

Monday, 26 April 2010

1

2 (10.00 am)

3 THE CHAIRMAN: Yes, good morning, ladies and gentlemen.

4 Mr Moss.

5 MR MOSS: Good morning. Our first witness this morning is

6 already in the witness-box. It is Major Haseldine.

7 THE CHAIRMAN: Very well. Would you be kind enough to stand

8 up, please, and I will ask that you be sworn.

9 ANDREW JOHN HASELDINE (sworn)

10 THE CHAIRMAN: Thank you. Please sit down.

11 May I ask you, please, to get as close as you can to

12 the microphone and speak into it. I don't believe it is

13 a very comfortable position, but if you don't do it,

14 then we won't be able to hear you and I would be

15 grateful if you would.

16 Yes, thank you.

17 Questions by MR MOSS

18 MR MOSS: Please start by giving the Inquiry your full name,

19 please.

20 A. Andrew John Haseldine.

21 Q. If you look on the table in front of you, I hope you

22 will find a written copy of your statement to this

23 Inquiry.

24 Could you turn to the final page of it, which we

25 have at BMI04604. Do we see there that that's

1 a statement that you were giving to the Inquiry on
2 28 September of last year?

3 A. Yes, it is.

4 Q. When you gave that statement to the Inquiry, were you
5 telling the Inquiry that the contents of the statement
6 were true to the best of your knowledge and belief?

7 A. Yes, I was.

8 Q. Thank you. Major, everybody has had an opportunity to
9 read that statement and the documents associated with it
10 so I only need to take you to some topics arising out of
11 it. May I start briefly with your career history? You
12 tell us in your statement -- is this right -- that you
13 joined the army in 1996, that you were commissioned in
14 1997 and that your early training was with the army air
15 corps.

16 A. Yes, it was.

17 Q. You transferred later on to the intelligence corps and
18 I think, by 1999, you had been promoted to captain; is
19 that right?

20 A. That is correct.

21 Q. In October 2000, were you posted to the headquarters of
22 3 (UK) Division in the role of the staff officer grade 3
23 on the intelligence side?

24 A. Yes.

25 Q. Thank you. Was it in that post that you served in Iraq

1 on Op Telic 2?

2 A. Yes.

3 Q. Thank you. I think you are still in the army; is that

4 correct?

5 A. Yes, sir.

6 Q. And your current rank?

7 A. Major.

8 Q. Thank you. I want to ask you some questions about your

9 training, if I may, please. Can I deal first of all

10 with your training at Sandhurst?

11 What's your recollection now of any training that

12 you had at Sandhurst in relation to prisoners and how

13 they should be handled?

14 A. My only recollection is as per my statement -- is

15 a study period which involved watching a video and

16 also -- preceded by a presentation, then a video on the

17 law of armed conflict.

18 Q. The Inquiry knows what video that would have been. Was

19 that the same video that you saw in subsequent years as

20 part of your annual training?

21 A. Yes, it was.

22 Q. And the training that you had at Sandhurst, please,

23 Major, was that any more detailed than the annual ITD

24 training that you would have had in the law of armed

25 conflict, can you remember?

1 A. I don't remember.

2 Q. Did you take away any sort of central message from such
3 training as you did have in prisoner handling, either
4 from your Sandhurst training or from your annual
5 training?

6 A. I think the theme which runs throughout both was that
7 the Geneva Conventions applied and all POWs were to be
8 treated in a humane manner.

9 Q. And by "humane manner", what did you understand that to
10 mean in practice, please?

11 A. That they couldn't be denied basic human rights, food,
12 water, they weren't to be mistreated. Certainly there
13 was to be no violence. Also to respect the property
14 that they had. Part of the video was somebody trying to
15 steal somebody's watch, those type of things.

16 Q. I follow. I am going to come on very shortly, Major, to
17 ask you some questions about the interrogation course
18 that you did as parts of your intelligence corps
19 training. Other than that interrogation course, had you
20 come across the use of hoods or blindfolds at all during
21 the course of your training?

22 A. Not until that course, no.

23 Q. What about subsequently? Other than on the
24 interrogation course, did you see hoods or blindfolds
25 being used during training or on exercises?

1 A. No.

2 Q. Can I ask in general terms, if we stopped the clock, as
3 it were, on the eve of your deployment to Iraq for
4 Op Telic 2, at that stage what would your understanding
5 have been about whether it was permissible or not to
6 deprive prisoners of their sight?

7 A. I wouldn't have been able to give you a firm answer as
8 to whether it was legal or not at that point.

9 Q. Such understanding as you may have had relating to that
10 issue, would it have derived principally from the
11 interrogation courses you had done --

12 A. Yes it would.

13 Q. -- rather than any other training?

14 A. Most definitely from that course.

15 Q. Did you understand whether it was in any way some sort
16 of standard operating procedure for prisoners to be
17 hooded or blindfolded at the point of capture, at least
18 in general warfare?

19 A. Yes, in general warfare definitely. I think that was
20 an assumption which very few people questioned.

21 Q. Thank you. Did you know one way or the other -- and
22 I don't want you to guess -- whether that was any
23 different if one was in a peace-keeping or
24 peace-enforcement type of operation, where one might be
25 dealing with civilians who had been arrested as opposed

1 to enemy soldiers?

2 A. Sorry, could you repeat the question, please?

3 Q. Yes. You have told us that you think it was
4 an assumption that in general warfare prisoners would be
5 hooded at the point of capture. My question was whether
6 you had an understanding of whether that was any
7 different if one was dealing with civilians rather than
8 enemy soldiers, and civilians who might be arrested in
9 peace-keeping or peace-enforcement operations.

10 A. I don't remember the two ever being differentiated.

11 Q. Thank you. Can we move on then, please, to the
12 interrogation course? Just to set the context, I think
13 you tell us in your statement -- is this right -- that
14 you did the interrogation course as part of your
15 intelligence corps junior officer training, which was,
16 of course, lasting some five months.

17 A. That's correct.

18 Q. But the interrogation course itself lasted two weeks?

19 A. Yes.

20 Q. And this would have been, what, in late 1998 or early
21 1999 that you would have done the course?

22 A. Late 1998.

23 Q. Thank you. Now you explain in your statement, don't
24 you, that what was covered in that course was some
25 training on basic questioning techniques and then some

1 more in-depth training on interrogation techniques
2 followed, at the end of the course, by an interrogation
3 test. Was that the overall structure of it?

4 A. Yes.

5 Q. If we look, please, at paragraph 15 of your statement,
6 BMI04597. You tell us there -- and this is the section
7 of your statement which is dealing with interrogation
8 techniques -- that:

9 "This phase [of the training] ... included training
10 on more advanced questioning techniques including the
11 different methods and approaches which could be taken."

12 Just pausing there, was one of the methods or
13 approaches that was taught what is referred to as the
14 "harsh" questioning technique?

15 A. Yes.

16 Q. In relation to that technique, can you remember if
17 anything was taught to you about what the limits were in
18 terms of how harsh you could be?

19 A. Yes.

20 Q. What was that training?

21 A. It was implicit that one could use the threat of
22 violence, but no actual physical contact was to be made.

23 Q. When you say that it was implicit that one could use the
24 threat of violence, what sort of thing did you
25 understand it was permissible to say?

1 A. It's not a case of just what you can say, it's what you
2 can have the interrogatee think you may do through body
3 language, et cetera, et cetera. You could say anything
4 which could be seen as a threat; you can intimidate by
5 standing over somebody; if need be, you could have some
6 kind of weapon in your hand to introduce a threat.
7 However, you could never actually make physical contact
8 with the interrogatee.

9 Q. Just pausing there, can I take a hypothetical example?
10 Could you go so far, as you recall it, as to say, "If
11 you don't give me the information, I'm going to have you
12 beaten up"?

13 A. Yes, although things like that were not advised because
14 if you didn't follow through with the threat, eventually
15 you lost -- you lose credibility because you're not --
16 your actions aren't congruent with the intent you gave.
17 However, that's not to say -- people did make threats.

18 Q. Now the Inquiry has heard some evidence that the line
19 was drawn differently to that which you have just
20 explained. The Inquiry has heard some evidence -- and
21 we will hear more to come -- that you could not threaten
22 physical violence, but you could make the person who was
23 being questioned aware of disadvantageous treatment or
24 a disadvantageous outcome. So you couldn't threaten to
25 beat them up, for example, but you could say that if

1 they didn't cooperate, they wouldn't see their family
2 for a long time. Do you think that that might be where
3 the line was actually drawn?

4 A. Most definitely not.

5 Q. You have a clear recollection, do you, of being taught,
6 in 1998, that you could make direct threats of physical
7 violence?

8 A. Yes.

9 THE CHAIRMAN: Just pause a moment, Mr Moss. You did,
10 a moment ago, talk about it being "implicit". Do you
11 mean "explicit"? Do you mean someone actually told you
12 that you could threaten violence, but not put it into
13 action?

14 A. I seem to remember, Sir, it was part of the
15 demonstration of the techniques, and certainly when
16 students -- interrogator students on the course -- used
17 those techniques, they weren't criticised for them on
18 the course.

19 THE CHAIRMAN: Yes, I rather thought so. It was really
20 explicit --

21 A. Yes, sorry, excuse me.

22 THE CHAIRMAN: That's all right. I just wanted to be clear.

23 MR MOSS: Thank you. May I ask you about a slightly
24 different aspect, which is insults. Were you taught
25 anything about insults and whether they could be used as

1 part of the harsh technique?

2 A. Yes.

3 Q. What was the teaching in that regard?

4 A. With regards to insults, anything goes. One of the

5 first exercises of the course, as strange as it sounds,

6 is to actually -- you are told for one minute -- you are

7 placed in an interrogation room and you are told for one

8 minute to insult whatever is in there, and that can

9 range from a cardboard cut-out to a cuddly toy, and

10 then, when the whistle goes for the minute afterwards,

11 you are to be nice and attempt to make rapport, as it

12 were.

13 Q. When you say "anything goes", do you mean that literally

14 in the sense that, for example, racist or homophobic

15 insults were fair play?

16 A. We were certainly never castigated for them. We weren't

17 told directly to be racist, et cetera, but as far as

18 I remember, no one was castigated or told not to do it

19 again.

20 Q. Now I think you tell us in your statement that part of

21 the course also included specific instruction -- is this

22 right -- in the method for moving prisoners from

23 a detention area to an interrogation room.

24 A. Yes.

25 Q. Help the Inquiry with that. What's your recollection

1 now about how you were taught to move a prisoner from
2 a detention area to an interrogation room?

3 A. Each prisoner was to be moved by two people. During the
4 training phase the prisoner did have a black canvas bag
5 over their heads to prevent sight. The prisoners' arms
6 were held out in front of them with their thumbs
7 vertical. One person would stand behind the prisoner
8 with their hands on their shoulder, whilst the other
9 would stand in front and grasp both of their thumbs.
10 The person in front of the prisoner would then guide the
11 prisoner and turn them through doors down corridors
12 using their thumbs, while the person behind would push
13 on the shoulders to ensure that the prisoner moved in
14 the correct direction.

15 Q. As you sit there today -- obviously this course is now
16 quite some time ago -- do you have a clear recollection
17 of this part of the training course?

18 A. I do, yes.

19 Q. You say that hoods that you described as "black canvas
20 hoods" were used. Is that right?

21 A. Correct.

22 Q. They weren't hessian bags then, hessian sandbags of the
23 type that infantry soldiers frequently carry?

24 A. So far as I remember, no. They were a black canvas.

25 Q. How confident are you in your recollection, please, that

1 what was used was a bag of some kind, as opposed to
2 a blindfold that only covered the eyes?

3 A. Absolutely confident.

4 Q. The Inquiry has heard some evidence -- and again more
5 will be to come -- that, certainly by 2001/2002/2003,
6 the suggestion may be that it was blindfolds and hoods
7 that were being used. Do you think you might be
8 mistaken about this aspect and that blindfolds were in
9 fact used on your course?

10 A. It's possible, but doubtful. It was over a decade ago.
11 What I can say for definite is sight was definitely
12 shielded because -- and I only remember this
13 anecdotally -- we did use to find it -- myself and my
14 colleagues on the course -- quite humorous and
15 threaten -- basically if you were taking someone through
16 a doorway, if you didn't do it properly, they would bang
17 their shoulder or their head, et cetera, and that did
18 happen. I am 100 per cent confident that sight was
19 removed through the use of a cover and I am 90 per cent
20 confident that that cover was a black bag, not
21 a blindfold.

22 Q. In your answer to me just then, you said that yourself
23 and your colleagues on the course found it "quite
24 humorous". Then you said "... and threaten -- basically
25 if you were taking someone through a doorway ..." How

1 did threatening come into this aspect of it?

2 A. That's banter between friends, as in, you know, "Behave
3 yourself or I'm going to, you know, knock your head on
4 the door", as it were. It was banter between
5 colleagues, not actually part of the course.

6 Q. Thank you. As to the purpose, then, of the sight
7 deprivation which, as you recall it, was by hoods, what
8 were you told was the purpose of depriving prisoners of
9 their sight in this way?

10 A. They were twofold. There was, first, it aided security,
11 and, in fact, whilst the prisoner was being moved, they
12 couldn't assess their location and therefore come up for
13 a plan to escape. The second one was to maintain what's
14 known as the "shock of capture".

15 Q. How did the use of a hood on that second aspect help to
16 maintain the shock of capture?

17 A. It kept people isolated within their own senses, so that
18 they couldn't communicate with any of their own
19 colleagues if they were close by.

20 Q. Again -- you must tell us if you don't remember or if
21 you're not clear -- can you remember which of those two
22 purposes, the security and the shock of capture, was the
23 main reason or were they both equally valid? What was
24 the position?

25 A. I can't remember.

1 Q. Same again, I don't want you to guess, but did you come
2 away from that course with an understanding of whether
3 hoods could be used for the second purpose -- the shock
4 of capture -- if, in the circumstances on the ground,
5 there wasn't, in fact, any operational security reason
6 for hooding? So could you use hoods when transferring
7 prisoners merely for the shock of capture, even if there
8 were no security considerations present?

9 A. I couldn't go 100 per cent on saying that that's what
10 was taught, so no.

11 Q. Doing the best that you can, do you think that that was
12 covered at all or was it something that wasn't dealt
13 with on the course?

14 A. I think it was covered in the fact that it was implied
15 you would always -- you would use the hood for both
16 reasons.

17 Q. So that the use of hoods, as you understand it, was,
18 what, a standard way that they would be moved and --

19 A. Correct.

20 Q. -- both reasons would apply?

21 A. Yes.

22 Q. Thank you.

23 Now, in the course of your statement, while telling
24 the Inquiry of your confidence in the fact that hoods
25 were used in this part of your training, you mention

1 that you recall conversations with instructors regarding
2 the use of hoods and its legality.

3 A. Correct.

4 Q. Can you help with us that? What were those discussions?

5 A. Again, this was over a decade ago. I do seem -- I think
6 I remember that it was mentioned during one of the
7 presentations at the early start of the training, that
8 there was a debate as to whether hoods should or should
9 not be used. However, during the course, we would be
10 using them.

11 Q. And that debate was amongst whom? I don't want you to
12 use names perhaps for the moment, but who was debating
13 the issue? Was it between the students or the
14 instructors?

15 A. The instructors.

16 Q. Just this then -- we will come on to other techniques in
17 a moment -- but so far as hoods were concerned, were you
18 taught anything on this course about a prohibition on
19 the use of hoods, for example that hoods may have been
20 prohibited as an aid to interrogation?

21 A. No.

22 Q. So anything that may have been said or undertaken by
23 Prime Minister Heath in 1972, was that not dealt with on
24 the course --

25 A. That was never mentioned.

1 Q. -- or a directive from 1972, which prohibited the use of
2 hoods or blindfolds in the context of internal security
3 operations?

4 A. As far as I can remember, there was no mention
5 whatsoever to that -- those rulings.

6 Q. Now I am going to come on in just a moment to deal with
7 the conduct after capture exercise towards the end of
8 the training. Can you put that to one side for the
9 moment? Other than the conduct after capture aspect,
10 was anything said on this course about the use of stress
11 positions?

12 A. We didn't use stress positions on that phase of
13 training.

14 Q. If you can put yourself in the place that you would have
15 been at the time, would your understanding have been
16 that stress positions were prohibited and couldn't be
17 used or would you not have known?

18 A. We would not have known because the people on that phase
19 of training who are being interrogated are not held as
20 prisoners. Once the interrogation serial is over, they
21 just go back to somewhere else in the building and have
22 a cup of coffee, et cetera. So we would not have used
23 stress positions for that reason.

24 Q. Forgive me. I interrupted you. You would not have used
25 them for that reason, I follow.

1 Can I ask you this? From your general training and
2 your understanding of the law of armed conflict, the
3 training that you had had more generally that prisoners
4 should be treated humanely and not abused, would you
5 have understood one way or the other whether stress
6 positions were legitimate to be used or not as part of
7 an interrogation process?

8 A. I can't answer that from a definite place. All I could
9 say was, again, I think it was generally assumed that
10 you could.

11 Q. That you could?

12 A. Within reason.

13 Q. By "stress position", what do you understand a stress
14 position to be?

15 A. A stress position is -- it prevents a person from being
16 able to relax and concentrate and collect their
17 thoughts.

18 Q. The Inquiry has heard about, perhaps, a range of stress
19 positions, with, perhaps at the lower end of the
20 spectrum, just being made to sit or to kneel or to stand
21 for a long period of time, going up towards, at the
22 other end of the spectrum, the ski sitting position or
23 arms spread out, fingertips against the wall, with legs
24 spread out. You say within reason they could be used
25 would have been your understanding, you think. What

1 sort of limit, if any, would you understand to apply in
2 terms of the sort of positions that could be used?

3 A. Probably sat cross-legged on the floor with your back
4 straight is enough, and that becomes tiring.

5 Q. Other than on the conduct after capture aspect of the
6 course, was anything expressly taught to you about those
7 sort of positions and using them?

8 A. No.

9 Q. Does it follow that you weren't informed that there had
10 been an undertaking in that respect -- again by
11 Prime Minister Heath in 1972 -- and a directive
12 prohibiting stress positions in internal security
13 operations?

14 A. No.

15 Q. What about the use of white noise or loud and
16 distracting noise, was that covered at all, again other
17 than in the conduct after capture aspect?

18 A. No.

19 Q. Was anything taught, as far as you can remember on the
20 course, about whether or not prisoners would be allowed
21 or permitted to sleep prior to being TQ'd or
22 interrogated?

23 A. Yes.

24 Q. What was that?

25 A. Just that they were not to be denied basic human rights

1 in line with the Geneva Convention, so they couldn't be
2 withheld food, water or sleep. There were also limits
3 on how long someone could be interrogated for in any
4 24-hour period.

5 Q. I follow. Specifically on the point of sleep, does it
6 follow that you were expressly told that you can't
7 artificially keep somebody awake prior to being
8 questioned?

9 A. Yes.

10 Q. Did that apply both for initial TQ'ing and for
11 interrogation?

12 A. It wouldn't apply for TQ'ing because that's in a short
13 time-frame. That's only supposed to last 12 to
14 14 hours. So that's not depriving somebody of sleep, as
15 it were.

16 Q. Thank you. I turn next, just briefly if I may, to the
17 interrogation test that you say took place at the end of
18 the course. It's not perhaps necessary for us to go
19 into who was being interrogated -- who the subjects of
20 the interrogation were or anything about that -- but
21 I do want to ask you about one aspect of your
22 paragraph 22, if we can have it on screen please, at
23 BMI04598.

24 You say that during the course of that test, "In
25 this scenario the use of hooding ..."

1 Do you see that section?

2 "... during this particular exercise was kept to
3 a minimum ..."

4 A. Yes.

5 Q. "... as it is not a technique generally used in UK
6 police stations ..."

7 If I pause there, the context of this is that you
8 were saying that in the exercise at the end -- the
9 interrogation test at the end -- the context of it was
10 interrogations conducted under a ruse that the subject
11 had been arrested by the UK civilian police. Now
12 I don't want to go into details about the ruse, but on
13 that point about the use of hooding being kept to
14 a minimum, what did you mean by "kept to a minimum"?

15 A. When they were brought into the building where the
16 interrogations were taking place, they were escorted
17 into the building by civilian police and they did
18 have -- they were handcuffed and they did have hoods on
19 their heads. Once inside the building, which is made to
20 look like a civilian police station, the hoods were
21 removed because, as far as the subject was concerned,
22 they were inside a civilian police station.

23 Q. So hoods were still used in the test at the end?

24 A. They were used when they were brought into the police
25 station and they were also used at the very end of the

1 test. I can expand on that, if you want me to.

2 Q. Perhaps just this: was it the case that, during the
3 training you had had, the training would have been that
4 the sight deprivation, however it was achieved, should
5 be such that when the person was brought into the
6 questioning room, they were hooded or blindfolded?

7 A. Yes.

8 Q. And then the hood or blindfold would be removed for the
9 purposes of the actual TQ'ing or interrogation?

10 A. Yes.

11 Q. In the test at the end, these people had been held in
12 what was meant to be a civilian police station; is that
13 right?

14 A. Correct.

15 Q. So when they were actually brought into the questioning
16 room, were they unhooded?

17 A. They were in the questioning room all the time. The
18 questioning room is a -- was to all intents and purposes
19 their cell.

20 Q. I follow.

21 A. So there was no need to hood people for security,
22 et cetera, because they are isolated anyway.

23 Q. But had their hoods in fact come off as soon as they had
24 entered what was the "police" building?

25 A. Yes.

1 Q. Thank you.

2 Now, following the interrogation test, you tell us

3 that there was then a conduct after capture exercise in

4 which those who had successfully completed the

5 interrogation course thus far participated in training

6 being given to other British soldiers. Is that right?

7 A. Yes.

8 Q. During the course of that training, as the Inquiry has

9 heard quite a lot of evidence, is it right that those

10 who were undergoing the training would have been hooded,

11 held in stress positions and subjected to white noise?

12 A. Yes.

13 Q. Just help us with this: in terms of what you, as an

14 interrogator on that course, actually saw, did you

15 personally see the use of hoods, stress positions and

16 white noise being used?

17 A. Yes.

18 Q. Did you have an understanding one way or the other as to

19 whether what was being done to the British soldiers

20 undergoing that training was different to what British

21 soldiers would be allowed to do to prisoners that they

22 might capture?

23 A. Yes, that was made quite clear.

24 Q. How was that made clear?

25 A. Verbally.

1 Q. So a specific warning to that effect?

2 A. Yes. We were told, "We are preparing these soldiers for
3 if they are caught by a country which was not signatory
4 to the Geneva Conventions".

5 Q. I don't want to go into specific details about the
6 duration of hooding or the white noise or anything like
7 that -- not specific details on that, please -- but can
8 you help with this? What actually was, then, the
9 difference, for example, in terms of hooding, because
10 you had seen hooding being used, hadn't you --

11 A. Yes.

12 Q. -- on the interrogation course? What was different on
13 the conduct after capture course, for example, about how
14 hoods were being used on the British soldiers?

15 A. There was no difference, only that those soldiers --
16 they wore them -- if they weren't being interrogated,
17 they had the hood on all the time; whereas, like the
18 point I made before, when you're on the interrogators'
19 course, you are not interrogating people who are being
20 trained or held for a 24- or 48-hour period. You train
21 on what is basically an actor. So as soon as that
22 training serial is over, they just go back to the
23 waiting room and have a cup of coffee, et cetera.

24 Q. All right. Let's take stress positions as an example.

25 A. Yes.

1 Q. On the conduct after capture course, you tell us that
2 you saw two stress positions being used. One was
3 sitting cross-legged with the hands on the heads and the
4 other was standing facing the wall, with arms
5 outstretched, palms flat to the wall. Was that any
6 different to what you understood could be done by
7 British soldiers if they captured prisoners and were
8 going to interrogate them?

9 A. No.

10 Q. And subjecting them to white noise, you saw that in use
11 on the conduct after capture --

12 A. Correct.

13 Q. -- training, to train British soldiers to learn how to
14 resist what might be done to them --

15 A. Correct.

16 Q. -- but was that any different to what you understood
17 British soldiers could use against prisoners that
18 British soldiers might take?

19 A. We understood that we, as a nation, didn't use white
20 noise.

21 Q. So stress positions, within reason, British soldiers
22 could use?

23 A. Correct.

24 Q. No different to what you saw on the conduct after
25 capture course? You are nodding, but we need it for the

1 transcript.

2 A. Sorry, yes.

3 Q. But white noise you saw used on the conduct after
4 capture training course and you understood that that
5 couldn't be used by British soldiers?

6 A. Yes.

7 Q. I think just finally one aspect of your evidence about
8 training from this course. You tell us in your
9 statement -- may we just look at paragraph 45,
10 BMI04601 -- that you believed that during this training
11 you were instructed that "... the tactical
12 questioner/interrogator should provide advice to the
13 guard force as to the conditions in which a subject
14 should be kept". "... the conditions in which a subject
15 should be kept" that you are referring to there means
16 what? What conditions?

17 A. Basically what that means is the senior interrogator is
18 in charge, at the end of the day, of the situation --

19 Q. Yes.

20 A. -- and he would give the -- he would monitor how long
21 people had been in interrogations for, whether they were
22 getting the required amount of -- adequate amount of
23 food, water, sleep, et cetera. If there was anything --
24 or if there was anything that he wanted to achieve with
25 the prisoner to be in a certain place at a certain time,

1 et cetera, he was the one who directed that and directed
2 the guard force to achieve that.

3 Q. So rightly or wrongly your understanding was that the
4 senior interrogator did have a responsibility for
5 checking such matters as whether the prisoner was
6 getting enough sleep, food and water and for how long
7 they were being interrogated, that sort of thing?

8 A. Correct. I believe he was -- although not responsible
9 for the actual guarding of the prisoner, he was
10 responsible for their welfare.

11 Q. Just in terms of how that worked in practice -- again
12 I don't want you to guess -- does it follow that the
13 senior interrogator would have to be present right from
14 the outset of detention in order to monitor those things
15 in practice?

16 A. Not from the point of capture --

17 Q. Yes.

18 A. -- obviously because he wouldn't be there. But once the
19 person was -- or became an internee, then yes.

20 Q. Thank you. Now I would like to turn, please, to
21 Op Telic 2 itself. You tell us, as you have already
22 mentioned briefly, that your role was as a captain and
23 staff officer grade 3 at divisional level, for which
24 I think you tell us that you were based at
25 Basra Airport. Is that right?

1 A. Correct.

2 Q. So that we have the feel and context for it, you tell
3 us -- is this right -- in your statement that throughout
4 the tour you only left the divisional HQ on one
5 occasion, which was to visit the TIF at Umm Qasr. Is
6 that right?

7 A. It was to visit Umm Qasr. It wasn't to visit the TIF.

8 Q. Thank you. But otherwise your work was very much being
9 based at divisional headquarters and not being out on
10 the ground?

11 A. Completely.

12 Q. In terms of your chain of command, I think there was an
13 SO2 in G2, was there not, at divisional level,
14 Major Hartley?

15 A. Yes.

16 Q. And then, sitting above him in the chain of command,
17 Lieutenant Colonel Le Fevre, would that be right, as the
18 SO1 G2?

19 A. Correct.

20 Q. Can you help us, please, just in a nutshell, as to what
21 your main focus would have been and what the essence of
22 your role was.

23 A. My role was twofold. Firstly, it was to coordinate the
24 administration for all of the J2 staff within that
25 headquarters, of which there was over 60 people. My

1 second role was to produce intelligence from a variety
2 of sources and produce the daily written intelligence
3 product.

4 Q. Can you help us with the sense of whether you felt that,
5 on a day-to-day basis, you were really shaping
6 intelligence policy within the divisional headquarters
7 or was it more a case of administering and doing the
8 working level intelligence-gathering and dissemination?

9 A. I was very much working level. One part of policy I did
10 deal with was security policy, of which I was directed
11 to write the security policy for the divisional area of
12 operations.

13 Q. Thank you. As you have told us, you were, of course,
14 a fully trained interrogator, weren't you?

15 A. Correct.

16 Q. Did you, in fact, carry out any TQ'ing or interrogation
17 during Op Telic 2?

18 A. No.

19 Q. We'll come on just a little bit later in your evidence,
20 Major, to your involvement in drafting a policy after
21 Baha Mousa's death, which you tell us in your statement
22 you drafted with a warrant officer. I would like you,
23 please, not to mention his name, but I think I have
24 probably given you enough information to know who I'm
25 talking about.

1 A. Yes.

2 Q. Just help us with that. That warrant officer, you tell
3 us that he was tactically questioning/interrogation
4 trained as well; is that right?

5 A. Correct.

6 Q. As far as you know, did he carry out any tactical
7 questioning or interrogation in theatre?

8 A. No.

9 Q. Is that "No, he didn't" or "No, you don't know"?

10 A. No, he didn't, sorry.

11 Q. Now you tell us, in terms of your arrival in theatre,
12 that the handover that you would have received was from
13 a Captain Galbraith --

14 A. Correct.

15 Q. -- from 1 (UK) Division. Is that right?

16 A. Yes.

17 Q. Was prisoner handling mentioned and policy for prisoner
18 handling mentioned, so far as you recall, during that
19 handover?

20 A. I can't recall it being mentioned.

21 Q. Do you know one way or the other whether a prohibition
22 on the use of hoods or covering prisoners' faces was
23 mentioned to you by Captain Galbraith?

24 A. Again, I can't recall having the conversation that
25 mentioned that.

1 Q. You do tell us in your statement, though -- may we look,
2 please, at paragraph 37 -- perhaps in more adamant
3 terms, that at no point during the handover do you
4 recall Captain Galbraith directly or indirectly drawing
5 your attention to FRAGO 152.

6 A. That's correct.

7 Q. As you will now know, FRAGO 152 was a 1 (UK) Div order
8 of 20 May 2003, which contained a prohibition on
9 covering prisoners' faces. Were you meaning to suggest
10 by that that FRAGO 152 was not covered during the
11 handover or simply that you have no recollection of it
12 being mentioned?

13 A. With as much certainty as I can say after all this time,
14 it wasn't mentioned.

15 Q. Thank you. That can be taken from the screen, please.
16 Bearing in mind what your responsibilities were
17 within the intelligence team at divisional headquarters,
18 would you have expected that prohibition on covering
19 prisoners' faces to have been mentioned during the
20 handover or was that perhaps not really the area in
21 which you were working?

22 A. I would say it wasn't within the remit of my post.

23 Q. So knowing, as you do now, that FRAGO 152 was
24 a divisional order that had prohibited covering
25 prisoners' faces, does it surprise you that it wasn't

1 covered during your handover, if indeed it wasn't
2 covered?

3 A. No, it doesn't surprise me.

4 Q. Did Captain Galbraith mention to you that there had been
5 quite something of a debate about the use of hoods
6 arising out of their earlier use in the JFIT in the
7 early war-fighting stage of Op Telic 1?

