

Witness Name: Marc Bannister
Statement No: 1
Exhibits: None
Dated: 3 Nov 2009

THE BAHA MOUSA INQUIRY

Witness Statement of Marc Bannister

I, Marc Bannister will say as follows: -

1. I make this statement in response to the Inquiry's Rule 9 Request dated 8 April 2009. I have read this Request, and I seek here to cover everything that it raises to the best of my ability and recollection. I have also been shown and read copies of the following documents:
 - a) FRAGO 152 [MOD017061];
 - b) FRAGO 63 [MOD031014];
 - c) Prisoner Handling and Tactical Questioning procedures [MOD031235];

ARMY CAREER

2. I joined the Army on 10 September 1985 and I spent the year at Bovington, completing the Junior Leaders' Course. I then joined the 3rd Royal Tank Regiment in August 1986 as a Trooper. I spent a further six months in Bovington and then I went to Cyprus for a year, completing a tour with the Southern Base Authority. In 1988 I returned to Hamer in Germany where, aside from a six month period in Northern Ireland in 1989, I remained with the Regiment.
3. In 1992 the Regiment moved from its base in Hamer to Fallinbostel in Germany. I remained in Fallinbostel until 1997, when I returned to Winchester for a year, then I returned to Fallinbostel from where I deployed to Kosovo in 2001 as a Sergeant and then to Iraq as a Staff Sergeant in February 2003. I have given full details of my rank and role in Iraq during OP TELICs 1 and 2 at paragraphs 55 to 64 below.
4. I returned from Iraq in November 2003 and then in 2004 I was posted to Canada where I was warned off for a tour. In April 2005 I returned to Kosovo until November 2005.
5. In August 2007 I became the Regimental Sergeant Major ("RSM") and during that year the Regiment moved back to Tidworth. In December 2008 I picked up my commission and became Squadron Second in Command ("2IC"). I deployed to Afghanistan with Egypt Squadron of the 2nd Royal Tank Regiment (2RTR) on 26 May 2009.

TRAINING

Basic and annual Training

6. Every year, soldiers have mandatory training covering approximately nine or ten subjects. The Law of Armed Conflict is one of these mandatory subjects, although it is now called Operational Law. Nowadays, these tests are called Military Annual Training Tests ("MATTs").
7. With regard to training on the Law of Armed Conflict, soldiers are shown a training video and then they take a question paper. The level of difficulty of the questions on the paper varied depending on the rank of those sitting the test. For example, Troopers to Corporals will have to answer fewer questions, Sergeants will have more questions and these will be slightly harder. I have completed these tests every year since I joined the Army.
8. The video touches upon the Rules of Engagement and the use of force but is primarily focussed on the Geneva Conventions in relation to prisoner and detainee handling. This course has been updated only slightly in ten years. I know that the video contains some of the "Do's and Don'ts" of prisoner handling - I cannot recall any of the examples given. It was made clear that failure to comply with the guidance could be a breach of International Law.
9. The training only related to prisoners of war and did not touch upon handling of detainees or, more specifically, civilian detainees. The word "detainee" was not even used in the Army until after 2003. Detainees are different to Prisoners of War in that the term "detainees" refers to those captured in peacetime rather than during the war fighting stage.

Conduct after Capture training

10. In 1992 I completed a Conduct after Capture (CAC) training course in Bavaria, which lasted 3 weeks. We were taught how to resist interrogation. This involved being stripped down and searched and put through a conditioning phase before we were interrogated.
11. I understand the term "conditioning" to refer to the attempts made to wear the prisoner down emotionally and physically prior to and during Tactical Questioning (TQing), and to maintain the shock of capture. This might include depriving the prisoner of sight but could also refer to asserting your control by issuing basic commands to the prisoner, for example telling them to pick something up
12. I think that I first heard the term "shock of capture" in informal conversations when I joined the army in 1986, but I cannot remember the circumstances now. This refers to how prisoners remain in shock after capture and as such are more susceptible to questioning at that point.
13. There was never any suggestion during the CAC training that we should apply the conditioning techniques we experienced to prisoners taken by British forces: it was made clear at the outset that the aim was to show us how the interrogators of enemy forces might try to maintain the shock of capture if we were ever captured.
14. The conditioning phase included us being blindfolded, having our hands tied in front of us and being walked round an area with loud noises next to us. I remember being hooded with a pillow case and later on, with a single sandbag.
15. We were also put in stress positions, although I cannot recall how long for. Then we were taken into a room and questioned. I understand the term "stress position", to refer to a technique which is

designed to cause pain whereby a prisoner is placed into a position prolonging tension of the muscles for a significant period of time. This is used to maintain shock of capture and to wear a prisoner down so they are off guard. If a prisoner is placed in an uncomfortable (as opposed to intentionally painful) position for a very short period of time, for example less than 20 minutes, then I would not consider that to be a stress position although it would still be part of the conditioning process.

