don't
15 propose to ask you any detail about that. You set out
16 the position, I think clearly, in the statement. But
17 I do just want to ask you one or two matters that run
18 alongside it, as it were. Were you aware of any
19 conditioning techniques being used on prisoners in Iraq?

20 A. No. I don't believe the term "conditioning" is one that
21 is either widely known or widely understood, and, no,
22 I don't believe those techniques, whatever they may be,
23 were being used and, no, I was not aware of any.

24 Q. If, for the purposes of my questioning, you assume that
25 conditioning involves, perhaps amongst other things, the

1 use of hoods and the use of stress positions on
2 prisoners prior to tactical questioning, were you aware
3 that that was going on?

4 A. No. I wasn't aware that that as a process -- as a form
5 for a use, an intended effect, was being used, no.

6 Q. Does that mean any more or less than, if you like, the
7 answer you gave us a little earlier, that that might
8 have been a secondary consequence of hooding a prisoner
9 who had been arrested?

10 A. No. The use of stress positions I was never aware of.
11 As I have mentioned, the use of stress positions, to my
12 understanding, was only to be used by those who, if they
13 were qualified, could use them. But, as I say, my
14 understanding is not complete. I have never done any
15 such course which allows you to use such. So whether
16 they were or were not allowed, I was not aware of --
17 sorry, I was not aware that they were allowed and
18 therefore I presumed that they were not being used.

19 Q. Insofar as you have this belief that the use of stress
20 positions may be sanctioned in certain circumstances,
21 was it your understanding that that related to the
22 process of tactical questioning?

23 A. I know now that stress positions are not allowed under
24 any circumstances.

25 Q. Your position then was, what, that you believed that it

1 may be in that area, about which you had no training and
2 no specific knowledge, that stress positions might be
3 used?

4 A. I believe that back then I presumed that the use of such
5 techniques were probably allowed, but that no one within
6 my area of responsibility had such qualifications to use
7 them. So if a prisoner was passed further up the chain,
8 I presumed that those were techniques which were allowed
9 to obtain information. I know now that that's not true,
10 that they have never been allowed.

11 Q. Perhaps more importantly, you never saw them used or
12 heard of them being used when you were in Iraq, did you?

13 A. That's true. I never saw them or heard of them being
14 used.

15 MR ELIAS: Yes, thank you very much.

16 THE CHAIRMAN: There will be one or two questions from other
17 counsel now, Major.

18 Ms Hetherington?

19 Questions by MS HETHERINGTON

20 MS HETHERINGTON: Just on that topic, Major, of stress
21 positions and your understanding that at the time it was
22 possible that they might be used by people who had
23 special training, can you remember where you got that
24 understanding from?

25 A. No, I would imagine it was probably from books or films.

1 Q. You say in your statement that you believe that during
2 the pre-deployment training for Telic 1 there would have
3 been a lecture on the capture and treatment of
4 prisoners. Can you actually recall going to any such
5 lecture?

6 A. I recall going to a law of armed conflict briefing.
7 I think that was given by the operational training
8 advisory team. I can't recall now any particular
9 lecture on the conduct or treatment of prisoners.

10 Q. Can you recall, for example, any training provided by
11 the provost sergeant, Sergeant Gallacher?

12 A. I am afraid I can't.

13 Q. Is it possible that during such training it might have
14 been him that had told you that stress positions could
15 be used by those who had been trained to use them?

16 A. I can't recall that happening so I can't say if it's
17 true or not.

18 Q. I understand. You do say in paragraph 13 of your
19 statement, which is BMI06122, that you do recall that
20 the training for Op Telic 1 on the handling of prisoners
21 included the use of hooding. You say later on in that
22 paragraph that you have "... a recollection of training
23 within the unit being conducted outside the company
24 lines where we practised taking prisoners and handling
25 them correctly -- in other words firmly but fairly and

1 making them kneel and putting sandbags over their
2 heads". So it follows that you do recall some PDT on
3 prisoner handling which did involve making prisoners
4 kneel and the use of hoods?

5 A. Yes, I think you need to put this in context. This is
6 training to deal with taking a prisoner -- at the very
7 blunt edge of taking a prisoner and it was in those very
8 few seconds where life or death is in the balance, and
9 it was how you effect that, for want of a better term,
10 "detention".

11 Q. I understand, and also in the context of a war-fighting
12 scenario?

13 A. That's correct.

14 Q. Can you remember how much of the pre-deployment training
15 you did attend? Might there have been parts of it that
16 you missed due to other duties?

17 A. That's very likely, that there were some parts I missed,
18 but they are probably likely to have been the subsequent
19 training, the parts of training that followed on, the
20 practice sessions rather than perhaps the policy
21 sessions.

22 Q. Do you remember any policy sessions that involved
23 conduct after capture as part of your pre-deployment
24 training?

25 A. No. As I say, I can only recall, I think on two

1 occasions, there was a law of armed conflict lecture in
2 pre-deployment training and then one just prior to
3 launching the operation.

4 Q. Thank you. Can we just have on the screen MOD017101?
5 This is another brigade FRAGO issued during your tour on
6 30 May. If we could look at the next page and the
7 paragraph "International law". The last sentence of
8 that reads:

9 "Under no circumstances may a suspect be
10 interrogated until he has been processed by the TIF."

11 Do you remember receiving any such order during your
12 tour?

13 A. No, I don't.

14 Q. What would you have understood that to mean had you seen
15 it?

16 A. Well, clearly that means that they couldn't have been
17 interrogated until they had been taken to the temporary
18 internment facility, which I think was due to be at
19 Umm Qasr, but may have later been at Al Zabia, and, when
20 they were processed, they would have been seen by
21 a doctor, they would have been passed their detention
22 cards and notes and reasons why they were detained, and
23 then, only then, could they be -- well, it says
24 "interrogated", but I am sure they mean "questioned".

25 Q. So you would have understood that to mean any

1 questioning?

2 A. No, not any questioning. In my belief questioning could
3 take place at an earlier instance. It's just that
4 I presume the level of questioning.

5 Q. So anything more than perhaps the basic identity type of
6 questions that one might put on arrest?

7 A. Yes, about that.

8 Q. Thank you.

9 Just in terms of your handover to Major Davis, who
10 you say you recall coming to Camp Stephen, you accepted
11 in your second witness statement that you were aware of
12 a death in custody of C Company of Black Watch. Were
13 you aware of a further death in custody within a week of
14 that one?

15 A. I am not sure this is within the remit of this
16 investigation. Can I clarify that, Sir?

17 THE CHAIRMAN: For the moment don't answer that question,
18 but not for that reason.

19 I don't see how it arises out of a handover to
20 Major Davis. If you can relate it to that in some
21 way --

22 MS HETHERINGTON: Perhaps I can ask the question in
23 a different way.

24 THE CHAIRMAN: You ask the question and I will tell you when
25 you should answer, Major.

1 A. Thank you, Sir.

2 MS HETHERINGTON: During your handover with Major Davis, can
3 you remember discussing any concerns about prisoner
4 handling or, indeed, the fact of any death in custody at
5 Black Watch?

6 A. I can't recall any discussions, but I feel sure that
7 I am likely to have discussed that significant fact and
8 that significant issue with Major Davis.

9 Q. I understand. The same question in relation to the ban
10 on hooding. Do you think that's something that you
11 would have covered with Major Davis or do you think that
12 would have been somebody else's responsibility to pass
13 on?

14 A. I would like to think that I covered that. Whilst
15 I don't believe it was a necessity to do so, I don't
16 believe that the handover of policy was absolutely
17 a requirement for company commanders --

18 THE CHAIRMAN: Just pause a moment. Can we please have the
19 door shut?

20 A. I don't believe it was a requirement. There's no list
21 of things to hand over. A requirement of the handover
22 would be primarily to show Major Davis around the area,
23 to show him the areas of Al Jamaria, Al Hyania, areas
24 that were a threat, areas that weren't; that you need to
25 wear or take certain precautions in this area, as

1 opposed to that area, and you need to meet certain
2 people and this might be Sheikh Abdullah and, you know,
3 other personalities within the area. A subsequent part
4 of that handover would be then to discuss the modus
5 operandi of the way we were conducting operations and
6 that might include the way that detainees and internees
7 were handled.