8 A. No.

9 Q. In terms of divisional handovers, if we may just draw on
10 your general experience from that time. If you're not
11 surprised that FRAGO 152 was not mentioned in your
12 handover, whereabouts in the handover process between
13 other staff officers do you think it ought to have been
14 mentioned?

15 A. Certainly between the senior legal officers.

16 Q. Any others?

17 A. G3 ops officers.

18 Q. That perhaps leads on to this: who did you understand to
19 have been dealing with prisoner handling policy at
20 divisional level? Did you have a feel for who was
21 dealing with that, if it was not your area of work?

22 A. I would have said the legal branch.

23 Q. The Inquiry knows -- and I can show you the order if it
24 helps you. Please just ask if you do want to see it,
25 but I can summarise in this way -- shortly before the

1 handover from 1 (UK) Div to 3 (UK) Div, Major, there had
2 been an order -- divisional FRAGO 29 -- which stated
3 that G2 was going to assume the overall control for the
4 internment process and that the processing of internees
5 within that was to be a G2-led G3 ops responsibility.
6 Were you, first of all, aware of that, that G2 had
7 assumed overall responsibility for the internment
8 process?
9 A. Yes, I was.
10 Q. Again -- perhaps, for the first time -- you should look
11 at your cipher list if you need to, but can you tell us
12 who, within G2, at divisional level, was dealing with
13 matters relating to internment?
14 A. S015 was involved with the products, the intelligence
15 products, derived from the internment --
16 Q. Yes.
17 A. -- but not actually the process of taking the internee
18 from place A to B to get them to the TIF.
19 Q. All right. So S015 was the divisional J2X; that's
20 right, isn't it?
21 A. Correct.
22 Q. And anybody else within the divisional J2 staff?
23 A. That would have -- initially that would have been
24 myself. If I could -- I think there's a relevant point,
25 if I may expand it.

1 Q. Yes.

2 A. At this point in time, Captain Galbraith had been
3 deployed on operations for nine months and her immediate
4 superior was removed from that theatre quite some time
5 before that nine-month period was up. She had basically
6 been doing two people's jobs in a very stressful
7 environment and we only had five days to cover an awful
8 lot of topics, not just this one. I do remember her
9 saying "We need to discuss internees", but it was
10 towards the end of the handover period. My recollection
11 is the internee system and certainly the paperwork was
12 in a bit of a mess and initially it was my -- one of my
13 tasks, in line with the S03 legal, to try and tidy up
14 that process.

15 Q. You tell us in your statement in that regard, don't you,
16 that you had a role, together with the S03 legal, in
17 dealing with the individual internees --

18 A. Correct.

19 Q. -- the intelligence relating to them and reviewing their
20 internment?

21 A. Correct.

22 Q. In terms of the process, though -- taking a step back
23 from individual internees and paperwork relating to
24 individual internees -- within G2, other than the J2X,
25 who was dealing with the internment processes at an

1 overall level, if it overall was being dealt with by G2
2 or J2?

3 A. Can I see the document, please, that you refer to?

4 Q. Yes. It's FRAGO 29 at MOD016186.

5 The scope of the order, I think, will do for present
6 purposes, 26 June.

7 "The FRAGO announces the intention for G2 branch to
8 assume overall control of the internment process ... it
9 confirms the procedures outlined at ref A, to be used...
10 The date time group G2 assumes this function from S02
11 detention will be published in a subsequent sweep up
12 FRAGO."

13 If we just go down just a little bit, we see under
14 "1. Situation", at the end of paragraph 1, that:

15 "Internees are assessed to be a threat to coalition
16 forces and their processing is now a G2-led G3 ops
17 responsibility."

18 A. Okay. Could you just repeat the question then, please?

19 Q. Yes. Other than S015, I was asking whether you can
20 remember who, within J2, at division, was involved in
21 this overall responsibility for the internment process.

22 A. It would have to have been Le Fevre, the S01.

23 Q. Thank you. Now you have touched upon your involvement
24 in the review of the continued internment of individual
25 prisoners. There is only one matter that I wanted to

1 ask you about that and it's this: did you, from time to
2 time, attend meetings of the review committee that
3 considered individual internees?

4 A. No.

5 Q. If you just look at your cipher list, I don't want you
6 to mention the names, but can you just look at the
7 ciphers for S017 and S018 and just remind yourself of
8 who those people are?

9 A. Yes.

10 Q. Did you ever attend meetings with them at which
11 internees were discussed?

12 A. I wouldn't so much call them "meetings". I certainly
13 had discussions with S017, but as far as I recollect
14 they wouldn't -- she's too junior to have been actually
15 included in the internee decision boards. We used to
16 prepare -- or I used to prepare the files, along with
17 the S03 legal, to go to that board.

18 Q. Was that basically your role, the preparation of the
19 files --

20 A. It was the preparation of the file, my role being to
21 have a look at the intelligence that was being gained
22 and to say whether, for intelligence reasons and
23 intelligence reasons only --

24 Q. Yes.

25 A. -- this particular subject, you know, was useful.

1 Q. Yes. Thank you.

2 In the course of any of those dealings relating to
3 that board and the discussions that you had, just this,
4 please: was it ever brought to your attention that
5 prisoners were still arriving at the JFIT with hoods on?
6 Do you remember that being an issue that came up for
7 discussion?

8 A. I don't remember it being an issue.

9 Q. I think it follows, doesn't it, from the evidence that
10 you have given so far about your role, that you did not,
11 yourself, see yourself as being responsible for the
12 prisoner handling process in any way? Is that right?

13 A. Correct.

14 Q. Presumably, bearing in mind what you say about your
15 single trip away from the divisional headquarters, you
16 simply did not see prisoners in the course of your
17 day-to-day work.

18 A. No.

19 Q. Did you ever, in fact, see hoods in operational use
20 during Op Telic?

21 A. Yes.

22 Q. When you saw hoods being used on Op Telic, were they
23 being used by British soldiers?

24 A. Yes.

25 Q. Was that at the JFIT?

1 A. No.

2 Q. Was that at the airport?

3 A. Yes.

4 Q. When you saw hoods being used at the airport, was it in
5 the context of high value prisoners being transported?

6 A. No. I can explain if you want me to, rather than --

7 Q. Yes, please.

8 A. The airport is quite a large place and within it there
9 are small urban areas for the workers at the airport.
10 The airport is guarded by an RAF regiment squadron of
11 about 120 people and sometimes they would arrest people
12 actually on the airport site, airport location, and they
13 would hood them, basically.

14 Q. So the RAF regiment squadron --

15 A. Yes.

16 Q. -- who were there to provide security at the
17 international airport itself --

18 A. Yes.

19 Q. -- were using hooding on people they had arrested?

20 A. Yes.

21 Q. How frequent was that?

22 A. I had only seen it once.

23 Q. When you saw it, did you raise any concerns about it?

24 A. No.

25 Q. Why not?

1 A. It was not my place to. The security of the airport was
2 their responsibility and they had an officer senior to
3 me in charge of those arrest operations.

4 Q. At that stage, when you had seen that, did you know one
5 way or the other whether hooding was permitted or
6 prohibited in theatre?

7 A. I wouldn't say I knew one way or the other. I wasn't
8 aware of FRAGO 152. It hadn't been pointed out to me;
9 I hadn't read it. I guess -- not "I guess" --
10 I therefore made the assumption that if they were doing
11 it -- and plenty of other people would have seen them
12 with their hoods on -- then they were acting within the
13 guidance given.

14 Q. Was this inside or outside, when you saw the hoods being
15 used?

16 A. Outside.

17 Q. In full sight at the divisional headquarters?

18 A. Yes.

19 Q. That's the sole occasion, is it, on which you saw hoods
20 used?

21 A. Correct.

22 Q. Would you have had an understanding, other than that one
23 experience, of whether or not hoods were being used at
24 ground level by battlegroup troops?

25 A. No.

1 Q. May I just seek your help with one final aspect on this
2 sub-topic? Can we look at paragraph 33 of your
3 statement, please, at BMI04600, and just your choice of
4 phrase here. You said that you had "no direct
5 experience" of the use of any of the conditioning
6 techniques that you refer to above from the
7 interrogation course in Iraq in 2003. Why did you say
8 "no direct experience"?

9 A. That's just a caveat of "I had no experience". It's not
10 to imply I had indirect or secondary experience through
11 the conversation or reading it somewhere.

12 Q. It's not suggesting, for example, that you knew, from
13 intelligence reports that you saw, that conditioning
14 techniques were being used or anything of that kind?

15 A. No.

16 Q. A different aspect, please, which is tactical
17 questioning and interrogation policy in theatre. Prior
18 to Baha Mousa's death and in your involvement in
19 SOI 390, had you yourself been involved in the drafting
20 or consideration of any tactical questioning or
21 interrogation policy for theatre?

22 A. No.

23 Q. Drawing, if we may again, on your general experience,
24 would you have expected there to be an in-theatre
25 policy --

1 A. Most definitely.

2 Q. -- which dealt with tactical questioning and
3 interrogation?

4 A. Most definitely.

5 Q. Whose responsibility was it -- again being careful about
6 names -- to ensure that there was that sort of policy in
7 place?

8 A. S015, completely within that soldier's remit.

9 Q. The way that you put it in paragraph 42 is that it
10 should have originated from the J2X branch and should
11 have come with the approval of the S01,
12 Lieutenant Colonel Le Fevre; would that be right?

13 A. Correct.

14 Q. Do you say it should have been issued through the means
15 of an official order to the subordinate brigade HQ for
16 dissemination by brigade? Is that right?

17 A. Correct.

18 Q. Just help us then in general terms -- again not going
19 into detail that perhaps is not necessary -- but in
20 general terms, what would you have expected that
21 tactical questioning and interrogation policy to
22 contain?

23 A. Well, in my opinion, it should have contained pretty
24 much what was in the contents of ...

25 Q. Of the SOI 390?

1 A. The SOI 390.

2 Q. I follow. So matters such as who could carry out
3 tactical questioning and interrogation --

4 A. Correct.

5 Q. -- precautions for medical examination and --

6 A. Correct.

7 Q. -- all those sorts of things. You would expect there to
8 have been some policy previously in place to deal with
9 those matters?

10 A. Most definite.

11 Q. One aspect that you say you did have some experience of
12 or knowledge of in theatre is issues arising out of the
13 14-hour time period that existed to get prisoners to the
14 TIF. Can you help us with that? What's your
15 recollection about soldiers meeting or not being able to
16 meet the 14-hour time limit?

17 A. It was just the fact that it was in the internee case
18 reviews that we used to do, where we used -- myself and
19 the SO3 legal used to check the requirements, as we knew
20 them, had been met. Sometimes an internee had not been
21 delivered to the TIF within 14 hours, but that was
22 accepted because of the logistical problems of moving
23 somebody from Basra to the TIF at, say, 3 o'clock in the
24 morning.

25 Q. Yes.

1 A. On top of that logistical problem, obviously, there is
2 also the threat of attack by Iraqi insurgents. So what
3 seems like it should be a relatively simple task isn't
4 and sometimes it was generally accepted that if it took
5 longer than 14 hours, then it took longer than 14 hours.

6 Q. I follow. I don't want you to guess if you don't know,
7 but are you able to help the Inquiry with how common
8 this was for the 14-hour timescale not to be met?

9 A. No, I'm not.

10 Q. You have mentioned logistical difficulties and you have
11 mentioned the security aspects about transporting the
12 prisoners. Were you aware whether or not there was
13 an issue about the opening times of the TIF or the JFIT
14 to actually receive prisoners?

15 A. No, I wasn't.

16 Q. Are you able to help the Inquiry at all with when the
17 14-hour deadline was breached, how much it was breached
18 by in some cases or can you not remember?

19 A. I can't remember.

20 Q. I mean, would holding prisoners, for example, for as
21 long as 36 hours or 48 hours have been something that
22 you saw from time to time or even routinely?

23 A. I didn't see any -- I don't remember seeing anything to
24 that extent. That would have probably -- that would
25 have stood out, one for that long. But if it was, you

1 know, four, five, six hours over the 14, then that would
2 seem reasonable. I suppose, to use a civilian term, if
3 it was in the -- if it was within the next working day,
4 as it were, then, you know, that was acceptable, but
5 36 to 48 hours would have seemed quite extreme.

6 Q. Now I should touch just very briefly if I may,
7 Major Haseldine, on Operation Salerno, which you may
8 know was the operation that led to the detention of
9 Baha Mousa and those detained with him.

10 Can we just look at your statement in this regard at
11 paragraphs 49 and 50, please, BMI04602. You tell us
12 that you didn't know anything about the incident until
13 the death was reported. Is that right?

14 A. That's correct.

15 Q. At paragraph 50, you tell us that:

16 "I would not have been involved in the planning or
17 conduct of the operation during which these individuals
18 were arrested as it was at the tactical level and at
19 this point, a purely G3 responsibility."

20 Do you see that there?

21 A. Yes.

22 Q. Now, perhaps we can take this briefly, but if you accept
23 from me for the moment that the order which governed the
24 internment process and custody procedures at this time
25 was an order which is called the "divisional FRAGO 005",

1 that order in fact required that for pre-planned arrest
2 operations, the operation order needed to go to brigade
3 in advance so that it could go up for approval at HQ MND
4 level, including from J2.

5 If you take that from me for the moment, do you
6 think it might be right that, for pre-planned arrest
7 operations, there was in fact a G2 or J2 responsibility?

8 A. No, I don't.

9 Q. Perhaps we should just look at it just briefly if we
10 may. MOD022623, please. This is the FRAGO 005 that
11 I was referring to a moment ago. If we look at
12 paragraph 7, do you see at 7(a):

13 "The pack will be submitted through the chain of
14 command to J2 at brigade ... prior to submitting the
15 operation for HQ MND(SE) J3 approval."

16 A. Yes.

17 Q. That process, whereby it had to go to J2 and go up, the
18 Inquiry has heard some evidence that that may have
19 involved the HUMINT side of J2. Do you follow? It is
20 perhaps not your area of intelligence.

21 A. Yes, I understand.

22 Q. Do you see that there was at least a process in which
23 this had to go up, including consideration on the
24 J2 side?

25 A. Yes. I must caveat this with, to this day, I don't know

1 whether Salerno was a preplanned operation with a view
2 to internment or it was a search operation. My view is
3 it was a search operation, something was found and then
4 people were interned.

5 Q. Yes.

6 A. It didn't go out with the intention of interning people.
7 But, to caveat that, if it was driven by HUMINT,
8 I wouldn't have known at that point that it was being
9 driven by HUMINT and it would have been kept within the
10 J2X department, J2.

11 Q. Certainly your understanding is, insofar as J2 may have
12 had an involvement, whether at brigade or division, in
13 these sort of pre-planned arrest operations that wasn't
14 something that was crossing your desk?

15 A. No.

16 Q. Thank you. I would like to turn then, please, to the
17 policy documents arising after Baha Mousa's death which
18 you address in your statement. We touched upon, just
19 a little bit earlier, that there was a warrant officer
20 in your divisional team who worked with you in the
21 preparing of the divisional policy; is that right?

22 A. Correct.

23 Q. You tell us in your statement that Lieutenant Colonel
24 Le Fevre instructed you and the warrant officer to do
25 this task, but that you believed that it should have

1 been the task of Major S015; is that right?

2 A. Correct. I had quite strong views on this.

3 Q. Is that because tactical questioning and interrogation

4 was essentially a HUMINT discipline --

5 A. Yes.

6 Q. -- and it was his side of the house?

7 A. It was his job.

8 Q. Did you nevertheless follow the orders and work on

9 preparing a policy --

10 A. I did.

11 Q. -- together with the warrant officer?

12 All right. May we look, by way of background, at an

13 email on this topic at MOD016127. I wonder if that

14 bottom email could just be expanded.

15 Just so that you get your bearings, Major, this is

16 an email from Lieutenant Colonel Le Fevre to the chief

17 of staff, Major Fenton, on 18 September. One sees that

18 it's copied to Major Hartley. He says in the first line

19 of the email:

20 "There have been extension discussions here about

21 the picking up of persons for whatever reason, the

22 management process, the tactical questioning that may

23 then occur and what happens up to the point an

24 individual turns up at the TIF. In order to resolve

25 what is clearly a thorny issue a divisional SOI is now

1 being produced which will cover the whole process. J2
2 is starting the process, because someone has to, and all
3 of the other appropriate branches here will provide the
4 necessary input."

5 Just pausing there, do you agree that that seems to
6 be a reference, at least in part, to the policy document
7 that you were tasked with compiling?

8 A. Yes, that is it.

9 Q. When the Colonel referred to "extensive discussions" and
10 "other ... branches" providing the necessary input, on
11 the bits that you were involved in drafting, did you
12 have input from other staff officers or were you largely
13 working alone?

14 A. In isolation with the warrant officer you have
15 previously mentioned.

16 Q. Once you had done your draft of it, are you aware of
17 whether or not it went to other staff branches for
18 comment?

19 A. No, I'm not.

20 Q. Thank you. That can come down from the screen. Perhaps
21 we can look at the document itself. Could we start with
22 the covering parts of the SOI, MOD023104.

23 We can see, can't we, that the covering part of the
24 SOI deals with matters in general, but that it had an
25 annex which dealt specifically with the tactical

1 questioning aspects, which was annex G at MOD023123,
2 "Instruction for the handling and tactical questioning
3 of internees". Was it that annex that you were
4 specifically involved in drafting?

5 A. Yes. I believe that is the document that I wrote.

6 Q. Thank you.

7 You will be pleased to know that I am not going to
8 go through absolutely all aspects of it, but I do just
9 want to seek your assistance if you can remember the
10 processing considerations on some parts of it. Could we
11 look first at paragraph 3, please? Part of this
12 guidance stated that:

13 "[Tactical questioning] ... may only be carried out
14 by personnel who have undergone and passed a course of
15 qualification in TQ and/or interrogation."

16 The guidance went on to state what the relevant
17 courses were.

18 Just pausing there, was that, as it were, common
19 sense to include in the guidance or did that arise out
20 of any concern that unqualified people in theatre on
21 Op Telic 2 had, in fact, been carrying out tactical
22 questioning or interrogation?

23 A. I believe that was clearly to identify that only
24 qualified people should be allowed to TQ -- more
25 importantly interrogate -- because we anecdotally were

1 probably aware that some people were conducting
2 interrogations who weren't qualified.

3 Q. When had you learnt of that anecdotal suggestion?

4 A. I couldn't give you a date.

5 Q. Before or after Baha Mousa's death? Was that part and
6 parcel of the discussions after the death or was that
7 something that had been rumour or --

8 A. I think it was something that was ongoing prior to his
9 death.

10 Q. How had that come to your ears then?

11 A. I can remember one person telling me they had been
12 involved with interrogations and I had pointed out to
13 them "You're not qualified" on one occasion. I know
14 that was prior -- well, I believe it was prior to the
15 actual death.

16 THE CHAIRMAN: Did you say "interrogation" rather than
17 "TQ'ing"?

18 A. Yes, interrogation.

19 MR MOSS: Without giving the name of that person for the
20 moment, do you know where the interrogation was carried
21 out? Was that at the JFIT or is that on the ground
22 somewhere?

23 A. On the ground.

24 Q. Was that person a member of the intelligence team at
25 divisional headquarters?

1 A. No.

2 Q. Was that person a member of a field HUMINT team?

3 A. No.

4 Q. Were they a member of brigade intelligence?

5 A. They had worked at brigade headquarters.

6 Q. I wonder -- don't give the name for the moment, but

7 I wonder if you might just write the name down for us

8 please. A pen and paper will be provided.

9 (Name written down and handed)

10 That's not a name of an Inquiry witness or --

11 standing on my feet -- anyone who is particularly known

12 to the Inquiry.

13 THE CHAIRMAN: When we have our break, you can hand it on

14 others to look at to see if they have any comment.

15 MR MOSS: Yes, Sir.

16 All right. Back to paragraph 3. There was also

17 reference to:

18 "Additionally TQ should only be carried [out] by

19 persons who have either carried out TQ operationally or

20 taken part in practical resistance to interrogation

21 training ... within the last two years."

22 Again, I don't want you to guess, but do you know

23 why that was included in the guidance?

24 A. It was included by the warrant officer you have

25 previously mentioned, who was far more experienced in

1 the subject matter than I was. That would have been
2 included ...

3 Q. Can I ask you this? Do you know whether that arose by
4 way of a general precaution that was thought to be
5 sensible or did it arise out of any particular concern
6 that had arisen from Baha Mousa's death and how
7 Baha Mousa and others had been interrogated or TQ'd or
8 can you not remember?

9 A. I can't remember, to be honest.

10 Q. Paragraph 4 -- I think just on 4(a), please -- there was
11 a requirement for the internee to be examined by
12 a suitably qualified medic and that the MO was to sign
13 a "fit for detention and questioning form". Again, can
14 you help us as to how that found its way into the
15 guidance?

16 A. That wouldn't have been there as a result of the
17 Baha Mousa incident. That would have been in there
18 because that is part of going back to the interrogation
19 training, et cetera. It is specified that all POWs
20 should receive medical assistance when required and they
21 should be assessed as being capable -- fit enough, for
22 want of a better term -- to have been interrogated.

23 Q. Thank you. Can I declare that I am not raising this as
24 a personal criticism of you, but the Inquiry has heard
25 evidence that, at this time, it was contrary to MoD

1 policy for an army doctor to sign a prisoner as being
2 fit for questioning. The reason why that was contrary
3 to policy is that the doctor would be clearing somebody
4 to be involved in a process, namely interrogation or
5 tactical questioning, as opposed to acting purely in the
6 prisoner's interests and just stating what medical
7 treatment they did require. If that is right, that that
8 was the MoD policy, were you aware of it at the time?

9 A. No, I wasn't.

10 Q. Just look, whilst we have it, at paragraph 5, the
11 beginning words at the bottom of the page:

12 "In order to undertake TQ the following rules must
13 be followed."

14 If we go over the page, we see under 5(a) the final
15 sentence, don't we, Major?

16 "A nominated individual must be in charge of the
17 TQ."

18 Again, was there any sense that that had not been
19 the case in relation to Baha Mousa's death or is this
20 more general guidance that was thought to be
21 appropriate?

22 A. No, that's just general guidance. At this point it
23 would be completely fair to say that neither myself nor
24 the warrant officer mentioned had any granularity on the
25 detail of the Baha Mousa incident. We were putting on

1 to paper the best practice as per the warrant officer's
2 previous experience in this area and also my own
3 training received.

4 Q. Does the same apply in paragraph 5(b), when we see,
5 "Under normal circumstances no more than two TQ sessions
6 should be required to obtain ... intelligence ..."?

7 A. Correct.

8 Q. Paragraph 7, then -- we can move on, I think, to
9 paragraph 7 in that case -- there is a reference there
10 to:

11 "Whilst the guarding and holding of internees is
12 a J/G3 function it forms an important part of the
13 conditioning process which allows an internee to be
14 susceptible to the approaches of the TQ."

15 What did "conditioning process" mean in that
16 context?

17 A. I will rephrase -- what we discussed before with regards
18 to the interrogation, because the "conditioning process"
19 is whatever means you take to maintain that shock of
20 capture, so someone may be vulnerable to giving
21 information.

22 Q. But by this stage, because we know -- and we will come
23 on to it -- that hooding and stress positions were not
24 to be permitted -- we will come to that in paragraph 9
25 of this same document -- if hooding and stress positions

1 were not to be permitted, what was left by way of
2 conditioning process that could be used? (Pause)
3 THE CHAIRMAN: Well, if you can't immediately recall.
4 A. No, sorry.
5 THE CHAIRMAN: Is that right, you don't immediately
6 remember?
7 A. No, I don't, sorry.
8 THE CHAIRMAN: We are going to have a break now. Why don't
9 you think about it and let us know if you can remember
10 about it afterwards.
11 Ten minutes please. Please don't talk to anybody
12 about your evidence in the intervening period.
13 (11.24 am)
14 (A short break).
15 (11.34 am)
16 THE CHAIRMAN: Yes.
17 MR MOSS: Perhaps if we might have back on the screen
18 MOD023124, paragraph 7.
19 Just before the break, Major, I was asking you what
20 essentially remained in terms of conditioning process
21 if, as we know, this guidance was saying that hooding
22 and stress positions were not to be permitted.
23 A. It could still mean things like maintaining isolation of
24 the internees -- that in itself is conditioning -- and
25 the fact that, obviously as you would with criminals,

1 you don't keep them together so they can come up with
2 a story between them that suits.

3 Q. Thank you. If we could go over the page, please, to
4 paragraph 9, we see a reference to "Internees are not to
5 be hooded during the TQ process ..." Now, the Inquiry
6 is aware that there is what looks like an earlier draft
7 of this guidance. If we just put the current page onto
8 the left-hand side of the screen, please, and if we have
9 on the right-hand side MOD048045. This is headed
10 "[Multinational division] MND(SE) standard operational
11 instruction ... tactical questioning ... of detainees".
12 You can see that in handwriting on the top it has
13 something about "Came from brigade as a draft, must be
14 around 18 September".

15 On the right-hand side, if we go over to the next
16 page -- and could we highlight paragraphs 8 and 9,
17 please -- do you see that in the draft, on the
18 right-hand side, this part of the guidance appeared to
19 have said in draft, "Internees are not to hooded",
20 presumably "Internees are not to [be] hooded, however
21 the Geneva Convention allows for internees to be
22 blindfolded ...", and in the final version of the
23 guidance on the left-hand side, it was, "Internees are
24 not to be hooded during the TQ process ..." Can you
25 help us with that, as to why the prohibition on hooding

1 was stated to be "during the TQ process" in this
2 guidance?

3 A. I can't. As stated previously, I believe that that is
4 the document that myself and the warrant officer
5 produced, but I can't be certain what happened to it
6 after we produced it.

7 Q. All right. Appreciating it's a long time ago -- and
8 again I don't want you to guess -- but, by this stage,
9 the second half of September 2003, had it in fact been
10 drawn to your attention that there had been an earlier
11 prohibition on the use of hooding back in Op Telic 1 and
12 that hooding was not to be used at all?

13 A. At the time of writing, when we did this -- it was quite
14 late at night and we were under a lot of pressure -- we
15 didn't refer to any previous documents. But I am
16 totally clear that both myself and the WO mentioned were
17 clearly of the mindset, especially given the incident,
18 that hoods were not to be used.

19 Q. You said that you didn't have any particular granularity
20 in terms of your knowledge about Baha Mousa's death.
21 What, in essence, did you know about the circumstances
22 in which he had come to die?

23 A. Well, there was an initial report that an internee had
24 died whilst captive. I seem to remember, then, various
25 reports. The follow-up to that, people -- senior

1 officers asking questions about, "Did he have any
2 injuries?", et cetera, et cetera. But that was the
3 limit of it.

4 Q. At a very basic level, did you understand why TQ policy
5 was relevant at all to how Baha Mousa had been treated?

6 A. Yes, it was relevant because, as far as I understand
7 within -- if somebody is interned, as opposed to
8 detained, they are interned because they are part of the
9 conflict and there is -- there's intelligence value to
10 be gained from the tactical questioning. Now as
11 I understand, because of the finds of military equipment
12 under which Baha Mousa and the others were interned --

13 Q. Yes.

14 A. -- then, yes, the TQ is directly relevant.

15 Q. Did you know, putting it more directly, that Baha Mousa
16 had been tactically questioned --

17 A. No, I didn't.

18 Q. -- or that he had sustained multiple injuries which were
19 strongly suggestive of assault?

20 A. No, I didn't.

21 Q. May we just then look finally, please -- thank you.

22 Those documents can be taken from the screen -- at
23 a different document. This is MOD030853.

24 Major, I just want you to get your bearings first of
25 all about this document. This is a 27 September 2003

1 19 Mech Brigade document, as you see. If we go over the
2 page, we can see that its signatory was
3 a Major Radbourne, whose name you might recall as
4 assisting in brigade intelligence matters.

5 If we look, please, at the cover page again, do we
6 see that reference D was something called "Tactical
7 questioning report HQ 3 Div force MI"? Just help us
8 with "HQ 3 Div force MI". What does that mean?

9 A. "Headquarters 3 Div" is MND South-East.

10 Q. And the "force MI".

11 A. "Force MI" was a sub-unit of the J2 branch -- it was
12 called the "Force MI Company" -- their responsibility
13 mainly being the administration of intelligence corps
14 officers and soldiers within Iraq.

15 Q. All right. Was that anything to do with you?

16 A. No. However the warrant officer who assisted in
17 drafting annex G --

18 Q. Yes.

19 A. -- was the WO1 of the force MI element.

20 Q. I follow. That's helpful. Thank you. If we look at
21 paragraph 2, we see towards the bottom of the page that
22 that reference D was providing a framework for TQ to
23 follow and it was being annexed as annex C to this
24 20 September document. All right?

25 If we go then to the annex C itself. Can we have

1 a look, please, at MOD030860, the tactical questioning
2 report. Does this document seem at all familiar to you?
3 If we just go over the page, perhaps, and over the page
4 again, we see that there is section detailing the
5 background to TQ, "Items of interest", things to be
6 included in TQ report.

7 A. I don't recall seeing one of those documents.

8 Q. All right. I just wanted to ask you one aspect to the
9 extent that it might be relevant. Could we just have
10 a look at the section under "The TQ" at paragraph 5?
11 You see there that there was a provision within this
12 guidance, which is said to have been drafted, as you
13 have seen from the cover sheet, at divisional level,
14 perhaps by the warrant officer -- but what it's saying
15 under paragraph 5 is:

16 "All TQs should be conducted using the
17 neutral/logical approach."

18 Do you remember anything about that, that henceforth
19 tactical questioning in theatre should be conducted only
20 using the neutral/logical approach?

21 A. No. I understand what the neutral and logical approach
22 are. I don't remember seeing anything saying that they
23 are the only ones that should be used.

24 Q. Paragraph 6:

25 "NO STRESS POSITIONS, CONDITIONING, PHYSICAL ABUSE,

1 HOODS OR WHITE NOISE TO BE USED."

2 That is all in capital letters. Were you involved
3 in helping to provide that aspect of guidance perhaps?

4 A. No, unless this is taken from SOI 390, as in somebody
5 has read SOI 390 and then extrapolated it into this
6 document.

7 MR MOSS: Yes, I follow. Thank you. Those are my
8 questions. There may well be some questions from
9 others. Thank you.

10 THE CHAIRMAN: Yes. Ms Hetherington?

11 Questions by MS HETHERINGTON

12 MS HETHERINGTON: Major Haseldine, starting firstly with the
13 function of your job, which was putting together files
14 for the detention and internment review committee. You
15 have explained that you worked with SO3 legal and would
16 review, amongst other things, the compliance with the
17 time limits. Could I just clarify, was the SO3 legal
18 Captain Ellis-Davies?

19 A. It was, yes.

20 Q. In your role of reviewing and commenting on the
21 intelligence value of the detainees, would you see
22 reports of tactical questioning in the bundles of
23 papers?