16. The stress positions we were subjected to included sitting on the floor with your legs out straight in front of you and your hands behind your head with no support. It felt like I held this position for a long time as after a while I began to experience pain and discomfort but it was difficult to assess exactly how long passed. If our hands dropped, somebody would pull them back at the elbows or stand us up. This is the only time I have ever been put into a stress position as part of training.
17. The purpose of the conditioning phase was to make us tired and to maintain the shock of capture so that when we were questioned, it was more difficult for us to hide information. Before being questioned it was standard practice to be stripped naked, searched and then put into loose clothing wearing boots with no laces. It was pretty uncomfortable, but not that bad. We were not physically abused on the course.
18. We were told that if we captured and put through the conditioning process, we would not be able to guess what would happen next because other parts of the world are not signed up to the Geneva Convention, which sets out rules on how prisoners of war should be treated.

19. I attended further Conduct after Capture training in 2001, before I deployed to Kosovo. The 2001 training was a presentation given by a Tactical Questioner ("TQer") from the RAF. I cannot remember his name. The course was run in Sennelager in Germany. The briefing instructed soldiers only to give the "big four" pieces of information. These were name, rank number, date of birth and religion. We were instructed that the rest of the information we had about our deployment was not to be given away. It was tactical information that could put our troops in danger. We were instructed to hold out and not provide any tactical information for 24 hours because that gives enough time for new procedures and plans to be made. After the 24 hours had passed, we were told that we could then tell the whole story.

20. During the course we were again told that if we were captured by enemy forces they might not always comply with the Geneva Convention. I cannot remember whether on this occasion we were also shown or told about any specific examples of the types of treatment that we might to be subjected to.

Prisoner Handling and TQing Course

21. I completed the Prisoner Handling and TQing ("PHTQ") course in January 2003 at Chicksands. The prisoner handling part of the course was very short and it covered how to detain people, including what you need for a holding cell, water rations, the size of cell, sanitation and how to deal with mass Prisoners of War. The total course was five days with the emphasis was on TQing. The prisoner handling section only lasted about one day.

22. I was on the course because I was Staff Sergeant of a Reconnaissance Troop and it was deemed that as I would be forward

of the Battlegroup there was a likelihood of me coming across Prisoners of War before other people.

23. Other attendees of the course included Sergeant Majors because prisoners would be brought back to them and they would process them and pass them further down the chain. I think that there were approximately 20 people on the course. Initially, I attended the course with the first phase of Op TELIC in mind. All the people on the course were from 7 Armoured Brigade and were due to go to Iraq. The training was provided by the staff at Chicksands, but I cannot recall any names.
24. As part of the training we went to a mock detention centre and we were shown the dimensions, security arrangements and amenities for a certain number of people being detained. I cannot recall the dimensions, but this information is in the Joint Service Publication 401 (JSP401). If we were building a holding cell or detention centre, we would follow the guidelines in JSP401 which tells you how to do so, for example, for x number of people you need so much water, how much space would be required and the number of guards needed.
25. On the course we went through a series of practical and theoretical lessons, covering the theory first and then going into the mock cells in which we undertook the practical element of the course.
26. The first stage was introducing ourselves to the other people on the course. Following that we watched videos of people being TQed. The next stage of the course was going through how to determine peoples' personality types and then how to question that specific type of person to get the best information to enable us to save our troops. We also covered non-verbal communication.

27. We were then shown a TQing session, which we were talked through using the EDIP technique (i.e. Explain, Demonstrate, Imitate and Practice). I do not recall any specific examples of the conditioning techniques used in the film but so far as I remember, the video did not show prisoners being hooded or being put into positions.
28. Prior to the TQing stage, the prisoners had been strip searched until completely naked. This was done both for their safety and for our own safety and to identify any hidden information on them. Although the primary purpose was security (for example to ensure the prisoner did not have any weapons or drugs) we were also taught that the search could be utilised as part of the conditioning process because it allowed us to exercise a degree of control and make prisoners submit to us. For example, if they threw their trousers aside, you could tell them to pick them up fold them neatly and place them back down. We then moved on to extract neutral information. This included age, date of birth – it was all set out on a form. We did this to gauge the individual's resistance and personality and to enable us to plan the next part of the interview.
29. Conditioning was covered on the course as part of the theory and this term was used although I do not recall it being explained. We were taught to place prisoners into non life-threatening, uncomfortable positions. It was made clear that this was done for the purposes of controlling the prisoners by keeping them unsettled and certainly not to cause pain. The prisoners were only put into positions prior to TQing taking place; after they had been TQed they was no need for them to be kept in any particular position.
30. We were told that prisoners should not be put into positions for any significant period of time (although no exact time frame was given to my recollection) and that if a prisoner demonstrated that he was in

pain, for example by repeatedly coming out of the position, we would move them into a different position.

