

SUMMARY OF PROCEEDINGS: MONDAY 22 FEBRUARY 2010

Nicholas Channer

- Mr Channer joined the army in 1982 and was commissioned as a platoon commander in the Royal Highland Fusiliers. He is currently a staff officer grade 1 (Lt. Colonel) at HQ Allied Rapid Reaction Corps in Germany.
- During Op Telic 1, from February (or early March) 2003 to 1 July 2003, he was second-in-command (2i/c) of the 1st battalion Black Watch (1BW).
- He understood, prior to Op Telic, that hooding was only permissible for reasons of operational security.
- He also understood that conditioning techniques had been banned by the Heath ruling in 1972.
- He has never seen a detainee who has been hooded, not during OpTelic 1 or during his previous active service.

Anthony Fraser

- Mr Fraser joined the army in 1995 and was commissioned as a 2nd lieutenant in the Black Watch in 1996. He left the army in 2007.
- Between January 2003 and May (or possibly early June) 2003, he was a company commander in Iraq with the rank of major. He was also battle group logistics officer during the war-fighting phase. He returned to the UK early from tour and was not present for the handover from 1BW to 1QLR.
- He received no training on hooding or conditioning techniques and had not seen a prisoner who was hooded before Op Telic 1.
- He recalls that there could be only 2 justifiable reasons for depriving a prisoner of his sight: a) to ensure that a detainee could not see the layout of an army facility: and b) to ensure that a detainee could not identify any Iraqi who was working with the British forces.
- Detainees were routinely examined by medical staff when they were brought to camp.
- On leaving Iraq, he handed over his company command to his 2i/c, an Australian captain.

Michael Riddell-Webster

- Mr Riddell-Webster joined the army in 1982 and currently serves as a brigadier as Head of Capability at the Ministry of Defence.
- During Op Telic 1 in 2003, he was the commanding officer of the 1st battalion Black Watch (1BW) with the rank of Lt Colonel.
- From the pre-deployment (to Iraq) training, he understood that prisoners should routinely be hooded on capture until they had reached the detention facility.
- In May 2003, an order was issued to stop hooding prisoners.

- The use of stress and other conditioning techniques was never acceptable (though he was not aware that these had been prohibited by the Heath ruling in 1972).
- There were some deaths of detainees in 1BW custody. All were investigated by the RMP. There were no suggestions that could be recalled by Brig Ridell-Webster of hooding or conditioning being contributory causes.

SUMMARY OF PROCEEDINGS: TUESDAY 23 FEBRUARY 2010

David Hunt

- Mr Hunt joined the army in 1996 and is currently a major.
- During Op Telic 2, from May 2003 to November 2003, he served as intelligence officer with the rank of Captain with the 1st battalion the King's Regiment (1 Kings). He had day-to-day responsibility for, amongst other things, prisoners and detainees.
- In his early career, he "picked up" (i.e was not formally trained in) that "bagging and tagging" were for the purposes of security and of maintaining the shock of capture.
- Detainees were routinely examined by a medical officer on entry and a log of movements and events was kept, both of these practices introduced early in the tour.
- Use of sandbags was ended in June 2003 – agreed by Hunt, CO and RMO.
- Stress positions were never used by 1 Kings. The 9 hour time limit for holding detainees before transfer was breached only once during the tour.

Christopher Heron

- Mr Heron joined the army in 2000 following a civilian career as a criminal defence solicitor. He is currently the Commander Legal, 2 (UK) Division with the rank of Lt Colonel.
- During Op Telic 1, from 7 February 2003 to early July 2003, he was SO3 Legal with HQ1 Division with the rank of Captain.
- One of his tasks was to design and deliver the annual training to soldiers on the law of armed conflict and related law and, as a member of the team of legal advisers, to deliver pre-deployment training on the legal framework.
- Prior to OpTelic he was a junior legal officer who was to advise military officers on the ground. Although he attended some meetings of military legal advisers prior to deployment, he was not sufficiently senior to contribute to the formulation of policy or practice.
- The applicability of the European Convention on Human Rights (ECHR) to detainees in Iraq was a question that was raised by legal advisers (esp Lt.Col Mercer, Capt Heron's superior officer) but not resolved prior to deployment.
- From mid-April 2003, he moved to Basra palace on attachment to 7th Armoured Brigade. Here, a key task was the restoration of policing and judicial functions. Also, Col Mercer was concerned that he was not getting the full truth from ground forces about the treatment of prisoners.
- Col Heron agreed that the orders of 20 (from Division) and 21 (from Brigade) May explicitly prohibited the covering of someone's face under any circumstances.