24 A. They may well have been included along with the
25 interrogation reports from the JFIT. They would likely

1 have been part of the file.

2 Q. Did those reports, either the TQ reports or the JFIT

3 reports, indicate the methods of questioning that had

4 been used?

5 A. No.

6 Q. And would they indicate any assessment of the

7 reliability of intelligence?

8 A. Yes.

9 Q. In terms of the interrogation reports that you had

10 received from JFIT, can you recall by what means they

11 were provided to you at division? Did you get them in

12 hard copy or electronically or ...

13 A. I think we got them -- I seem to remember there was

14 connectivity issues at the JFIT and S017 used to visit

15 on a regular basis. They might have brought them with

16 them, I think.

17 Q. Thank you. Can you recall any difficulty with delay in

18 getting intelligence reports from the JFIT?

19 THE CHAIRMAN: I am a little puzzled about the relevance of

20 this to the terms of reference, Ms Hetherington.

21 MS HETHERINGTON: Sir, it feeds into some of the brigade

22 concerns which may, in turn, have fed into the extent of

23 tactical questioning that was going on at battlegroup

24 level.

25 THE CHAIRMAN: I am still a little puzzled, but you can ask

1 the question.

2 MS HETHERINGTON: Perhaps I can ask it in a single question.

3 Were you aware, in your role as the coordinator within
4 divisional J2, of any frustrations on the part of
5 brigade or battlegroups about getting information from
6 the JFIT late or not much information?

7 A. I'm not aware of it. I could see why, but I'm not aware
8 of it.

9 Q. When you say that you can see why, that's because there
10 was some delay in information going back down the chain?

11 A. There could be because of the IT connectivity issues
12 I have just alluded to previously.

13 Q. Thank you.

14 Just turning to a couple of aspects of your
15 training. You discussed, in answer to questions from
16 Mr Moss, the hooding on your interrogation course and
17 then the use of hooding during the use of interrogation
18 tests. You explained that the difference was that,
19 during the test, the suspects weren't hooded whilst in
20 any holding cell.

21 I appreciate what you say about, on the course,
22 there being role-players, so they would not in fact be
23 being held before and after interrogation, but was your
24 understanding from the course that in a real situation
25 of interrogation detainees would be hooded whilst in

1 a holding cell?

2 A. Yes, dependent -- if someone was held in that room on
3 their own, there's no need to hood them. If you've got
4 20 captives, as there would be, under general war, then,
5 yes, you would hood them so they can't again
6 communicate, come up with an escape plan between them,
7 et cetera -- so yes.

8 Q. So, in part, a function of preventing an escape plan,
9 but also, as I think you made reference to earlier, in
10 order to isolate them and continue the conditioning
11 process?

12 A. Yes.

13 Q. You said that nothing was specifically taught on the
14 course about stress positions. Were you taught any
15 positions at all, for example, of restraint or control
16 positions?

17 A. None than the one I explained previously about using the
18 thumbs to guide somebody as you move them from A to B.

19 Q. I understand. Thank you. Just finally on the training,
20 could we just look at paragraph 19 of your statement,
21 which is at BMI04597. You said:

22 "We did not use cuffs during training but
23 I understood that these may be taken off once the
24 prisoner was in the interrogation room, depending on the
25 approach being taken by the interrogator."

1 Does it follow from that that you were taught that,
2 using some questioning approaches, you could keep
3 a prisoner cuffed and restrained for the purposes of the
4 approach rather than for a security reason?

5 A. If you so desired to, yes. We didn't use cuffs on the
6 course because, again, it was role-players, et cetera,
7 and you'd -- well, you'd use hundreds of pairs of cuffs
8 during the week for no reason because you put them on
9 one second and then cut them off the next. You would
10 tend not to leave them on in the interrogation room
11 because you may well want somebody -- dependent upon the
12 approach, you may want them to sign a piece of paper,
13 you may want them to smoke, to eat, to drink, if you are
14 using that as part of that particular approach. So, no,
15 they would be removed in the interrogation room.

16 Q. But you understood that you could keep them on?

17 A. You could do. If you wanted to, you could do, but there
18 would be little reason to, other than the security
19 aspect.

20 Q. I understand. Thank you.

21 In terms of your training, does it follow from what
22 you have said earlier that you weren't told on the
23 course that there was a bar on applying any moral
24 coercion or pressure to prisoners in order to get them
25 to give you information?

1 A. A bar on moral coercion?

2 Q. Yes, non-physical coercion.

3 A. There certainly was no bar on that because that is the
4 point of interrogation.

5 Q. Thank you.

6 Just as the final topic, back to the policy that you
7 drafted as part of SOI 390. If we could just have that
8 back on the screen. It is MOD023123, annex G. If we
9 could go over the page. At the top of the page are
10 various requirements, some of which you have looked at
11 already: a nominated individual being in charge; no more
12 than two TQ sessions in a 12-hour period of detention.
13 Then finely under (d):

14 "The internee should be treated in accordance with
15 the Geneva Convention ..."

16 Then paragraph 6:

17 "The nature of the current operation may make it
18 difficult to abide by these rules all of the time. If
19 for any reason they cannot be adhered [to] this must be
20 notified to at least brigade HQ level."

21 I don't think we need to look at it, but in the
22 earlier version of the policy that was shown earlier,
23 that paragraph 6 is not in there. I wondered if you
24 could help us as to why that was inserted or whether you
25 are unable to.

1 A. I can't. This was the final document. Like I say,
2 I made the draft, and I must caveat this with I believe
3 on the date that this was published I was no longer in
4 Iraq.

5 Q. I understand. So the answer is you can't help as to the
6 origins?

7 A. No.

8 Q. Maybe the answer is the same to this question, but if
9 you could just go down the page to 8(a):

10 "The TQ operation is to be supervised at all times
11 by the senior tactical questioner ... This individual
12 has no responsibility for wider issues of control of
13 internees outside the TQ process."

14 Again, a comparison suggests that that last sentence
15 was not in your original draft. Can you help as to why
16 that was added?

17 A. I could give an opinion on why it's added. I couldn't
18 help you with the actual process as to why it was added.

19 Q. Do you agree with the statement?

20 A. Sorry, can you just highlight me which part you read out
21 again, please?

22 Q. Yes, certainly. It's the second sentence in 8(a), which
23 is:

24 "This individual [the senior tactical questioner]
25 has no responsibility for wider issues of control of

1 internees outside the TQ process."

2 A. I disagree with that because of the training I had.

3 I was led to believe that the interrogator or the TQer
4 ultimately -- obviously, if he was seeing that somebody
5 was doing something wrong within the guard force, he
6 would take control of the guard force. That particular
7 statement there, I would say, is somebody clearly
8 caveating what they think they are non-responsible for,
9 but I don't agree with them.

10 Q. Thank you.

11 Finally this: if we go over the page to paragraph 9,
12 we have looked at this paragraph already in terms of the
13 bar on hooding. It says towards the bottom of the
14 paragraph:

15 "Likewise internees are not to be held in stress
16 positions."

17 Now, obviously you had not been taught anything
18 about stress positions on your course. Can you help as
19 to where that bar came from? Were you told to put that
20 in by someone else?

21 A. I can't remember where it came from.

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

23 THE CHAIRMAN: Mr Evans?

24 Questions by MR EVANS

25 MR EVANS: Thank you, Sir.

1 You told us that it was a decade ago and
2 I appreciate that in terms of the interrogation course.
3 Does it ring a bell, though, that you were taught on
4 that course that you could deprive of sight for security
5 reasons and that a side benefit of that was that you
6 could preserve the shock of capture?
7 A. Totally.
8 THE CHAIRMAN: Sorry, it does ring a bell?
9 A. It does, yes.
10 MR EVANS: Do you also recall that, on the interrogation
11 course, you were taught that legitimate preservation of
12 the shock of capture might involve making use, if I can
13 put it that way, of self-induced pressures and
14 system-induced pressures?
15 A. Correct.
16 Q. Given the length of time that has elapsed, do you think
17 it is possible that white noise and stress positions
18 might have been mentioned as being prohibited on the
19 course or contrary to the Geneva Convention, but you
20 just don't remember that now? Do you think it's
21 a possibility?
22 A. Theoretically, yes.
23 Q. What do you mean by "theoretically"?
24 A. Yes, it's a possibility.
25 THE CHAIRMAN: But you don't think that's right, though?

1 A. I believe if they were a possibility or if they were
2 a technique set in concrete, we would have used them,
3 but we didn't. We used hooding. We didn't use stress
4 positions and we didn't use white noise.

5 MR EVANS: Have I understood this correctly? The teaching,
6 as you recall it, was that you were allowed to use
7 threats, but you should only use threats that you could
8 in fact carry out?

9 A. Correct.

10 Q. Would you agree with me that the definition of
11 "interrogation" would be to persuade an unwilling
12 subject to become a willing one?

13 A. Yes.

14 Q. Would you agree that, to achieve that, you would be
15 seeking to use non-physical persuasion, according to
16 your interrogation course?

17 A. Yes.

18 Q. In terms of the exercises you actually did on the
19 course, is this right, that different subjects,
20 different students on the course, had different
21 instructors in the one-to-one sessions in the
22 interrogation room?

23 A. Yes, but they were never one-to-one. There's always two
24 interrogators and one subject.

25 Q. I follow. What I mean to say is that each student was

1 supervised on CCTV, as I understand it --

2 A. Correct.

3 Q. -- by an instructor, and if that student, in the course

4 of his observation, did something wrong, the instructor

5 would correct that student?

6 A. Yes.

7 Q. So if other students on your course, in the course of

8 that CCTV exercise, had done things that were wrong, you

9 would not necessarily have seen that unless the matter

10 was also raised in a group session later; is that fair?

11 A. Yes.

12 MR EVANS: Yes. Thank you very much.

13 THE CHAIRMAN: Mr Ashley, I gather that you have notified

14 such questions as you wanted to ask to the Inquiry team.

15 MR ASHLEY: I did, but I would like, if I may, just to ask

16 a few questions.

17 THE CHAIRMAN: I am afraid --

18 MR ASHLEY: I did. I would like to ask a few questions if

19 I may, please.

20 THE CHAIRMAN: Well, very few.

21 Questions by MR ASHLEY

22 MR ASHLEY: As far as the capturing unit is concerned, is it

23 right that they are responsible from the point of

24 capture up until the detainees have reached the theatre

25 internment facility?

1 A. Correct.

2 Q. In terms of responsibility, you mentioned a moment ago
3 that you disagreed with the situation where -- for
4 instance, a tactical questioner, if he saw something
5 going on that was wrong, you disagreed with the idea
6 that he could say nothing. I understand that your view
7 is that if a tactical questioner saw something wrong, he
8 should step in and say something.

9 A. If it showed in the process of the tactical questioning,
10 yes; if it's to do with the movement of the prisoner
11 from Basra to the TIF, then no. The tactical questioner
12 doesn't have to stay with them all the time.
13 Fundamentally the tactical questioner is the one person
14 allowed to ask the questions.

15 Q. So dealing with the tactical questioner's
16 responsibility -- this is probably not controversial --
17 he is responsible for the detainees whilst he is TQ'ing
18 them; yes?

19 A. Correct.

20 Q. Whilst they are being held in a temporary detention
21 facility somewhere, that's the guard force, is it, that
22 are responsible for guarding at that point?

23 A. Yes, but you are in a grey area between tactical
24 questioning and interrogation --

25 Q. Indeed.

1 A. -- where, when an interrogation scenario is being run,
2 the senior interrogator, I would say, is responsible at
3 all times. Tactical questioning being the short process
4 that it is, ie 12 hours or less, yes, I would say it is
5 the guard force and the guard force only.

6 Q. The important difference there is that at the theatre
7 internment facility, where interrogation is taking
8 place --

9 A. Correct.

10 Q. -- it's specifically set up for that purpose --

11 A. Correct.

12 Q. -- with qualified interrogators there and present.

13 A. Yes.

14 Q. You did the interrogation course --

15 A. Yes.

16 Q. -- and that is longer, we know, than the tactical
17 questioning course.

18 A. Yes.

19 Q. Do you recall, during that course, anything specific
20 within the tactical questioning side of things that was
21 said in relation to prisoner handling, other than how to
22 lead them to and fro in the way you have described, with
23 their thumbs up and their hands tethered?

24 A. No.

25 MR ASHLEY: Very good. Thank you very much.

1 THE CHAIRMAN: Mr Beer is not here. Mr Dingemans?
2 MR DINGEMANS: No, thank you, Sir.
3 THE CHAIRMAN: Thank you. Mr Moss?
4 MR GREATOREX: Sir, I thought I was on the list for today.
5 THE CHAIRMAN: You are not, I am afraid, Mr Greatorex. Have
6 you signified questions through to the Inquiry team?
7 MR GREATOREX: Yes, Sir, in the usual way that we have been
8 doing.
9 THE CHAIRMAN: I'm sorry?
10 MR GREATOREX: In the same way that we have been doing
11 throughout, Sir.
12 THE CHAIRMAN: It is my fault, I am sure. As usual, you are
13 so tall, I can't hear you because it doesn't come
14 through the microphone.
15 MR GREATOREX: I am sorry, Sir. I will be very short
16 indeed.
17 THE CHAIRMAN: Just tell me, have you put in questions to
18 the Inquiry team?
19 MR GREATOREX: Yes, Sir.
20 THE CHAIRMAN: Is that right, Mr Moss? I don't want to
21 challenge what counsel says.
22 MR MOSS: Can I just have one moment, Sir? (Pause)
23 I fear, Sir, that there may be an error on your
24 batting list because I think that Mr Greatorex, from
25 memory, represents Mr Ellis-Davies.

1 MR GREATOREX: Sir, I had a reply from Mr Halliday with our
2 question pro forma returned at the end of last week,
3 with apologies for the delay in returning it. I don't
4 know whether --

5 MR MOSS: Perhaps Mr Greatorex can help me with the point
6 that I just raised. I think Mr Greatorex represents
7 Captain Ellis-Davies.

8 MR GREATOREX: That is right.

9 MR MOSS: In that case, there is an error on the list.

10 THE CHAIRMAN: Very well.

11 MR GREATOREX: I am sorry about that, Sir. I am going to be
12 very short.

13 Questions by MR GREATOREX

14 MR GREATOREX: You gave some evidence about discussions with
15 S017. Do you recall?

16 A. Yes.

17 Q. What were those discussions? Were they sort of just
18 informal chats from time to time or were they more
19 formal in nature?

20 A. More informal. She came to visit -- S015 was the actual
21 person she came to visit on a regular basis.

22 Q. Were those the sorts of discussions in which either of
23 you might share any concerns that you had with each
24 other about any aspect of your work or what was going
25 on?

1 A. That's where we would have done it, but we didn't. In
2 my view, actually, S017 was an relatively inexperienced
3 territorial officer who shouldn't have actually been
4 there. But that's a separate subject.

5 Q. When you say "there", do you mean in Iraq or --

6 A. Yes.

7 Q. Just going back to those discussions, did you ever share
8 concerns with each other in the discussions?

9 A. No.

10 Q. And in relation to the detainee/internee review
11 committee, which I think you mentioned -- or you
12 referred to a committee, the DIRC, sometimes referred to
13 as "the board".

14 A. Yes.

15 Q. S017, at least, said that she did sit on that. Does
16 that come as a surprise to you?

17 A. It does, yes.

18 Q. Did you sit on it?

19 A. No.

20 Q. Do you know anything at all about the nature of the
21 discussions that they had at that committee?

22 A. I wasn't privy to the actual discussions, but I did make
23 the recommendations for whether the individuals should
24 either be continued to be interned or released.

25 Q. In relation to the 14-hour time rule, can I just ask if

1 you agree with this? Such breaches as there were of
2 that were minor and not of significant concern?

3 A. Correct. I refer you to what I said previously. If it
4 was sort of within the next working day, yes, minor as
5 in maybe a couple of hours over -- certainly not in the
6 36- to 48-hour period that was mentioned previously.

7 Q. I was thinking more specifically rather than
8 hypothetically. Do you recall it being an issue of
9 significant concern?

10 A. Not an issue of significant concern, no.

11 Q. Just to pick up on the answer you gave before, so I am
12 clear, the reason why you said S017, you felt, shouldn't
13 have been in Iraq was just because of lack of experience
14 or was there anything more than that?

15 A. I don't know. I don't know if it is relevant for me to
16 say that in this forum. I just personally didn't take
17 to her. She was very, very inexperienced.

18 Q. A fair expression being that you didn't rate her?

19 A. No.

20 Q. That's a fair expression?

21 A. Yes.

22 MR GREATOREX: Thank you.

23 MR MOSS: Sir, the fault was ours. I think Mr Greatorex had
24 morphed into Mr Beer or Ms Simcock on your list.

25 THE CHAIRMAN: Yes.

1 Further questions by MR MOSS

2 MR MOSS: Major, just two points if I may. You were asked
3 some questions by Ms Hetherington about the holding cell
4 and hooding prisoners in the holding cell. When you
5 were actually doing your interrogation course, did you,
6 in fact, have any training on the situation where there
7 was more than one prisoner being kept in a holding cell?

8 A. No.

9 Q. Where you specifically told, as part of the teaching on
10 that course, that if prisoners had to be kept together
11 in a holding cell, they could be hooded or blindfolded
12 in the holding cell or is that something which you have
13 deduced from your general understanding of what the
14 purpose of hooding was?

15 A. I would have deduced that.

16 Q. Thank you.

17 Then my learned friend Mr Evans, who sits to my
18 right, who asked you some questions, I think, next,
19 asked you -- and you agreed -- that interrogation was
20 the process of turning an unwilling subject into
21 a willing one and that effectively you would use
22 non-physical means to achieve that and you agreed with
23 that. Do you remember that being raised with you?

24 A. Yes.

25 Q. Just help with this: physical violence, that was out,

1 wasn't it, actually touching or striking --

2 A. Correct.

3 Q. -- a prisoner on the course was not allowed? Short of

4 that sort of direct physical violence, could you, in

5 fact, use anything to intimidate the prisoner by your

6 physical presence or by how you behaved in the

7 interrogation room?

8 A. Yes, you could. As I briefed to you, you could imply

9 the threat of physical violence.

10 Q. How would that be implied, as you remember it from the

11 course?

12 A. Limited only by your imagination.

13 Q. Can you give us some examples so that we have the

14 flavour of it?

15 A. If you -- a tall person like yourself, if you were sat

16 down in a chair and an 18/19 stone bloke is stood next

17 to you with a baseball bat saying nothing, you are not

18 to know why there is somebody that big next to you and

19 why has he got a baseball bat in his hand. You are

20 implying the threat that if someone doesn't comply,

21 there is the possibility of physical violence. It can

22 be far more subtle than that with regards to -- again,

23 if you were sat down in front of someone, the

24 penetration of body space comes into this.

25 Q. Yes.

1 A. If you are holding the nib of a fountain pen three or
2 four inches from somebody's eye and poking it into their
3 face while you are speaking to them, you are not
4 physically touching them, but the implication is there
5 that if you slipped or went too far -- does that clarify
6 the implied threat of violence as opposed to actual
7 violence?

8 Q. And those implied threats of violence, you took it from
9 the course that that was permitted?

10 A. Most definitely, used on a daily basis throughout the
11 course.

12 Q. But the line was drawn that you could not, in fact,
13 touch them?

14 A. Correct.

15 Q. Do you still say that the process was that, in terms of
16 any threats, that you shouldn't make threats that you
17 couldn't carry out?

18 A. Correct. You are always told "Don't make a threat that
19 you can't follow through" -- a verbal threat. What
20 I have just described to you is not a verbal threat. It
21 is implying something. It is sowing a seed of doubt in
22 somebody's mind. It is implying it, not actually
23 stating it.

24 MR MOSS: Thank you very much.

25 Questions by THE CHAIRMAN

1 THE CHAIRMAN: What you have just been talking about, does
2 that include that you might pick up a chair and either
3 hold it or throw it?
4 A. Most definitely, Sir, yes.
5 THE CHAIRMAN: That is all perfectly all right?
6 A. Yes, yes.
7 THE CHAIRMAN: Yes, I see --
8 A. As long as you ensured it didn't -- you could pick up
9 the chair and throw it at the wall and break the chair,
10 as long as it didn't physically damage the actual
11 subject being interrogated.
12 THE CHAIRMAN: I see. This, you say, was on your course
13 that was actually to do with interrogation?
14 A. Yes, Sir.
15 THE CHAIRMAN: Nothing to do or not to do with tactical
16 questioning?
17 A. No, Sir, this was the interrogation --
18 THE CHAIRMAN: In answer to Mr Ashley, you told him about
19 what you thought were the guards' responsibilities and
20 the difference between the guards' responsibilities and
21 the tactical questioner's responsibilities during the
22 course of tactical questioning. Where does that come
23 from because, as I see it, you had no training about
24 tactical questioning?
25 A. Fundamentally, Sir, tactical questioning is quite

1 a simple process.

2 THE CHAIRMAN: I hear what you say. But what I want to know
3 is how did you get the division of responsibilities
4 between guards and tactical questioners when the
5 tactical questioning is going on? From where do you get
6 that?

7 A. That would be difficult to answer. That would probably
8 be judged within the unit the tactical questioner comes
9 from. They would decide.

10 THE CHAIRMAN: That I understand because what you said
11 doesn't accord with some of the evidence -- not all --
12 that I have heard.

13 I wanted to know how I am to evaluate what you are
14 saying about this if you have had no real experience of
15 being trained or undertaking tactical questioning.

16 MR MOSS: Sir, if it assists, paragraphs 12 and 13 of this
17 witness's statement deal with the basic questioning and
18 tactical questioning aspect of the course that he did
19 undertake. It is at BMI04596, at the beginning of the
20 course.

21 THE CHAIRMAN: Yes.

22 Can you answer the question then?

23 A. I must admit I am not entirely sure what the question
24 is.

25 THE CHAIRMAN: Well, you told Mr Ashley -- the gentleman

1 over there --

2 A. Yes.

3 THE CHAIRMAN: -- that you thought that guards would be
4 responsible whilst the tactical questioner was actually
5 carrying out tactical questioning somewhere else. You
6 thought they were responsible for the people who were
7 being held at the time.

8 A. Correct, yes.

9 THE CHAIRMAN: That's what you told him.

10 A. Yes.

11 THE CHAIRMAN: From where did you get that understanding?

12 A. From the interrogator -- the actual course is called
13 "The TQ and interrogators' course". It's the TQ
14 course --

15 THE CHAIRMAN: So you think that the tactical questioning
16 covered that part of it?

17 A. Yes, Sir.

18 THE CHAIRMAN: You were actually told that the tactical
19 questioner would not be responsible for the welfare of
20 the prisoners or detainees when he was there doing his
21 tactical questioning, but not actually in the room with
22 them?

23 A. Correct. At that point the detainee -- the
24 responsibility for the detainee lies with the people who
25 have detained them, arrested them. The tactical

1 questioner is called in to assess whether the detainee
2 is of further intelligence value and also to get any
3 immediate intelligence that could lead to subsequent
4 operations there and then.

5 THE CHAIRMAN: Would the tactical questioner be in any way
6 interested or responsible for what the guards are doing
7 to other detainees whilst he is carrying out his
8 tactical questioning?

9 A. Only the fact that his primary interest would be that
10 they were isolated from each other.

11 THE CHAIRMAN: Would he give the guards any instructions
12 about how to deal with the people who are in the holding
13 cell, holding area?

14 A. He could do with regards to -- it's theoretically
15 possible he could do if it was with regard to isolation,
16 not with regards to actually the physical conditions
17 they are being kept in.

18 THE CHAIRMAN: No. All right.

19 Can I ask you one other matter? How did you get to
20 hear that prisoners or people were being held beyond the
21 14-hour period?

22 A. That would have come through the -- when we got the
23 files to review for the -- when we got all the paperwork
24 to review internee cases --

25 THE CHAIRMAN: I see.

1 A. -- for that to be reviewed.

2 THE CHAIRMAN: You didn't have any advanced warning?

3 A. No, that would have normally been the first report on
4 the top of the file.

5 THE CHAIRMAN: All right. That answers that question.

6 The other matter I want to ask you about is this: at
7 MOD023123, which is I think the annex to SOI 390, you
8 were asked about paragraph 3 and the qualifications for
9 tactical questioners.

10 What I want know is this from you: in paragraph 3,
11 what you said about qualifications for tactical
12 questioners, was that, as you understood, the
13 qualification at that time or was that something new?

14 A. It was the qualification at that time.

15 THE CHAIRMAN: At that time. So at that time, looking at
16 the last two lines:

17 "... who have either carried out [tactical
18 questioning] operationally or taken part in practical
19 resistance to interrogation training with
20 4 (CAC) Company within the last two years."

21 That was the rule then, was it?

22 A. Correct, Sir, yes.

23 THE CHAIRMAN: Yes.

24 A. I would caveat that particular line. I seem to
25 remember, prior to the 2003 invasion of Iraq, not a lot

1 of people were TQ qualified and TQ is quite important in
2 that type of counter-insurgency warfare. And I believe
3 that where it says that it can be carried out by people
4 who have previously done TQ operationally, that was
5 possibly an attempt to use people who have experience of
6 working with people who were trained to do the job
7 because there was a shortage of TQ qualified --

8 THE CHAIRMAN: Yes, so I have understood.

9 A. -- persons. So I think they have used that as a caveat
10 to allow people who haven't done the course to actually
11 do it.

12 THE CHAIRMAN: What did you think was the correct
13 qualification for TQ'ing?

14 A. It should have been having conducted the course at
15 Chicksands.

16 THE CHAIRMAN: Right. And within the last two years or
17 could it be at any time? It may be that someone else is
18 going to tell us about that, but if you have any
19 understanding, I would be grateful to know.

20 A. I personally, Sir, would say at any time. I did the
21 course -- I did mine twelve years ago, but if you asked
22 me to run an interrogation tomorrow, I could very
23 quickly revise myself, I think, and do it.

24 THE CHAIRMAN: You don't know, do you --

25 A. No.

1 THE CHAIRMAN: -- then of any formal period of time before
2 which or after which you can't or you are still not
3 qualified for --
4 A. There is now.
5 THE CHAIRMAN: There is now?
6 A. There is now, yes.
7 THE CHAIRMAN: Yes, I see.
8 A. You must have done the course within five years and also
9 undergo refresher training before you deploy on
10 operations.
11 THE CHAIRMAN: But that may not have been the case then?
12 A. That was not the case then.
13 THE CHAIRMAN: Thank you very much.
14 Right. That is all the questions that the Inquiry
15 have for you. I am grateful to you for coming and
16 answering questions and giving your evidence and you are
17 now free to go.
18 A. Thank you, Sir.
19 THE CHAIRMAN: Thank you very much.
20 Yes.
21 MR ELIAS: Sir, may I call Robert William Warren, please,
22 Colonel Warren?
23 THE CHAIRMAN: Yes. Colonel, if you could remain standing
24 for a moment, I will ask that you be sworn.
25

1 ROBERT WILLIAM WARREN (sworn)

2 THE CHAIRMAN: Thank you. Please sit down.

3 A. Thank you, sir.

4 THE CHAIRMAN: If you could speak into the microphone --

5 A. Yes, sir.

6 THE CHAIRMAN: -- then we will all be able to hear you.

7 Thank you.

8 Yes, Mr Elias.

9 Questions by MR ELIAS

10 MR ELIAS: Please give the Inquiry your full name.

11 A. Robert William Warren.

12 Q. You are still in the army?

13 A. I am.

14 Q. With the rank of ...?

15 A. Colonel.

16 Q. Thank you. Colonel Warren. Could you look at a folder,
17 which I hope is to your right, and find in that your
18 statement to this Inquiry and go to the last page of it,
19 please, at BMI03470. Do you find on that page your
20 signature above the date of 5 August 2009?

21 A. Yes.

22 Q. When you signed that statement, you were attesting, were
23 you, that the contents of that statement were true to
24 the best of your knowledge and belief?

25 A. I was.

1 Q. That statement, as you probably know, stands as part of
2 your evidence to this Inquiry and I don't propose,
3 therefore, to go to every aspect of what is contained in
4 your statement, but to take you to certain parts of it.
5 Put that aside for the moment and parts of the statement
6 and other documents may come on the screen if we need to
7 refer to them.

8 A. Thank you.

9 Q. I deal briefly with your career history. You joined the
10 army, you tell us, in 1980.

11 A. Yes.

12 Q. You were commissioned in 1981 and for seven years you
13 served in the infantry with the Devonshire and Dorset
14 Regiment --

15 A. Yes.

16 Q. -- before, in 1988, transferring to the Royal Military
17 Police.

18 A. Yes.

19 Q. Thereafter you served on the staff, both in provost and
20 general staff appointments.

21 A. Yes.

22 Q. You set out the detail of it -- and I am not going to
23 take you through it -- in the first dozen or so
24 paragraphs of your statement to this Inquiry. In 2003
25 you deployed to Iraq?

1 A. Yes.

2 Q. You say it was July. Can you now remember the date on
3 which you deployed?

4 A. I can't remember the exact date. I think it was there
5 or abouts 10 July.

6 Q. About the 10th?

7 A. Yes.

8 Q. Thank you. And you were there until ...?

9 A. Early September. Again, I can't remember the exact
10 date.

11 Q. You say in your statement -- to seek to ascertain the
12 date -- that you returned to the United Kingdom for the
13 funerals, I think, of --

14 A. Yes, three of my soldiers were killed in August, on the
15 23rd.

16 Q. The Inquiry has heard quite a lot of evidence in
17 relation to that, of course. You returned to the
18 United Kingdom for the funerals of those servicemen --

19 A. Yes.

20 Q. -- and you did not return; is that the position?

21 A. No, it was always planned that I would hand over the
22 command of my regiment in September and I handed over
23 command in the UK for the then subsequent commanding
24 officer then deployed?

25 Q. Was the effect of that, then, that you returned to the

1 UK, at least, a little earlier than otherwise you might
2 have done?

3 A. Yes, I think about two weeks earlier than otherwise
4 I would have done.

5 Q. You say in your statement that you think you returned in
6 early September.

7 A. Yes.

8 Q. That's your recollection, is it?

9 A. It is.

10 Q. Your role in Iraq?

11 A. I was the commanding officer of 3 Regiment Royal
12 Military Police. I had a third of my regiment deployed.
13 I was also the provost marshal of Multinational Division
14 South East.

15 Q. And your primary responsibilities in that role, if you
16 can put it in a nutshell for us?

17 A. I think principally I was the provost marshal, as is
18 staff officer, in that I only deployed with a third of
19 my regiment and my initial focus was on extending the
20 provost interest across four regions, that that was
21 going to be -- where operations were going to be
22 conducted by the Italians in Dhi Qar province and the
23 Dutch in As Samahwa as well as the two provinces
24 controlled by the British in Maysan and Basra province.

25 Q. That was your primary consideration, was it?

1 A. It was at divisional level. It was really extending the
2 remit of MND South-East to cover those four provinces
3 and allow for the various practices and the various
4 military police components across those four provinces.