31. As the positions were not being held for a long time or being used to cause pain I did not consider them to be stress positions. I do not remember there being any discussion of the legality of using these positions.
32. On the course we were shown two positions into which to place prisoners. One was positioning the prisoner so they were sitting on the floor with their feet straight out and arms behind the head and the second position was just to leave them standing, arms not placed in any particular position. I note that the first position I have described is the same as that referred to at paragraph 16 above in relation to the stress positions I was made to adopt during my CAC training. However, in this context I did not consider the position to be a stress position as the prisoners were not being made to stay in the position for a long time or if it became painful.
33. As well as being taught specific conditioning techniques, I also realised how we could use the normal prisoner handling procedures as part of the conditioning process even if that was not their primary purpose. Unless stated otherwise below, this was not something that I was explicitly taught during the training but more a common sense conclusion that I drew from general discussion of the importance of keeping the prisoner unsettled and establishing control.
34. For example, at the training we were told to keep prisoners blindfolded and/or hooded with a sandbag when being transported through sensitive areas. There was no preference indicated as to whether to use a sandbag or other blindfold. No one was actually hooded or blindfolded whilst on the course but eyes were closed to replicate this effect. The primary purpose of depriving the prisoners

of sight was to ensure they did not view sensitive information but having been made aware of the value of conditioning, I considered it common sense that this would have the secondary effect of keeping the prisoner unsettled. However, I wish to make it clear that during the training it was never suggested that this was the reason for depriving the prisoner of sight; nor was it ever suggested that you could obscure a prisoner's vision if there was no security reason to do so.

35. Similarly, we were told that the guards should check on the prisoners physical condition every 10 to 15 minutes or so whilst they were kept in the holding area. The primary purpose of this was to ensure that the prisoners were safe and healthy but it was pointed out to us that if the prisoners were physically and mentally tired they were more likely to give up the information that was of use to us. Again, I wish to make it clear that we were not being taught to deprive prisoners of sleep, it was simply noted that tiredness was a secondary effect of the process to be followed and that if we were aware of this we could exploit it in our TQing.
36. Another part of the conditioning process was that we were told to try to keep the prisoners separated from each other whilst in the holding area but that after TQing they could be placed back into the holding cells and allowed to mingle again. We were also taught that there was no longer any need to place them in positions once TQing had been concluded.
37. We were not taught to deprive prisoners of food and water. We were always taught to treat people fairly and so food and water was always available if needed. Personally, whenever I TQed in theatre, I always placed a board on string around prisoners' necks with information including the place of capture, their name and the last time they were

fed and watered. I was not taught to do this on the course, it was my own initiative.

38. The course did not touch upon subjecting prisoners to noise but I am aware that this is not permitted. In any event it would be difficult to get hold of white noise to use in a TQing situation .
39. At Chicksands we were taught to maintain uncertainty and to keep people off-guard. We were told that shock of capture needed to be maintained because people were more likely to speak if they were unfamiliar with the procedures and their surroundings.
40. We were also taught that if the person was an extrovert, simply leaving them alone in a cell for a long period of time would be conditioning because it would make them want to talk.
41. In terms of physical handling of prisoners, we were taught how to transport them into the interviewing room. This method was having one person behind holding the individual's shoulders and one person in front holding their thumbs (their hands would be cuffed), guiding them into the room.
42. We were taught that if a Prisoner of War was resisting physically they were to be taken back out of the interview room to the detention centre to calm down. They would be brought back in later. This would be handled by the guards who are outside of the room although in my experience prisoners rarely resist physically once they get to the TQing stage.
43. The training was concerned with the period from initial capture up until the TQing process was concluded and did not deal with later on when the prisoners were taken to be interrogated.

44. During the training we were taught about different ways to interview, including neutral, best friend, negative and harsh. We were shown each one in turn and then we went into the cells with the other people on the course to practice. We were also taught how to get information by encouraging the prisoners to visualise the information we wanted. We were taught a logical sequence to get the information. This was one of many exercises.
45. We were taught that people are split into different types of personalities, known as Pavlov types. The personalities include extrovert, introvert and neutral but people might be a combination of these. You reveal your primary personality after conditioning. Once the personality type is elicited you can then plan how best to get information from them in a second interview. For example, for an extrovert you would probably use a harsh technique, shouting at them to get the information. For an introvert, you would probably use the "best friend" method, for example, offering a cup of tea first. Once we had elicited information in the neutral interview, we would then use that leverage to our advantage.
46. The Geneva Convention was covered briefly during the training the Chicksands' training in a session that was essentially the same as the annual training described at paragraphs 6 to 9 above. I cannot remember the detail except that there was nothing which went beyond the usual training and it was not in anyway linked to TQing, just the normal standard guidance.
47. On the course, after the five days, we sat a test and were graded and then we were told if we could Tactically Question (TQ) or not. We were given a pass or a fail but at a final interview we were told how we had done on a scale of one to five. I think if we were below scale three, we could not TQ. On my course, everybody passed but I do know there have been courses where people have failed.