8 Q. I appreciate what you said, that it wasn't necessarily
9 the responsibility of the company commander to hand on
10 that sort of policy detail. Who within the battlegroup
11 do you think would have been primarily responsible for
12 making sure that that message got passed on to the
13 incoming regiment?

14 A. I think the responsibility for handing over policy
15 would -- a propos operations would probably fall to the
16 battlegroup operations officer. But I am sure at all
17 levels there is a level of handover, at brigade, at
18 battlegroup and at company and then down beyond me, with
19 various people telling their successors how they
20 conducted operations.

21 MS HETHERINGTON: Thank you. Thank you, Sir.

22 THE CHAIRMAN: Mr Evans -- sorry, Mr Donmall.

23 SPEAKER: Not at all, Sir. We don't have any questions.

24 THE CHAIRMAN: Thank you very much.

25 Ms Dobbin?

1 Questions by MS DOBBIN

2 MS DOBBIN: Are you able to recollect specifically what
3 training you had that mentioned the Red Crescent?

4 A. Well, I do recall something being asked about this in
5 the supplementary statement. I believe that it was part
6 of the law of armed conflict briefings. It is
7 absolutely a rule that the ICRC is allowed access to
8 prisoners and that they are allowed to do so, to pass
9 messages from their family, to be able to respond to
10 their families as to whether they are in detention and
11 where they are in detention and also, I think, to check
12 on the welfare of prisoners.

13 Q. What I am asking you specifically about is the
14 Red Crescent. What I wanted to know was whether you
15 recollect that that was mentioned specifically in your
16 pre-deployment training before you went to Iraq or was
17 it something that you generally recollect having been
18 mentioned in your training throughout your career.

19 A. No, the Red Crescent -- the Red Cross is something that
20 I have been aware of, you know, ever since probably
21 Sandhurst, but the Red Crescent I do recall being
22 something relatively new to me in 2003 because I wasn't
23 actually aware of the International Federation of the
24 Red Crescent until that time.

25 Q. Again, in respect of your training, do you remember

1 anything being mentioned prior to your deployment to
2 Iraq about the handling of high value detainees?

3 A. No, that's actually a term I don't believe I ever heard
4 until later on. I don't recall, during training for
5 2003, that high value targets or high value detainees
6 was something we recognised in those days.

7 Q. Is it right that C Company was comprised of soldiers who
8 were unusually older or more experienced --

9 THE CHAIRMAN: I don't know that that is really going to
10 help, Ms Dobbin. I cannot see the relevance of that to
11 this Inquiry.

12 MS DOBBIN: Thank you, Sir. I will move on swiftly then.

13 Is it right, Major, that Mr Henderson had been
14 a long-standing and well-respected member of C Company?

15 A. He had been in C Company for many years, yes.

16 THE CHAIRMAN: That is a slightly guarded answer. You
17 didn't answer the "respect" part.

18 A. He was well respected.

19 MS DOBBIN: Thank you. Sir, that is all.

20 THE CHAIRMAN: Yes. Mr Bourne?

21 Questions by MR BOURNE

22 MR BOURNE: Just one matter. You have been asked about the
23 handover to 1 QLR. Do you remember members of 1 QLR
24 visiting first for what has been described as a "recce"
25 in May before the handover in June?

1 A. I do not recall them visiting in May, although I do
2 recall their recce taking place and I think I recall it
3 because I saw them at battlegroup headquarters. I
4 cannot say whether I saw them at my company base and
5 I certainly don't recall if I showed them around during
6 the recce, but I recall seeing them and Colonel Mendonca
7 at battlegroup headquarters, I believe in the middle of
8 May -- the early part of May.

9 Q. During the recce, which occurred before FRAGO 152,
10 presumably they might have seen hooding going on?

11 A. That's very possible, yes, they may well have.

12 Q. Upon the handover in June, so far as your company --
13 C Company -- is concerned, that being after the FRAGO,
14 is it your evidence that they would not have seen
15 hooding going on?

16 A. It's my very strong belief that at my company location
17 they would not have seen any hooding occurring.

18 MR BOURNE: Thank you very much.

19 Further questions by MR ELIAS

20 MR ELIAS: Just this, S056. Again please do not guess or
21 speculate if you don't remember. The questions that
22 arose out of the two deaths that were referred to by
23 Ms Hetherington asking you questions on my left, did you
24 understand that either or both deaths had anything at
25 all to do with the use of hoods?

1 A. No, I don't believe so. I believe they both occurred
2 because of a heart attack.

3 MR ELIAS: Thank you.

4 Questions by THE CHAIRMAN

5 THE CHAIRMAN: I am pleased to hear you use the words
6 "common sense" being applied. Would you think that it
7 was necessary to tell troops that they shouldn't put
8 a person into a position where they couldn't breathe?

9 A. No, I don't believe that would be necessary, Sir, but
10 I think, to be fair, sometimes it's worth stressing even
11 what seems obvious to men who are, on occasion, young,
12 inexperienced and may be under extreme stress.

13 THE CHAIRMAN: Is that another way of saying that there
14 wants to be a degree -- perhaps a high degree -- of
15 supervision of men like that?

16 A. Yes, Sir. I think all people need supervision, frankly.
17 But, yes, in these circumstances, there is a chain of
18 command and usually there is a level of supervision.

19 THE CHAIRMAN: So presumably you would need to have
20 confidence in your non-commissioned officers and your
21 platoon commanders; is that right?

22 A. That's correct, Sir, yes.

23 THE CHAIRMAN: Is that something you were well aware of when
24 you were out there?

25 A. The requirement to supervise?

1 THE CHAIRMAN: Yes.

2 A. Yes, and whilst you clearly have to trust these people
3 because they will be going out on patrol
4 independently --

5 THE CHAIRMAN: Yes.

6 A. -- at the same time you can still maintain some level of
7 supervision, whether it be by radio, radio checking and
8 asking what's going on on the ground.

9 THE CHAIRMAN: Within the camp, though, were you able to see
10 what they are up to? Would you go around and see what
11 they are getting up to?

12 A. When time permits, you do -- as much as anything for the
13 welfare of your men and to see what is happening, yes,
14 you do try to, but clearly time is a premium and,
15 especially on a peace support operation, if you are
16 trying to keep people focused, you inevitably spend much
17 of your time trying to meet and hold either surers(?) or
18 meetings or those sort of dialogue with local
19 personalities.

20 THE CHAIRMAN: I follow that. What about your platoon
21 commanders? Would they be in the same position of
22 having a lot of other things to do as well as looking
23 after their individual troops?

24 A. They would, Sir, but probably less calls on them. I
25 would like to think they have that little bit more time

1 to directly supervise their troops.

2 THE CHAIRMAN: Yes. Similarly, corporals, lance
3 corporals, section commanders?

4 A. They should be entirely supervising their troops because
5 they would have very little need other patrolling. They
6 wouldn't be having those extra responsibilities put on
7 top.

8 THE CHAIRMAN: What about the company sergeant major?

9 A. The company sergeant major I often left behind in camp.
10 I do recall a time where -- because of responsibilities
11 we had both in camp and outside -- I started leaving him
12 behind. And because the level of threat I felt I was
13 able to go out patrolling on my own and I left him in
14 camp on many occasions.

15 THE CHAIRMAN: For what purpose: to see what was going on or
16 to look after the people who were in camp?

17 A. To control camp to a degree. Because, although I had an
18 ops officer who was in an operations room, he was
19 effectively tied to a radio so therefore the company
20 sergeant major was the man who could get about and make
21 sure that -- you know, from the ridiculous of picking up
22 litter to the much more serious of maintaining
23 supervision over detainees, that he could conduct those
24 duties.