5 Q. I will just ask you a little, please, about your
6 training and/or understanding of certain matters with
7 which this Inquiry has been particularly concerned. You
8 had, presumably, received training in the law of armed
9 conflict.

10 A. Yes.

11 Q. Did that involve, amongst other things, prisoner
12 handling and the general message, if you like, that
13 prisoners should be treated humanely?

14 A. Yes.

15 Q. More specifically, may I ask you please, at the time of
16 your deployment to Iraq, what was your view, either from
17 training or from any other source, as to whether
18 hooding, sandbagging, could appropriately be used by
19 soldiers who captured enemy personnel?

20 A. Before deployment it wasn't an issue that crossed my
21 mind. It wasn't an issue I had been trained in or
22 an issue I had been exposed to or an issue that I had
23 discussed.

24 Q. So before deployment you didn't have a view, as it were,
25 as to whether it was right or wrong?

1 A. No.

2 Q. The use of stress positions -- you understand what
3 I mean by "stress positions"?

4 A. Yes.

5 Q. Did you have a view, going back to that same time,
6 deployment --

7 A. No.

8 Q. -- as to the rights and wrongs of the use of stress
9 positions?

10 A. I think the same applies as to hooding. You might
11 return to my answer on hooding, I don't think I would --
12 I didn't consider hooding and I didn't consider stress
13 positions, so they weren't within the sort of remit or
14 within my experience.

15 Q. Not in your experience, and you had never received any
16 training as to whether the use of stress positions would
17 be right or wrong?

18 A. No, not that I recall.

19 Q. Had you, at that stage, heard of what has sometimes been
20 referred to in this Inquiry as the "Heath ruling"?

21 A. The what ruling? I beg your pardon.

22 Q. "The Heath" -- Prime Minister Heath's statement to
23 Parliament in 1972.

24 A. No.

25 Q. That meant nothing to you in --

1 A. No, and it still doesn't.

2 Q. It still doesn't today?

3 A. No.

4 THE CHAIRMAN: You can't have looked at the website.

5 I don't blame you.

6 MR ELIAS: Did you have a view about the use of what is

7 sometimes called "other conditioning techniques",

8 deprivation of sleep --

9 A. Not really. I mean, the principles I always applied

10 were those that I would apply in dealing with my

11 military police matters, which is treating people

12 properly and treating people fairly.

13 Q. Treating people properly and fairly, could that involve,

14 then, the use of enemy prisoners, depriving them of

15 food, water or sleep?

16 A. No.

17 Q. You would have been clear about that, would you, in

18 2003?

19 A. Yes.

20 Q. Still at that time, Colonel, if you will, would the term

21 "shock of capture" have meant something to you then?

22 A. If I might, only from the movies.

23 Q. Nothing --

24 A. Nothing that I had been exposed to in my training or

25 that I had thought about.

1 Q. Had you received any conduct after capture training --

2 A. No.

3 Q. -- yourself?

4 A. No.

5 Q. At no time?

6 A. No.

7 Q. Well, then, coming to your role, did you have any

8 responsibility for policy in relation to the handling of

9 prisoners taken by British soldiers in Iraq?

10 A. No, I was asked to advise on it on a couple of

11 occasions.

12 Q. We will have a look at that in a moment or two. Could

13 we have a look at paragraph 10 of your statement to this

14 Inquiry, please, at BMI03452? It will come on the

15 screen for you, if I can refer you to that.

16 A. Thank you.

17 Q. You are referring to 1999, the start of operations in

18 Kosovo.

19 A. Yes.

20 Q. You say:

21 "... I was detached to the ... PJHQ in Northwood as

22 a provost staff adviser. PJHQ does not have any provost

23 staff officers. I recall advising the senior staff and

24 deployed formations on custodial matters in support of

25 the military provost staff ("MPS") deployed in

1 Pristina."

2 A. Yes.

3 Q. You go on to say this:

4 "I also recall that army doctrine at the time was

5 insufficient as it only dealt with prisoner of war ...

6 matters rather than internees and detainees."

7 A. Yes.

8 Q. Can you expand on that a little for us? In what way did

9 you take the view, in 1999, that army doctrine was

10 insufficient?

11 A. I was asked to give advice on -- I think "prison

12 matters" would be the proper way of talking about it.

13 I recall that the military provost staff had some

14 specialist functions in a prison in Pristina, and I was

15 asked for advice in PJHQ about how prisoners should be

16 handled and particularly how their welfare should be

17 allowed for.

18 When I looked for reference material, there was no

19 reference material specific to that sort of prisoner,

20 and so I used the reference material that was available

21 with regards to the practice at the Military Corrective

22 Training Centre and in unit custody facilities.

23 Q. As you go on to say in that paragraph.

24 A. Yes.

25 Q. Was the deficiency then, as you recall it, that doctrine

1 provided for treatment of prisoners of war, but did not,
2 as it were, deal separately or specifically or
3 explicitly with internees and detainees?

4 A. Yes, I think it dealt with just prisoners of war.

5 Q. Was there, in fact, do you recall, any difference in the
6 approach that was to be taken between prisoners of
7 war --

8 A. Not that I recall. In fact the advice I recall giving
9 was in issues of welfare and it was sometimes small
10 issues, such as should the MoD purchase cigarettes and
11 sweets for prisoners in prisons. There was nothing of
12 a substantial nature with regards to their welfare or
13 so.

14 Q. Do you know whether the defect, if I can use the word,
15 in the written doctrine at that time was amended,
16 corrected?

17 A. I don't believe it was amended or corrected.

18 Q. You go on to say at the foot of that paragraph, so we
19 get the full picture:

20 "This situation has since been addressed with the
21 publication of ... JWP 1-10 ... in early 2007 ..."

22 A. Yes.

23 Q. That is what you refer to as the "definitive British
24 Army doctrine on prisoner handling".

25 A. Yes.

1 Q. But you weren't aware of it being addressed prior to
2 that?

3 A. No, it may have been addressed in local formation or
4 other practices, but not at the doctrinal level.

5 Q. Does it follow from your earlier answer that you, in
6 fact, had no involvement with prisoner handling and
7 detention policy?

8 A. No, I think the Royal Military Police had a purpose in
9 prisoner of war handling, if there were prisoners of
10 special interest, I think the doctrine at the time set
11 out, in largely a war-fighting setting. So if prisoners
12 were taken and they were passed back through the
13 battlegroup and forming centres or holding facilities,
14 if someone was of particular interest, whether that was
15 identified for criminal matters or intelligence matters,
16 military police personnel would have been used to escort
17 the individual to another place, wherever that might be.
18 Otherwise, as provost marshal, you had some oversight
19 and responsibility for the military provost staff.
20 I should say there's only 100-odd military provost staff
21 in the army and their principal purpose is to run the
22 Military Corrective Training Centre in Colchester.

23 THE CHAIRMAN: Just pause a moment. You are speaking very
24 fast. All this is being put into a continuous
25 transcript. It is very difficult if you speak as fast

1 as that.

2 A. I apologise.

3 THE CHAIRMAN: All right.

4 MR ELIAS: So the MPS, as I think other witnesses have told

5 the Inquiry, was a small body of men --

6 A. Yes.

7 Q. -- in its totality.

8 A. Yes.

9 Q. Can we look, please, at paragraph 39 of your statement

10 at BMI03459, where you say this:

11 "With hindsight, I suspect there was insufficient

12 provost involvement in prisoner handling and detention

13 policy for Iraq, but that situation reflected doctrine,

14 practice and the thinking of the time."

15 A. Yes.

16 Q. Why do you say that now, with hindsight?

17 A. I suspect it's a matter of trust largely, isn't it?

18 I never had occasion not to trust those who were

19 involved in prisoner handling. I think by injecting

20 provost personnel or military police personnel

21 particularly, it adds a certain level of assurance that

22 didn't exist at the time, not because the military

23 police are particularly practised in custody matters.

24 In fact they are no better practised than others.

25 Q. Therefore why should they have been used, with

1 hindsight?

2 A. Because the military police are seen to have, if you
3 will, not a degree of independence, but they have
4 a functional chain to which they can report matters of
5 concern.

6 Q. If I may, just expanding on what you are saying, are you
7 saying that, with hindsight, it might have been better
8 if the RMP or the MPS had, as it were, been inserted
9 into areas that they were not put into so as to maintain
10 an independent eye and give expertise to those who may
11 not have their expertise?

12 A. With hindsight, yes, and if resources allowed, if
13 I might.

14 Q. Well, the resource argument is another one which you
15 will not be surprised to learn the Inquiry has heard
16 raised on a number of occasions.

17 Leaving that to one side for the moment, in which
18 areas in particular -- can you help us, Colonel -- do
19 you think that the RMP might have been employed with
20 hindsight where they were not?

21 A. I think in the continuity of evidence, in any form of
22 arrest or -- physical arrest or detention, and in --

23 THE CHAIRMAN: Again not too fast, please.

24 A. I beg your pardon, Sir.

25 THE CHAIRMAN: Physical arrest ...?

1 A. Physical arrest and in statement taking.

2 MR ELIAS: I am going to leave aside continuity of evidence
3 and statement taking because that may not be directly
4 pertinent to matters the Inquiry is concerned with. Why
5 might they have been helpful in the aspect of being
6 present at the physical arrest or detention, as you put
7 it?

8 A. Because military police personnel are practised in
9 arresting individuals.

10 Q. I think you did go on to say "arrest or detention",
11 didn't you?

12 A. Yes. In the regard of military police, I was just
13 suggesting that they have a certain skill or experience
14 of effecting an arrest. I wasn't trying to draw
15 a distinction in that particular regard between "arrest"
16 or "detention".

17 Q. I follow. You go on in paragraph 39 to say:
18 "I believe this is such a critical area and not
19 enough thought had been given to the post war-fighting
20 situation."
21 Just pausing there, you, on the ground, Colonel --

22 A. Yes.

23 Q. -- should you have been giving more thought, not only
24 with hindsight, as it were, now, but then, as to whether
25 RMP ought to have been inserted into those areas that

1 you say it's important that they were?

2 A. With what -- without hindsight, you say?

3 Q. Yes.

4 A. Quite possibly. The practice at the time wasn't that
5 and if I must -- I must admit that it didn't cross my
6 mind at the time.

7 Q. Therefore, when you say that not enough thought had been
8 given to the post war-fighting situation --

9 A. Yes.

10 Q. -- not enough thought in what direction?

11 A. Well, in terms of -- in applying provost resources and
12 provost expertise to that that was required.

13 Q. It may be said -- you may want to comment on it -- that
14 it must have been fairly self-evident at the time that
15 the expertise that the RMP had, for example, could
16 usefully be applied in dealing with a situation where,
17 at one stage at least, soldiers wholly untrained in
18 arrest and detention procedures were being asked to take
19 and guard prisoners.

20 A. It was my assumption, I think at the time, that people
21 were being trained in their pre-deployment training in
22 the handling of those that might have been arrested or
23 detained by the force.

24 Q. You go on in this statement to say:

25 "It is my view that provost staff are best placed to

1 organise and manage prisoner handling facilities and
2 policy, as the staff are relatively independent of
3 regular army units and have direct experience of running
4 the MCTC into Colchester. I believe this situation has
5 since been recognised ..."

6 We will come back to that in a moment or so.

7 A. Right.

8 Q. But this did not occur to you at the time?

9 A. No.

10 Q. Do you recall any discussion at any stage with anyone,
11 initiated by you or by others, as to the fact that the
12 involvement of the RMP in areas of arrest and detention
13 had been seriously diminished?

14 A. No. In fact I was surprised by the bundle of
15 information that was provided to me that the RMP had
16 been involved during Telic 1. Certainly, during the
17 course of my reconnaissance and during our staff
18 deliberations, the discussion had been on supporting the
19 civil police and supporting the development of prisons
20 in Iraq.

21 Q. That, the Inquiry has heard, was one of the major roles
22 for the RMP, wasn't it --

23 A. Yes.

24 Q. -- the rebuilding of what sometimes has been called the
25 "criminal justice system" there?

1 A. Yes.

2 Q. Yes. But were you aware that, by the time you were in
3 Iraq, the RMP were, as it were, involved somewhat less
4 than they had been?

5 A. No. What I believe I recall is that, when asking what
6 we could contribute with our limited resources,
7 I suggested our contribution would be in the handling of
8 evidence and in statement taking because I thought those
9 were the particular skills that could be made use of.

10 Q. Could we look, please, at the witness statement to this
11 Inquiry of Charles Barnett? You had dealings with him?

12 A. Yes, I did. I'm not sure if I'm meant to be able to see
13 that.

14 Q. I am going to put it up for you now, if I may.

15 A. I beg your pardon.

16 Q. I want particularly to look at paragraph 132 of his
17 statement. You find it at BMI06632. You will see
18 there's a reference to FRAGO 005. Colonel Barnett says
19 in this paragraph that he recalls forwarding that FRAGO
20 to the PJHQ liaison officer, requesting it be checked
21 and for the comments of PJHQ legal and others.

22 "The FRAGO took into account all existing orders
23 including the predominantly extant FRAGO 29 ... dated
24 26 June ... There is a 'BG review' section and annex A
25 covers categories of captured personnel, elaborating on

1 the role of a BGIRO discussed above."

2 Then paragraph 134 over the page, please, he says
3 this:

4 "I recall that in the drafting of this FRAGO, I had
5 originally wished to insert some guidance additional to
6 that which we eventually issued. I remember speaking to
7 J2 intelligence staff (including ... Lieutenant Colonel
8 Graham Le Fevre) and provost staff (including Lieutenant
9 Colonel Bill Warren) and advising them that I was
10 preparing a single comprehensive document on detainee
11 procedures. I wished to insert sections on tactical
12 questioning and arrest and custodial procedures and
13 I requested that they provide me with some suitable
14 paragraphs on these aspects."

15 Do you recall that approach made by Colonel Barnett?

16 A. I am trying to recall the date of the FRAGO. I had many
17 conversations with Colonel Barnett and, if I was in
18 theatre, it is absolutely correct that he would have
19 discussed it with me.

20 Q. I am going to take you, if I may, to another document
21 which may assist on dates and so on in a moment or so.
22 May I just leave that point to come back to? He would
23 have made that sort of approach if you had been around
24 at this time?

25 A. Yes, he would have.

1 Q. Thank you. He goes on to say, as you can see in
2 paragraph 134:

3 "... they were not keen to do so. They explained
4 that such areas had already been trained to relevant
5 specialist personnel and that they were, in any event,
6 too complex to summarise in brief and would therefore
7 render the document either inaccurate if too short or
8 too unwieldy if too long."

9 He says:

10 "I accepted that advice."

11 Do you recall giving such advice to --

12 A. No I don't, and I am not clear if he is referring to
13 TQ'ing or to whatever the provost role might have been.
14 The only thing I can think of is in all of the
15 instructions and advice I gave, I kept in mind the
16 international aspects of any instruction that we had to
17 write, and that at divisional level our instructions had
18 to apply across our various multinational components.
19 Certainly my experience was each of the military police
20 components that were deployed had different practices
21 and different experiences from the different nations.

22 Q. From the different nations, yes. I follow.

23 Coming back to what he says in paragraph 134, he
24 suggests that he asked for help with tactical
25 questioning, arrest and custodial procedures. Do you

1 have any recollection of that --

2 A. I don't have any recollection of that specific

3 conversation.

4 Q. -- or being asked to help with such a document?

5 A. I do recall having had sight of a draft document on such

6 matters and the FRAGO.

7 Q. If we have a look, then, please, at the document we find

8 at MOD049540, we see an email dated 8 August.

9 A. Yes.

10 Q. It is sent from Colonel Barnett to Major Clifton. As we

11 can see, it is copied in, amongst others, to you; is

12 that right?

13 A. Yes.

14 Q. Colonel Barnett is saying, isn't he, at the top of the

15 email:

16 "At long last here is the very nearly finalised

17 detainee/internee policy."

18 It refers to the annexes. This was to be the

19 document that ultimately became FRAGO 005, it seems.

20 A. Right.

21 Q. The reference a little further down the page "Bill and

22 Steve", is that a reference to you?

23 A. Yes, it is. Might I explain? Steve Fielder was my SO2

24 provost and, as I was often as not, out of the

25 divisional headquarters, he would cover the day-to-day

1 staffing aspects of provost matters within the
2 divisional headquarters.

3 Q. Thank you. He is shown, of course, as someone who
4 received a copy of this --

5 A. Yes.

6 Q. -- Major Fielder. What is said here is:
7 "I forward so that you can have an advance look at
8 the policy and what it entails for MP. As advised it
9 does not entail much and accords with what you are doing
10 at the moment. Before it goes out you will have the
11 completed guidance re the penal code and the criminal
12 procedure."

13 A. Yes.

14 Q. So it does look, doesn't it, as though you were being
15 given, as it were, sight of what was to be FRAGO 005?

16 A. Yes.

17 Q. It is Colonel Barnett's recollection, as we see from his
18 statement, that he asked you for assistance --

19 A. Yes.

20 Q. -- but you didn't provide it.

21 A. Well, I suspect my advice would have been that I was
22 comfortable with the level of resource that we were
23 applying and the matters that we were advising on,
24 ie statement taking and evidence handling, given the
25 pressures and our focus on other activity. Might

1 I elaborate?

2 Q. Please.

3 A. I think in Telic 1 there was a considerable provost
4 resource deployed. When we deployed, we had much fewer
5 personnel and I reduced, therefore, the number of
6 provost personnel embedded in battlegroups to that
7 sufficient to provide specialist support to police
8 reform. I held a small reserve at the company
9 headquarters to reinforce any police reform activity and
10 I took that as the major driver for RMP activity within
11 Maysan and Basra provinces.

12 Q. So plainly you say -- and I think the Inquiry has heard
13 other evidence about this too -- that resources were an
14 important issue.

15 A. Yes. There was some discussion before I deployed and
16 during my recce of the amount of provost personnel and
17 resources that could deploy. The provost marshal on
18 Telic 1 was concerned about the number of provost
19 personnel deploying. We discussed it during the
20 reconnaissance and the matter was subsequently discussed
21 at headquarters provost marshal army and with the
22 divisional staff, but RMP are a very small part of the
23 regular army --

24 THE CHAIRMAN: Sorry to interrupt. Can I just understand
25 the practical effect? When you arrived, you had only

1 a third of your regiment?

2 A. Yes, Sir, I had one company.

3 THE CHAIRMAN: And there had previously been four, five --

4 A. Yes, Sir. There was a company in Kuwait and on the

5 border -- the Iraqi/Kuwait border -- which runs as the

6 commander for RMP, which left in late July. I had under

7 command one company, 150 Provost Company, that covered

8 Maysan and Basra provinces. I separately had functional

9 control of some Danish military police, a Carabinieri

10 regiment based in Nazariah, some Dutch [Kings Marshals]

11 in As Samahwa and I spoke to the Czech senior military

12 officer to gain some control of his military police

13 assets which, at the time, were guarding a hospital in

14 Basra to reinforce my police reform activity.

15 THE CHAIRMAN: Those other nations' military police, were

16 they reduced similarly to the way --

17 A. They were new, Sir, to the -- so when 1 Division

18 deployed, this was ahead of the Italian deployment and

19 ahead of the Dutch deployment. So when 3 Division

20 deployed, as MND South-East, it took under command two

21 additional provinces, Dhi Qar province and As Samahwa,

22 and also took under command the Dutch and the Italians

23 as well the Czech element.

24 THE CHAIRMAN: But the removal or withdrawal of your

25 companies, even allowing for the foreign nations --

1 A. Yes, Sir.

2 THE CHAIRMAN: -- that reduced substantially the total
3 manpower?

4 A. Yes, Sir. I think there were four or five provost
5 companies on Telic 1 in both Kuwait and in Iraq itself.
6 I cannot recall the exact number.

7 THE CHAIRMAN: I think we have had the figures and I have
8 now temporarily forgotten them. It is about four or
9 five, I thought.

10 A. Yes, Sir, and we reduced to one in Kuwait and on the
11 Iraq border and one for Maysan and Basra provinces.

12 THE CHAIRMAN: Yes, all right.

13 MR ELIAS: It follows, does it, for that reason -- perhaps
14 amongst others -- the part that, for example, the RMP
15 could play in assisting with arrest and detention was
16 thereby itself diminished?

17 A. Possibly, but if I -- I don't recall RMP being involved
18 in or being advised that RMP were involved heavily in
19 detention issues during Telic 1. And my -- the doctrine
20 at the time and our practice at the time for war
21 fighting was not to be involved in those issues, except
22 for those special cases which I have mentioned before,
23 where there would be people of particular interest.

24 Q. But if there were not to be RMP involvement in arrest
25 and detention matters --

1 A. Yes.

2 Q. -- it might be thought all the more reason why you might
3 have given assistance, guidance, to Colonel Barnett's
4 paper, so that proper procedures and practices could be
5 set out.

6 A. I have always assumed the -- at the time, the arrest and
7 detention of internees/detainees, prisoners of war --
8 whoever the force was arresting, to use the term
9 loosely -- was a general staff G3 matter.

10 Q. Therefore not your responsibility directly?

11 A. No.

12 Q. But when you were asked to provide assistance --

13 A. Yes.

14 Q. -- in the way that we have seen from the email from
15 Colonel Barnett, for example --

16 A. Yes.

17 Q. -- looking back with hindsight, it might have been
18 desirable if you had given some help, might it?

19 A. Yes, I think I gave advice on the matters that I thought
20 I could advise on and the resources that I could apply
21 and where my NCOs would have some utility in addition to
22 the, you know, experiences and orders given to infantry
23 soldiers, for instance.

24 Q. Just moving off at a tangent, Colonel, if I may for
25 a moment, bearing in mind the answers that you gave to

1 the chairman a little earlier about your knowledge of
2 the rights and wrongs of hooding, did you ever become
3 aware in Iraq that an order banning hooding of prisoners
4 had been made?

5 A. No.

6 Q. So, what, you weren't aware of such an order, if it
7 existed, at any time during your tour of Iraq?

8 A. No, I wasn't aware that hooding was taking place and
9 I wasn't aware of a particular order with regards to it
10 when I deployed.

11 Q. You weren't aware specifically that it had been banned,
12 if that was the position?

13 A. No.

14 Q. Does that surprise you at all, if there had been brought
15 in -- can I put it in shorthand -- to bring an end to
16 what many, anyway, regarded as an SOP, the hooding of
17 prisoners upon capture -- if an order had been brought
18 in banning that hooding, does it surprise you that you
19 did not become aware of it at some stage?

20 A. Yes, I think I should have and would have known and
21 plainly I didn't.

22 Q. By what mechanics, if you like, ought you to have become
23 aware of --

24 A. Because I work in the divisional headquarters. There
25 were meetings every morning and every evening and the

1 FRAGOs or orders that were issued by the divisional
2 headquarters were briefed at those meetings. I attended
3 most of those meetings if I was in Basra Airport.

4 Q. Is your position -- can you help us -- that you were not
5 made aware of an order banning hooding in any shape or
6 form or that you may have been and may have forgotten
7 it?

8 A. I honestly don't recall any discussion about hooding.

9 THE CHAIRMAN: If you weren't available to go to one of
10 those meetings, presumably you sent a representative?

11 A. Yes, I was represented by either my deputy provost
12 marshal, who was an Italian Carabinieri officer or by
13 Major Steve Fielder, who was one of my own officers.

14 THE CHAIRMAN: All right.

15 MR ELIAS: Can we have a look, please, at another statement
16 to this Inquiry at BMI03128? This is the witness
17 statement of Anthony Royce, then Major Royce. Do you
18 recall dealings with Major Royce?

19 A. I beg your pardon, do I recall dealings with
20 Major Royce?

21 Q. Yes.

22 A. No. I know Major Royce.

23 Q. Can we have a look, please, at paragraph 76(b) of his
24 statement to this Inquiry -- we find it at BMI03160 --
25 where he says this:

1 "Following one of the internment procedures an RMP
2 JNCO attached to one of the QLR Companies,
3 (Burma Company) had refused to assist in the cataloging
4 of material evidence. I cannot recall anything else
5 about him such as his rank or physical description.
6 There had been an assumption at BG level that the
7 embedded RMP JNCOs would continue in this task as they
8 had done hitherto. He claimed that 'his chain of
9 command', meaning the RMP, had ordered him not to.
10 A few days later I confirmed this direction with his
11 chain of command (Major Titchener) and discovered it had
12 been authorised at at least CO RMP level.
13 Major Titchener told me that this was a direction his CO
14 had given him. He had been told by his chain of command
15 not to get involved in internment. He said he had been
16 told 'Don't touch it with a bargepole'. When I asked
17 him why, he said that the CO had said 'We don't want to
18 be the ones holding the baby when the music stops'.
19 I gained impression that this had come down from provost
20 marshal army ..."

21 Did such an instruction or indication emanate from
22 you?

23 A. No.

24 Q. Do you recall the question ever being raised with you,
25 as is suggested in this paragraph --

1 A. No.

2 Q. Did you say it wasn't?

3 A. No. The only conversation I had with regards to junior
4 NCOs' involvement in the internment process in
5 battlegroup level was that advice I gave to
6 Major Barnett, and that would have been reflected in my
7 verbal orders to my company commanders and other
8 military police personnel within the division.

9 Q. Would you ever have given the indication or
10 instruction --

11 A. No.

12 Q. -- that the RMP were not to get involved in internment
13 matters?

14 A. No. When the military police are placed under the
15 tactical command of brigades and battlegroup commanders,
16 they can apply tasks to the military police within
17 the -- which are sympathetic, if you will, to the
18 mission given. I think the advice I gave was that they
19 should assist with statement writing and handling of
20 evidence. If I might, it's not the language I would
21 use.

22 Q. So that isn't the language that you would use. Did you
23 ever give any instruction either way, if you like, as to
24 whether RMP should be involved in providing advice or
25 assistance in relation to arrest and detention matters?

1 A. The advice I gave was -- I think I have already touched
2 on it, which is in statement -- if they aren't effecting
3 an arrest themselves because there's a criminal incident
4 that they have come across, either a military patrol or
5 with their Iraqi police peers, it was with regards to
6 statement writing and evidence handling.

7 MR ELIAS: I am going to move on to a separate matter, Sir.

8 I don't know if that is a convenient --

9 THE CHAIRMAN: All right. We will break off now and come
10 back at 2 o'clock. Don't speak to anybody during the
11 course of the break about your evidence. I am sure you
12 understand that anyway.

13 A. Yes, I understand.

14 (12.58 pm)

15 (The short adjournment)

16 (2.00 pm)

17 THE CHAIRMAN: Yes.

18 MR ELIAS: Colonel Warren, may we have a look, please, at
19 paragraph 50 of your statement to Inquiry at BMI03463?
20 Under the heading, as we can see at the top, "Prisoner
21 handling during Op Telic 2", about two-thirds of the way
22 down the paragraph you say this:

23 "At unit level, the battlegroup internment review
24 officer [whom we have been calling, for better or for
25 worse in this Inquiry, the BGIRO] replaced RMP in the

1 decision-making process."

2 You go on to say that you were not in theatre when
3 the BGIRO post was established and you were not part of
4 the internment review process which led to the
5 establishment of the post, so it was a fait accompli by
6 the time you arrived.

7 A. Yes.

8 Q. Nonetheless, you became aware, did you, that the RMP had
9 been replaced by the BGIRO?

10 A. No, only when discussing the matter with my legal team.
11 I wasn't aware, as I think I have mentioned before
12 lunch, that RMP had a role more than that of statement
13 taking and evidence handling.

14 Q. So this is a comment you are making, as it were, in
15 2009 --

16 A. Yes.

17 Q. -- and not something you were aware of at the time; is
18 that what you are saying?

19 A. Yes.

20 Q. If, in fact, as you set out here, the RMP were
21 extracted, as it were, from this part of the operation,
22 replaced by a BGIRO, would you agree that it may have
23 been desirable at least that some guidance to be given
24 to the troops on the ground, as it were, who were to
25 handle detainees on the way in which things should be

1 done and presumably would have been done had RMP been
2 still inserted there?

3 A. I'm not sure what the driver was for having RMP involved
4 in the process during Telic 1. If I was aware they had
5 been involved in the process, I would have included that
6 matter in my recce and then in my appreciation and
7 orders I gave to my people.

8 Q. Well, matters such as the proper handling of detainees,
9 the provision of medical examination, if that were
10 thought appropriate for prisoners on first detention,
11 custody records and matters about which perhaps would be
12 second nature to the RMP but would not be necessarily
13 second nature to other soldiers who may take on those
14 roles --

15 A. Indeed, they would certainly have been second nature to
16 the military provost staff.

17 Q. Yes.

18 A. For the RMP they would have been involved in arrest but
19 not custody. I'm sorry, I rather lost the thread of
20 your question --

21 Q. I am really asking you, if there were the extraction of
22 this expertise, through -- I'm putting it in shorthand
23 as you will probably appreciate -- FRAGO 29 and the
24 system that was then brought in with the BGIRO and
25 so on, if the RMP and expertise of that kind were then

1 lost, guidance to the soldiers who had to guard and
2 detain prisoners of the kind that I have just outlined
3 to you would have been desirable, to put it mildly?
4 A. Possibly. I am still not aware of how extensive the
5 involvement of RMP was on Telic 1 in custody and
6 detention matters.
7 Q. At all events, when you were in Iraq, with the role that
8 you had --
9 A. Yes.
10 Q. -- it did not occur to you to be necessary or
11 appropriate to issue such guidance, either directly or
12 through, for example, Colonel Barnett?
13 A. No. I would have assumed it's a J3-led activity and
14 that J3 were comfortable at both divisional and brigade
15 and battlegroup level that they had the necessary
16 practices and processes in hand and I was required to
17 give specialist or specific provost advice, and as I
18 have said before, I think that was --
19 Q. Those were the two areas that you referred to this
20 morning.
21 A. Indeed.
22 Q. I follow. Then I move on please. Were you aware of any
23 incidents of ill-treatment of detainees by British
24 soldiers?
25 A. No.

1 Q. Was there brought to your attention -- and I am talking
2 before the death of Baha Mousa -- any case of any other
3 death in custody prior to that?

4 A. Not in custody. There were matters of death which
5 crossed the provost desk or had provost involvement when
6 dealing with rules of engagement and other such shooting
7 incidents.

8 Q. Well, I am concerned at the moment with deaths of
9 prisoners who were in custody. You weren't made aware,
10 were you --

11 A. I don't recall any deaths in custody prior to that.

12 Q. -- or of any issues that arose of prisoners who had died
13 in custody where it might be suggested that hooding them
14 may have played some part?

15 A. No.

16 Q. You were never aware of any such issues, were you?

17 A. No, I don't recall any such issue.

18 Q. I want to move on, please, to a separate matter
19 altogether. That is the matter to which you referred in
20 a statement which you made some time ago now. Could we
21 have on the screen, please, MOD000840, please? We see
22 the date of 13 March 2006.