PRE DEPLOYMENT TRAINING FOR OP TELICS 1 AND 2

48. Prior to OP TELIC 1 I underwent pre-deployment training in Germany. This included training on the Law of Armed Conflict and the Geneva Convention along the same lines as that given during the annual training, referred to at paragraphs 6 to 9 above.
49. I do not remember being given any aide memoires as part of the preparation for deployment but I was given what is known as a "capture card". This is a small card with your personal information on such as name and rank, and it also sets out the treatment that you are entitled to under the Law of Armed Conflict. I cannot now recall the detail of the information on the card.
50. In addition to the standard pre-deployment training I provided my troops with informal training on prisoner handling, based on what I learnt from my PHTQ course and from having reviewed JSP 401. This was at sometime before our deployment to Iraq in February 2003.
51. I told them that they were to treat Prisoners of War firmly but fairly and that when prisoners were being moved around they were to be guided at all the times by two people to each prisoner. I also taught my troops how to search Prisoners of War, in terms of issuing commands in a way that helps with the conditioning process, as described at paragraph 28 above. I also mentioned that the prisoners should be made to wear goggles and ear defenders during transportation to avoid sight of sensitive areas. I do not recall any discussion of whether or not sandbags could also be used. I did not mention putting prisoners into positions (even for short periods) at any stage.

52. I decided to carry out this informal training on my own initiative, not on any instruction from a senior officer. I had given troops similar instructions prior to previous deployments, although in those cases I basically summarised the information in JSP 401.
53. At the end of OP TELIC 1 I returned home to the UK for seven weeks. I then returned to Iraq in June 2003 for deployment on OP TELIC 2. I did not require any additional pre-deployment training prior to OP TELIC 2.
54. I did not have any involvement in Operational Training and Advisory Group (OPTAG) or pre-deployment training to the 1 Kings Battlegroup in relation to Op Telic 2.

RANK AND ROLE DURING OP TELIC 1

55. I deployed to Iraq on Op TELIC 1 from February 2003 until the end of April 2003 as part of the war-fighting phase. I was Staff Sergeant of the Reconnaissance (Recce) Troop of 2nd Royal Tank Regiment. In this phase I did not conduct any TQing because our role was to find the enemy and what they were doing and then pass on this information so the rest of the troops could go in and make the raid. I was generally too far forward to be approached to TQ. Also, there was no time for me to do it.
56. During Op TELIC 1, I generally had no contact with detainees or prisoners of war. However, for three days the Recce Troop provided security for a Prisoner of War compound. This was just south of Al Zubayr, the old Army Camp.

57. The compound was just a bare open piece of ground with a fence around it so even though I was not involved in prisoner handling, I did have sight of the prisoners. I was approximately 400 metres away mounted on a vehicle. My role was to stop people attempting to get into the detention area to free the prisoners, so my main focus was outwards instead of facing the detention area.
58. The prisoners that I saw had not been placed in any uncomfortable positions, nor were they hooded or blindfolded. I did not see them being subjected to noise or being deprived of sleep. They were given access to bottled water and food 24 hours a day as there were Red Cross ration packs kept inside the holding area. I do not know whether they were taken for TQing at any stage as my only role was as a guard for the compound.

RANK AND ROLE DURING OP TELIC 2

59. When I returned to Iraq in June 2003 I was deployed back as Sergeant Major with 1 King's Regiment (1 King's). From then onwards I was a Squadron Sergeant Major with Badger Squadron, which is part of the 2nd Royal Tank Regiment (2RTR) but detached independently to the 1 King's Battlegroup during OP TELIC 2.
60. During this phase, I was a TQer for people detained by 1 King's and I was also asked to undertake TQing by the First Battalion of the Queen's Lancashire Regiment (1 QLR).
61. I was part of the G5 cell, dealing with civil and military co-operation and I helped with the re-building effort. I also had responsibility for the security of the base, the discipline and morale of soldiers and a

role with regard to the G4 logistics cell, to make sure ammunition was delivered to where it was needed.

62. 1 Kings Battlegroup was based at a location called "the Hotel" in Basra while Badger Squadron was located 25 - 30 kilometres North of Basra, at Al Hartha Power Station. The area of operations was spread over 40 kilometres and so we had troops in out-stations which I visited regularly.
63. Squadron Head Quarters (HQ) for Badger Squadron was within an ex-Ba'ath Party retreat next to the power station, which was pretty run down. We had no detention centre there, it was just the camp. If prisoners came in, they were placed in a room in a building on part of the camp and another room was used to interview them if they needed to be TQed.
64. Before an operation, we would receive a briefing to tell us what we should expect, what we were to do and to get the Commanders Critical Intelligence Requirements ("CCIR"). The CCIR was the critical information we needed, for example whether explosives were held, whether there were any improvised explosive devices buried etc. We were also told what information we were after. I would go out on initial strike operations and if I was at the point of capture I would often TQ there because the likelihood is that that would be the point when shock of capture was highest and so I was most likely to get the information we needed.