25 THE CHAIRMAN: Yes. I'm a little behind-hand in

1 organisation, but a platoon, did it have a platoon
2 sergeant as well as a platoon commander who was an
3 officer or did a platoon normally have either an officer
4 or a platoon sergeant?

5 A. In my case, Sir, I was lucky in that I had platoon
6 commanders and platoon sergeants in each of my three
7 platoons.

8 THE CHAIRMAN: So by "platoon commanders" you mean an
9 officer?

10 A. On this occasion, I do, Sir, yes.

11 THE CHAIRMAN: But very often presumably a young officer
12 rather younger than his platoon sergeant, I suspect?

13 A. Usually very much so. Again, I was fortunate in that my
14 platoon commanders were all captains, being a support
15 company and therefore having to operate slightly more
16 independently in war-fighting scenarios. They were of
17 captain rank and therefore with the commensurate level
18 of seniority and experience.

19 THE CHAIRMAN: Yes, I see. Thank you very much.

20 Does anybody want to ask any questions arising out
21 of that? No.

22 Thank you very much for coming. I am very grateful
23 to you for your evidence. You are now free to go and we
24 have finished until after lunch, have we not?

25 MR ELIAS: Sir, the next witness will be available at

1 2 o'clock, if that is convenient, as I understand.

2 I wonder if this witness may be permitted to leave the
3 room before we remove the security of it?

4 THE CHAIRMAN: That is probably sensible.

5 If you would like to go now, Major. Thank you very
6 much.

7 There will be a longer lunch hour today.

8 MR ELIAS: Yes, Sir.

9 THE CHAIRMAN: 2 o'clock then.

10 (12.51 pm)

11 (The short adjournment)

12 (2.00 pm)

13 THE CHAIRMAN: Yes, Mr Halliday.

14 MR HALLIDAY: Yes, Sir, the next witness is Andrew Bowman,
15 who is in place.

16 THE CHAIRMAN: Yes, if would you be kind enough to stand,
17 please, Mr Bowman, I will ask that you take the oath.
18 Do you prefer to be sworn on the Bible or are you going
19 to affirm?

20 A. On the Bible, Sir.

21 THE CHAIRMAN: Right. If you take it in your right hand and
22 listen to the words of the oath as they are read to you.

23 ANDREW BOWMAN (sworn)

24 THE CHAIRMAN: Now do sit down. If you would speak into the
25 microphone, then we will all be able to hear you. I see

1 you have something in your hand. That was just the
2 Bible, was it?

3 A. The Bible, Sir.

4 THE CHAIRMAN: Okay. Thank you very much.

5 Yes, Mr Halliday.

6 Questions by MR HALLIDAY

7 MR HALLIDAY: Could you state your full name, please,
8 Mr Bowman?

9 A. Andrew Cassidy Bowman.

10 Q. Is there a red folder in front of you?

11 A. There is.

12 Q. Could you open that please? Is your witness statement
13 inside it?

14 A. It is.

15 Q. Could you turn to the final page, please? Does your
16 signature appear on the final page?

17 A. Yes, it does.

18 Q. When you signed the statement, were you indicating that
19 it was true to the best of your knowledge and belief?

20 A. Yes, it was.

21 Q. The chairman has read that statement, Mr Bowman, and the
22 Inquiry is grateful for it, but I am not going to ask
23 you about everything that's covered in the statement.
24 Do you understand?

25 A. Yes.

1 Q. Did you join the Territorial Army in 2001?

2 A. Yes, I did.

3 Q. Which unit did you join?

4 A. At that time I joined 3 Military Intelligence Battalion.

5 Q. Are you still serving now?

6 A. I am.

7 Q. What's your current rank?

8 A. I am currently a sergeant.

9 Q. Did you deploy to Iraq during Op Telic 2?

10 A. Yes, I did.

11 Q. What was your rank at that time?

12 A. My rank at that time was a lance corporal.

13 Q. It is right, isn't it, that your tour during Op Telic 2

14 broke down into a number of distinct stages?

15 A. That's correct.

16 Q. Between July and early August, you were working in

17 Umm Qasr as a interrogator at the JFIT?

18 A. That's right.

19 Q. And then, between early August and mid September, you

20 were in Maysan Province, attached to 1 King's Own

21 Scottish Borderers as a tactical questioner?

22 A. That's correct.

23 Q. Then, after some leave, you returned to the JFIT where

24 you continued your duties as an interrogator; is that

25 right?

1 A. That's correct.

2 Q. Do you recall doing a tactical questioning and
3 interrogation course in January 2003?

4 A. I do, yes.

5 Q. That course took place at Chicksands, did it?

6 A. It did.

7 Q. It was a two-week course?

8 A. Yes.

9 Q. So did it qualify you not only as a tactical questioner
10 but also as an interrogator?

11 A. Yes, that's correct.

12 Q. What was covered during the first week of the course?

13 A. The first week of the course was tactical questioning.

14 Q. And the second week?

15 A. Interrogation.

16 Q. During the course, were you taught anything about the
17 Geneva Conventions?

18 A. I don't recall specifically, but I believe I covered it
19 at the start of the course.

20 Q. Does that mean that you are not sure whether
21 Geneva Conventions were covered?

22 A. We were issued books at the start of the course. I do
23 remember that. I just -- I don't specifically remember
24 any lectures.

25 Q. Did the books describe your obligations under the

1 Geneva Conventions?

2 A. Yes.

3 Q. And did they explain that the overarching duty was to
4 treat prisoners humanely?

5 A. Yes.

6 Q. Can you recall whether or not you were taught, either in
7 the books or orally in a lecture, that prisoners should
8 not undergo any physical or mental torture?

9 A. I believe I was taught that at some point.

10 Q. During that particular course?

11 A. Yes.

12 Q. Were you told that prisoners should not be subjected to
13 any coercion in order to answer questions?

14 A. I believe that's true.

15 Q. Were you told about threats? Were you told whether or
16 not the Geneva Conventions prohibited you from making
17 threats to prisoners?

18 A. I can't recall.

19 Q. What about insults, the same question? Were you told
20 that you could or could not use insults?

21 A. I can't recall.

22 Q. Do you recall being taught the phrase "no unpleasant or
23 disadvantageous treatment of any kind" when the Geneva
24 Conventions were covered?

25 A. I can't recall that at this time.

1 Q. During that course were you taught anything about
2 whether or not prisoners could be deprived of their
3 sight?
4 A. In terms of security, yes, but only for security
5 reasons.
6 Q. And that was made quite clear, was it, that sight
7 deprivation could only be for security reasons?
8 A. Very clear.
9 Q. During the course was sight deprivation used in
10 practice?
11 A. Yes, it was.
12 Q. What was used to deprive prisoners of their sight on the
13 course?
14 A. Some sort of blindfold.
15 Q. Can you recall what was used as a blindfold?
16 A. Blindfold material -- it was tight blindfold -- to be
17 specific, not goggles, but that's all I remember.
18 Q. Some sort of cloth or material like that?
19 A. Yes.
20 Q. Were sandbags used to deprive prisoners of their sight
21 on the course?
22 A. No.
23 Q. Were you told whether alternative means of sight
24 deprivation or blindfolding could or could not be used?
25 A. I can't recall.

1 Q. Can you recall whether you were told that sandbags could
2 be used or could not be used?

3 A. I cannot recall.

4 Q. You said it was made clear that the only purpose of
5 blindfolding or sight deprivation was security. Was it
6 not mentioned that an additional benefit of sight
7 deprivation might be preservation of the shock of
8 capture?