23 A. Yes.

24 Q. You will have no doubt seen this recently. This is
25 a statement that related to how you dealt with what

1 might be called the "Lieutenant Jones matter".

2 A. Yes.

3 Q. Major Richard West will give evidence, as you know,

4 today.

5 A. Yes.

6 Q. I don't want to go into the detail of what happened in

7 that incident because I don't think it's a matter that

8 the Inquiry is particularly, itself, concerned with, but

9 simply how you handled it I just do want to look at with

10 you.

11 A. Yes.

12 Q. You set out in this statement how you handled matters

13 and I think you say in your current statement to the

14 Inquiry, in effect, you stand by that.

15 A. Yes.

16 Q. At the foot of the first page, you reviewed the case

17 papers before making this statement. You say, just to

18 put it in its context:

19 "The file relates to an allegation by Major

20 Richard West, corroborated by certain other

21 members of my regiment, that he had witnessed a

22 Lieutenant Jones ... assaulting an Iraqi national in

23 August 2003."

24 You say you don't remember the circumstances and, as

25 I say, I don't want to go into that or indeed the rights

1 and wrongs of that issue. But you do say you can recall
2 determining that the service police case file should be
3 closed and your reasoning, as I recall it, is set out on
4 the next page.

5 A. Yes.

6 Q. "1. The victim did not wish to pursue a complaint ..."

7 A. Yes.

8 Q. Was that something that was known by you or something
9 that you were told?

10 A. I assume I read it in the case file -- in the case file
11 diary or in a statement of evidence included in the case
12 file.

13 Q. You say he did not attend for medical treatment, as
14 arranged.

15 A. Correct.

16 Q. "There was no medical evidence to support the
17 allegation."

18 A. Yes.

19 Q. "Legal determined not to deploy to theatre to be present
20 at any interview after caution with Lieutenant Jones."

21 Was that a significant --

22 A. No, it was a factor.

23 Q. -- aspect of your reasoning?

24 A. No, it was a factor, but not the most significant
25 factor.

1 Q. Another factor?

2 A. Yes.

3 Q. Then, as you say at 4:

4 "Most importantly, the witness evidence of others,
5 including other military police personnel and a civilian
6 travelling with Major West, did not corroborate [his]
7 ... witness statement."

8 You go on to detail in what ways it didn't
9 corroborate it. As I say, I need not trouble you with
10 that.

11 You go on to say:

12 "I also recall that the CO 1 QLR ..."
13 Colonel Mendonca, is that right?

14 A. Yes.

15 Q. "... to whom the matter would have to be reported, was
16 firmly of the view that Major Richard West had
17 over-reacted and 'seen what he wanted to see' and not
18 taken account of the situation; the Quick Reaction Force
19 attempting to exit the security force location quickly."

20 A. Yes.

21 Q. Did you, in fact, speak to Colonel Mendonca about the
22 matter or he to you?

23 A. Yes, he telephoned me in the divisional headquarters.

24 Q. Was what he had to say an important factor in your
25 determination that matters would not proceed?

1 A. No, it was a factor. In any investigation, and
2 particularly at the time where all investigations were
3 reported to commanding officers, the views of the CO
4 were a factor.

5 Q. You go on in the next paragraph to say this:
6 "I also recall being concerned that the
7 investigation was not being properly managed ..."

8 A. I do not recall the detail of why it was not being
9 properly managed. I do recall there was a time factor
10 in progressing the investigation.

11 Q. You go on to say:
12 "... it was consuming investigative time when there
13 were more pressing priorities."

14 A. Yes.

15 Q. "The investigation was unnecessarily protracted, with
16 some disagreement over how matters were being
17 progressed, and [Colonel Mendonca] ... advising that any
18 delay in interviewing Lieutenant Jones was the fault of
19 the investigators."

20 A. Yes.

21 Q. You didn't give too much weight to the fact that the CO
22 was saying that the matter should not be --

23 A. No, there is often a tension between the Royal Military
24 Police and units and personnel being investigated, and
25 I was quite used to -- as both a company commander and

1 a commanding officer -- commanding officers approaching
2 me directly and sometimes expressing a concern about an
3 investigative matter.

4 Q. Were you satisfied that any delay was the fault of the
5 investigators?

6 A. I don't recall being satisfied by that, but I recall
7 recording that was Lieutenant Colonel Mendonca's view,
8 and by inclination, if I might, I would support my
9 second in command.

10 Q. That would have been your natural reaction, if you like,
11 would it?

12 A. Yes.

13 Q. Then may I just ask you about two or three documents?
14 We see how matters move on in subsequent years. Could
15 we look, please, at MOD009168. This is a one-page
16 document dated 23 September 2005. It's from you.

17 A. Yes.

18 Q. To whom are you sending it?

19 A. I think to Brigadier Aitken, who at the time was the
20 director of army personnel strategy. I copied it to
21 Major Heron, now known as "Parks", who was the author or
22 the desk officer in authoring the new JDN that became
23 a JDP.

24 Q. Do we have, in this email, effectively questions that
25 had been posed and answers given?

1 A. Yes, I think there is a trail of emails, if I might,
2 covering two and a half pages, where Brigadier Aitken
3 poses some questions, I answer them, he asks some
4 subsequent questions and I answer them again.

5 Q. I want to look at just a part of this, please, the
6 middle paragraph in particular. The "I don't share your
7 enthusiasm for the section on hooding in the JDN", whose
8 comment is that?

9 A. That's Brigadier Aitkens. My comments are in the bolder
10 or larger script.

11 Q. I just wanted to confirm that so we are clear about it:
12 "It's in a footnote only and merely says (from
13 memory) that the practice of hooding is forbidden. Is
14 that policy or law? Is it true at all times? Could
15 a soldier, for example, not do so to protect the
16 identity of someone he had arrested? Is a soldier
17 allowed to blindfold? Is all of this covered in the new
18 draft sub sections of JWP 1-10?"

19 So those were the questions at this stage he was
20 posing to you, now in September 2005, of course --

21 A. Yes.

22 Q. -- so two years or so on from your time in Iraq. Your
23 response is this:

24 "Hooding is only covered as a footnote in the JDN,
25 but is covered in more detail in the three subordinate

1 publications. Hooding is not specified in law, and is
2 allowed in the US doctrine. However, the UK
3 interpretation of the Geneva Conventions is that
4 it is not legal to hood in any circumstances, including
5 TQ ..."

6 A. Yes.

7 Q. So by 2005 that was your understanding of the position?

8 A. That was my understanding and the understanding that we
9 drafted into the evolving or developing joint doctrine.

10 Q. So hooding was not permitted for any purpose?

11 A. Yes.

12 Q. "... albeit, in TQ and JFIT transit blindfolds
13 (blacked-out goggles) are allowed for. If identity
14 needs to be protected (from media et al) they are to be
15 moved in covered vehicles or by cat A escort."

16 A. Yes.

17 Q. If we move on, please, to a document we find at
18 MOD047837 of 29 September 2005. We see the date at the
19 top of the page. If we go over the page, please, we can
20 see it's your document; correct?

21 A. Yes.

22 Q. It is entitled "The proper oversight of prisoners of
23 war, internees and detainees". What was the purpose of
24 this document?

25 A. I would need to read into the background of the

1 document. That normally determines why I have been
2 asked to brief on an issue.

3 Q. Could we have a look at the issue under 1?

4 "The proper oversight of prisoners of war, internees
5 and detainees."

6 A. Could I also look at the recommendations? That may help
7 me.

8 Q. Thank you.

9 A. I suspect it was an update. I'm not sure if I was asked
10 a specific question with regard to that issue.

11 Q. That's the issue at 1?

12 A. Yes.

13 Q. I follow. Can we look, please, at "Recommendations"?

14 A. Yes.

15 Q. "It is recommended ...

16 "(a) Doctrine is being developed by JDCC, supported
17 by [provost marshal army] that will clearly set out the
18 practices and oversight measures to be employed for the
19 custody or detention of prisoners of war, internees and
20 detainees. As an interim measure, JDN 2/05 was
21 published in July 2005."

22 A. Yes.

23 Q. At (b):

24 "[Provost marshal army] is of the view that the
25 independent oversight provided by the ICRC is

1 sufficient, and that no other body has the competencies
2 necessary to effect independent oversight of prisoners
3 of war, internees and detainees."

4 A. Yes.

5 Q. Then under "Background":

6 "Recent operations have demonstrated the need for
7 increased support to custodial matters throughout the
8 battlefield."

9 Did that include what had happened in Iraq?

10 A. I believe it did.

11 Q. "UK prisoner of war doctrine has previously not covered
12 the detention of civilian persons. A revised series of
13 JWPs that will clearly set out the practices and
14 oversight measures to be employed for the custody or
15 detention of prisoners of war, internees and detainees
16 is being produced to rectify this shortfall, and JDCC
17 plan on circulating the first study draft in November
18 2005."

19 As an interim measure you say the interim document
20 was published in July 2005.

21 "The revised JWP 1-10 will be supported by three
22 subordinate JWPs, drafted by [provost marshal army]."

23 A. Yes, if I might, we were acting as an agent of JDCC, if
24 you will, so the task was passed to us, but it was under
25 their auspices.

1 Q. Were some of the deficiencies that were being cited here
2 in paragraph 4 those that you had been looking at in
3 1999?

4 A. I don't think they directly related to it. The issues,
5 as I think I recall saying before lunch, related to the
6 sort of imprisonment and prison practice, but they may
7 well have addressed those issues.

8 Q. If we go over the page, please, just to look at 6(c),
9 under "Miscellaneous"?

10 A. Yes.

11 Q. "In support of wider army custodial education, [provost
12 marshal army] is producing on behalf of ..."

13 What is the reference?

14 A. "The director of individual training army".

15 Q. "... a revised prisoner of war handling training video
16 to support all arms training."

17 A. Yes.

18 Q. "The video may be used during phase 2/3 courses, during
19 annual training and during pre-deployment training and
20 will be made available to other services. The video
21 goes into professional production in November 2005 and
22 will cover all aspects of prisoner handling (prisoners
23 of war, internees and detainees) from the point of
24 apprehension/capture to the handover to qualified
25 personnel within recognised custodial facilities."

1 A. Yes.

2 Q. Could we look, please, next at MOD009295? By now, as we
3 can see from the date, it is December 2006. Again, if
4 we go over two pages to MOD009297, we can see it is
5 under your hand.

6 A. Yes.

7 Q. It is under the heading "Reputation and operational
8 effectiveness -- sitrep prisoners of war, internees and
9 detainees". So it is, as it were, is it, a continuing
10 account, if you like, of where we are at with these
11 matters?

12 A. Yes, a "sitrep" is a situation report giving an account
13 at that time.

14 Q. Yes. So in December 2006, under 1, "Issue":
15 "The identified areas of improvement in the
16 management and oversight of prisoners of war ...
17 internees and detainees and the measures taken to ensure
18 reputation and operational effectiveness; as required by
19 reference A."

20 And we can see what that is from the document.

21 A. Yes.

22 Q. Can I take you down to "Background" and 4, please:
23 "Lessons identified from operational deployments
24 since Telic 1 highlighted the following areas which
25 required improvement in the matter of PW, detainee and

1 internee management:

2 "(a) the extant JWP 1-10 prisoner of war handling
3 (2002) does not make provision for the handling of
4 civilians held in custody by UK forces on operations."

5 A. Yes.

6 Q. "(b) Training matters.

7 " 1. The prisoner of war handling training video
8 (1982), in addition to being significantly outdated, did
9 not provide guidance for the handling of civilians by UK
10 forces on operations."

11 A. Yes.

12 Q. That was a matter that plainly had been raised in
13 documents we looked at earlier.

14 A. Yes. I mean, in regards to both matters, the training
15 material and the extent of the doctrine, the doctrine
16 was insufficient to cover the contemporary environment.

17 Q. And it is self-evidently the case that it was taking
18 literally years for that deficiency to be corrected.

19 A. To be recognised and corrected, yes.

20 Q. "2. The all arms regimental police course ... did not
21 train RP staff in the handling of prisoners of
22 war/internees and detainees on operations."

23 A. Yes.

24 Q. "3. Military provost staff (MPS) support to OPTAG and
25 field army training was only conducted on an ad hoc

1 basis."

2 A. Yes, as I mentioned before, they were established at the
3 time principally for the running of the Military
4 Corrective Training Centre and they were not seen to
5 have an operational role in less than war fighting.

6 Q. I understand that. Then under (c):

7 "Operational detention facilities were only
8 inspected by the ICRC at the 'strategic' level.
9 A further layer of 'internal' inspection was identified
10 as a requirement to provide surety."

11 A. Yes.

12 Q. What did that mean precisely?

13 A. I think it must have meant that where ICRC had
14 a function of looking at the broader level, events had
15 demonstrated that there was not the surety or assurance
16 of practice that, just by putting it out in process or
17 giving orders, that that was sufficient to protect
18 detainees and internees or provide for their proper care
19 and consideration. And I think what I meant or was
20 leading to was a role for PM Army and his subordinate
21 provost marshals in providing that surety.

22 The provost marshal army at the time had a role in
23 law as the inspector of military establishments army
24 that was to inspect the Military Corrective Training
25 Centre and to license unit custody facilities, he had no

1 such surety role on operations.

2 Q. So the proposal was that he should have such a role?

3 A. The recommendation would make that or certainly it has

4 become that practice.

5 Q. Then, under 4, the measures that have been subsequently

6 taken. I don't want to read it all out, Colonel.

7 There is reference to the three subordinate JWPs

8 drafted by the provost marshal army under 1, 2 and 3 --

9 A. Yes.

10 Q. -- the handling of prisoners of war, the handling of

11 internees and the handling of detainees.

12 A. Yes.

13 Q. Then under (b), "Training matters". Can I take you over

14 the page, please, to 4(c)?

15 A. Yes.

16 Q. "New doctrine allows for [provost marshal army] and

17 provost personnel to inspect facilities where

18 captured persons are held, throughout an area of

19 operations, inclusive of unit holding areas ... in the

20 forward areas ...", and so on.

21 A. Yes.

22 Q. A similar remit to the ICRC?

23 A. Yes.

24 Q. So that's the matter we were looking at just a moment

25 ago.

1 A. Yes.

2 Q. Then under 5, please, and (b), "Training matters":

3 "... provost STA courses will be revised in order to

4 encompass the increased MP responsibilities forward of

5 the PHO and the emerging doctrine."

6 A. Yes.

7 Q. "[Provost marshal army] is of the understanding that

8 there are currently no plans for the handling of captive

9 persons to form a discrete MATT."

10 A. Yes.

11 Q. It will however be closely linked to LOAC training, both

12 in the field army and on OPTAG packages."

13 A. Yes.

14 Q. So that is where we had got to by October 2006; is that

15 right?

16 A. Yes.

17 Q. If we look please at MOD028624, "Prisoners of war,

18 internees and detainees, [JDP] 1-10 & joint doctrine

19 publications."

20 Over the page, please, we can see, can't we, under

21 the heading at the top, that this is now a document of

22 May 2006?

23 A. Yes.

24 Q. It is said to replace JWP 1-10, "Prisoners of war

25 handling".

1 A. Yes.

2 Q. May I just take you to two or three short passages in
3 it? May we go to MOD028723, please? Under 1C2, under
4 "Specialist personnel" --

5 A. Yes.

6 Q. -- under the heading "Service police":
7 "Service police will usually be available for the
8 processing of internees and associated evidence."
9 "Service police" being ...

10 A. The "service police" is a term that covers the Royal
11 Naval Police, the Royal Military Police and the Royal
12 Air Force Police.

13 Q. So across all services?

14 A. Across all services.

15 Q. "... will usually be available for the processing of
16 internees ..."

17 What did that mean?

18 A. That meant in the unit holding area -- the intention was
19 to embed service police in units so they were available
20 for activity at the unit holding area. This is one of
21 the new concepts we were trying to drive forward.

22 Q. And I simply note under (b), "Regimental Police", the
23 last two lines of that:
24 "... it should be recognised that the RP staff
25 [regimental police staff] is not a substitute for the

1 military provost staff."

2 A. Yes, the regimental police have no police training as
3 such. They are the -- I am trying to think of the
4 proper term -- sort of prefects of the battalions and
5 regiments, if you will.

6 Q. Finally in this document, can we go over to MOD028689,
7 please, and to 5C6, and those inspections that we were
8 looking at a moment or two ago, "Purpose of inspections
9 and advisory visits".

10 A. Yes.

11 Q. "The PM army inspection is intended to advise the chain
12 of command on matters of custody and provide guidance on
13 procedures and management."

14 A. Yes.

15 Q. That would be procedures, would it, in respect of
16 prisoners and their management, amongst other things?

17 A. Well, indeed, with regard to each or any of the
18 facilities and the processes being employed and
19 practices being employed. The words "providing
20 guidance" and "advising" are used advisedly in that
21 there is a system of competent army authorities and
22 inspectorates where -- in a number of disciplines, where
23 nominated officers have a role, but it doesn't take away
24 from the chain of command their responsibility.

25 MR ELIAS: Yes. Thank you.

1 THE CHAIRMAN: Now you will be asked some questions by other
2 counsel.

3 Yes.

4 Questions by MS HETHERINGTON

5 MS HETHERINGTON: Thank you, Sir.

6 Colonel Warren, just while I am on the topic --

7 A. Sorry, I can't hear you.

8 Q. I am so sorry. Can you hear me now?

9 THE CHAIRMAN: May we try something? Could you put your
10 loudspeaker on top of your --

11 MS HETHERINGTON: How is that?

12 A. That is better. Thank you.

13 THE CHAIRMAN: Yes.

14 MS HETHERINGTON: Just dealing with the current doctrine and
15 JDP 1-10, in terms of the inspection role of the provost
16 marshal army, does that inspection role now include
17 inspection and oversight of interrogation facilities
18 within detention facilities on operations?

19 A. I couldn't answer. I have not been in a provost
20 appointment now for three years, so what's now the
21 practice I am not sure. Certainly when I left, if we
22 were ever asked a question with regard to detention
23 facilities, we would apply the doctrine that we had
24 drafted.

25 Q. And that would be irrespective of whether the

1 individuals detained were, in fact, within an
2 interrogation unit or within a detention facility?

3 A. From our perspective it is irrespective of how or where
4 they were held.

5 Q. Thank you. Just going back to Telic 2, when asked by
6 Mr Elias about why it was that, with hindsight, you
7 thought there should have been greater provost
8 involvement in prisoner handling, you said "I suspect
9 it's a matter of trust largely ... I never had occasion
10 not to trust those who were involved in prisoner
11 handling". Does it come down to this, that your
12 starting point was that British soldiers were
13 essentially decent and trustworthy people and,
14 therefore, there was no particular cause for concern --

15 A. Well, not all British soldiers are decent and
16 trustworthy people. I think crime statistics might
17 suggest otherwise on the odd occasion. But the army has
18 a set of values and standards which we live by and
19 including amongst those values and standards are such
20 things as self-discipline and integrity.

21 Q. Do you think, knowing what you now know about this
22 incident and perhaps other events, that a safer starting
23 point would have been that the detention of suspected
24 insurgents by infantry troops was an inherently risky
25 activity?

1 A. No, I still like to believe that the majority of
2 soldiers who deploy on operations behave properly. It's
3 a safer system by putting in -- you know, more
4 regulation provides some more surety.

5 Q. Thank you. If we could just look at some of the factors
6 that you may or may not have been aware of during the
7 tour that might have altered your approach. You said in
8 evidence that your predecessor had been concerned about
9 the reduction in RMP numbers in theatre --

10 A. Yes.

11 Q. -- and had talked to you about that, but also higher
12 formation.

13 A. Yes.

14 Q. Your predecessor was, of course, Colonel Forster-Knight;
15 is that right?

16 A. Yes.

17 Q. He gave evidence that one facet of his concerns was an
18 increased risk to detainees as a result of this
19 reduction. Can we take it, given your lack of knowledge
20 about the previous role of the RMP, that that was not
21 a facet that he expressed to you?

22 A. What I recall is that our role in police and prison
23 reform, that was the substance of our discussion.

24 Q. Can we just have paragraph 50 of your statement back up
25 on the screen? It's a paragraph we looked at earlier.

1 I would just like to look at the last sentence where you
2 say:

3 "The J3 (operations) and legal staffs at brigade and
4 divisional level had the staff lead ..."

5 Did you ever see FRAGO 29 -- if we can have it on
6 screen, it is at MOD016186, just the "Scope of order"
7 paragraph. This was a 1 Div FRAGO before your arrival
8 in theatre, but announces the detention for G2 branch to
9 assume overall control of the internment process --

10 A. I am sure I would have seen it. I don't specifically
11 recall it. You must understand that a significant
12 number of FRAGOs are produced every day.

13 Q. I understand that. Does it follow, then, that the fact
14 that G2 branch had, contrary to your assumption, assumed
15 control of the internment process was not something that
16 stuck in your mind at the time?

17 A. No. I still assumed it was a J3-led activity.

18 Q. Does the fact that it's a G2 led activity cause you any
19 concern?

20 A. Now it causes me concern and I think, at the time, it
21 would have caused me concern, but without reading
22 through the FRAGO, I am not sure what it completely
23 captures in terms of the -- does it explain the reasons
24 why it was G2 or J2 lead?

25 Q. Well, the precise reasons why are probably not for me to

1 suggest, but --

2 A. If it would help -- sorry -- it certainly wasn't my
3 understanding when I arrived in theatre and it wasn't my
4 understanding of how practice was run. I think
5 subsequent instructions were generated by J3 or G3,
6 depending on which level of command was being exercised.

7 Q. Thank you. You say that the statement itself might have
8 caused you concern had you seen it.

9 A. Because it would have been unusual.

10 Q. I understand. And possibly because also there is
11 a potential conflict of interest, would you agree,
12 between G2 as the gatherers of intelligence and then
13 also as the operators of an internment process?

14 A. I assume the chief of staff of any formation has
15 oversight of both G2 and G3 business, so at some stage
16 the two merge. The two responsibilities merge and an
17 officer exercises proper oversight.

18 Q. I understand. Thank you.

19 You have explained that you didn't see FRAGO 152 and
20 the bar on covering the face or hooding that's within
21 it. I wonder if we could just look at the FRAGO to see
22 whether you were aware of any of the other matters that
23 it covers. It is MOD019145. If we look over the page
24 to the annex and highlight the first paragraph, you have
25 explained that you weren't aware that there had been

1 a number of deaths in custody, which is what is set out
2 in the first sentence. The second sentence says:

3 "At the same time the ICRC have advised that they
4 have received a number of complaints about the handling
5 of detainees by coalition forces."

6 Were you aware of any concerns on the part of the
7 ICRC of that nature?

8 A. No. I met on a couple of occasions with the ICRC and my
9 conversations with them were about prisons, civil
10 prisons.

11 Q. The next sentence:

12 "A number of these cases are currently being
13 investigated by the SIB."

14 Were you aware of any ongoing SIB investigations
15 about mistreatment?

16 A. I don't recall, when I arrived in theatre, about any --
17 there may have been -- any ongoing investigations.
18 There were two SIB elements in theatre, as I recall:
19 61 Section, who were based in Umm Qasr and provided that
20 theatre special investigation capability. They didn't
21 answer to me, but they kept me abreast of their
22 investigations; separately there was an SIB team who
23 were investigating the killings of six RMP NCOs in Majar
24 Al Kabir and the killing of two Royal Engineers south of
25 Basra.

1 Q. Aside from any SIB investigations, did you have an
2 awareness at the start of your tour of what is perhaps
3 colloquially known as the "Breadbasket incident",
4 involving the Fusilier Regiment?

5 A. I know about the Breadbasket incident, but I don't know
6 when I know, if that makes sense.

7 Q. I understand. Despite a lack of knowledge about these
8 matters, you must have been aware of increasing
9 insurgency on the streets of Basra?

10 A. Yes. During my recce, which was in late May/early June,
11 I think, there was a period of relative calm and it was
12 easy to patrol or travel within Basra City -- less easy
13 to travel north of Basra into Maysan and less easy to
14 travel into Nasariah and As Samahwa. By the time
15 I deployed there was increasing activity and attacks on
16 coalition forces.

17 Q. And, indeed, as you have explained, there were six RMP
18 deaths and some engineer deaths --

19 A. Yes.

20 Q. -- soon before your tour.

21 A. Yes.

22 Q. Also I think we have heard much evidence that the
23 temperature was also increasing, making working
24 conditions increasingly difficult --

25 A. I stepped off the plane in Kuwait and tried to step back

1 on it again, such was the heat.

2 THE CHAIRMAN: These are all now common factors. Where are
3 we going with him on them?

4 MS HETHERINGTON: Sir, I will move to the question.

5 THE CHAIRMAN: Yes, that would be sensible.

6 MS HETHERINGTON: Given your knowledge that battlegroups
7 were detaining individuals during this tour, did those
8 factors that you were aware of, the increasing
9 insurgency and temperature and tension, lead you to be
10 aware of a need for heightened vigilance of the
11 activities at that level?

12 A. No, I don't think so. I still expected people to behave
13 properly and professionally.

14 Q. Thank you. In terms of the RMP who were embedded at
15 battlegroup level, you have explained the limited nature
16 of their role in terms of internment. What did you
17 understand their role to be if they came across, just by
18 virtue of having been based within a battlegroup, any
19 misbehaviour or mistreatment of civilians?

20 A. If it was a matter that required their attention, they
21 would deal with it as military policemen and women, but
22 after the initial incident was handled, it would be
23 passed to a theatre police office, where we kept
24 a separate capability to investigate military criminal
25 justice system matters.

1 Q. Could we just have a look at a paragraph from
2 a statement of an RMP soldier within theatre by the name
3 of MacDonald? It is at BMI05263, paragraph 13, if that
4 could just be enlarged.

5 He is talking about issues, admittedly I think
6 towards the end of his tour, surrounding RMP NCOs from
7 battlegroup locations. He says, in the second sentence:

8 "It was decreed that any event concerning rules of
9 engagement or of any nature involving the battlegroups
10 could not be reported by any RMP to our chain of command
11 unless authorised to do so by the BG CO."

12 Was that your understanding?

13 A. No, my understanding was that matters would be dealt
14 with by the battlegroup commanding officer, but we also
15 had a functional chain of command and, if there were
16 incidents that involved or were being looked at by the
17 NCOs, they would have reported it to their platoon and
18 company commanders.

19 Q. Thank you. So, for example, if RMP soldiers on the
20 ground had seen the use of hooding and stress positions
21 in relation to prisoners, you would have expected them
22 to report that both to the battlegroup chain of command
23 and also to their RMP chain of command?

24 A. I would have expected them to, yes.

25 Q. Thank you. Lastly, on the Lieutenant Jones issue --

1 A. Yes.

2 Q. -- and to take the matter, I hope, shortly, you explain
3 in your reasoning in your SIB statement from 2006, at
4 MOD000841, when dealing with Colonel Mendonca's view,
5 that the matter would have to be reported to him, and
6 you explained the common tension --

7 A. Yes.

8 Q. -- the need to take in the commanding officer's view.

9 A. Yes.

10 Q. Is that because there was a sense that it would be
11 pointless wasting RMP time investigating the incident?

12 A. No, as I think I mentioned before, it is always
13 a factor, the commanding officer's view. At the time it
14 was the Army Act which applied and all offences, however
15 serious, were reported to the commanding officer,
16 whoever the commanding officer was for disciplinary
17 purposes. Since then and since the introduction of the
18 Armed Forces Act, that has changed and the most serious
19 offences are reported to the Service Prosecuting
20 Authority.

21 Q. Thank you. You explained that commanding officers often
22 came to you with concerns about investigations. Do you
23 recall Colonel Mendonca in fact asking for Major West to
24 be charged with some sort of offence for having
25 prevented the QRF from leaving the camp at the time?

1 A. I don't. I do recall he was rather emotional and
2 heated, but I don't recall the detail of his telephone
3 call. I wouldn't have given it much substance at the
4 time. It was just a factor. I would have considered
5 his view.

6 Q. Presumably it didn't often happen that you had
7 commanding officers asking for your 2IC to be charged
8 with an offence?

9 A. A number of commanding officers had very strong views
10 about the Royal Military Police and it's not completely
11 unheard of, but it's unusual.

12 Q. Did you regard Colonel Mendonca's reaction to this event
13 as somewhat extreme or inappropriate?

14 A. I do not recall my exact view. I actually held
15 Colonel Mendonca in very high regard. I do not recall
16 my exact view at the time.

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

18 THE CHAIRMAN: Yes, Ms Edington?

19 MS EDINGTON: No, thank you, Sir.

20 THE CHAIRMAN: Sorry, did you say "No"?

21 MS EDINGTON: I said "No, thank you, Sir".

22 THE CHAIRMAN: Mr Donmall?

23 MR DONMALL: Just a few matters, Sir.

24 THE CHAIRMAN: Just a minute. I have missed out
25 Mr Dingemans.

1 Yet again, Mr Dingemans -- I have done it several
2 times -- I am extremely sorry.

3 MR DINGEMANS: Don't worry, Sir. I will be short, I hope.

4 Questions by MR DINGEMANS

5 MR DINGEMANS: You have told us in your statement that your
6 background in the army or your start in the army was an
7 infantry officer, as 1 QLR is.

8 A. Yes.

9 Q. Can you just help with this? As far as the infantry are
10 concerned, they are not taught at all in their training
11 or deployments or exercises to deal with handling of
12 detainees or civilians, are they?

13 A. I think there was no doctrine at the time to cover that
14 and I don't recall, as an infantry officer, being
15 trained in that regard.

16 Q. So far as the facilities that 1 QLR had to detain
17 civilian at the time, did you actually see those
18 yourself?

19 A. No.

20 Q. And there was no system for inspecting that from brigade
21 or divisional level at the time that you were in Iraq?

22 A. I don't know if the brigade imposed any form of system.
23 Certainly at divisional level, no.

24 Q. And you were not aware of one if one had been imposed?

25 A. No.

1 MR DINGEMANS: Thank you.

2 THE CHAIRMAN: Yes, now Mr Donmall.

3 Questions by MR DONMALL

4 MR DONMALL: Sir, a couple of questions. Firstly with
5 regards to FRAGO 5, perhaps we could have MOD051362 on
6 the screen.

7 Mr Elias took you to this email before. Can I just
8 go down to the part following "Bill/Steve", midway down?
9 Did you understand this email to be asking you to
10 provide substantive paragraphs for the draft that you
11 were being forwarded?

12 A. I don't recall exactly, but reading it now, it was an
13 advance look at whatever had been drafted and that not
14 much was expected from me.

15 Q. Do you remember now ever being asked yourself to provide
16 substantive paragraphs --

17 A. No.

18 Q. -- for this draft?

19 A. Not myself, no.

20 Q. Do you remember ever indicating an unwillingness to
21 contribute to the drafting of this document?

22 A. No.

23 Q. Do you know why it was that this draft document was not
24 in fact issued until 3 September --

25 A. No.

1 Q. On another point, the embed RMP, you said to Mr Elias
2 that the embedded RMPs were under the tactical command
3 of the battlegroup commanders.