THE CHAIN OF COMMAND

65. As stated above, I was the Squadron Sergeant Major of 1 King's Battlegroup, Badger Squadron. I reported to the Squadron Leader,

Major Jason Williams. The Commanding Officer of the Battlegroup was above Major Williams, but I cannot recall his name.

66. There were 5 Troops within the Squadron. 1 - 4 Troop and then a Squadron Head Quarters (HQ) element. Each Troop was headed by a Troop Leader. The Troop Leaders were Lieutenants Halloran, Rimmer, Smith, and Josh King. I cannot recall all of their first names. The Troop leaders were below me but they usually reported directly to Major Williams as the Squadron Leader.
67. Each troop also had a Sergeant who reported to me. These were Sergeants Burgess, Webster and Guy. I cannot recall their first names or the name of the 4th Troop Sergeant.
68. The Squadron Second in Command (2iC) was Captain Nick Ridgway and he reported directly to Major Williams.
69. Although the Chain of Command set out above was followed, the Squadron worked together as a unit. This meant that junior soldiers might come to me with questions or information at any time.

PRISONER HANDLING DURING OP TELIC 2

Training, guidance, orders or instruction

70. I have dealt with the training that I received and gave prior to OP TELIC 2 in the preceding paragraphs of this statement. When I arrived in Iraq I was not given any further training or guidance on prisoner handling issues.
71. With regard to orders on the detention and treatment of prisoners, I have been referred to FRAGO 152 [MOD017061] and FRAGO 63

[MOD031014]. As far as I can remember, I have never seen these documents before and I am not aware of any other order which prohibited the hooding of prisoners.

72. Prior to and at 14th September 2003 my understanding of the legality of conditioning techniques was as follows:
73. Hooding – I understood that this was permitted for transporting prisoners through sensitive areas only.
74. Stress positions - I did not believe that stress positions were permitted, in the sense of putting prisoners in positions intending to cause pain for prolonged periods. However, it was my understanding that prisoners could be placed in uncomfortable positions for brief periods, for example less than 20 minutes, as this had been demonstrated during the PHTQ course.
75. Sleep deprivation - I knew that sleep deprivation should not be used, but I do not recall having been specifically told this during any training.
76. Exposure to noise - I knew that prisoners should not be subjected to noise, but I do not recall having been specifically told this during any training.
77. Restriction of diet – I did not believe this to be permitted, as we had been taught that prisoners should be given food and water during the PHTQ course.
78. I did not give any training or orders on prisoner handling issues whilst I was in Iraq, other than providing instructions and guidance to those due to be guarding detainees before we went on any operation and further, I checked to ensure they had understood them on our return.

I have given details of how this worked in practice at paragraphs 91 to 92 below.

Tactical questioning

79. The purpose of TQing is to gain immediate information of tactical significance i.e. that will relate to operations planned for the following 24 to 48 hours.

80. In terms of the chain of command, the main people were involved in the TQing process were the TQers. The Company Officer Commanding (OC) had overall responsibility for command, which would include the TQ process but I am unaware of the nature of any practical involvement. The Company Sergeant Major (CSM) looks after prisoner handling and processes prisoners in terms of maintaining the holding area. However, so far as I am aware he did not really have any practical involvement in the TQ process. I am not sure who had official responsibility for prisoner welfare but overall responsibility would be the commanding officer.

81. When TQing was in my area of operation, I would report to my Squadron Leader but if I was on a task attached to another sub-unit or Battlegroup, I would report to its G2 Intelligence Officer. During my time in Iraq, I do not recall any contact having any contact with the post of Battlegroup Internment Review Officer (BGIRO), unless this person was also an Intelligence Officer. The BGIRO title does not mean anything to me but the Intelligence Officer might have had a number of other different posts of which I was unaware. I have been asked whether I sought advice on TQ matters while in Iraq and, if so, who I approached for such advice. I did not seek any advice on TQ matters. I relied on my existing training and I experienced no

situations when TQing where I considered that I required further advice.

82. I cannot recall the names of the OC, CSM or Intelligence Officers for 1QLR or 1 King's Battlegroup.

83. There were a minimum of two soldiers on shift guarding detainees in the holding area at any given time and one would usually be a more senior soldier. There could be as many as 3 or 4 guard soldiers depending on how many detainees you had. The senior soldier was the Guard Commander, who would also have had responsibility for the treatment and handling of the detainees. He would report to me as the TQer whilst guarding to detainees but in carrying out all other duties would report to his Officer Commanding, following the usual Chain of Command.

84. So far as I am aware, the relevant Battlegroups were not able to train qualified TQers from within their own resources as soldiers can only be trained in TQ at the Chicksands PHTQ course. I do not know whether 1 King's or 1QLR had their own TQers. I was part of 1 King's but sent Division wide.

85. I have been asked to give an account of any TQing that I carried out during OP TELIC 2 and particularly but not limited to TQing undertaken for 1QLR. I have also been asked to outline in each case who was responsible for guarding the detainees and any instructions that I gave to those guards regarding prisoner handling;

86. In the four and a half month period that I was in Iraq for OP TELIC 2 I TQed approximately 60 people. I cannot remember every occasion in any detail and would be unable to set out in every case who the guards were and the instructions that I gave.