9 A. The shock of capture was covered, but I don't know where
10 the sight deprivation came into it.

11 Q. You can't recall being told that blindfolding might
12 maintain the shock of capture?

13 A. No.

14 Q. You say the shock of capture was covered. What was said
15 about that?

16 A. As I recall, the shock of capture was both a physical
17 and a psychological effect when a detainee or a prisoner
18 of war was immediately captured. Also it forms around
19 their fears at that point, the unknown certainties.

20 Q. Was this explained to you during the tactical
21 questioning and interrogation course?

22 A. Yes, it was.

23 Q. Were you told that the shock of capture was something
24 that could be used to make a prisoner answer your
25 questions?

1 A. I believe at some point we were told that it could be
2 exploited -- certain feelings could be exploited -- but
3 we could not enhance that.

4 Q. So the message was, "You can exploit the existing shock
5 of capture but you can't enhance it"?

6 A. I believe that's correct.

7 Q. Can we have paragraph 19(h) of Mr Bowman's statement on
8 screen, please, at page 8? This is your statement to
9 the Inquiry in which you said the following:

10 "Conditioning/shock of capture: I cannot remember
11 being taught these terms whilst at 'F' Branch."

12 That is on your tactical questioning/interrogation
13 course.

14 "We did however attend a PHTQ 'live' exercise at RAF
15 St Mawgan at the end of the PHTQ phase. These terms may
16 have been explained by the conduct after capture
17 directing staff."

18 That's a little different from what you have said
19 just now, is it not?

20 A. That's correct.

21 Q. What has caused you to change your account?

22 A. I had certain notes left over from my PHTQ course and
23 some, in the passage of time, were missing, and I have
24 since seen the extra notes that would have made up my
25 pack that actually showed that I would have possibly

1 been taught it on my TQ'ing phase prior to going to
2 St Mawgan.

3 Q. There was not any sense, was there, in which you wanted
4 to conceal conditioning and shock of capture from the
5 Inquiry?

6 A. No.

7 Q. It was just that your memory was jogged by seeing the
8 notes?

9 A. I couldn't say specifically in a statement because
10 I couldn't remember, but having seen the extra notes,
11 I now believe it to have been part of the course content
12 as part of the first week in the TQ'ing phase.

13 Q. So you mentioned that the shock of capture was explained
14 during the course. The same goes for conditioning, does
15 it? Was that term used during the course?

16 A. It was. It was taught.

17 Q. Do you recall being taught about system-induced
18 pressures. Does that phase ring any bells?

19 A. It rings a bell. I don't recall the specific lectures,
20 but I do remember it from the notes -- seeing it in the
21 notes.

22 Q. Do you have any independent recollection, apart from the
23 notes, of being told about system-induced pressures?

24 A. No, not during the course, no.

25 Q. You don't recall being told, do you, that lack of sleep

1 might be a system-induced pressure that a prisoner could
2 suffer from?

3 A. I don't remember being taught, but again I remember it
4 from the notes that it is there. I don't remember what
5 we were taught with regards to it.

6 Q. What was said about conditioning?

7 A. Conditioning is whereby you can -- through passage of
8 time, the ultimate aim is to get the prisoner to become
9 more receptive to your questioning. Little commands,
10 ie getting them just to accept a drink of water on
11 request, sit down on request, things like that, it
12 eventually becomes apparent and they will start
13 answering questions. That's what I remember.

14 Q. Was there any other way in which someone could be
15 conditioned to make them more likely to answer
16 questions?

17 A. I don't remember being taught anything else about
18 conditioning.

19 Q. Were you told anything about stress positions on that
20 course?

21 A. I was. I was told that we couldn't use them.

22 Q. You don't recall, do you, being taught to put prisoners
23 in uncomfortable positions in order to exercise control
24 over them?

25 A. No, the opposite. We were told that we could not put

1 them in uncomfortable positions.

2 Q. Were you told anything about the use of white noise?

3 A. From my recollection, again I believe that we were

4 taught that we could not employ white noise for any form

5 of conditioning.

6 Q. Were you told that white noise might have any other

7 purpose, apart from conditioning?

8 A. No.

9 Q. Were you told that noise could be used to stop prisoners

10 from hearing each other's interrogation sessions?

11 A. I believe I have put that in my statement there. I have

12 some recollection of being taught that, but just merely

13 as a means to stop prisoners listening. It was

14 explained to us in no uncertain terms that it was not to

15 be what I would deem to be -- what could be deemed white

16 noise, excessively loud; just -- ie an example I think

17 was given was a radio, just loud enough to -- if it was

18 between two rooms, so that prisoners couldn't hear what

19 was being said, but not to disorientate them.

20 Q. Just to clarify, were you explicitly told that white

21 noise could not be used to disorientate people?

22 A. I believe so.

23 Q. That's not quite what you said in your statement to the

24 Inquiry, unless I have misunderstood. At

25 paragraph 19(c) -- could we have that on screen -- you

1 said this:

2 "At no point during the interrogation course were we

3 told that we could not employ 'white noise' or

4 exceptional noise levels in order to disorientate

5 detainees."

6 A. That's incorrect, yes. That's not correct.

7 Q. What has caused you to change your account in that

8 respect?

9 A. No, nothing. That was a typo error, if you like. It

10 was something between the statement that was never --

11 I had always said that at no point were we ever told we

12 could use white noise and "not" appeared.

13 Q. What you say in this sentence -- and this is the

14 statement you signed -- is that you were not told that

15 white noise as an aid to interrogation was prohibited.

16 Your are now saying that you were told that white noise

17 as an aid to interrogation was prohibited.

18 A. No, wait. We were never -- we were never told that we

19 could use white noise.

20 Q. You weren't told --

21 A. We were told that we could not use white noise.

22 Q. So that's simply an error in the --

23 A. Yes.

24 Q. -- statement, is it?

25 A. Absolutely.

1 Q. Were you told anything about whether the tactical
2 questioner or interrogator was responsible for the
3 handling of prisoners before they were questioned?
4 A. I can't recall.
5 Q. Were you told anything about whether you were
6 responsible for briefing the guards about how they
7 should handle prisoners before questioning?
8 A. Yes.
9 Q. What were you told?
10 A. We were told that we could give them instructions and
11 brief them on how they were to be moved.
12 Q. You were told that you could give those instructions or
13 that you should give them?
14 A. We were told that we should give them.
15 Q. Were you told whether or not you had any responsibility
16 for monitoring the treatment of prisoners --
17 A. Yes.
18 Q. -- before their questioning? What were you told?
19 A. I believe that we were taught that, as TQers, we had
20 overall responsibility for the prisoners in our care at
21 that point. Obviously there's a higher echelon,
22 internment officers, et cetera, but we had an immediate
23 responsibility.
24 Q. Do you recall being taught something called the "harsh
25 technique"?

1 A. Yes.

2 Q. What did that consist of?

3 A. It's -- I would -- I would class it as an extremely
4 unpleasant form. It's not questioning. It's more like
5 a barrage.

6 Q. A barrage of shouting?

7 A. Raised voices, yes.

8 Q. Insults?

9 A. Raised voices. I don't know about insults.

10 Q. Or threats?

11 A. I can't ever recall using threats.

12 Q. A barrage of shouting, is that the best way to describe
13 it?

14 A. Yes.

15 Q. Do you recall any student ever being reprimanded for
16 treating the prisoner too harshly on the course?

17 A. Yes.

18 Q. What happened on that occasion?

19 A. The incident in question would have been one of the
20 other students was over-zealous with a character player.
21 I believe that -- I think -- I didn't witness it, but we
22 believe -- I believe that there was a bit of
23 finger-poking in the chest or a lapel pulled -- there
24 was -- something like that happened and the student was
25 removed from the I-room.

1 Q. So you didn't witness it. Were you told about it?

2 A. I was in the room afterwards when the student was

3 brought out in front of us by the officer commanding the

4 course.