4 A. Yes.

5 Q. In practice, what does that mean, being under his
6 tactical command?

7 A. If I use 150 Provost Company which were deployed as
8 a model, I would give them a mission and task which were
9 fairly broad-ranging and a commanding officer or
10 a brigade commander could give more detailed tasks which
11 were sympathetic to the mission or task which I had set.
12 If they were unsympathetic, then it would come to me as
13 the commanding officer.

14 Q. So if we have a hypothetical position that the
15 commanding officer had asked his embedded RMP to become
16 involved in the physical detention of internees, would
17 they have been able to do so?

18 A. I would have only had a concern if that detracted from
19 the task that I had given them, you know principally
20 that of police reform.

21 Q. In fact, was any concern ever raised with you that the
22 embedded RMP should have been involved in internee
23 processing?

24 A. No.

25 Q. Finally, I think you said that there were MPS under your

1 command at the TIF.

2 A. Yes. Initially they were under the command of 4 RMP, if
3 I might qualify, and when 4 RMP's RHQ withdrew from
4 theatre, they switched in late July under my command.

5 Q. Did they ever raise with you, while you were in theatre,
6 any concerns about the condition of internees who were
7 brought into the TIF by battlegroups?

8 A. I think the one and only time was when I visited the TIF
9 at Umm Qasr and there was a concern -- because of the
10 heat and the conditions and the internees were held in
11 tent accommodation -- that we could have done better
12 as a coalition for their welfare and support.

13 I spoke to the commandant of the TIF, a military
14 police American colonel, and to his executive officer, a
15 United States Air Force major, and they explained that
16 the facilities available to them, the administration and
17 support available to them, was such that they couldn't
18 provide permanent buildings and permanent
19 air-conditioning for all those held there.

20 Q. In terms of the condition of the internees, on point of
21 arrival from battlegroups --

22 A. I beg your pardon, then, no.

23 MR DONMALL: I have no further questions.

24 MR ELIAS: I have no questions, Sir. Thank you.

25 THE CHAIRMAN: No, I haven't any questions.

1 Thank you very much for coming, Colonel, and
2 answering questions and giving your evidence to the
3 Inquiry. I am extremely grateful to you.

4 A. Thank you, Sir.

5 THE CHAIRMAN: You are now free to go.

6 A. Thank you.

7 MR ELIAS: Sir, may I call, then, Richard Cecil Armstrong
8 West please, Mr West.

9 THE CHAIRMAN: Yes.

10 If you just remain standing for a moment, I will ask
11 that you be sworn.

12 RICHARD CECIL ARMSTRONG WEST (sworn)

13 THE CHAIRMAN: Thank you. Please sit down. If I could ask
14 you to position yourself as close as you can to that
15 microphone, then we will be able to hear your evidence.

16 Questions by MR ELIAS

17 MR ELIAS: Would you give the Inquiry your full name,
18 please?

19 A. Richard Cecil Armstrong West.

20 Q. You are no longer in the army, is that right?

21 A. That's correct.

22 Q. Did you leave the army two years ago?

23 A. In 2007.

24 Q. Thank you. Would you have a look, Mr West, please, in
25 a folder which you should find to your right-hand side,

1 and in it find the statement that you made to this
2 Inquiry? Go to the last page of that statement, which
3 is our BMI03849. Would you confirm, please, that on
4 that last page, above the date of 21 August of last
5 year, we find your signature?

6 A. It is.

7 Q. Thank you. When you signed that statement, were you
8 attesting that the contents of the statement were true
9 to the best of your knowledge and belief?

10 A. I was, sir.

11 Q. Thank you very much. That statement stands, as I think
12 you will know, in part as your evidence to this Inquiry.
13 I don't, therefore, propose to take you to all parts of
14 it but merely to certain aspects. If you would like to
15 put it aside and those parts that we need to look at and
16 other documents will come up on the screen as we need to
17 bring them up.

18 Can I begin just by seeking to encapsulate your army
19 career? Did you join the army in 1988?

20 A. I did, sir.

21 Q. You were in the RMP for the 20 years of your involvement
22 with the army, is that right?

23 A. I was, sir.

24 Q. When you left, what rank had you attained?

25 A. Lieutenant colonel.

1 Q. You served in Iraq in 2003. What was your rank and role
2 then?

3 A. My rank was major and my role was second in command of
4 3rd Regiment Royal Military Police.

5 Q. Serving under Colonel Warren?

6 A. Correct.

7 Q. I just ask you a little about certain of the matters
8 that this Inquiry is concerned with -- certain
9 techniques this Inquiry has been concerned with, and to
10 ask you, please, to put yourself back to the time of
11 your deployment to Iraq. You had received LOAC
12 training, no doubt, on more than one occasion by then?

13 A. Yes, sir.

14 Q. And you were well familiar, were you, with the need that
15 prisoners should be treated humanely?

16 A. Absolutely, sir.

17 Q. I want to ask you in particular, please, about your
18 understanding then, either through training or any other
19 instruction you may have had in the army, as to whether
20 your understanding was that it was permissible for
21 British soldiers to hood prisoners when taking captives.

22 A. That was something which there was no specific guidance
23 or direction given on.

24 Q. So that means you had not received any specific
25 guidance, does it --

1 A. Correct, sir.

2 Q. -- as to whether it was right or wrong? You simply had
3 received none?

4 A. Correct, sir.

5 Q. Had you, in fact, received or participated in any
6 training where hooding with a sandbag had been carried
7 out?

8 A. No, sir.

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

11 A. I do know what you mean.

12 Q. Had you received any training in that regard --

13 A. No, sir.

14 Q. -- going back to the same time, 2003?

15 A. No, sir.

16 Q. So was the position the same, that you didn't know
17 whether it would be right or wrong to use stress
18 positions on prisoners who may be taken by British
19 soldiers?

20 A. That's correct, sir.

21 Q. That was your position. Again, had you ever encountered
22 the use of stress positions in any form of training?

23 A. No, sir.

24 Q. Other conditioning, so-called conditioning techniques,
25 deprivation of food and water or deprivation of sleep

1 for prisoners, had you received any training in those
2 techniques?

3 A. I had no training in those techniques.

4 Q. You tell us in your statement to this Inquiry that you
5 had received what you call "basic level training" in
6 conduct after capture.

7 A. Yes, that's right, in terms of how you should react
8 should you be captured by enemy forces.

9 Q. Sorry, you looked quizzical. Lest I have misunderstood
10 it, can we look at paragraph 32 of your statement at
11 BMI03830? You say:

12 "I understand 'conduct after capture' training to
13 refer to what you do if you are captured by the enemy,
14 including what your rights and obligations are."

15 You refer to Geneva Convention IV.

16 "Everyone is trained to a basic level in this
17 respect as part of training in the law of armed
18 conflict."

19 Were you given training as to what might happen to
20 you if you were taken prisoner by, for example, a nation
21 who did not observe Geneva Conventions?

22 A. I don't think so, sir, no.

23 Q. Can I move on then, please, to your role in Iraq as 2IC?
24 What, in essence, was the main focus of your tasks?

25 A. I could describe my tour on Operation Telic 2 as being

1 divided into two halves. For the first half of my tour,
2 through July and August, I was employed in the
3 headquarters of the Coalition Provisional Authority for
4 the south of Iraq. For the second half of my tour I was
5 employed as a staff officer in the divisional
6 headquarters, through September and October.

7 Q. From the dates that you have given in your statement --
8 I just want to confirm this with you -- you say that you
9 had a short pre-deployment visit some time in May 2003,
10 but your tour there was in two parts, as you tell us.
11 The first, you say was from 7 July to 23 August --

12 A. That's correct.

13 Q. -- when you were doing the first of your two roles. Is
14 that the position, as we should understand it?

15 A. Indeed, sir.

16 Q. Then the second from 7 September until 21 October?

17 A. That is correct.

18 Q. That was your second role, as it were.

19 Did you have, in Iraq, any responsibility for
20 prisoner handling or policy in relation to prisoner
21 handling?

22 A. Perhaps it would be useful if I explained what I was
23 engaged in for the first half of my tour.

24 Q. Please.

25 A. I had three broad priorities whilst working with the

1 Coalition Provisional Authority. The first was to
2 establish a police academy for the Iraqi police force;
3 the second was of oversight of Iraqi-run prison
4 facilities; the third was to establish new prison
5 facilities across the four provinces for the Iraqis to
6 run.

7 Q. You set that out in paragraph 12 of your statement. We
8 don't need it on the screen, I think. That relates to
9 Iraqi prisons for Iraqi criminals, effectively?

10 A. That's correct, sir.

11 Q. It had nothing at all to do with prisoners of war?

12 A. No. Indeed, there were no prisoners of war bar one by
13 the stage of Op Telic 2. There were internees and
14 detainees.

15 Q. So did your role -- what I am going to call your "first
16 role", July and August -- did that involve you, in any
17 shape or form, in prisoner handling, detainee or
18 internee handling policy?

19 A. I had no direct involvement in the conduct of operations
20 of any type at divisional or battlegroup level or
21 brigade level for that matter.

22 Q. So that would apply to the first and the second of your
23 roles?

24 A. No, that covers the first part of my tour on Op Telic 2.
25 For the second half of my tour I was employed as a staff

1 officer in the divisional headquarters, where I did
2 become involved in some of those matters.

3 Q. What was your specific involvement in relation to
4 prisoner -- detainee or internee -- policy?

5 A. The main part of my involvement was in establishing a
6 UK-run detention facility, which was -- the decision was
7 made in late September 2003 to establish our own TIF, as
8 you would understand it, as a UK-run operation.

9 Q. So was this something that you were, as it were, setting
10 up from scratch?

11 A. Yes, indeed, sir.

12 Q. And in what I might describe as the physical handling of
13 prisoners -- if I may call them that to cover detainees,
14 internees and whatever -- did you have any role in
15 determining policy of how they were to be handled?

16 A. I did not, sir, no.

17 Q. Is FRAGO 29 a FRAGO with which you are, at least now,
18 familiar?

19 A. Can you remind me of the date of the ...?

20 Q. It is 26 June 2003.

21 A. I have now read it, yes.

22 Q. Forgive me?

23 A. I am now familiar with its content.

24 Q. It created the BGIRO, as we have been calling him in
25 this Inquiry --

1 A. Yes, sir.

2 Q. -- the battlegroup internment review officer, amongst
3 other things, and it might be said that it reduced the
4 RMP involved in the internment procedures. Were you
5 aware of FRAGO 29 and those consequences?

6 A. I think from memory I was aware that there was
7 a different process in place between my recce to Iraq in
8 May 2003 and that which was then in place when I arrived
9 in July 2003.

10 Q. Finding this different regime, if you like, did it cause
11 you concern?

12 A. It didn't cause me any particular concern because, given
13 the limited resources that we had available to us, it
14 seemed a pragmatic solution to completing those range of
15 tasks.

16 Q. By that do you mean -- and because I say it, don't
17 accept it -- that because you had fewer men to call on,
18 if you had fewer tasks that was inevitably a good thing?

19 A. I think, with hindsight, there was a subtle change in
20 how we approached such operations. The impression which
21 I have from my visit in May was that the RMP elements
22 deployed were almost exclusively engaged in such
23 operations, whereas, when we deployed on Operation
24 Telic 2, it was seen as more of a collective
25 responsibility of the whole chain of command, with RMP

1 available to support the chain of command in conducting
2 those type of operations.

3 Q. Were you concerned, Mr West, at the time, that the
4 removal of the RMP -- at least to the extent to which
5 they had been involved -- and the handing of that task
6 which they had carried out to, as it would seem, a less
7 trained body of men -- infantry soldiers and so on --
8 were you concerned that there was a lack of expertise
9 which would need to be addressed in one way or another?

10 A. I do not recall having a concern at the time.

11 Q. You deal with this issue at paragraph 51 of your
12 statement to this Inquiry. May we have a look at it,
13 please? It is at BMI03835, paragraph 51 and on. You
14 refer to the order at the foot of the page dated
15 26 June. Over the page:

16 "As I was based at the CPA when I first arrived in
17 Basra, I would not have been on the standard
18 distribution list for this FRAGO. Whilst I would update
19 myself on recent developments ... I do not believe that
20 I would have focused on internment procedures until
21 I started working at HQ MND ... in early September [so
22 the second of your roles] ... Therefore I was not
23 involved in the implementation process of this FRAGO.

24 "52. This FRAGO sets out the intention for G2 to
25 have overall control of the internment process, taking

1 over this responsibility from SO2 detention."

2 Go to paragraph 53, please:

3 "This FRAGO, which empowers the chain of command
4 within the battlegroup with the decision-making
5 responsibility in relation to dealing with an individual
6 post arrest, broadly replicates the system in place
7 within the military criminal justice system under
8 peace-time ..."

9 What did you mean by that? In what ways were they
10 similar systems?

11 A. It empowered the commanding officer at battlegroup level
12 with decision-making, which was analogous with his
13 responsibilities for decision-making on the treatment of
14 his own soldiers. So, based on the evidence or
15 information available to him, he could make a judgment
16 on whether or not someone should remain in custody, be
17 it a soldier in unit custody facilities or, in this
18 case, an internee or detainee in unit custody
19 facilities.

20 Q. Of course, the handling of what I might term -- if you
21 will understand my phraseology -- a "friendly soldier"
22 might be very different from the training needed to
23 handle an enemy internee or detainee, mightn't it?

24 A. The assumption on my part would be that the same
25 procedures would be applied at battlegroup level.

1 Q. If these procedures were to be applied at battlegroup
2 level, did you give any thought, Mr West, as to whether
3 those who were to apply the procedures -- the soldiers
4 at battlegroup level -- might need some instruction
5 which the RMP could have provided?

6 A. That's a letter of detail or engagement which I was not
7 involved in in July or August of 2003. As I said, I was
8 focusing on more longer-term plans and projects to do
9 with the Iraqi police and prison services and broader
10 security sector reform.

11 Q. But would you agree that it, on its face, would have
12 been apparent that if the RMP were not carrying out this
13 particular role and had been withdrawn from it, that
14 those soldiers who were to replace them in holding,
15 guarding detainees or internees might well require some
16 clear instruction?

17 A. I don't believe so necessarily, provided that the same
18 standards were applied in running a detention facility
19 in Basra as they were running a guard room in Catterick.

20 Q. But that perhaps is the whole point, isn't it? Running
21 a guard room in Catterick would have been second nature
22 to the MPS.

23 A. No, indeed it wouldn't.

24 Q. What, to the RMP?

25 A. No. It would have been second nature to regimental

1 police staff within a unit, running a unit detention
2 operation.

3 Q. Forgive me. I am sorry. We are talking about holding
4 soldiers in custody.

5 A. Perhaps I should explain that the Royal Military Police
6 do not hold soldiers in custody. If we arrest a soldier
7 in Catterick or Aldershot, we hand the soldier over to
8 a trained member of the unit provost staff and their
9 regimental police to be held in their detention
10 facilities. The same parallel, in my view, was being
11 applied here in Basra for internees or detainees.

12 Q. So things like the maintenance of a custody record or,
13 perhaps to take another example, ensuring that
14 a prisoner was medically examined and a record kept of
15 that, which might be second nature to those who were
16 doing it under the system, if you like, at home, those
17 were matters which would have to be taught to soldiers
18 who were to carry out this task?

19 A. My assumption would have been that they would be
20 applying the same processes and procedures on operations
21 in respect of internees and detainees as they would have
22 done in barracks had it been one of their own soldiers.

23 Q. And you assumed that was the system that pertained?

24 A. Yes, I did, sir.

25 Q. All right.

1 May I take you, please, to paragraph 78 of your
2 statement at BMI03843, in which you set out, do you --
3 paragraph 78 and over the page under the various letters
4 that we see there -- your understanding of how the
5 system ought to have operated; in other words -- if we
6 can just go back to the beginning of 78:

7 "On operations, it is sensible practice to use the
8 same people who undertake the analogous duties in
9 peace-time. The provost sergeant normally reports to
10 the regimental sergeant major ... and the adjutant (the
11 commanding officer's principal personnel officer at
12 captain rank). These individuals are professionally
13 qualified and familiar with issues following arrest,
14 including reviewing the available evidence in making the
15 determination within the fixed periods of review. It is
16 my understanding of the chain of command during
17 Op Telic 2, with respect to the handling of prisoners,
18 in accordance with the policy in place at the time, that
19 the prisoner is the responsibility of the commanding
20 officer, with the BGIRO overseeing the process on his
21 behalf."

22 That is how you understood the system to run.

23 "My views on the role of other individuals within
24 the 1 QLR chain of command on Operation Telic 2 are as
25 follows:

1 "(a) The commander of the 1 QLR patrol detaining
2 a prisoner would be responsible for their care from
3 point of arrest until delivery until 1 QLR Main.

4 "(b) The BGIRO was responsible for the application
5 of the prisoner handling process within 1 QLR as
6 articulated by higher formation orders."

7 Did you understand the BGIRO, therefore, to be
8 responsible, as it were, for the handling of the
9 prisoner from the time of delivery until presumably the
10 prisoner was released or sent to the TIF?

11 A. I think my understanding was that the battlegroup IRO
12 would have been responsible for reviewing the
13 information and making a recommendation as to whether or
14 not the person should remain in custody or not, but that
15 the overall application of the process within the
16 battlegroup remained as the responsibility of the
17 commanding officer. How that would be delegated within
18 individual appointments within the battlegroup was very
19 much for a unit to determine.

20 Q. Under (e) you say:

21 "Tactical questioners would be solely responsible
22 for the questioning of prisoners and the provision of
23 tactical intelligence to the BGIRO ..."

24 If you can't answer the question, Mr West, of course
25 you will say so, but was it your understanding that

1 tactical questioners had any responsibility for the
2 manner, if you like, in which detainees were held prior
3 to questioning?

4 A. I am sorry, can you ask the question again please?

5 Q. Yes. Was it your understanding that tactical
6 questioners had any responsibility for what might be
7 described as the manner in which prisoners were held
8 prior to tactical questioning?

9 A. I had no visibility or knowledge as to how tactical
10 questioning was conducted at battlegroup level.

11 Q. Do you know what I mean by "Operation Salerno"?

12 A. I do now, sir, yes.

13 Q. You weren't aware of that operation at the time, were
14 you?

15 A. I wasn't aware of it until after the events of
16 15 September 2003.

17 Q. So that's when you became aware, did you, of the death
18 of one of the persons arrested on that operation?

19 A. That's correct.

20 Q. Did you become aware that these detainees arrested as
21 a result of Operation Salerno were not delivered within
22 the 14-hour deadline?

23 A. In my statement I have produced two extracts from my
24 notebook for the periods of 14 and 15 September --

25 Q. Yes.

1 A. -- which really provides some context to what I did or
2 didn't know at that time.

3 Q. What I really wanted to ask you was whether you were
4 aware of any other occasions when the 14-hour rule, if
5 I can call it that, was not fulfilled.

6 A. Let me try and address your previous question first of
7 all. I was not specifically aware as to how long the
8 detainees from Op Salerno had already been in custody
9 when they were briefed at the GOC's update on the
10 evening of 15 September. My question at the time was
11 why they were being questioned at battlegroup level and
12 not being -- and had not by that stage been delivered to
13 the TIF for interrogation by the JFIT.

14 Q. What you say at paragraph 61 -- can we have that,
15 please, at BMI03838 -- of your statement is that you
16 have referred back to personal notebooks that you
17 maintained during the course of your tour, which
18 records, as you have just told us, that:

19 "At the GOC's evening update on Sunday 14 September
20 2003, I was informed that 19 Mechanised Brigade was
21 engaged in a search operation resulting in the capture
22 of 15 prisoners, who had been found with small arms and
23 rocket propelled grenades. The next day, Monday
24 15 September ... there is a second entry from the GOC's
25 evening update at 17:45 referring to 'Operation Salerno'

1 and nine arrests, as well as a reference to tactical
2 questioning. I recall being made aware that the
3 prisoners were still being held at 1 QLR BG Main
4 headquarters. This would have been part of the
5 operational briefing which was normally delivered by
6 Major Simon Hulme. This prompted me to query in my own
7 mind why they were still being held at battlegroup level
8 and not delivered to the TIF. This wasn't openly
9 discussed during the course of the update."

10 That's right, is it?

11 A. That's correct, yes.

12 Q. There was not any discussion as to why there had been
13 this time lag, if you like, in delivery?

14 A. Nor was it clear whether we were talking about the same
15 prisoners which had been briefed the previous evening.

16 Q. I follow. You go on to say:

17 "I raised this on a one-to-one basis at the end of
18 the update with Lieutenant Colonel Le Fevre. I am not
19 sure now whether I understood at the time that these
20 were the same prisoners who had been mentioned in the
21 briefing the previous evening. I recall Lieutenant
22 Colonel Le Fevre explained to me words to the effect
23 that 'they think that they may be involved in the murder
24 of your guys' ..."

25 That would be the RMP soldiers, wouldn't it?

1 A. That's correct.

2 Q. A reference to those who had been killed in August.

3 "... including Major Titchener [as you go to say in
4 your statement] in a vehicle ambush on 23 August ...
5 I was therefore reassured that senior officers were
6 aware that the prisoners were still being held at 1 QLR
7 battlegroup headquarters and were dealing with this
8 issue within the G2-led process. From memory, I believe
9 that I was the most senior RMP officer in theatre at
10 this time as Lieutenant Colonel Warren was conducting
11 the UK leg of his handover to Lieutenant Colonel Moore."

12 Was it a serious matter to be breaching the 14-hour
13 rule?

14 A. I had no knowledge as to whether the 14-hour rule had
15 been breached in this case. My question was, if they
16 were being interrogated, why was it not being done at
17 the JFIT. Secondly, I would add that we did not have
18 a running commentary of the progress of detainees or
19 internees through the processing chain at divisional
20 level.

21 Q. You say in this paragraph -- and we can see it and read
22 it:

23 "Colonel Le Fevre explained to me ... 'they
24 think that they may be involved in the murder of your
25 guys' ..."

1 Was that a satisfactory explanation to you as to why
2 these men were apparently still being questioned? You
3 say that was your concern.

4 A. It wasn't uncommon for lots of issues like that to
5 evolve during the course of detention operations, of
6 arrest operations. What we would normally do is advise
7 the SIB that something like that had been reported and
8 that, if there was a prospect of a serious criminal
9 investigation being required, then that they were
10 alerted to that and would be able to respond to that at
11 the most appropriate point, which would normally be
12 after they had arrived at the TIF.

13 Q. So the question as to why they were not being taken to
14 the TIF was still an open one, as it were?

15 A. It was still open at that stage.

16 Q. Did you take that up?

17 A. I did, with Colonel Le Fevre.

18 Q. The conversation that you recall here? The conversation
19 that you record here in your statement?

20 A. Yes. Did I take it up with whom?

21 Q. Did you take it up with him or with anyone else
22 subsequently?

23 A. Within three hours of being made aware of this, I was
24 then subsequently informed that one of the prisoners
25 had, in fact, died in custody.

1 Q. And so, what, that event then overtook everything else,
2 did it?

3 A. Absolutely, sir, yes. Can I maybe just expand on that
4 slightly?

5 Q. Please.

6 A. This was briefed in open forum at the divisional evening
7 briefing to an audience of 30 or 40 of the senior staff
8 from within the divisional headquarters by the S02, who
9 was the senior S02 for operations across the division,
10 which I then, on a one-to-one basis, asked the senior J2
11 officer in the division about. So, you know, in the
12 time available, I don't think -- and given the responses
13 to the questions -- the question which I asked, I am
14 comfortable in my own mind that the question which I had
15 and the concern which I had had been answered.

16 Q. May I move on then, please, to ask you about a document
17 that we find at MOD016092? If you look at the second
18 page, we can see it is a document under your signature;
19 is that right?

20 A. That's correct, sir.

21 Q. Go back to the first page. It is dated 22 September
22 2003. It is an outline of the RMP investigation:
23 "Sudden death (whilst in detention)."
24 There is then set out, as we can see, the timescale,
25 as it were. You set out details of times, persons

1 arrested. Under "Sunday 14 September":

2 "At 1500 hours, all nine persons were medically

3 examined by 1 QLR medics -- no injuries noted."

4 From whom were you getting this information?

5 A. From the SIB, who were conducting the investigation.

6 Q. So to you it was, as it were, all secondhand

7 information, was it?

8 A. Yes, sir.

9 Q. If we go to MOD049726, Mr West, we see an email, do we,

10 from you sent on 18 September?

11 "Please see attached, which now includes the

12 additional timings requested."

13 If we go over the page to MOD049727, there is a

14 reference, under "Sunday 14", to the 1500 hours medical

15 examination, "no injuries noted". Then:

16 At 2000 hours, two of those detained requested

17 medical attention, no injuries noted."

18 Again was that something that you were getting from

19 the SIB, as it were -- this is not a criticism -- but as

20 a secondhand report?

21 A. Any information which I would have added to this

22 document would have come from the SIB, yes, sir.

23 Q. Then I move away from that document, please, just to ask

24 you about one or two other matters. Were you aware of

25 any ill-treatment of detainees at the time you were in

1 Iraq?

2 A. No, sir.

3 Q. Can we look at paragraph 94 of your statement at
4 BMI03849? You were reporting here, weren't you --
5 paragraph 94, line 3:

6 "On a number of occasions, I do recall that other
7 CPA military personnel approached me to highlight
8 incidents which they had witnessed involving
9 misbehaviour of 1 QLR soldiers towards Iraqi civilians.
10 In all such cases, I advised the individuals to report
11 their concerns to the chain of command within C Company
12 1 QLR."

13 Did you ever take matters -- these complaints or any
14 of them -- any further, other than advising, as it were,
15 that the matter be reported within the chain of command
16 of C Company?

17 A. No. From memory I think most of the incidents which I'm
18 alluding to here were relatively minor and would not
19 have required escalation beyond the immediate chain of
20 command.

21 Q. You didn't feel it necessary, did you, to ascertain that
22 some steps had been taken, given that, from your
23 statement, as I understand it, there were a number of
24 complaints that came through involving the same company?

25 A. There were a number, but they were all relatively minor

1 in nature. In discussing them with the individuals
2 named at paragraph 94, in all cases they seemed to have
3 been addressed adequately by the chain of command within
4 C Company of 1 QLR.

5 Q. So you were satisfied, were you, that they had been
6 addressed in that way?

7 A. Yes, and I took no further direct involvement in any of
8 those because I had neither witnessed them -- they were
9 just points which were discussed in conversation.

10 Q. A separate issue. If we look at MOD044551, please, this
11 is a handwritten statement of yours; is that right?

12 A. It is, sir, yes.

13 Q. It is dated 4 August 2003. It relates, doesn't it, to
14 what I will call the "Lieutenant Jones issue"?

15 A. Yes, sir.

16 Q. You may have heard the evidence of the last witness in
17 regard to this.

18 A. I did, sir.

19 Q. I don't propose to ask you about the detail of what
20 happened or the rights and wrongs, if you like, of what
21 happened, but you were made aware, were you, by your
22 commanding officer that the allegation or the
23 complaint -- whatever one should call it -- was not
24 being pursued officially?

25 A. That's correct, sir.

1 Q. And you accepted that at the time, did you?

2 A. No, I challenged Colonel Bill Warren on it at the time
3 and made my disagreement quite clear with him that
4 I didn't share his view.

5 Q. Could I just ask you to answer this either "yes" or "no"
6 if you are able to at the moment? Did you have concerns
7 about the influence that Colonel Mendonca and his
8 intervention may have had upon the process?

9 A. I had one conversation with Colonel Mendonca on the
10 evening of 14th August, which I relayed to
11 Colonel Warren, which gave me immediate concern that it
12 was not being taken as seriously as it should do. Other
13 than that, I took no direct involvement in the conduct
14 of the investigation. That was for others to assemble
15 the facts and make a decision.

16 THE CHAIRMAN: That was not quite the question you were
17 asked.

18 A. I'm sorry, Sir.

19 THE CHAIRMAN: Did you have concerns that Colonel Mendonca
20 might have affected the judgment of your commanding
21 officer, Colonel Warren?

22 A. Other than the conversation with Colonel Mendonca on
23 4 August, I had no other direct dealings with him nor
24 any knowledge of any discussion between him and
25 Colonel Warren.

1 THE CHAIRMAN: So is the answer "no"?

2 A. The answer is "no".

3 MR ELIAS: From your time at HQ MND, did you have any reason

4 to be concerned about the involvement of the provost

5 marshal's staff in the creation and establishment of

6 prisoner handling policy?

7 A. At the time I don't recall having any concerns.

8 Q. Looking back on it, do you have concerns? Perhaps

9 I should say: do you have misgivings about the role that

10 was played?

11 A. No. I think we were doing the best that we could within

12 the resources available.

13 Q. Does that perhaps hide a point which you might like to

14 make that you may have done more if you had had more

15 resources and you would have preferred so to do?

16 A. Yes, but I think I can say that more with the benefit of

17 hindsight.

18 Q. I understand that. Would what you might have done with

19 more resources have included the provision of more

20 expert advice to soldiers who may have been without

21 it --

22 A. Yes, sir.

23 Q. -- to soldiers in battlegroups who were tasked by

24 FRAGO 29 with handling detainees and internees?

25 A. I think that, whilst the numbers may not have been

1 ideal, there were certainly sufficient RMP resources
2 at -- within all battlegroups available to support such
3 operations.

4 Q. So what is your concern, with hindsight, in that regard?

5 A. No, with hindsight I am quite comfortable with the
6 missions and tasks which were allocated to the RMP
7 soldiers at the time, which were entirely appropriate.

8 Q. I thought you were agreeing with me -- forgive me if
9 I have it wrong -- that, leaving aside the question of
10 resources, there were areas where you would have thought
11 it desirable that advice be given to soldiers on the
12 ground who may not have had the expertise which RMP men
13 may have had?

14 A. The expertise which they were there to provide was to
15 support the recording of evidence and the preservation
16 of evidence in supporting battlegroup operations, and
17 that's still the case, I believe, to this day. Anything
18 beyond that would have been beyond their training and
19 expertise at that time.

20 Q. Can we have a look, please, at paragraph 65 of your
21 statement to this Inquiry? It's the last matter I want
22 to ask you about. It is at BMI03840. You say this:

23 "Whilst I do not personally recall drafting SOI 390
24 or identifying specific shortcomings in the existing
25 procedures, I was definitely involved in the final

1 review of the draft SOI prior to publication. I believe
2 that both paragraph 5 of the SOI and annex G,
3 'Instruction for the handling and tactical questioning
4 of internees', was drafted in response to the death of
5 Mr Baha Mousa."

6 Can we have a look, please, at MOD023104? We there
7 find SOI 390. Paragraph 5, you say in your statement,
8 and annex G, were drafted in response to the death of
9 Baha Mousa. Can we have a look at paragraph 5 then?