87. However, in an effort to assist the Inquiry I have set out below an overview of the usual process and some examples from my experiences as a TQer.
88. If somebody was arrested during a raid or a strike operation in our area, or at a check point and they were thought to be insurgents then they would be interrogated. If they were thought to be criminals, they would be passed on to the police.
89. For operations not involving our Squadron, I would be called on the radio and told that a TQer was needed. It was known that I had the necessary qualifications because this information was set out on the register at Brigade and I was identified through my [REDACTED] [REDACTED] number. The Battlegroup would radio to Brigade HQ to say they needed a TQer and the Brigade would radio the TQers with details of where they needed to be.
90. TQers were in short supply and I ended up working flat-out for four months. TQing was additional to my other duties as set out in paragraph 61 above. At the time I was told by my OC, Major Williams, that there were four to six TQers within the Division, I am not sure where they were based. Often, Brigade had to bring people up from Joint Forces Interrogation Team (JFIT) at the Umm Qasr detention facility to TQ. Up to 20% to 30% of my nights were spent TQing. TQing was normally conducted at night because that is when the strike operations would take place.
91. Before a pre-planned operation, I would go to the sub-unit to which I was attached and speak to the OC and the Sergeant Major and they would tell me who would be handling the prisoners after the operation. I would brief these soldiers and then we would go out on the operation.

92. In my brief to the soldiers I would explain that the prisoners should be given food and water and regular intervals. I would also make it clear that they should be treated firmly but fairly and not abused or beaten.
93. I also gave guidance on how prisoners were to be handled physically. I would tell the troops that when being escorted, there should be one guard walking in front of the prisoner and another behind. I would explain that the detainee should walk with their hands outstretched in front, cuffed and the guard should have hold of their thumbs to guide them. As well as explaining this method of transporting prisoners, I would also give a practical demonstration.
94. The prisoners would need to be guided because they would be blindfolded with goggles. Although, as I have stated, in September 2003 my understanding was that hooding was permitted, I supplied goggles to soldiers on operations as part of an arrest kit and so I did not use hoods in practice in Iraq and did not see them used by others. I had 12 pairs of goggles with me in Iraq. They were from the tank maintenance kit and the lenses had been covered with black tape. Every vehicle comes with at least 2 sets of goggles so they were not in short supply. The arrest box also contained placards and I would explain that these should be placed around the detainees' necks to record when they had last been given food and water.
95. I would tell the guards as part of my brief that prisoners should be blindfolded whilst being taken through sensitive areas of camp in order to maintain security. By implication this meant that the prisoners did not need to wear goggles when inside the holding area but I cannot remember whether I ever actually said this. However, from my experience this is in fact what happened. I never saw any prisoners hooded with sandbags during the time that I was in Iraq.

96. I would also explain that the prisoners should not be allowed to communicate and that they should be told to keep quiet if they attempted to do so.
97. After the arrest, the detainee would be put back on the vehicle and taken to the holding area, which would have been already prepared. I would again brief the guards on how the prisoners were to be treated in accordance with the above.
98. On arrival at the holding area prisoners' hands would still be plasticuffed at this stage and I would tell the guards that they could have their arms in their laps or down by their sides and they should be placed in either sitting or standing positions. However, I would ask that their position be changed to the alternative option every ten minutes or so. I explained that if the detainees tried to stand when they were supposed to be sitting or to sit when they were supposed to be standing, they should be put back in to the correct position. I did not consider this to be putting the prisoners in to stress positions because they were not being kept in the same position for a long period and the positions were not designed to cause pain.
99. Apart from in relation to standing and sitting as described above, I did not specify that prisoners should be put in any particular position. I requested that the prisoners' physical condition be checked every 10 - 15 minutes for their own safety.
100. I would again remind the guards during the briefing to use goggles when moving the prisoners between sensitive areas, for example when leading them to and from interview. I also said that prisoners should be positioned in the holding area so that they did not have visual contact with other prisoners. I felt this guidance was necessary because it was my understanding that the prisoners' eyes would not be covered whilst in the holding area. However, as already

stated above I did not explicitly tell the guards that the goggles should be removed whilst they were in that area.

101. After briefing the guards again, I would set up the interview room. Usually there would be two TQers and we would discuss between us who would do the searching and who would do the questioning. We would then go and check that the prisoners were being held in accordance with my instructions at the briefing.
102. At this stage we would point out to the guards which detainees we wanted to be questioned. The guards would then bring the detainees to the room that we had identified for TQing in the order that we had specified. The guards would then leave the room and we would sit in silence until we started the neutral interview process, beginning with a search and then the questioning. Once the TQ process was complete, the guards would come back into the room and they would take the prisoner back to the holding area.
103. If we thought that there was more information to get from a prisoner, they would be brought back into the interview room for another interview once we had decided on what their personality was, and therefore how we would conduct the second interview. We would further question the prisoner and then he or she would be returned to the holding area once more.
104. On completion of this process, the paperwork (a designated set of forms) would be completed and returned to the relevant Intelligence Officer. The Intelligence Officer would then be responsible for processing the prisoners further down the chain. For further questioning and detention, prisoners could be taken to the JFIT at Umm Qasr.