5 Q. What did the instructor say to this student?

6 A. He made a real point that at no time were detainees --

7 character players and in real time -- to be, you know --

8 I think his words, his exact words, were, "Where were

9 you ever taught to lay hands on a detainee?", and then

10 he made a point of turning to the whole group and

11 saying, "You have never been taught to lay hands in any

12 threatening manner and therefore we don't expect that

13 behaviour".

14 Q. At the end of the TQ phase of your course, at the end of

15 the first week, were you and any of the other students

16 involved in a conduct after capture exercise?

17 A. That's correct, yes.

18 Q. Where did that take place?

19 A. RAF St Mawgan, down in Newquay.

20 Q. What was your role during that exercise?

21 A. Well, we were obviously students. We were supervised --

22 we were basically taken down there and we were given

23 a chance to go in and do very basic questioning

24 sessions.

25 Q. Was anything said during that conduct after capture

1 exercise about whether you should or should not treat
2 prisoners in the way they were treated during the
3 exercise?

4 A. I believe that's correct. I believe that we were
5 briefed by numerous people on the course and told that
6 the purpose of conduct after capture was for the -- what
7 we call the "CAC 1" to imitate the role of foreign
8 interrogators and, as such, they may use techniques that
9 we would not be expected -- we would not use for real.

10 Q. Did they say why you would not use those techniques for
11 real?

12 A. As British interrogators we comply with the
13 Geneva Convention and therefore we would not be allowed
14 to use any techniques as witnessed on that course.

15 Q. What sorts of techniques were used on that exercise?

16 A. Well, we were only involved in the questioning,
17 I believe. I don't know what happened to the prisoners.
18 We only ever seen them come off a lorry. I believe they
19 had been out in the hills for a few days. They
20 explained the search process and, as I say, I don't know
21 what sort of techniques they underwent. We just got
22 them when they came into the rooms.

23 Q. You don't know whether they were blindfolded or hooded?

24 A. I can see they were blindfolded. Some of them were
25 blindfolded when they came in. Some were at the initial

1 stage that I witnessed and thereafter there were no
2 blindfolds.

3 Q. Do you know whether they were put into stress positions?
4 A. I didn't witness any stress positions.

5 Q. Do you know whether they were subjected to white noise?
6 A. I didn't witness any white noise.

7 Q. Were you aware of any sleep deprivation on that course?
8 A. Again, as I said in my statement, I was not aware.
9 There certainly were a few individuals who were very
10 tired, but given the circumstances I didn't think that
11 was unusual.

12 Q. Were you, in fact, aware of any differences between the
13 way people were treated on this exercise and the way you
14 were to treat prisoners who were being questioned?
15 A. Well, we were aware that conduct after capture -- what
16 the whole -- what the purpose of conduct after capture
17 is, and therefore there are certain things that go on
18 there that, you know, we wouldn't be involved in.

19 Q. What things are you referring to though?
20 A. Just some of the way in which prisoners were maybe
21 shouted at or -- you know, that we could hear.

22 Q. But you were taught to shout at prisoners as part of the
23 harsh technique, weren't you?
24 A. Yes, but I don't know -- in terms of maybe the guard
25 force, if that makes -- I didn't witness -- we didn't

1 witness any of that treatment.

2 Q. So you were not actually aware of any differences
3 between the way people were treated on this exercise and
4 the way you were expected to treat prisoners?

5 A. No, but it was explained to us that -- as I say, there
6 was a content. Whatever was involved in CAC -- CAC
7 training, we were told that we wouldn't be expected
8 to -- whatever we seen, whatever we witnessed, we would
9 not be expected to -- we were not to do it.

10 Q. I would like to move on to your experiences as an
11 interrogator at the JFIT during Op Telic 2, during two
12 periods between July and August and between October and
13 December. Did you receive any kind of handover from
14 Op Telic 1 interrogators when you arrived?

15 A. I don't recall specifically that I personally got
16 a handover.

17 Q. Were you mentored by Op Telic 1 interrogators?

18 A. There were a few sessions at the start where we were --
19 we did joint interviews, where we sat under a more
20 experienced interrogator.

21 Q. And these more experienced interrogators had conducted
22 interrogations during Op Telic 1, had they?

23 A. I believe so.

24 Q. Did they mention anything about the banning of hooding
25 with sandbags?

1 A. They never mentioned it because at that point there had
2 been no need. We didn't receive prisoners straight into
3 there. Every prisoner was already a prisoner in the
4 internment camp. There was no prisoners in the area
5 that I was in that prisoners had any sort of hoods.

6 Q. So hooding did not in fact take place --

7 A. No.

8 Q. -- and nothing explicit was said about it being banned;
9 is that right?

10 A. I do not recall anything, but there were no hoods that
11 I seen.

12 Q. What about blindfolding? Did that take place at the
13 JFIT?

14 A. No.

15 Q. What about when prisoners were delivered to the JFIT,
16 were they ever blindfolded or hooded on their arrival?

17 A. Again, at the start, when I was there the first time,
18 I never seen anyone blindfolded or hooded.

19 Q. What about when you returned to the JFIT later in the
20 tour?

21 A. I believe they were blindfolded.

22 Q. When were they blindfolded?

23 A. On the -- when they immediately arrived in the back of
24 vehicles, they were blindfolded just as they were
25 brought in.

1 Q. After they arrived did the blindfolds remain on or were
2 they taken off?

3 A. No, they were taken off.

4 Q. Did you not have any concerns about prisoners in the
5 JFIT seeing each other?

6 A. Are you referring to the first period or the second
7 period I was there?

8 Q. Well, let's deal with the first period first then.

9 A. Well, the first period I can -- again, I never seen
10 anyone. All the prisoners in that area, none of them
11 were blindfolded at all.

12 Q. Did that cause you any concern? Were you worried about
13 them being able to see the layout of the camp or other
14 prisoners?

15 A. Not at that stage, no.

16 Q. Dealing now with the second period, did you have any
17 concerns about prisoners being able to see each other or
18 the camp?

19 A. At that point, we were up -- we were right at the back
20 of the internment facility and therefore I seen no
21 threat to them seeing each other at that point.

22 Q. Did you have any security concerns at all about
23 prisoners not being blindfolded at the JFIT?

24 A. Not that I recall.

25 Q. Were you aware of prisoners being put into stress

1 positions at the JFIT?

2 A. No.

3 Q. Were you aware of any conditioning techniques at all
4 that were used at the JFIT?

5 A. None whatsoever.

6 Q. I would like to move on to your time as a tactical
7 questioner for the 1 King's Battlegroup. Why were you
8 in fact sent down to join 1 King's in the
9 Maysan Province?

10 A. Just for the record, it was 1 KOSB I was attached to.

11 Q. I do apologise, 1 KOSB, King's Own Scottish Borderers.

12 A. That's right. We were -- myself and another operator
13 were dispatched down, primarily -- I believe primarily
14 as a -- to assist the field HUMINT team there, to screen
15 what we call "walk-ins", people who had come to the camp
16 and wanted to willingly give information. I think that
17 was a primary role for us there. On arrival we were
18 told that we would also be doing a secondary role,
19 TQ'ing, if and when available or if and when required.

20 Q. Did 1 KOSB not already have TQers who could perform that
21 second role?

22 A. No, they did not.

23 Q. Do you recall any concern about a lack of filtering at
24 battlegroup level and too many people being sent to the
25 JFIT?

1 A. No.

2 Q. Do you recall any concern about a lack of
3 intelligence-gathering through TQ'ing at battlegroup
4 level?

5 A. No.

6 Q. Were prisoners at 1 KOSB deprived of their sight?

7 A. Only on entering the camp.

8 Q. So after they entered any blindfold was removed, was it?

9 A. Yes.

10 Q. What was used to deprive them of their sight?

11 A. I personally witnessed a lot of their personal clothing
12 being used, primarily their shemags, the scarves that
13 they wore.