10 "Guarding and holding of detainees/internees.
11 Detained persons must be treated humanely and in
12 accordance with international law ..." and so on:

13 "(a) On arrest, they are to be restrained using
14 minimum force levels ...

15 "(b) At the earliest opportunity following arrest,
16 the suspect should be handed over to a nominated custody
17 officer, which for the UK is a member of the regimental
18 provost staff, who has qualified at the Military
19 Corrective Training Centre."

20 (c) The nominated custody officer is responsible for
21 ensuring the safe treatment and handling of detainees
22 and internees whilst in his care. A record of those
23 individuals assuming responsibility for custody at each
24 stage is to be maintained ..."

25 Now at least part of that, you say, do you, appears

1 to have been set out in response to the death of
2 Baha Mousa?

3 A. Yes, sir.

4 Q. Perhaps those parts that relate to the custody officer
5 and records being kept of what happens to a detainee.

6 A. Yes, sir.

7 Q. Those would have been matters, wouldn't they, of second
8 nature to those who were routinely tasked with guarding
9 prisoners in the UK or elsewhere?

10 A. Yes, sir.

11 Q. But they wouldn't necessarily be second nature to
12 a soldier who is called upon to guard with no training
13 in that area at all?

14 A. My assumption throughout Operation Telic 2 would be --
15 was in fact -- that the procedures outlined here at
16 paragraph 5 were in place; in other words, that the
17 trained regimental police or provost staff at
18 battlegroup level were discharging this function in the
19 manner presented here.

20 Q. That was your understanding?

21 A. Yes, sir.

22 Q. If we have a look at annex G, we find it at MOD023123,
23 please, "Instruction for the handling and tactical
24 questioning of internees". The Inquiry has looked at
25 this document many times and I think you will be

1 familiar with it, Mr West, so I won't take time with
2 reading out. One can see under paragraphs 3 and 4,
3 tactical questioning and the MO signing fit for
4 detention and questioning form and matters of that kind
5 are being set out.

6 Over the page, above 7, "Guarding and holding of
7 internees during tactical questioning".

8 And over the page, please, to the last page at this
9 part of the document at paragraph 11:

10 "Detained persons must be treated humanely and in
11 accordance with international law and
12 national standards, which for the UK is encapsulated in
13 JSP 469 ...

14 "(a) On arrest ... minimum force levels ..." are to
15 be used.

16 "(b) At the earliest opportunity following arrest,
17 the suspect should be handed over to a nominated custody
18 officer ..."

19 "Under (c):

20 "The ... custody officer is responsible for ensuring
21 the safe treatment and handling of detainees and
22 internees whilst in his care. A record of those
23 individuals assuming responsibility ... is to be
24 [made]."

25 So it is set out there very clearly, isn't it?

1 A. Yes, sir.

2 Q. Those if you like -- there may be very view of them --
3 were some, were they, of the lessons that had been
4 learnt from the death of Baha Mousa and the changes --
5 or the spelling out of a system that would cure some of
6 the defects?

7 A. Yes, sir.

8 Q. Were you, in fact, aware of any ban on hooding whilst
9 you were in Iraq?

10 A. No, sir.

11 Q. And the use of hoods for prisoners?

12 A. I am sorry?

13 Q. Forgive me. It is my fault. Were you aware of on any
14 ban on the use of hoods for prisoners whilst you were in
15 Iraq?

16 A. No, sir.

17 Q. Not at any time?

18 A. Not until 15 September.

19 MR ELIAS: Thank you. Would you just give me one moment?

20 THE CHAIRMAN: A break?

21 MR ELIAS: I am being reminded of the need for a break.

22 THE CHAIRMAN: Yes. You have more or less finished, have
23 you?

24 MR ELIAS: I have. Thank you.

25 THE CHAIRMAN: We will break off for ten minutes now. If

1 provost staff, these are, for example, the regimental
2 provost sergeant and provost corporal who would belong
3 to the unit themselves?
4 A. That's correct.
5 Q. And such regimental RP staff would also hold soldiers in
6 barracks back in the UK?
7 A. That's correct.
8 Q. And, in fact, the RMP are not the custodial experts. In
9 fact their expertise lies more in evidence handling?
10 A. That's absolutely correct.
11 Q. In contrast, the MPS in Colchester would be the
12 custodial experts?
13 A. That's correct.
14 Q. But, in fact, as we heard earlier, you say they are
15 actually very few in number.
16 A. Yes, indeed.
17 Q. Just one final point also: you mentioned earlier that
18 you had a conversation with Colonel Mendonca which gave
19 you immediate concern that your concerns in relation to
20 Lieutenant Jones were not being taken seriously.
21 A. That's correct.
22 Q. You accept that Colonel Mendonca was not actually
23 involved in the investigation.
24 A. No, he would have been the recipient of the
25 investigation.

1 Q. And you yourself were not involved in the investigation?

2 A. I was not.

3 Q. So, therefore, you are not in a position to comment as
4 to the extent to which the concern was taken seriously?

5 A. That is correct.

6 MS CROSS: Thank you, Sir. No further questions.

7 THE CHAIRMAN: Yes.

8 Ms Edington?

9 Questions by MS EDINGTON

10 MS EDINGTON: Thank you, Sir. I hope you can hear that this
11 time.

12 Mr West, you were satisfied with the way the chain
13 of command in C Company dealt with any complaints that
14 went to them -- that were reported to them by the people
15 that spoke to you?

16 A. Yes, I was.

17 Q. And in fact, when the embedded RMP, Corporal Madine, was
18 removed, he then went back to C Company after the laptop
19 had been investigated, didn't he?

20 A. I only have a very vague recollection of the sequence of
21 events with that.

22 Q. But you were satisfied with the way that was dealt,
23 again by Corunna Company?

24 A. I didn't have any direct involvement with that, I'm
25 sorry. I can't really comment on that particular issue.

1 MS EDINGTON: Thank you very much.

2 THE CHAIRMAN: Thank you. Mr Dingemans?

3 Questions by MR DINGEMANS

4 MR DINGEMANS: Before your conversation with

5 Colonel Le Fevre about the detainees, can I just ask you

6 about the information that you were given? You were

7 given information that a number of people were detained

8 on the Sunday night; is that right?

9 A. Was that the 14th?

10 Q. Yes.

11 A. Yes, indeed.

12 Q. And there were also some people detained on the Monday

13 night?

14 A. That's correct.

15 Q. Were you ever told the identity of the people detained

16 on the Sunday night?

17 A. No, sir.

18 Q. Were you told the identity of people detained on the

19 Monday night?

20 A. No, sir.

21 Q. So you couldn't know at that stage whether or not they

22 were the same people?

23 A. I didn't, sir.

24 MR DINGEMANS: Thank you.

25 THE CHAIRMAN: Yes, Mr Elias?

1 MR ELIAS: I have no questions, Sir, thank you.

2 Questions by THE CHAIRMAN

3 THE CHAIRMAN: Just help me about one thing. Those provost
4 staff who were part of the regimental staff, battlegroup
5 staff, they weren't strictly RMP at all; is that right?

6 A. Absolutely nothing to do with Royal Military Police.

7 THE CHAIRMAN: But they would have been trained to some
8 extent in RMP practices and techniques?

9 A. No, not at all --

10 THE CHAIRMAN: Not at all?

11 A. -- in RMP techniques. They are, in effect, unit
12 custodian staff --

13 THE CHAIRMAN: Yes.

14 A. -- and they attend a short course -- I can't remember
15 how long it is -- at MCTC at Colchester on the safe
16 operation of unit detention facilities.

17 THE CHAIRMAN: When you say "unit detention facility", do
18 you mean what used to be called the "guardhouse"?

19 A. The guardhouse and its cells.

20 THE CHAIRMAN: And that would be for the purpose of any
21 members of the regiment or battalion who were taken in
22 on a charge?

23 A. Or pre-charge as well.

24 THE CHAIRMAN: Or pre-charge, yes.

25 A. Yes, Sir.

1 THE CHAIRMAN: Would they not then have some experience of
2 holding them in custody?

3 A. Yes, they would, Sir, in terms of maintaining a record
4 of their custody, their property, ensuring they were
5 signed as fit for unit detention and in ensuring that
6 they were correctly treated whilst in the guard room.

7 Q. And indeed those would be the sort of things that you
8 would expect for anybody who was detained at the
9 battlegroup for a short period of time?

10 A. Absolutely, Sir.

11 THE CHAIRMAN: Yes, I see.

12 So they ought to be, if properly trained, competent
13 to carry out that task?

14 A. Just in the same way as a medic would be expected to
15 treat soldiers. So you would expect a medic, at
16 battlegroup level, to be able to treat civilians and, in
17 this case, I would have expected the appropriate people,
18 regimental policemen or provost staff, whatever you wish
19 to call them, to have had an appropriate, albeit basic,
20 level of training in the operation of a unit level
21 custody facility.

22 THE CHAIRMAN: Yes. All right.

23 Does anyone want to ask any questions arising out of
24 that?

25 MS CROSS: Sir, if I may, just one.

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Further questions by MS CROSS

MS CROSS: In relation to the chain of command in relation to provost staff, that remained within the unit itself, did it not?

THE CHAIRMAN: Sorry, I did not catch that.

MS CROSS: I am asking about the chain of command. It remained within the unit in relation to provost staff, but in relation to the RMP, there was a dual chain of command, one through the RMP itself and one to the unit --

THE CHAIRMAN: I think I have that point. He said that already.

MS CROSS: Then I will ask no further questions.

THE CHAIRMAN: Yes, well, that is all the questions you are going to be asked by the Inquiry. I am grateful to you for coming to the Inquiry and answering questions and giving evidence. You are now free to go.

A. Thank you, Sir.

THE CHAIRMAN: Thank you.

Now, we have three read only witnesses?

MR ELIAS: We have, Sir. Mr Halliday will deal with that if he may.

THE CHAIRMAN: Our expert in read only witnesses is going to deal with it.

1 Summary of witness statements by MR HALLIDAY

2 Summary of witness statement of GERAINT WYN GRIFFITHS

3 MR HALLIDAY: Sir, the first is Geraint Wyn Griffiths. He
4 tells us that he deployed to Iraq in October 2003 as a
5 major. He was the senior medical officer in Basra. He
6 tells the Inquiry that his role was purely clinical. He
7 would offer clinical advice to other British medical
8 officers in Iraq, but he had no involvement in medical
9 policy. He says that if another medical officer had
10 a question about resources or policy, it would have been
11 referred to the commander medical, who was based at
12 Basra Airport.

13 Witness statement of GERAINT WYN GRIFFITHS

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17 Witness Name: Geraint Wyn
 Griffiths

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 Statement No: 1
 Exhibits: None

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 Dated: 30 September 2009

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22

THE BAHA MOUSA PUBLIC INQUIRY

23

24

 Witness Statement of Geraint Wyn Griffiths

25

1 I, Geraint Wyn Griffiths will say as follows:-

2 1. I make this statement in response to the
3 Inquiry's Rule 9 Request dated 19 August 2009. I have
4 read this Request, and I seek here to cover everything
5 it raises to the best of my ability and recollection.

6 Career

7 2. I joined the Army as a Medical Cadet in 1986.
8 I qualified as a doctor in 1989 and attended the Entry
9 Officer Course at Sandhurst in 1990. I served for two
10 and a half years as the Regimental Medical Officer
11 ("RMO") for the 1st (UK) Armoured Division Headquarters
12 Signal Regiment in the rank of Captain. I then spent
13 a year working on the psychiatric unit of the Queen
14 Elizabeth Military Hospital in Woolwich. In 1993
15 I moved to the British Military Hospital in Rinteln
16 Germany. I then returned to Catterick Garrison, where
17 I was promoted to Major and I completed my GP training
18 in 1996. I also deployed to Bosnia from Catterick.

19 3. I worked in the NHS from 1997 to 2000 before
20 rejoining the Army, with 1 Close Support Medical
21 Regiment based in Herford Germany. From there I was
22 again deployed to Bosnia as a Senior Medical Officer
23 ("SMO"). In January 2003 I moved to 3 Close Support
24 Medical Regiment and was based at Bulford. It was from
25 here that I deployed to Iraq as an SMO in October 2003

1 and was promoted to Lieutenant Colonel. Since 2003,
2 other than one further deployment to Afghanistan in
3 2008, I have worked in the UK.

4 Rank and Role during Telic 2

5 4. I deployed to Iraq on 13 October 2003 as a Major
6 and was initially the SMO attached to 22 Close Support
7 Squadron of 2 Close Support Regiment for the last two
8 weeks of Op Telic 2. I was then promoted to Lieutenant
9 Colonel at the start of Op Telic 3 and for the next
10 three months I was SMO with 5 Close Support Medical
11 Regiment. Although I was with two different Regiments,
12 and the majority of my tour was on Op Telic 3, my role
13 was the same throughout.

14 5. As the SMO I was the most Senior Clinician from
15 the Medical Regiments in the British controlled areas of
16 Iraq. There were around thirteen other Medical Officers
17 working within the British controlled areas of Iraq to
18 whom I offered clinical support and advice. Of these
19 thirteen doctors only three were fully qualified general
20 practitioners and as such there was a need for an SMO to
21 provide clinical support and advice.

22 6. I ran a medical section based at the Basra
23 Palace. The medical section provided an additional
24 layer of support between the regimental aid posts
25 ("RAPs") within each of the infantry regiments and the

1 British Military Hospital (BMH) at Camp Shaibah. The
2 medical section was based in a Medical Centre at Basra
3 Palace. Basra Palace was selected because it was the
4 most secure location within Basra for helicopter
5 evacuations.

6 7. The medical section was made up of around
7 forty-five to fifty staff and was theoretically two
8 medical sections, the main medical section and a reserve
9 section. At the start of the tour I had a Junior
10 Medical Officer assisting me. I cannot recall his name
11 but he was a Captain from 16 Air Assault Brigade. If
12 the two medical sections had been required he would have
13 led one and I would have led the other. However he left
14 shortly after I arrived so I effectively had to run both
15 sections as one large medical section.

16 8. The role of the medical section was to provide
17 day to day medical assistance to British soldiers and
18 locally employed civilians in Basra. However we would
19 also provide medical assistance to civilians who came to
20 the camp having been unable to find medical assistance
21 elsewhere. I was on call 24 hours 7 days per week;
22 carrying out daily sick parades and treating patients.
23 There were also military ambulances based with the
24 medical section.

25 9. In addition to this day-to-day role the medical

1 section can be sent forward to assist the regiments if
2 their RAPs become overrun with casualties or to provide
3 a dressing station close to the scene of an incident
4 involving mass casualties.

5 10. The medical section is made up purely of staff
6 from the medical regiments. This would include Medical
7 Officers, Nurses and Combat Medical Technicians (CMTs).
8 CMTs are soldiers who join the Army in the normal way
9 and decide to work within the Medical Regiment. They
10 are given six months medical training and would be
11 roughly the equivalent of a health care assistant in
12 an NHS hospital.

13 11. As the SMO my role was a purely clinical one.
14 I ran the medical section and I could take clinical
15 questions from the other Medical Officers based in Iraq.
16 However I had no executive authority and no involvement
17 in medical policy. If one of the other Medical Officers
18 asked me a question in relation to, for example,
19 a resource issue or a policy issue I would have to ask
20 them to take the matter up through their Chain of
21 Command to the Commander Medical who was based at Basra
22 Airport. There were two Commander Medicals during my
23 time in Iraq but I cannot recall either of their names.

24 Training

25 Initial training

1 12. As a Medical Cadet I had a funded place through
2 Medical School and then carried out several house doctor
3 jobs within the NHS. On qualifying as a doctor
4 I attended the Army's post-graduate medical course.
5 This consisted of a six week Officer's course at
6 Sandhurst, followed by a four month course based at
7 Keogh Barracks. Some elements of the course were also
8 taught at the Royal Army Medical College at Millbank in
9 London.

10 13. Whilst being specific to Medical Officers my
11 basic training did include training on basic infantry
12 skills and weapon handling. I also recall attending
13 a session on the Laws of Armed Conflict ("LoAC") at the
14 Royal Army Medical College. This session focussed on
15 a discussion of the Geneva Conventions and in particular
16 how they would apply to medics. I do not recall any of
17 the specific content or what was said now.

18 14. Since my initial training, I have essentially
19 worked as a GP. I spent some time as an RMO and worked
20 in Army Hospitals before formally qualifying as a GP.
21 As a doctor much of my training and guidance as to how
22 to treat people comes from the General Medical Council
23 in particular their guidance on good medical practice.
24 As a doctor, my job is to treat all people equally.
25 I am not there to treat one person more favourably than

1 another and I am not there to act as a detaining
2 authority for anyone.

3 Annual training

4 15. Every member of the Army should carry out
5 annual training in the form of Individual Training
6 Directives (ITDs). The ITDs cover various subjects.
7 The only ITD relevant to treatment of prisoners would be
8 the LoAC ITD. In this ITD we would go through the
9 relevant parts of the Geneva Convention as set out in
10 the LoAC aide memoire. It is made clear that prisoners
11 are to be treated humanely. Also of particular
12 relevance to Medics, the training highlights the fact
13 that patients are to be treated on the basis of medical
14 necessity, so doctors are not able to prioritise
15 treatment of our own troops over treatment of enemy
16 troops or prisoners.

17 16. Aide memoires on the LoAC (MOD011176) are given
18 out in all pre-deployment training. They may have
19 changed slightly over time but essentially set out the
20 same things. There is also a slightly longer version of
21 the guidance on the LOAC (MOD036232) which is not handed
22 out to everyone, but is available to anyone who wants it
23 and I would have a copy of it with me on operations.

24 Other Courses

25 17. The only other course I have attended which

1 bears any relation to treatment of the enemy or
2 detainees was on the Experienced Officers Course.
3 However this was after Operation Telic 3. The course
4 included a morning session discussing the ethical
5 treatment of detainees. The session was a general open
6 discussion using the Geneva Conventions and LoAC as
7 a basis; we discussed how these would apply in certain
8 situations. We were not given any specific written
9 document or written guidance during this session.

10 Pre-deployment training

11 18. Prior to deployment on Operation Telic 2, I did
12 the standard OPTAG package as provided to all soldiers
13 at the time. This included a further run through of the
14 LoAC. This training was based upon the aide memoire
15 which I think we were given during the session. This
16 LoAC training session was provided by either a member of
17 the RMP or an Army lawyer, I am not quite sure which.

18 19. Although I have never attended any formal
19 conduct after capture training, we were given a talk on
20 what to do if we were caught during part of the OPTAG
21 pre-deployment training. I cannot recall the content of
22 the talk I received in 2003 now, however I do recall
23 a similar talk that was given during my OPTAG package
24 for deployment to Afghanistan in 2008. This session was
25 essentially aimed at providing us with some guidance as

1 to how far we should go before we would divulge
2 information if we were subjected to certain techniques.
3 We were shown a video giving examples of some of these
4 techniques. This including stress positions, which we
5 were advised we should try to bear for as long as
6 possible. However the video then moved on, running
7 through different techniques up to the point where
8 someone was threatened with the use of an electric drill
9 on their skull.

10 Handover

11 20. Following pre-deployment training I deployed to
12 Iraq and had a five day handover with my predecessor Lt
13 Col Wilman. During this handover we talked about many
14 issues, mainly centred on where people were based and
15 what jobs they would be doing. I am pretty sure that
16 during the handover I was told by Lt Col Wilman that
17 someone had died in custody during Telic 2; this is how
18 I knew that there was an ongoing RMP investigation. It
19 was an informal comment and I was given no further
20 details. Other than this handover I received no
21 training in theatre.

22 Prisoner Handling

23 21. Other than the training on the LoAC mentioned
24 above I do not remember any training in relation to
25 prisoner handling. On practice exercises there would

1 always be one scenario where we were treating a prisoner
2 of war. However other than ensuring that they were
3 guarded at all times, their treatment would be exactly
4 the same as any other medical case.

5 22. I have no knowledge of hooding or other forms
6 of blindfolding and have not come across them in
7 training or in practice. Similarly I have had no
8 training and have no knowledge of the use of white
9 noise, food water or sleep deprivation, the use of force
10 or the use of plasti-cuffs. I have never heard of the
11 term conditioning.

12 23. I heard of the terms stress position and shock
13 of capture when I worked on the psychiatric unit of the
14 Queen Elizabeth Military Hospital in Woolwich in around
15 1992. I heard these terms used by patients in relation
16 to the selection process for the Secret Services.
17 I cannot recall any further details. As mentioned at
18 paragraph 19 above, there was also mention of stress
19 positions in the OPTAG training for deployment to
20 Afghanistan in 2008. I have never seen stress positions
21 used.

22 The Duties of Army Medical Officers during Telic 2

23 24. I did not come across any detainees or
24 prisoners during my time in Iraq on Telic 2 or 3 and to
25 my knowledge there was no detention facility in Basra

1 Palace at the time. The details I give below in
2 relation to the duties of Army Medical Officers ("AMO")
3 are therefore to some extent theoretical, as I had no
4 practice of applying them in Iraq.

5 25. In general, the duties of an AMO would be the
6 same duties as any Doctor would have, namely those set
7 out in the guidance of the General Medical Council. On
8 top of this, AMOs would also need to act within the
9 guidance provided by the LoAC.

10 The Provision of Medical Care to Persons Detained by
11 UK Forces

12 26. In general, medical care provided to persons
13 detained by UK Forces would be the same as that provided
14 to UK Forces themselves. The 3rd Geneva Convention, at
15 paragraph 70, states that an initial medical inspection
16 of Prisoners of War is advised when they are first taken
17 into the custody of UK Forces. Under the Queen's
18 Regulations, there is a similar requirement for anyone
19 detained by the Army to be subject to a medical
20 inspection within 48 hours of their detention. The
21 medical inspection is to establish whether the detainee
22 is fit to be detained or whether medical treatment is
23 required prior to detention.

24 Record Keeping

25 27. Records for detainees will be kept in exactly

1 the same way as records for anyone else. On Telic 3,
2 I had a reinforced laptop with the Theatre Operational
3 Medical Data Capture System ("TOMD") to keep medical
4 records. This laptop also allowed me access to EMIS,
5 which is a standard clinical computer system used by GPs
6 in the UK. All medical records would be kept on the
7 TOMD system.

8 28. If, for any reason, I could not access the TOMD
9 system, for example if I was at a remote Company
10 location, I would use the form FMed5. The FMed5 is
11 a clinical record card similar to the old clinical
12 record cards kept by NHS GPs. Once completed the FMed5
13 cards would then be stored in the patient's FMed4. The
14 FMed 4 is a patient's medical file and would be stored
15 securely in the Medical Centre. If a civilian were to
16 come in requiring treatment, I would also record details
17 of their symptoms and treatment on an FMed5 and retain
18 this in the Medical Centre.

19 Certifying Detainees as Fit for Detention

20 29. As mentioned above, in the UK it is standard
21 practice to certify someone detained by the Army as
22 being fit for detention. As I did not see any detainees
23 in Iraq, I had no opportunity to certify anyone as fit
24 to detain. I also do not recall seeing any guidance in
25 relation to this. However, I would expect that any AMO

1 who was accustomed to certifying people as fit to detain
2 in the UK would repeat the same procedure in Iraq.

3 30. The form used to record the initial medical
4 check on a detainee in the UK was the Form 566.
5 Although we would write on this form "fit to detain", we
6 would also use a Personnel Employment Status code to
7 indicate that the person had no immediate medical
8 problem. The code for fit to detain was the same as the
9 code for fit for regular duties, which is "P2FE" or
10 Fully Deployable in Any Environment. As this code
11 applies to military personnel, it would not be used in
12 relation to a civilian detainee.

13 Certifying Detainees as Fit for Tactical Questioning
14 or Interrogation

15 31. I have no knowledge or experience of certifying
16 anyone as fit for tactical questioning or interrogation.
17 I have never been asked to do this, or been trained in
18 relation to this.

19 Ensuring that Detainees are held in Sanitary
20 Facilities

21 32. I would expect any AMO to act as an adviser to
22 a detaining authority in relation to provision of
23 sanitary facilities. In the UK I would go every three
24 months to check the facilities of the guardroom at my
25 Barracks in the UK. However, I did not visit any

1 detention facility in Iraq so I cannot comment on what
2 was expected there.

3 The Duties owed by Regimental Medical Assistants
4 during Telic 2

5 33. There were no Regimental Medical Assistants
6 ("RMA") within my medical section. RMAs are members of
7 the regular Army Regiments who volunteer to receive some
8 advanced first aid training. They are often soldiers
9 who have been injured in their primary role and,
10 therefore, become RMAs as a secondary job. They are not
11 trained in the same way as doctors or nurses and they do
12 not have as much training as the CMTs that worked for me
13 would have.

14 34. RMAs would generally work within a Regimental
15 Aid Post or a Company providing low level care and first
16 aid. RMAs would generally report to a CMT, who would
17 then report to the Medical Sergeant in charge of the
18 RAP, who in turn would report to an RMO.

19 35. I cannot comment on what medical checks an RMA
20 would give to detainees, as I had no involvement with
21 detainees and had no RMAs under my command.

22 36. An RMA would be assisting an RMO, so I would
23 expect them to follow similar procedures in terms of
24 providing treatment and recording this treatment. I am
25 not aware of any specific policies in relation to RMAs

1 and their duties and responsibilities.

2 Guidance and Advice on Medical Duties and
3 Responsibilities Available in Theatre

4 37. The only documents that I had available to me
5 whilst in theatre were a copy of the GMC's Duties of
6 a Doctor, which in 2003 would have been the 1995
7 version, and a copy of the LoAC aide memoires. Other
8 than this, all I had was the clinical computer system
9 and some medical textbooks. I had no other policy
10 documents.

11 38. I have been referred by the Inquiry to Annex 3F
12 of JWP1-10 (MOD013546) and the Op Telic 1 Medical
13 Directive (MOD029072). I have no recollection of ever
14 seeing either of these documents before. They may have
15 been available to me at the time but I have no
16 recollection of them. They appear to both refer to the
17 early stages of the invasion and how to manage Prisoners
18 of War. By the time I arrived, the war fighting phase
19 was over and I was mainly treating members of the UK's
20 Armed Forces and occasionally civilians.

21 39. If I did have any queries about policy issues,
22 I would refer them to the Commander Medical at Division,
23 who I would expect to be able to supply policy answers.

24 Guidance to Battlegroups Regarding the Proper
25 Medical Attention to be given to Prisoners during Telic

1 2

2 40. As mentioned above, I was not in Iraq for the
3 vast majority of Telic 2 and I had no involvement in the
4 treatment of detainees. Whilst I was in Iraq at the end
5 of Telic 2 and during Telic 3, I do not have any
6 recollection of being asked to give or giving any advice
7 to anyone in relation to the proper medical attention to
8 be given to prisoners.

9 Appropriateness or Legality of Conditioning
10 Techniques

11 41. I do not have any recollection of ever talking
12 to anyone about detainees during my time in Iraq.
13 I certainly would not have been in a position to advise
14 anyone on the appropriateness or legality of hooding,
15 stress positions, sleep deprivation, exposure to noise,
16 restriction of diet, or more generally concerning the
17 shock of capture and/or conditioning.

18 The Media

19 42. I have not given any account of any of the
20 matters relevant to the Inquiry to the press or the
21 media.

22 Statement of Truth

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

25 Signed: Geraint Wyn Griffiths.

1 Dated: 30 September 2009.

2

3 MR HALLIDAY: Sir, the Commander Medical,
4 Colonel Carmichael, will in fact be giving evidence to
5 the Inquiry on Thursday.

6 THE CHAIRMAN: Yes.

7 Summary of witness statement of STEPHEN FIELDER

8 MR HALLIDAY: The second witness is Stephen Fielder.

9 Major Stephen Fielder deployed to Iraq with
10 3 (UK) Division in July 2003. He was a staff officer
11 grade 2 in the provost branch. He is a member of the
12 Royal Military Police. In his Op Telic 2 role he
13 reported to Colonel Warren who has given evidence today.
14 He left theatre on 9 September 2003.

15 Major Fielder says in his statement that his primary
16 function was the provision of policing support and
17 advice, in particular providing support and assets for
18 the training of the Iraqi police. He recalls being
19 consulted by Lieutenant Colonel Barnett in the drafting
20 of Divisional FRAGO 5.

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Witness statement of STEPHEN FIELDER

Witness Name: Stephen Fielder

Statement No: 1

Exhibits: 0

Dated: 29 March 2010

THE BAHA MOUSA PUBLIC INQUIRY

Witness Statement of STEPHEN FIELDER

1 I, Stephen Fielder will say as follows:-

2 1. I make this statement in response to the
3 Inquiry's Rule 9 date 22 January 2010. I have read this
4 request and I seek here to cover everything that it
5 raises to the best of my ability and recollection.
6 I have also been shown and read copies of the following
7 documents.

8 (a) Prisoner of War Handling Instructors Pack
9 Lesson 1 (MOD050137)

10 (b) Prisoner of War Handling Instructors Pack
11 Lesson 2 (MOD050143)

12 (c) Prisoner of War Handling Instructors Pack Lesson
13 3 (MOD050143)

14 (d) PowerPoint presentation (MOD050148)

15 (e) AGC (MPF) Custodial Claiming and Advisory team
16 "routine and regime" (MOD050245)

17 (f) RMP LOG BdE SOPs, Chapter 3, SOP 13, Handling
18 and Treatment of Prisoners of War (PW) and Surrendered
19 Enemy Personnel (SEP) (MOD049917)

20 (g) 19 Mech BDE FRAGO 85 - Miscellaneous FRAGO (13
21 July 2005) (MOD023089)

22 (h) FRAGO 005 to Multi National Division (SE) OPO
23 03/03 - Policy for Apprehending Handling and Processing
24 of Detainees and Internees (3 September 2003)
25 (MOD022623)

1 (i) E mail from Lieutenant Colonel Barnett dated 8
2 August 2003 (MOD051362)

3 (j) E mail from Lieutenant Colonel Barnett dated 3
4 September 2003 (MOD051499).

5 (k) Multi-national Division (SE) SOI 390 - Policy
6 for Apprehending Handling and Processing of Detainees
7 and Internees (30 September 2003) (MOD023104).

8 Army Career

9 2. I joined the army on 10 September 1984 as
10 an apprentice with the Royal Electrical and Mechanical
11 Engineers (REME) based at Princess Marina College in
12 Arborfield. The apprenticeship lasted two years after
13 which I was posted to Minden in Germany from 1987 to
14 1989 as a soldier. During this period I also undertook
15 a tour to Belfast, Northern Ireland in 1988. After
16 I had completed the tour to Northern Ireland I returned
17 to Germany. In 1990 I was selected to undergo officer
18 training and commenced training at Sandhurst in
19 September of 1990. I was commissioned in August 1991
20 into the Royal Military Police (RMP) as a 2nd Lieutenant
21 and posted to Aldershot with 5 Airborne Brigade from
22 1991 to 1993. I was thereafter posted to Hong Kong in
23 January of from 1994 to April 1995. I then had a short
24 posting to the Central Criminal Records and Intelligence
25 offices at Chichester before attending the Junior Staff

1 course and then another tour to Northern Ireland in the
2 period 1996 to 1998 as the Adjutant for 2 RMP Regiment.