105. Whilst I was doing the questioning, I believed that detainees were my responsibility. I think that this is an impression that I formed from the PHTQ course but I do not specifically recall anything said on the point. The only difference in approach between an operation undertaken by my own unit and an operation undertaken by another unit would be that if the operation was undertaken by my own unit, we would be responsible for taking prisoners on to the JFIT at Umm Qasr. If I was TQing for another unit, my responsibility ceased once I handed over the paperwork from the TQ process, briefed the Intelligence Officer and left in the Land Rover. It would then be up to the sub-units to process the prisoners and they were no longer my concern. Whilst they were in the holding cell (still in the questioning process but not in the interview room) the prisoners would also be the responsibility of the unit holding them.

106. I would frequently check on the prisoners in the holding cell to make sure that their conditions were satisfactory and that they were being given food and water. The prisoners would normally only be on camp for a few hours but I would normally check each time I returned a prisoner from questioning. I did this to ensure that they were the prisoners were not being abused or ill treated and to make sure that my instructions were being followed.

107. Of the prisoners TQed, some individuals were suspects only for a brief period of time, until after their neutral interview (which may last for only 30 seconds) if I decided that they were just a criminal and should be sent through the criminal system. The majority of initial sessions lasted between five and six minutes. Occasionally, initial interviews would be longer, with the initial interview lasting approximately ten minutes. On one or two occasions, the initial interview lasted up to an hour and a half. On most occasions, after three or four minutes you could tell if detainees clearly had no tactical

information to give. Occasionally I reported back to the Intelligence Cell about information that I received. The Intelligence cell would then radio to JFIT who would confirm whether or not continue with the questioning having had regard to the usefulness of the information gained.

108. I was not aware that I was working to any specified time limits during any part of the interview process. However, I worked as quickly as possible to get the prisoners through the chain.

Experiences of TQing and prisoner handling in Iraq

109. Except for the incident described below, I never saw prisoners being ill-treated whilst detained whilst working as a TQer during OP TELIC 2. As well as breaching International Law, beating up prisoners would be counter-productive in terms of the TQing process because the prisoner would be less likely to give information.
110. On one or two occasions, I saw prisoners sustain minor scratches whilst resisting capture, because they would be held face down on the floor as part of the restraint procedure. The scratches that resulted were so slight that no medical treatment was required.
111. With regard to my experiences of TQing for 1QLR, I was not involved in the Operation that led to the arrest of Baha Mousa and the other detainees held with him. I cannot remember the specific dates of those events but I know that I was not involved because I was at the power station when I heard the news that a detainee had died and had not been to Battlegroup Main (BG Main) for several days, if not weeks, by that time.

112. I TQed at BG Main a few times during the tour but there is only one occasion that I can specifically recall. I am not sure of the date but I know that it was before Baha Mousa died. I cannot recall the name of the operation concerned or what part of Basra the operation leading up to the TQing took place in. It was a strike operation to arrest Fedayeen. The relevant paperwork should set out all the details and will identify me as the TQer. All paperwork went back up the chain to JFIT.
113. Before the operation started I met with the OC and a Sergeant Major. After so many years I do not recall their names and cannot recall what they looked like. They may have been with D Company or B Company, I am not sure.
114. In line with my usual practice, I wanted to speak to soldiers before the operation about how prisoners were to be handled. The OC and the Sergeant Major both said it was not necessary to speak to the soldiers to ensure that their prisoner handling techniques were correct. I thought this showed a lack of insight and I said to them that I thought I should speak to the soldiers anyway. I therefore went ahead and briefed the soldiers in the usual manner, described at paragraph 92 to 95 above. There were about 6 - 8 soldiers but I cannot remember their names or ranks.
115. Despite the briefing I gave, early on during the operation at approximately 3am I saw one prisoner being shoved into a Land Rover, instead of being guided in. The soldier walking behind the prisoner propelled him forward at speed towards the rear the land rover. The prisoner had been blindfolded with blacked out goggles and his thigh hit the base of the floor as he was pushed in. The soldier then lifted the prisoner's head with his hands and knocked it against the floor of the Land Rover. In my view this was not very hard and would not have caused any mark or bruise.