14 Q. Did you ever see sandbags used?

15 A. No.

16 Q. Were they blindfolded in order to maintain the shock of
17 capture?

18 A. No.

19 Q. You don't recall any discussion about the shock of
20 capture being maintained through blindfolding with
21 anyone at 1 KOSB, do you?

22 A. No.

23 Q. Did you have any discussion at all about the shock of
24 capture with other officers or soldiers at 1 KOSB?

25 A. Other than my colleague, no.

1 Q. Which colleague?

2 A. The other operator that was sent down.

3 Q. You seem to be aware that there was someone whose name
4 you can't mention. Did you discuss with him the shock
5 of capture?

6 A. Only that we were keen to avoid anything getting us into
7 trouble. Obviously we were very aware that people
8 coming in -- we wanted to go by the book, so to speak.

9 Q. The shock of capture, as you can recall from your course
10 notes, was mentioned on your PHTQ course, wasn't it?

11 A. Yes.

12 Q. So was shock of capture something you used while you
13 were with 1 KOSB?

14 A. Could you be more specific? You have mentioned the
15 enhancing shock of capture and also just the bit where
16 we -- you know, we exploited what was already there.

17 Q. It's my fault. Did you do anything to maintain or
18 enhance the shock of capture?

19 A. No.

20 Q. Did you discuss the natural shock of capture either with
21 your colleague who went down to Maysan with you or with
22 anyone in the battlegroup itself?

23 A. No.

24 Q. You didn't discuss it with anyone?

25 A. Not as far as I'm aware.

1 Q. You don't have any recollection of prisoners at 1 KOSB
2 being handled robustly and blindfolded in order to
3 maintain the shock of capture?
4 A. No.
5 Q. Do you recall a Sergeant Smulski who worked at that
6 camp?
7 A. Yes, I do.
8 Q. Did he ever observe any of your TQ'ing sessions?
9 A. I believe he did.
10 Q. Sergeant Smulski has admitted to treating detainees in
11 a number of particular ways. He has admitted exercising
12 them in order to maintain the shock of capture and
13 banging a metal pole against the floor and wall in order
14 to make a loud noise to keep them awake and maintain the
15 shock of capture. Is there any chance that he could
16 have picked up those techniques from observing you
17 tactically questioning?
18 A. I don't believe so.
19 Q. Because those were techniques you didn't use?
20 A. No.
21 MR HALLIDAY: Thank you.
22 THE CHAIRMAN: Yes, well now you are going to be asked some
23 questions by other counsel.
24 Mr Friedman?
25 Questions by MR FRIEDMAN

1 MR FRIEDMAN: Thank you, Sergeant Bowman.

2 Starting first with the methods that you learned
3 from the course, including the exercises that you did,
4 you have given a very clear account about being told no
5 laying hands and the example of the person who did it
6 wrong. But in exercises that you witnessed perhaps
7 others involved in, did you see verbal threats being
8 made to the pretend prisoners?

9 A. No.

10 Q. Did you see verbal insults of any kind being made to the
11 pretend prisoners?

12 A. No.

13 Q. The Inquiry has had access to videos of training
14 exercises that were used. One sees quite a common turn
15 of phrase being used that the person captured is
16 a "terrible soldier", they are a "weak soldier", they
17 are afraid, and insults about their capacity to handle
18 being questioned. When you say you didn't see insults,
19 did you see those type of insults?

20 A. I can't recall.

21 Q. What about furniture being thrown as long as it didn't
22 make any physical contact?

23 A. I remember that we were told that that was not to
24 happen. The reason I remember that is because chairs
25 have got a habit of bouncing off walls and then coming

1 back to hit people. That's exactly why I remember. We
2 were not to throw furniture around, et cetera.

3 Q. Were you told that pending questioning it was
4 permissible to keep people in set positions, never mind
5 whether they were stressful or not, but to keep them in
6 a set position where they couldn't move, but they were
7 to stay in those set positions?

8 A. No.

9 Q. Were you told that it was permissible to delay allowing
10 them to bathe pending the conclusion of their
11 questioning? I don't mean ordinary going to toilet.

12 A. I can't recall.

13 Q. We hear and see your written answers about sleep
14 deprivation, but what about delaying of sleeping pending
15 the conclusion of questioning?

16 A. I don't recall that ever coming up.

17 Q. Just looking at the timing of that course in January
18 2003 and the people on it, given that timing, was it
19 recognised in the course that some of you were destined
20 for Iraq quite shortly?

21 A. Yes.

22 Q. Was there discussion of what to expect from questioning
23 the Iraqis, especially in terms of the experience of the
24 past Saddam regime that they had?

25 A. It may have come up, but I have no recollection of any

1 conversations as regards to that.

2 Q. Did those kind of conversations happen when you got out
3 to Iraq at the JFIT?

4 A. Not to my knowledge.

5 Q. Nothing about the fact that these people had been used
6 to quite serious torture and the like and so British
7 methods would not have the same type of effect of what
8 they were used to?

9 A. I can't recall any specific conversations, but if
10 I could elaborate --

11 Q. Yes.

12 A. -- I think it's possible that we -- with hindsight of
13 the other interrogators that were already there on
14 Op Telic 1, it's probable that they explained to us how
15 things were being conducted and what their experiences
16 were. But I just can't remember specifics.

17 Q. Just looking at the trainers on the course, you say --
18 we don't need to go to it -- in your statement at
19 paragraph 17 that they spoke about their previous
20 experience of interrogating when deployed. What
21 operations were they telling you about?

22 A. I believe some spoke about experiences in the Balkans,
23 but again that's just when -- going back to memory.
24 There could have been other ones.

25 Q. And the trainees on that course that you were on, did

1 you see any of them out in Iraq once deployed?

2 A. On my course?

3 Q. Yes.

4 A. Yes.

5 Q. Who did you see?

6 A. I'm not at liberty to --

7 Q. It is an anonymous name, is it?

8 A. It is.

9 Q. You don't have a cipher list in front of you, do you?

10 A. I do, but they are not on there.

11 Q. We will leave it there for the moment.

12 Moving then to how you got deployed to be in JFIT.

13 I think you were going to go to JFIT in Telic 1 and then

14 ended up going in Telic 2. You are nodding. You say it

15 was strange that you were pulled back at the last minute

16 when you were going to JFIT. I just want to ask you:

17 you were very recently trained and yet, as far as you

18 understood, you were a good priority to go to do the

19 in-depth interrogation at the JFIT.

20 A. Yes.

21 Q. Were there not people who were more trained and more

22 experienced who would go above the line in relation to

23 you?

24 A. Sorry, could you be ...?

25 Q. Was there such a shortage that someone who was barely

1 out of training, with no experience, should qualify to
2 go to JFIT?

3 A. I don't know. Again it's outwith my remit.

4 Q. When you were at JFIT in that two weeks, did you ever
5 actually question anyone or was it just the scribing?

6 A. I did a couple of basic questioning sessions with
7 a senior interrogator sitting beside me.

8 Q. Did you have any contact with US interrogators -- just
9 answer "yes" or "no" -- while you were at JFIT?

10 A. Yes.

11 Q. Was there any discussion about -- and again "yes" or
12 "no" -- different rules of engagement in relation to
13 prisoner handling in the interrogation contact with the
14 US interrogators?

15 A. I don't recall.

16 Q. Moving to your move to Maysan Province and 1 King's Own
17 Scottish Borderers. Just in terms of the reasons for
18 going, there had been a terrible attack on six RMP
19 soldiers at the end of Telic 1. You recall that, do
20 you?

21 A. Yes.

22 Q. That had been, had it not, in that area that you were
23 deployed to?

24 A. Yes, that's correct.

25 Q. I don't necessarily say it's the reason for going, but

1 was it a key priority, while you were there, to try and
2 get information in relation to that outstanding criminal
3 investigation?