SUMMARY OF PROCEEDINGS: WEDNESDAY 24 FEBRUARY 2010

Richard John Englefield

- Joined the army in 1988 and is currently a Lt Colonel.
- Deployed on Op Telic 1 until May 2003. From August 2003 to November 2003, returned to Iraq to serve as OC, A Company, 1 QLR.
- Aware of practice of hooding and use of plastic-cuffs but received no particular instructions about when and when not to use these techniques. Understood that use of stress positions was acceptable to control a number of prisoners but not for an excessive length of time. All these techniques could be used against the background of the LOAC and the Human Rights Convention. Prisoners should be treated humanely at all times.
- In Op telic 1, saw prisoners both hooded and cuffed in the two phases of the war by the Americans. British approach to the use of these techniques would be much the same as the Americans.
- In Op telic 2 some responsibility for the troops guarding the detainees. Provost staff would be directly for the welfare of prisoners. At some point was informed by Company Sergeant Major Tomkinson that the BGIRO was in overall charge of prisoner handling. Had a conversation with Major Royce about the use of hooding who confirmed it was acceptable. Never saw use of stress positions but knew about their purpose.
- Fairly early on in the period of his command, Major Englefield understood that conditioning techniques were in use to prepare detainees for tactical questioning. After Baha Mousa's death the practice of hooding was stopped. According to an earlier statement, hooding had been used 'to break the will of an individual'.
- Gave Company briefing on Operation Salerno – It was to be a 'soft knock'. Lt Rodgers was present and a number of civilians were face down on the floor and some had their wrists cuffed. He saw Cpl Redfearn strike a detainee with the butt of his rifle or other blunt instrument. Earlier statements suggest that Major Englefield saw no evidence of injury to any of the detainees.
- Explained his understanding of a radio log entry about the removal of detainees from the hotel. Englefield denied rough handling of the detainees. No recollection of a connection between these detainees and the death of Col Jones.
- Visited the TDF twice on the Sunday to speak to soldiers but did not enter the building. Second visit at night in the dark and remember speaking to Lt Rodgers. No indication of anything amiss on the Sunday evening. Did not recall seeing any of the provost staff.
- Visited the vicinity of the TDF twice on Monday as had on Sunday but had no indication of anything wrong. If it were the case that prisoners had been beaten by members of A Company the provost staff, the multiple commander and the team leader should have been aware.

- Learned about the death of BM and went to BG Main. A lot of activity in camp and around the TDF. Spoke to Mr Rodgers to see if he was in shock and to remind him that a full inquiry would need to take place. The soldiers became anxious as the investigation progressed. No particular reason for singling out Pte Crowcroft. No 'plot' to make sure that Cpl Payne would be blamed for the death of Baha Mousa.
- No culture of casual violence in A Company. One incident where Englefield had occasion to reprimand a soldier for kicking a detainee. When shown a number of 'trophy photographs' Englefield suggested that some of them could well have been taken for other purposes but agreed that the majority were indeed trophies.

Module 3

- Counsel to the inquiry introduced a number of documents that have been disclosed by MOD in connection with evidence that will be examined in the next weeks and months.

SUMMARY OF PROCEEDINGS: THURSDAY 25 FEBRUARY 2010

Witness S009

- Commissioned in 1981 and attached to the Queen's Dragoon Guards. Became the Commanding Officer in 1997. Role in Iraq to establish the theatre of war internment facility (TIF).
- On deployment to Iraq, S009 understood that prisoners could be hooded when in transit but not for the purposes of interrogation. Over the years, he had received regular training in the LOAC. There are practical military reasons for the use of hoods.
- Stress positions were banned and I had been told about on my training for membership of a QRF before deployment to NI. Shock of capture is a state of mine and is all about speed of delivery to the TQ's.
- S009 had received no specific pre-deployment training before Iraq. He confirmed the preparations made for prisoner handling and his concerns that the 2nd Gulf War was under-resourced. He went on to discuss the detail of practicalities on the ground.
- S009 described the role of the JFIT and his responsibility for it. He told the Inquiry about his concerns in seeing hooded prisoners kneeling in the sun.
- He explained the difficulties of setting up the facilities for prisoner handling and detention his time in Iraq.
- He reported his concerns up the Intelligence chain of command and he sought clarification of the rules governing detainees from ICRC. A number of routine meetings were held with ICRC to assist in the setting up of the Interment facility.