116. It was my opinion at the time that he did this on purpose and not as part of manoeuvring the prisoner into the vehicle. However, the prisoner may have been struggling as he was put into the vehicle.
117. At that point, I stepped forward and said something like "don't do that" to the soldier in question. I did not explain what I meant by this but the soldier did not argue or request clarification. In addition to this incident, there seemed to be a posturing attitude amongst the soldiers, which made me think that that I needed to keep an eye on them. The remainder of the prisoners were loaded on to the Land Rover without any problems. I think that there were about 3 or 4 prisoners in total but I do not really remember the exact number.
118. There were no other incidents like this during the course of the evening and so I did not feel the need to speak to anyone else about what had happened and was not worried as to how the platoon would behave if I was not there. I was aware that the prisoner's head had not been banged very hard, that he had not required any medical treatment, and that I had spoken to the soldier involved.
119. After the operation, in the early hours of the morning, some prisoners were brought back to BG Main for TQing. We went to the area identified as the holding area and the prisoners were segregated from each other. The holding area was a disused, bombed-out building with barbed wire round it. It had two rooms and guards positioned outside.
120. After the prisoners had been placed in the holding area, I briefed the guards again on how to deal with the prisoners, in the usual manner set out above at paragraphs 97 to 100. I also briefed the guards throughout the night when they changed shifts in the same way.

121. I then prepared the interview room and checked that I had the correct paperwork. I returned to the holding area and identified which detainee that I needed. That detainee was brought through to the interviewing room where I strip-searched and re-clothed him before starting the neutral interview which lasted no more than ten minutes. This detainee was returned to the holding area by the guard waiting outside and I then prepared for the next interview. I conducted three interviews that night. I then questioned the first detainee again because I had identified that he might have had information of use.
122. During this process, I saw that all detainees had food and water bottles available in the holding area (which I had brought with me as part of the strike operation kit carried on the vehicles) so I believed that they were being fed and watered.
123. As far as I am aware the detainees only wore goggles when they were moved to and from the holding area for questioning. I am pretty sure that when they were back in the holding area they were allowed to remove their goggles but were told not to look at each other. I carried out regular checks after each detainee I questioned and this seemed to be the case from what I saw.
124. Once I had finished the questioning phase, I briefed the guards that they could leave the detainees to sleep. I finished the process at approximately 6am and debriefed the 1QLR Intelligence Officer, whose name I cannot recall. I then handed over responsibility of the detainees as well as the completed paperwork to the Intelligence Officer and returned to my base in the Land Rover.
125. I did most of my TQing with Lt Josh King (who has since left the Army), but I think I was working alone (with an interpreter) on the occasion at 1 QLR, which I have referred to above. I am fairly sure that I went to check everything was OK in the holding centre when I

picked which detainee I wanted next. This was my usual way of operating. I would have gone back and forth in all cases, because I would have wanted to make sure that everything was OK.

EVENTS AFTER BAHU MOUSA'S DEATH

Conversations with other soldiers

126. After the death of Baha Mousa I did not speak with those involved in the treatment of the detainees about the events in question and more particularly I did not discuss these matters with Staff Sergeant Davies, Major Radbourne, Sergeant Smulski or Major Peebles. I am not actually familiar with any of those names

Changes to procedures

127. Three or four days after Baha Mousa's death I received instructions not to use sandbags to hood detainees. I was told that we should use blacked-out goggles and ear defenders instead. These instructions might also have said that we were to plasti-cuff detainees in front (I cannot remember) but we were already doing that anyway because it is difficult to move people with their hands cuffed behind them as you have to provide more support.

128. I cannot remember now who briefed me on these changes or whether they were supported by any written orders.

129. I have been shown a document entitled Prisoner Handling and TQing procedures [MOD031235] dated 27 September 2003. I have no recollection of having seeing this document before and so I cannot give any explanation as to why it may have been required.

PRISONER HANDLING TRAINING AND EXPERIENCE SINCE OP TELIC 2

130. In terms of prisoner handling training undergone since OP TELIC, the main relevant training has been in the form of the annual MATTs and my training prior to deployment to Afghanistan.

131. The MATTs are essentially the same as before but the video has now been updated. I cannot recall the specific changes except that now it is made clear that prisoners should not be hooded with sandbags and instead blacked out goggles should be used. There are other differences but I do not recall these details and I do not recall what (if anything) is said in relation to subjecting prisoners to noise, depriving them of food, water, or sleep. However, I have known since 2003 that none of these techniques are permitted, as stated at paragraph 75 to 77 above. I am now also aware that stress positions are not permitted, as referred to in more detail in the following paragraph.

132. The only other relevant prisoner handling training that I have received was prior to deployment to Afghanistan in 2009. I cannot recall the details of the session, which lasted only a few hours, but I do remember it was made clear that prisoners should not be placed into uncomfortable positions, even for a short period. I do not recall whether or not anything was said in relation to the following (although as stated already I know them to be prohibited): hooding, subjecting prisoners to noise, or depriving prisoners of food, water, or sleep.

133. I do not have any relevant practical experience of prisoner handling since OP TELIC 2.

PRESS AND MEDIA

134. I have not given an account of matters relevant to the Inquiry's terms of reference to the press or media.

Statement of Truth

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

Signed _____

Dated _____