4 A. As I have said previously, I was aware -- I was led to
5 believe that I was being sent up there as part of an
6 initial screening process to basically help out the
7 field HUMINT team. They were being inundated with
8 walk-ins -- as we call it "walk-ins" -- people coming
9 into the camp, and they weren't able to go and do their
10 job. We were going up primarily to help them out, but
11 at one point I believe we were told that we would also
12 double up as a TQer.

13 Q. What I really want to ask you is when you were TQ'ing,
14 without going into detail, were you pushing for
15 information on the RMP six?

16 A. No.

17 Q. Just in terms of the numbers, I think you say in your
18 statement that the bulk of the people you dealt with in
19 terms of TQ'ing got funneled into the criminal process
20 as opposed to being interned; is that correct?

21 A. Yes.

22 Q. The 14-hour rule --

23 A. Yes.

24 Q. -- you recall it, do you, about making sure that anyone
25 who was going to go to the JFIT arrived within the

1 14 hours?

2 A. I was aware of it.

3 Q. We know, from hearing the evidence, that you were the

4 furthest away, at Camp Abu Naji, from the JFIT. Is that

5 correct?

6 A. That's correct.

7 Q. Were there times when movement to the JFIT within the

8 14 hours did not occur?

9 A. I don't believe so, and the reason I am saying that is

10 I can only ever remember one instance where anyone went

11 to the JFIT from Camp Abu Naji and I believe it was

12 handled within that time to my knowledge.

13 Q. This harsh technique that you have described in terms of

14 your training, did you have cause to use it when you

15 were deployed at Camp Abu Naji?

16 A. I have no recollection of using the harsh technique at

17 Abu Naji.

18 Q. Finally this then: it may be that you are little firmer

19 now, but in your statement you were essentially

20 reflecting that it was possible that Smulski had seen

21 you tactically question, but you couldn't recall it.

22 Was there anyone else who he would have seen tactically

23 question at Camp Abu Naji?

24 A. The colleague that I was deployed with.

25 Q. The one that you can't name? He is a staff sergeant, is

1 he? You can't recall or you can?

2 A. Well, yes.

3 MR FRIEDMAN: Thank you, Sir.

4 THE CHAIRMAN: Yes.

5 Ms Dobbin?

6 Questions by MS DOBBIN

7 MS DOBBIN: Sir, one very small matter.

8 Sergeant Smulski recalls that he observed you on
9 only one occasion conducting TQ. Would that roughly
10 accord with your recollection?

11 A. That's possible.

12 MS DOBBIN: Thank you. That is all, Sir.

13 THE CHAIRMAN: Yes. Mr Evans?

14 Questions by MR EVANS

15 MR EVANS: Thank you, Sir.

16 At paragraph 28(h) of your statement, Mr Bowman, you
17 were talking about the position at the JFIT in
18 July 2003, in which you said that:

19 "The use of force was not used as part of the
20 conditioning process. OC JFIT and the 2IC were
21 extremely clear regarding this."

22 I don't want you to use any names because both of
23 those names are ciphered, as you know, but what did you
24 mean by that, them being extremely clear?

25 A. Well, we were a very close-knit team. We were a very

1 small team. There was no need for big formal orders.
2 We were a very small team and we knew each other fairly
3 well. Just knowing the OC and the 2IC, their direction
4 was extremely clear that they wanted everything by the
5 book. In my opinion, if we'd have stepped outside the
6 mark, I don't think they would have stood for it.

7 Q. All right. In an answer you gave in your evidence
8 a little earlier, you said that you believed that you
9 had overall responsibility for the prisoners at the
10 point at which they arrived for interrogation.

11 A. Yes.

12 Q. What did you mean by that? Where did your
13 responsibility for prisoners begin and end as far as
14 interrogation was concerned?

15 A. I believed as long as we were present in the TQ'ing
16 facility, that we were responsible for them until we
17 left that facility.

18 Q. So once they had left the TQ'ing room, did they then
19 become the responsibility of others as far as you were
20 concerned?

21 A. Well, there was the guard force as well, but ultimately
22 I believed that the TQers had ultimate responsibility
23 for the welfare of prisoners.

24 Q. If you look at paragraph 34 of your statement, you say
25 this:

1 "Whilst detainees were at the TQ facility either
2 I or [redacted] ... was present. I was taught during my
3 training that TQ/interrogation personnel had overall
4 responsibility for detainees. This was conducted on
5 a shift basis until the facility was cleared."

6 Is that what you are talking about?

7 A. Yes.

8 Q. All right. In terms of the way you instructed the
9 guard force, what was the limit of your instructions as
10 far as they were concerned?

11 A. We gave them basic -- we didn't have a hand-picked guard
12 force, so to speak, so we had to work on a fairly
13 quick -- you know, an ad hoc basis. When they came in
14 we gave them basic instructions about how we wanted the
15 prisoners to be moved.

16 Q. What did those instructions amount to?

17 A. Pretty much as what I had been taught on my course, the
18 minimum of two guards, using the sort of -- the hands to
19 move them.

20 Q. Using their hands to move them, what do you mean by
21 that?

22 A. So you could guide them. Just to guide them --

23 Q. I see.

24 A. -- just to really just guide them, take them where they
25 want; and then things like giving them water and

1 suchlike, how we wanted it done.

2 MR EVANS: All right. Thank you very much. Thank you, Sir.

3 Further questions by MR HALLIDAY

4 MR HALLIDAY: Just one matter. You said that Smulski may
5 have seen your colleague, the staff sergeant who we
6 can't name, TQ'ing at 1 KOSB. Was your colleague, the
7 staff sergeant, qualified as a TQer?

8 A. No, he wasn't.

9 Q. Why, in that case, was he conducting TQ'ing?

10 A. Because there was only two of us deployed there and it
11 wouldn't have been possible -- sometimes I could have
12 been -- I could have been out doing something else in
13 response to another task, but that was not my decision
14 as to who was sent up there.

15 Q. Did you recognise that he should not have been TQ'ing if
16 he was not qualified to do so?

17 A. At that time I was a lance corporal and I was told to go
18 and do that. You know, in his own job he was very good
19 at what he did. I believe I was sent with him for
20 a reason. He is very experienced at questioning.

21 MR HALLIDAY: Thank you, Sir.

22 Questions by THE CHAIRMAN

23 THE CHAIRMAN: Can I just ask you this, Sergeant Bowman: do
24 you say there is a distinction between "interrogation"
25 and "tactical questioning"?

1 A. There is, Sir.

2 THE CHAIRMAN: There is?

3 A. Yes.

4 THE CHAIRMAN: You recognise that?

5 A. Yes, I do, Sir.

6 THE CHAIRMAN: Yes. I wanted to ask you a little bit more
7 about what you say was the overall responsibility for
8 detainees. You would go to wherever it was that you
9 were going to conduct the TQ'ing, is that right?

10 A. They would -- the prisoners would come to us, sir.

11 THE CHAIRMAN: They came to you, did they? At the JFIT they
12 would come to you?

13 A. Are you on about when I was TQ'ing, Sir, up in Al Amarah
14 or are you on about when I was back down at Umm Qasr in
15 the JFIT?

16 THE CHAIRMAN: I am not on really about the JFIT. I am on
17 about when you were going up to TQ other people.

18 A. Prisoners were always brought to us.

19 THE CHAIRMAN: Physically from wherever they were held, they
20 would be brought to you?

21 A. Wherever they were captured, they were brought into the
22 camp --

23 THE CHAIRMAN: Yes.

24 A. -- and then they were delivered to the JFIT, the TQ --

25 THE CHAIRMAN: Did you never TQ actually at the camp, not at

1 JFIT?

2 A. Did we have a TQ ...?

3 THE CHAIRMAN: Did you ever go to any battlegroup to do

4 TQ'ing, rather than just doing it just at the JFIT?

5 A. Yes, I did.

6 THE CHAIRMAN: You did.

7 A. We deployed in response to one operation, but there was

8 no need -- when we arrived there was no need for TQers.

