

Sirs, S034

I have just spoken to S002 [REDACTED] at HQ 1 Div, about the subject of placing PWs in hoods at the UK PW facility in Um Qasr.

I asked him whether PWs were being placed in hoods, if they were, under what circumstances and for what duration, and for what purpose.

The information provided confirmed that a small percentage of the overall number of PWs being held (suspected High Value Intelligence PWs) were being placed in hoods for the period during which their intelligence status was being assessed (the preliminary interview usually takes 45-60 minutes), and, for those assessed as HVIs, during interrogation thereafter.

All those assessed as being non-HVI prisoners (the vast majority) are released immediately on completion of the preliminary phase into the main compound. Apart from the interview itself, they will have been hooded from the time of their arrival at the camp (as pre-nominated J2X prisoners) until their release back into the main body of the compound.

The length of time spent hooded depends on the numbers to be vetted and their place in the order of those to be assessed. Those assessed first will only be hooded for an hour or so, but if there are large numbers of potential HVI prisoners those assessed last have on occasion been hooded for a considerable period of time. Those assessed as HVI prisoners remain hooded for a further period prior to interrogation. S002 assesses that during particularly busy periods a total of about ten HVI PW have been held in hoods for up to 24 hrs.

This has been a direct consequence of two factors - first, there being too few interpreters available to the J2X unit (7 only) and secondly, the fact that capturing units have been over-assessing the importance of PW. Efforts made to address the former would considerably reduce waiting times (and we will ask if this can receive a higher priority), but more significantly a FRAGO has already been issued to all 1 Div units to ensure that they assess potential HVIs more realistically, thus greatly reducing the numbers to be processed and directly impacting on the time taken to fully process any PW.

Throughout these periods all PW are fed and watered and provided with shelter from the sun in tents (open sided) within the J2X compound. No stress positions are implemented while PW are waiting to be interviewed. The decision on which physical positions they adopt and how often they change etc is a matter for them. The only restriction is that they may not sleep.

The use of hoods is considered necessary to protect not only members of the JFIT, but the PWs themselves. Many of the HVI prisoners are dangerous and indeed a significant proportion of those held are not compliant. This is therefore considered the only way (given the facilities available) to eliminate the possibility that interviewees may be identified as having co-operated and, therefore, become the victims of reprisals by fellow prisoners. The hooding also makes them far easier to control, isolating them from potential sources of support and removing any physical threat they may pose.

In my opinion, this course of action will be lawful as long as it is carried out for valid military reasons, such as those outlined above, and as long as it is restricted to only that which is absolutely necessary in terms of time and effect. To ensure the lawfulness of hooding, G2X must take all steps possible to reduce the time that these PW spend in these hoods to a minimum. S002 has made a good start towards this end.

The only other complaint received by S002 was the fact that the HVI PWs were not being issued with soap and water for washing prior to interrogation. This was a complaint made to the ICRC representative by some PWs. S002 has refused this request as he does not want these prisoners coming to interrogation refreshed after having washed themselves (the same

reasoning behind preventing them sleeping while they are awaiting interrogation). Soap and water (and access to ablution facilities) are available immediately after release into the main compound.

No complaint has been made to [REDACTED] S002 to the effect that these PWs are being held in handcuffs. Even if they were being held in this manner, there would be no breach of our legal obligations as long as they were being so held for valid reasons, such as for reasons of security (and it could be argued that all those held in the J2X compound need to be handcuffed for security purposes due to their potentially dangerous and hostile dispositions) or during transit. However, the PWHO teams are all aware that PWs may not be held in handcuffs as a form of punishment.

I am hoping to speak to Maj David Frend (Army Legal Services), who provides legal advice to the JFITs, and is currently at the PWHO in Um Qasr for his assessment of the situation from a legal viewpoint, but I am thus far completely happy with [REDACTED] S002's assessment of the situation. I will provide an update immediately I have more information.

Tomorrow morning the ICRC representative is calling on HQ 1 (UK) Div to discuss these matters. This evening Cdr Brown has spoken with Cdr Legal at 1 Div and recommended the following:

1. The ICRC Rep should meet COS (if available) and not GOC (who need not be personally involved yet) nor Cdr Legal / or CO PWHO. The rationale is that COS will speak for GOC but not be expected to address issues himself, so allowing him to refer to his SMEs to verify / investigate etc.

2. If COS is content, he should -

- a. welcome ICRC assistance and comments, and explore any of the recommendations made which are not immediately clear.
- b. undertake to have these matters investigated and to respond within ? days
- c. undertake to remedy problems immediately where they are verified as extant
- d. undertake to make proposals where problems cannot be solved immediately
- e. assure the ICRC of our intentions to all that we reasonable can to comply with our GC responsibilities.

I will provide a further update when available.

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