9 THE CHAIRMAN: I see. So you have never actually conducted

10 a tactical questioning exercise -- not an exercise -- at

11 another battlegroup camp?

12 A. No.

13 THE CHAIRMAN: It was always at the JFIT?

14 A. Always at Al Amarah -- TQ'ing at Al Amarah.

15 THE CHAIRMAN: All right. That has answered my questions

16 about that.

17 I have, at BMI07852, what I suspect must be your

18 notes. Are those they?

19 A. I believe so, Sir.

20 THE CHAIRMAN: I note at paragraph 4 the principles, of

21 which the last one at (g) is "Conditioning". Do you see

22 that?

23 A. Yes, Sir.

24 THE CHAIRMAN: Does that mean that those notes were given to

25 you at the course that you undertook?

1 A. That's correct, Sir.

2 THE CHAIRMAN: And that therefore conditioning was mentioned
3 as one of the principles?

4 A. That's correct, Sir.

5 THE CHAIRMAN: Remind me, what do you say was the principle
6 involved in conditioning?

7 A. The principle of conditioning -- my understanding of
8 conditioning was again to -- it's just a systematic
9 procedure of requests to get a prisoner to become
10 compliant.

11 THE CHAIRMAN: Requests what? When you are actually
12 conducting the tactical questioning?

13 A. Yes, it's -- I mean it's just a series of getting them
14 to comply, Sir. It's an ongoing thing.

15 THE CHAIRMAN: I am not making myself clear --

16 A. Sorry, Sir.

17 THE CHAIRMAN: -- or at least I am not totally understanding
18 what you are saying. Was this request by you, as it
19 were, questioning of the individual who you were
20 conducting the tactical questioning or was it something
21 divorced from your tactical questioning? Do you
22 understand what I mean?

23 A. I think it was a whole procedure. I'm going back --
24 obviously, with memory now, Sir, I can't remember
25 exactly what I was taught on the course -- it was a long

1 time ago and I have never covered it since -- but
2 I think it's the whole -- it's the way in which
3 conditioning is a whole process. It's -- the guard
4 force is involved in the conditioning process as well as
5 the TQers.

6 THE CHAIRMAN: Right. Now what did you understand the guard
7 force would be doing?

8 A. Well, they, as part of the process, will be getting the
9 prisoner to do certain things.

10 THE CHAIRMAN: Like what?

11 A. Well, to eat and drink at certain times, to -- you know,
12 they would be taking them to maybe bathe. These are all
13 systematic requests that the prisoner complies with.

14 THE CHAIRMAN: How would the guard force know what to do?

15 A. Because they would be instructed by the TQer, Sir.

16 THE CHAIRMAN: So what instructions would you have given,
17 had you been doing it, to the guard force or were you
18 taught that you should do?

19 A. Again, just simple procedures, like I have just said,
20 Sir.

21 THE CHAIRMAN: I follow you say "simple procedures", but
22 I wasn't there and I don't know. What do you say were
23 the simple procedures?

24 A. Just getting a detainee to move from one place to
25 another, from an exercise compound to their sleeping

1 area. That becomes -- after a period of time that sort
2 of is conditioning, I believe. You know, they are told
3 when they can eat; they are told when they can drink to
4 a point.

5 THE CHAIRMAN: What about separating them from other
6 prisoners? Did that come into it?

7 A. Not to my recollection, Sir, but probable.

8 THE CHAIRMAN: Communicating with other prisoners, did that
9 come into it? I think that in fact segregation -- (f)
10 says "segregation".

11 A. I cannot recall, Sir. It's in my notes. Clearly I was
12 taught it a long time ago, but ...

13 THE CHAIRMAN: All right. Thank you very much.

14 Well, that is all the questions that the Inquiry has
15 for you. I am grateful to you for coming to give
16 evidence. You are now free to go --

17 MR EVANS: Sir, I wonder, may I just attempt to clarify one
18 matter as a result of the questions you asked?

19 THE CHAIRMAN: I would be grateful if you would, Mr Evans.

20 MR EVANS: I am not sure I will be successful, but I would
21 just like to ask you this, Mr Bowman.

22 THE CHAIRMAN: Put it to him if you wish.

23 MR EVANS: Thank you, Sir.

24 Further questions by MR EVANS

25 MR EVANS: When you were TQ'ing, you were TQ'ing at

1 Al Amarah --

2 A. Yes.

3 Q. -- which is the battlegroup location of 1 KOSB, is that
4 correct?

5 A. Yes, that's correct.

6 Q. But apart from that battlegroup, you never TQ'd with any
7 other battlegroup?

8 A. No.

9 MR EVANS: That's it. I wondered whether Mr Bowman might
10 have been becoming --

11 THE CHAIRMAN: What you mean is that I was under
12 a misapprehension. That is perfectly true. I did not
13 realise that that is what he meant. I thought he was
14 saying that he only ever TQ'd at the JFIT.

15 MR EVANS: I hope that helps, Sir.

16 THE CHAIRMAN: That does help and I would like to ask him
17 a few more questions about that then.

18 Further questions by THE CHAIRMAN

19 THE CHAIRMAN: At Al Amarah, you were posted or stationed
20 there, were you, as a TQer?

21 A. As a TQer and a debriefer.

22 THE CHAIRMAN: And a debriefer. There may be a subtle
23 difference, but I am only concerned with the TQ'ing.

24 Would you then ask the guard force to do something
25 or do anything to the prisoners before they came to you?

1 A. Just to ensure that their basic needs were met, Sir.
2 Like I said, we ensured that they were obviously
3 regularly fed, regularly given water.
4 THE CHAIRMAN: Right.
5 A. Then, you know, partly the searching procedure, the
6 physical searches of prisoners, et cetera.
7 THE CHAIRMAN: And when would you regard your responsibility
8 for the prisoners as a tactical questioner to start? At
9 what point would you regard it to start?
10 A. I believed it started when a prisoner came in through
11 the door to the TQ'ing facility.
12 THE CHAIRMAN: So from wherever he was held, the moment when
13 he came through your door to --
14 A. Wherever they were captured from, they were driven into
15 the camp and brought into the TQ'ing facility. We were
16 present -- I believed we were responsible -- obviously
17 I was aware that we had a higher echelon battlegroup
18 internment officer, but --
19 THE CHAIRMAN: The moment that they were brought into the
20 holding facility, was that where you would do your
21 TQ'ing?
22 A. Yes.
23 THE CHAIRMAN: But you wouldn't do it in the same room as
24 all of the prisoners were, would you?
25 A. No.

1 THE CHAIRMAN: So would you regard your responsibility as
2 starting when they were brought to wherever it was to be
3 held in order subsequently to be brought to you for
4 TQ'ing?

5 A. Yes.

6 THE CHAIRMAN: You would? Would you go and look into the
7 room where they were being held from time to time to see
8 how they were being treated?

9 A. We would, Sir. We would take turns where possible.

10 THE CHAIRMAN: To go and look?

11 A. Yes.

12 THE CHAIRMAN: Would you regard that as part of your
13 responsibility to go and see how they were looked after?

14 A. Yes, not only for the prisoners, the guard force as
15 well, just to ensure that they knew what they were
16 doing.

17 THE CHAIRMAN: That's rather as I thought.

18 All right. Thank you very much.

19 A. Sir.

20 THE CHAIRMAN: Yes.

21 You now really are free to go. Thank you very much.

22 MR HALLIDAY: Sir, that concludes today's evidence. We will
23 be calling two witnesses tomorrow, Mark Robinson and
24 James Landon.

25 THE CHAIRMAN: Yes, 10 o'clock. For all those who are still

1 here and have not flown anywhere, we start at
2 10 o'clock. Thank you very much.

3 (2.59 pm)

4 (The Inquiry adjourned until 10.00 am, Tuesday,
5 20 April 2010)

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