3 3. In the period 1998 - 2000 I was an Exchange
4 Officer in the United States, initially with the
5 Military Police Special Operations department in Alabama
6 for one year, followed by a period in Missouri with
7 a Manoeuvre Support Centre working on non lethal weapon
8 projects.

9 4. In 2000 I was posted to Hohne in Germany as the
10 Officer Commanding of a Military Police company. During
11 this period I undertook 2 tours to Kosovo and Bosnia.

12 5. In 2002 I was posted to Bulford with 3 UK Armd
13 Division.

14 6. I deployed with this Division to Iraq on 7
15 July 2003 as SO2 Provost. I left Iraq on 9 September
16 2003 a few days before Baha Mousa died in early
17 September 2003.

18 7. After Iraq I was posted as Chief of Staff to the
19 Royal Military Police Training School, Chichester which
20 was, at the time, amalgamating with other defence police
21 schools to become the Defence Police Training Academy.
22 I remained in Chichester for a year before leaving the
23 army at the end of July 2005.

24 Training

25 8. I underwent training on the Law of Armed

1 Conflict every year as part of annual ITD training.
2 I may have had similar training on the Law of Armed
3 Conflict during the pre-deployment phase prior to Iraq.
4 I am unable to recall any content of that training, save
5 to state that it involved some PowerPoint slides. I do
6 not recall seeing a video.

7 9. As regards the detention and treatment of
8 prisoners of any category I received training during the
9 course of my army career with the RMP that all UK
10 Military personnel were to be treated in accordance with
11 the provisions of the Police and Criminal Evidence Act,
12 no matter where in the world that arrest took place.

13 10. I underwent training on the RMP Young Officers
14 course, and a Military Police Commanders course where
15 a member of the Military Provost Staff branch gave
16 training about the responsibilities of the Military
17 Provost Staff branch for dealing with UK military
18 detainees, advising on the handling of POWs and for
19 teaching and instructing Regimental Provost Staff on how
20 to treat military detainees fairly.

21 11. In regards to non-UK detainees, I also received
22 training that where the RMP acted as support to a battle
23 group the policy, rules and procedures that would govern
24 RMP and combat arms arresting and detaining civilians in
25 post conflict theatre situations would be developed

1 specifically for that theatre of operations where the
2 arrest was taking place. During my training I was
3 taught that the Army Legal Services would interpret the
4 overarching law that allowed UK forces to deploy and set
5 the theatre Policy for arrest and detention by UK
6 Forces. I was also taught that The Military Provost
7 Staff Officer deployed to the Theatre Headquarters would
8 advise the Operational Commander and the Provost Marshal
9 on what was considered appropriate detention facilities
10 for the theatre and the conditions for the proper
11 detention and holding of arrested or detained civilians.

12 12. It is my view that any newly commissioned
13 Military Police Officer would know that there is
14 a distinction between a situation in the UK or Europe
15 where a soldier is arrested by the RMP (and handed over
16 to the Regimental Provost Staff where there is a guard
17 room for the individual's detention) and the situation
18 where infantry soldiers are detaining civilians in
19 a post conflict situation and the RMP are present in
20 a support and advisory role. This RMP role is to advise
21 soldiers on appropriate handling and care between the
22 point of detainment and point of hand over to
23 a detainment facility and/or arrest and charge by local
24 law enforcement officers for alleged offences against
25 the law of that country.

1 Hooding

2 13. I have never received any training at any stage
3 in regard to hooding and have never seen their use by UK
4 forces. I was not aware that UK forces were using hoods
5 on detainees at the time in Iraq. I only became aware
6 recently via the media reporting of the issue.

7 Blindfolds

8 14. I have never received any training in the use
9 of blindfolds and have never seen them used.

10 Prohibition on Covering of the Face

11 15. I have never received training in this regard
12 and cannot understand why there would ever be any
13 necessity to cover a detainee's face. By virtue of my
14 training in the Military Police, my approach to the
15 covering of the face would be that it would be inhumane
16 and subject the prisoner to distress which would taint
17 the value of any information subsequently obtained from
18 that detainee.

19 Stress Positions

20 16. When I joined the army as a soldier I underwent
21 initial training. The Regimental PT staff regularly put
22 us into stress positions as a form of punishment. The
23 stress position that I specifically recall was facing
24 a wall with my body weight leaning against my
25 finger tips splayed across a wall with my feet placed

1 some distance back from the base of the wall. I also
2 recall holding heavy objects at arms length and being
3 made to conduct drill. There was never a suggestion
4 that as an RMP Officer it would ever be appropriate that
5 these techniques could be used on arrested or detained
6 persons.

7 White Noise

8 17. I have never received any training from UK
9 Forces in the use of white noise and I have never seen
10 it used by UK Forces.

11 Food and Water

12 18. I have never received training in the technique
13 of depriving prisoners of food and water. Once again
14 from a Military Police and personal point of view, if
15 a prisoner is not supplied with necessary food and
16 water, I would consider it inhumane and that this action
17 would place the individual under unnecessary stress;
18 further, any evidence obtained I would view as flawed
19 and gathered under duress.

20 Sleep Deprivation

21 19. I was never taught to use sleep deprivation as
22 a technique and I have never used it.

23 Force

24 20. The principles of the training I received in
25 regard to the use of force stipulated that only

1 reasonable and proportionate force could be used.

2 Plasti-Cuffs

3 21. I recall receiving training on the use of
4 plasti-cuffs as part of pre deployment training,
5 although I cannot now remember if it was prior to Iraq,
6 Kosovo or Northern Ireland. We were taught not to tie
7 the plasti-cuffs too tight, but I cannot recall whether
8 we were taught to cuff to the front or the back. My
9 inclination, however, would have been to cuff to the
10 front, however, if the person being arrested was violent
11 it might be necessary to cuff that person to the back to
12 avoid harm to the detaining officer; in essence my view
13 is that the decision is situation dependent.

14 Shock of Capture

15 22. I have never heard of this concept and do not
16 have any knowledge about it.

17 Conditioning

18 23. I have never received any training on
19 conditioning and do not know anything about the concept.

20 Courses for Promotion

21 24. After Sandhurst I underwent the Junior Military
22 Police Officers course, followed by an investigators
23 course, finance courses for non public funds (the
24 management of monies raised through messes and clubs for
25 the benefit of soldiers and officers welfare: i.e. this

1 is different from tax payers money) security courses,
2 press officers courses and then the Junior Command and
3 Staff Officer course which involves military history,
4 international studies, technology etc. There was no
5 aspect of any of this training that related to prisoner
6 handling.

7 Conduct after Capture

8 25. I have never received training on conduct after
9 capture and have no knowledge of it.

10 Pre-deployment Training for Op Telic 2

11 26. I recall that there were various modules of
12 pre-deployment training given in the Bulford vicinity
13 and that every staff officer in Headquarters was
14 responsible for ensuring that they received the required
15 training. In view of the fact that 3 UK Division
16 relieved 1 UK Division in theatre, I was involved before
17 this time in logistical support planning to
18 1 UK Division's in-load to Iraq from Christmas 2002,
19 based in Bulford. By example, if 1 UK Division required
20 to source more military police Landrovers or equipment,
21 I would be involved in helping to find this equipment
22 and arrange for it to be transported to 1 UK Division in
23 theatre.

24 27. As far as I can recall I did all the
25 pre-deployment training that was required but I cannot

1 recall much of the content except that some involved
2 training in respect of personal weapons, fitness, the
3 Law of Armed Conflict and the like.

4 28. I do not recall receiving any training from the
5 Intelligence Corps.

6 29. It was common for the RMP to work closely with
7 the Intelligence Corps in regard to information that had
8 been obtained during the conduct of normal RMP
9 activities. However, I do not recall receiving any
10 training from the Intelligence Corps for the purposes of
11 Telic 2.

12 Training by the RMP

13 30. I do not recall any specific police related
14 training from the RMP for Telic 2 although obviously
15 I had extensive training within the RMP during the
16 course of my military career.

17 Military Corrective Training Centre (MCTC)

18 31. I do not recall receiving any training from
19 MCTC.

20 PT Staff

21 32. The only training that I recall receiving from
22 PT Staff prior to Telic 2 related to fitness.

23 In Theatre Training

24 33. I do not recall receiving any training in
25 Theatre.

1 Tactical Questioning and/or Interrogation

2 34. I have never received training in tactical
3 questioning or interrogation.

4 Training (MOD050131, MOD050137, MOD050143, MOD050148
5 and MOD050245)

6 35. I am asked to explain who compiled, delivered
7 and received this training. In response, I have no
8 recollection of ever seeing any of these training packs
9 and it is not the sort of training that I would have
10 been asked to give. I would comment that they seem
11 generic training documents compiled by the Military
12 Provost Staff Corps. They do not appear to be
13 applicable specifically to those persons deploying to
14 Iraq. I would assume that a qualified Military Provost
15 Staff Corps Officer would give this training. I can
16 only assume that the target audience would be soldiers
17 and officers in a battalion.

18 RMP LOG Bde SOPs, Chapter 3, SOP 13, Handling and
19 Treatment of Prisoner of War (PW) and Surrendered Enemy
20 Personnel (SEP) (MOD049917)

21 36. I have no recollection of this document. It is
22 titled "RMP Log Bde SOPs" and so relates to the RMP in
23 a Logistic Brigade, not the RMP company attached to
24 3(UK)Div. As regards the prohibitions referred to in
25 paragraph 3.13.002 these would accord in my view with

1 the standard Military Police point of view for POW, not
2 civilian detainees in a post conflict environment where
3 organised hostilities have ceased.

4 37. I cannot in the circumstances comment on
5 whether the prohibitions were distributed during
6 Op TELIC 2, or communicated to soldiers during of Telic
7 1.

8 Rank and Day to Day Role during Op Telic 2 in 2003

9 38. I was a Major and the SO2 Provost (Pro) based
10 at the headquarters at Basra airport where the
11 Multi-National Division (SE) was located.

12 39. I reported to Lieutenant Colonel Warren RMP.

13 40. My primary function related to provision of
14 policing support and advice and more particularly
15 providing support and assets for the training of the
16 Iraq Police and security police. My work in Iraq had
17 had no prisoner handling aspect at all. It is my
18 understanding that the MPS dealt with the detention of
19 convicted prisoners; they ran the prison and advised UK
20 Forces on proper facilities for handling detainees.
21 I recall that there was a Major or Captain (whose name
22 I cannot recall) of the MPS who ran the prison in Basra
23 and was located there.

24 41. I had a Staff Sergeant reporting to me.
25 I cannot recall his name. Captain Tony Grogan reported

1 to Lieutenant Colonel Warren on the Regimental side but
2 was co-located with me at the UK theatre headquarters at
3 the airport. Towards the end of my tour to Iraq,
4 I assumed some extra regimental duties in addition to my
5 HQ staff duties; this was about the time that Major Matt
6 Titchener was killed. Once I assumed these additional
7 duties Tony Grogan reported to me.

8 42. I represented Policing function within 3 Div HQ
9 on behalf of Lieutenant Colonel Warren during instances
10 when he was not available and to other planning staff.
11 I ran the department known as "Provost Branch" within
12 the Multi-National Division (SE).

13 43. If there was an operation on the ground and RMP
14 support was required then the RMP involved would report
15 via the RMP chain of command into Divisional
16 Headquarters. I recall that 1 QLR had 150 Royal
17 Military Police Unit located with it in the Palace at
18 Basra.

19 44. I also coordinated Military Police support and
20 liaised with the Military Police units. I was at times
21 involved in providing RMP support to the newly
22 established Iraq Police force. For the majority of the
23 time I was based at the airport.

24 45. In my day to day activities I dealt a lot with
25 Lieutenant Colonel Warren and the Chief of Staff,

1 Colonel Richard Barrens and the Deputy Chief of Staff
2 Colonel Barry Le Grys.

3 46. I have been asked to give an account of the
4 Provost staff branch, Royal Military Police and Military
5 Provost Staff responsibilities in relation to prisoner
6 handling during the course of Op Telic, addressing
7 a number of particular issues, which I now take in turn.

8 (i) Whether I consider there was sufficient RMP /
9 MPS involvement in prisoner handling and detention
10 policy;

11 I can not comment about the detention policy as this
12 was the remit of the MPSC.

13 (ii) Whether chain of command responsibility for
14 handling prisoners of war, detainees and internees was
15 sufficiently clear.

16 I believe that the chain of command in the Theatre
17 Headquarters was clear about its responsibilities
18 obtaining to the handling of detainees. I believe that
19 the RMP chain of command was clear about its
20 responsibilities pertaining to detainees.

21 (iii) Any role of the MPS in delivering
22 prisoner-handling training to troops, and the content of
23 any such training.

24 In the sense that MPS train Regimental detention
25 staff at a point in time prior to deployment, I can only

1 assume that the number of MPS staff available and the
2 quality and quantity of this training would have been
3 delivered in line with a pre established Army Policy for
4 the task. On commencement of hostiles and deployment of
5 UK forces however, it is my experience that due to the
6 fact that the MPS are only a small branch, deploying
7 a large number of MPS in theatre as advisors is very
8 difficult. Therefore reliance is placed on the cadre of
9 MPS trained Regimental Provost NCOs, from Infantry
10 battalions, that normally form the guardroom staff in
11 a home station. It is these NCOs that then run the
12 local, in theatre, battalion level temporary holding
13 facilities.

14 19 Mech BDE FRAGO 85 (MOD023089)

15 47. This is a Brigade FRAGO so it is likely that
16 I would not have seen it.

17 FRAGO 005 (MOD022623)

18 48. This is the finalised policy that was issued on
19 3 September 2003 by Lieutenant Colonel Barnett in
20 relation to the policy for apprehending, handling and
21 processing of detainees and internees. It was issued
22 a few hours after Lieutenant Colonel Barnett's e mail of
23 the same date appearing at MOD049663.

24 49. I was consulted in the drafting of this FRAGO.
25 I have been shown an e mail dated 8 August 2003 from

1 Lieutenant Colonel Barnett (MOD051362), addressed to
2 Lieutenant Colonel Warren "Bill" and myself "Steve".
3 This draft policy did not require much input from the
4 RMP in view of the fact that its provisions were
5 essentially constituted of the existing practices of the
6 RMP at the time.

7 50. There was a considerable delay between the date
8 of this draft and the finalised policy being issued on 3
9 September 2003. I am not aware of the reasons for this
10 delay, but it was unfortunate given the significance of
11 the subject matter of the policy.

12 SOI390 MOD023104

13 51. This document was issued after I had left Iraq
14 (in early September). I cannot therefore comment on the
15 circumstances of its drafting.

16 Tactical Questioning

17 52. As previously mentioned I have never been
18 trained in tactical questioning and I have never been
19 present when tactical questioning has been carried out.
20 In terms of my general understanding there is
21 a difference between tactical questioning on the
22 battleground in a war zone, where the capturing unit
23 legitimately tries to obtain useful information from
24 Prisoners of War that have surrendered and the process
25 of interrogation conducted post capture which is an

1 intelligence community activity.

2 53. I am not aware of whether tactical questioners
3 are entitled to give orders to those responsible for the
4 handling of detainees and I do not know whether the
5 battlegroup had the capacity to train tactical
6 questioners from within their own resources.

7 The Detention and Treatment of Prisoners during
8 Telic 2

9 54. I was not aware of any hooding taking place
10 during Op TELIC 2. I have a vague recollection of
11 seeing an order from Telic 1 prohibiting the hooding of
12 Iraqis. I assumed that this related to Iraqi combatants
13 that had surrendered to UK forces, rather than detained
14 civilians post hostilities. I cannot remember any
15 further detail in this regard. From an RMP point of
16 view it was definitely not policy to hood.

17 55. Similarly, I was not aware of stress positions,
18 discomforting levels of noise, the deprivation of food
19 and water, excessive force or sleep deprivation being
20 used during Op TELIC 2.

21 Concerns raised during Op Telic 2 about Prisoner
22 Handling

23 56. I have no recall of any concerns being raised
24 in regard to prisoner handling. As regards to
25 international organisations, I recall that the Iraq

1 civilian prison in Basra was being run initially by the
2 Military Provost Staff Corps [redacted].

3 Changes in training, procedures and responsibilities
4 for prisoner handling after the death of Baha Mousa

5 57. I left Iraq just prior to the death of
6 Baha Mousa and accordingly I am not aware of any changes
7 that were implemented after his death. Nothing at the
8 Military Policing School (where I was Chief of Staff on
9 my return from Iraq) related to experiences gained in
10 Iraq. The Military Police Training School taught basic
11 police procedures to new entrants and officers, basic
12 and further investigational techniques and procedures,
13 applicable law and command courses. Prisoner handling
14 in the battlefield sense was not part of the curriculum,
15 other than conduct of RMP when arresting a member of the
16 UK Forces between the point of arrest and hand over to
17 detention facility staff. This was all taught in
18 adherence to the Police and Criminal Evidence Act 1984
19 and its codes of practice, the Manual of Military Law
20 and Queens Regulations.

21 Media

22 58. I have never given an account of matters
23 relevant to the Inquiry's terms of reference to the
24 press/media.

25 Statement of Truth

1 I believe that the facts stated in this Witness
2 Statement are true.

3 Signed: Stephen Fielder.

4 Date: 29 March 2010.

5 Summary of first witness statement of MICHAEL JOHN WHITEHEAD

6 MR HALLIDAY: The third witness is Michael John Whitehead.

7 Captain Whitehead was the officer commanding the
8 military provost staff detachment which deployed on
9 Op Telic 2. He has provided two witness statements to
10 the Inquiry.

11 In his first statement, Captain Whitehead says that
12 the military provost staff, the MPS, in his team were
13 professional custodians. They were responsible for the
14 custody of British prisoners at the theatre internment
15 facility in Umm Qasr.

16 Captain Whitehead reported to Provost Marshal
17 Lieutenant Colonel Warren who gave evidence earlier
18 today. Additionally, Captain Whitehead acted as
19 a prisons adviser. In this capacity he worked alongside
20 Major West who has just given his evidence.

21 Captain Whitehead says that the MPS did not act as
22 custody advisers to battlegroups during Op Telic 2. He
23 tells us that whilst the US military police at the
24 theatre internment facility initially accepted
25 admissions only during daylight hours, there were

1 occasions when the battlegroups would request the MPS to
2 admit prisoners out of hours and that such requests were
3 granted. He does not recall any concerns being raised
4 with him during his tour in Iraq about prisoner
5 handling.

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1 First witness statement of MICHAEL JOHN WHITEHEAD

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Witness Name: Michael John
Whitehead

4

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Statement No: 1
Exhibits:

6

Dated: 20 November 2009

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THE BAHA MOUSA PUBLIC INQUIRY

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Witness Statement of Michael John Whitehead

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I, Michael John Whitehead will say as follows: -

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APPOINTMENT

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2. I was the Military Provost Staff (MPS) Captain

1 appointed as Officer Commanding the MPS detachment
2 responsible for security, administration and routine
3 custodial management of British captures admitted to the
4 Theatre Internment Facility at Umm Qasr near Basrah. In
5 addition I was the advisor to Al Maqil civilian prison
6 in Basrah and worked with the MPS team in a training and
7 management capacity to the prison. Another role
8 undertaken was that of advisor to the Coalition
9 provisional authority (CPA), which included the
10 reconnaissance of and locating suitable sites for a new
11 central civilian prison to be built.

12 3. My chain of command was clearly defined and
13 I reported directly to the Force Provost Marshal (Army)
14 who was for the majority of the tour, Commanding Officer
15 3 RMP Lt Col R W Warren. Prior to his appointment,
16 I reported to Lt Col Peter House RMP and upon arrival in
17 theatre (albeit very briefly) Lt Col Eddie Foster Knight
18 RMP, now Provost Marshal Army.

19 RESPONSIBILITIES.

20 4. My main effort in theatre was the
21 administration, treatment and management of PW,
22 Detainees and Internees at the TIF. Security at the
23 facility was provided by the US Military Police who ran
24 the Camp. The MPS were responsible for processing the
25 British captures upon arrival at the facility. This

1 would include registering of personal details, securing
2 and recording property and ensuring that medical checks
3 were carried out. All of this would take place in the
4 registration prior to admission to the facility. As
5 a team we were also responsible for the daily custodial
6 care and management.

7 5. The secondary and additional tasks were ensuring
8 that we assisted and monitored the regime and treatment
9 of civilian prisoners being held at Al Maqil prison in
10 Basrah. This facility was emptied prior to the conflict
11 and it was only after the British forces commenced the
12 security and policing role and the Iraqi courts were in
13 a position to start functioning again did the facility
14 re-open to take prisoners. This in turn reduced
15 dramatically the amount of detainees being held at the
16 TIF as they were transferred across to the Iraqi
17 judicial system to be dealt with. Needless to say, that
18 many of them were sentenced and subsequently imprisoned
19 at Al Maqil.

20 6. My role with CPA was that of prisons advisor.
21 This was directed by Maj Richard West RMP who was
22 working for CPA although still within my chain of
23 command. My tasks were to identify possible suitable
24 locations for police stations and custodial suites and
25 also after being directed to an old Fedayeen barracks,

1 I was to design and advise on the build of a civilian
2 prison capable of holding up to 2000 prisoners. This
3 was a major project that would take up a great deal of
4 time walking the site and advising draughtsmen and
5 engineers.

6 7. Due to the small amount of MPS in theatre, our
7 tasks were such that we were kept busy. We did not at
8 any time work directly as advisors to the BG on Prisoner
9 handling nor were we privy to the custodial practices
10 being conducted at Point of capture or back in the unit
11 holding areas. The MPS were not employed in a training
12 capacity for the BG, this was left to the Chain of
13 command within the Battalions to organise and deal with.
14 It was only when the capturing unit would contact the
15 TIF and inform us of captures in bound to our facility,
16 would we have any contact with them with regard
17 prisoners. The BG could however seek advice if
18 necessary through the Force Provost Marshal on Prisoner
19 handling or custodial matters. Although the US Military
20 Police initially only accepted admissions during
21 daylight hours, there were occasions when the BG would
22 request our assistance to process and admit prisoners
23 out of hours, which was granted.

24 HOODING OF PRISONERS

25 8. It should be noted, that the MPS were on hand to

1 offer advice to the Infantry Company located at Camp
2 Apache in Basrah, as we were co-located with them for
3 some time. During my time in the location, a total of
4 three Infantry companies rotated through the facilities,
5 RRF, 1 Kings and KOSB, at no stage were 1QLR co-located
6 with us. I can only recall two occasions when Prisoners
7 were held at the camp for very short periods and then
8 being moved on. In one particular case, a soldier was
9 considering hooding Prisoners for escort across the camp
10 area 'for reasons of security'. We advised against this
11 explaining why it should not be used. I pointed out
12 that it was unnecessary and in fact was a direct
13 contradiction to the Geneva Conventions Parts 3 and 4
14 and the ethos adopted by the MPS which was to treat all
15 those entrusted into our care be it detention or
16 internment with dignity, respect and humanity, and this
17 was accepted. I cannot recall if hooding was addressed
18 in JWP 1-10 but I was aware that it was not standard
19 operating procedure for MPS. The matter was reported to
20 the Company 2IC immediately, although I cannot recall
21 either the unit or the individuals' name. It is
22 possible that I recorded details of this in my issued
23 police notebook, but I am not sure. I do not remember
24 what happened to the notebook, but I think it may have
25 been handed in to the RSM MCTC upon return from the tour

1 or when it was full.

2 9. I did not see or visit any other unit prisoner
3 holding areas within the BG.

4 PRISONER ESCORTS TO THE TIF

5 10. Upon arrival at the TIF, the prisoners were
6 escorted from vehicles and to the best of my
7 recollection were handcuffed. I cannot confirm were
8 whether the hands were placed to the front or rear of
9 the body but can definitely state that they were not
10 hooded or deprived of their sight in any way. I can
11 state that on no occasions did I see any physical abuse
12 or rough treatment toward those prisoners arriving at
13 the TIF. They were taken to the holding area to await
14 the reception process where the cuffs were removed.
15 I can recall a few occasions where I observed prisoners
16 and escorts arriving at the TIF and although I cannot
17 recall personalities I do vaguely remember Sgt Smith
18 QLR, who would often carry out escorts. He was to the
19 best of my knowledge trained as a Regimental Policeman
20 and had attended a course at MCTC Colchester. I can
21 remember one of the MPS staff but cannot recall his
22 name, mentioning Sgt Smith and connecting him to the
23 course. Other than that, I have no other recollection
24 of actually meeting or having conversations with
25 escorting staff from the BG.

1 11. As there were no MPS embedded within the
2 Battalions, I have no knowledge of or detail with regard
3 responsibilities relating to captured prisoners being
4 held in units. It is clear though that the ultimate
5 responsibility and duty of care for captures/prisoners
6 lies with the CO and chain of command within the
7 respective unit. The RSM directs the Unit Provost
8 staff, who were ultimately responsible for the security,
9 well being and custodial management during the period
10 prior transfer to the TIF.

11 12. Clear direction was given in Annex H to ALS/
12 MND (SE) L14 Dated Aug 03 that the BG retains
13 responsibility for apprehended persons up until the time
14 of registration at the TIF. It also stated that should
15 detained or interned personnel be released from the TIF
16 it was the responsibility of the BG to collect them from
17 the TIF and return them to their local area.

18 13. I have no knowledge of, or am able to recall
19 any instructions or orders that related specifically to
20 the handling and treatment of prisoners by BG personnel.

21 14. All of the Military Provost staff in my team
22 were professional custodians employed on a full time
23 basis at MCTC Colchester. They received OPTAG training
24 prior to deployment and were fully aware of the
25 requirements of the Geneva Conventions Part 3 and 4. In

1 addition they operated within the guidelines of
2 JWP 1-10, which dealt with the treatment of PW,
3 Internees and Detainees. I am not in a position to
4 confirm that the BG were privy to or were aware of this
5 information.

6 15. With regard to Tactical Questioning, I have no
7 subject or practical knowledge of this and therefore am
8 not in a position to comment on it. There was a small
9 detachment of JFIT at the TIF and whilst they would
10 speak to Prisoners, this was to the best of my knowledge
11 carried out prior to admission upon arrival at Umm Qasr.
12 The facility was located in another area of the camp and
13 my staff would only visit there if they were to collect
14 a prisoner for registration.

15 16. To the best of my knowledge, no concerns or
16 issues were raised with me about Prisoner handling
17 during my time in post. Should any physical abuse or
18 ill treatment have been inflicted upon a prisoner prior
19 to arriving at the TIF that had raised suspicion or
20 given cause for concern, it would have been reported
21 directly to myself and the Military Police immediately.

22 Statement of Truth

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

25 Signed: Michael John Whitehead.

1 Dated: 20 November 2009.

2

3 Summary of second witness statement of MICHAEL JOHN

4 WHITEHEAD

5 MR HALLIDAY: Captain Whitehead's second statement addresses
6 a set of training materials to which the Inquiry refers
7 him. These materials set out the ban on the five
8 techniques. Captain Whitehead says he is not familiar
9 with the specific documents to which he was referred.
10 But he is able to deduce from their contents that they
11 formed part of the training at the Military Corrective
12 Training Centre, the MCTC, for unit provost staff and
13 that they were produced some time after the middle of
14 2004.

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1 Second witness statement of MICHAEL JOHN WHITEHEAD

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Witness Name: Michael John
Whitehead

4

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Statement No: 2
Exhibits: Nil

6

Dated: 26 February 2010

7

8

9

THE BAHA MOUSA PUBLIC INQUIRY

10

11

Witness Statement of Michael John Whitehead

12

13

14

I, Michael John Whitehead will say as follows: -

15

1. This statement is a true and accurate record of

16

my recollection of my appointment as the British Army

17

Military Provost Staff Officer deployed on Operations in

18

Southern Iraq during the period Jun - September 2003.

19

It should be noted that there is some information that

20

I am unable to recall due to the amount of time passed

21

since the deployment and in many cases I did not or was

22

not required to take notes or make records of some of

23

the information requested.

24

AGC MPS TRAINING AND ADVISORY TEAM LESSON PLANS AND

25

UNIT CUSTODY STAFF COURSE

1 2. As requested, I have examined the material
2 mentioned above and am able to confirm that I am aware
3 of the information contained therein. All of the
4 information is taken from either JDP 1-10 (formerly
5 JWP 1-10) or the Geneva Conventions Parts 3 and 4, PW
6 and civilians (Internees and Detainees).

7 3. Although not familiar with the specific
8 presentations, it would appear that these were provided
9 for the Unit custody staff who attended courses at MCTC.
10 In addition the MPS advisory training team was formed
11 some considerable time after our return from Iraq and
12 would probably have been around middle to late 2004.
13 Although I had no direct responsibility or dealings with
14 the team, I am aware that they were used to provide
15 briefings for those units earmarked for deployment on
16 Operations.

17 4. The power point presentation for the Unit
18 Custody Staff course shows photographs of both the TIF
19 and DTDF (SLB) which incidentally was not built during
20 the period of the tour. Although I am unable to be
21 specific with dates, I would think that this facility
22 was completed around the middle of 2004 therefore
23 possibly indicating that the lesson pack was compiled
24 around late 2004.

25 RMP LOG BDE PW HANDLING INSTRUCTION

1 5. The final document once again covers many areas
2 of PW handling which have been extracted from JDP 1-10
3 (formerly JWP 1-10) and Geneva Conventions Parts 3 & 4,
4 many of which are familiar to me. There are areas (TQ
5 etc) within the document that I have not been privy to
6 previously and I can categorically state that I have not
7 seen this document before and would suggest that due to
8 my specific role, I would be unlikely to, as it is
9 clearly directed at capturing units. In response to the
10 question 'was I able to clarify if I knew if this
11 information was communicated to Soldiers during
12 Op TELIC 2', I can confirm that I have no knowledge of
13 whether this information was communicated or not.

14 Statement of Truth

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

17 Signed: Michael John Whitehead.

18 Dated: 26 February 2010.

19

20 THE CHAIRMAN: My recollection, Mr Halliday, is that
21 someone, a witness, said that the military provost staff
22 consisted of no more than 12 people.

23 MR HALLIDAY: Sir, that is correct. In Op Telic 2 --

24 THE CHAIRMAN: Yes.

25 MR HALLIDAY: -- I understand, if my memory serves me

1 correctly, that the MPS detachment was --

2 THE CHAIRMAN: Very small.

3 MR HALLIDAY: -- consisted of twelve men.

4 THE CHAIRMAN: Do you have any recollection of what it was

5 before the drawdown? I haven't.

6 MR HALLIDAY: On Op Telic 1, I don't know what the number

7 was, Sir.

8 THE CHAIRMAN: I don't even know that we have had any

9 evidence about that.

10 MR HALLIDAY: I can't recall any, but I will endeavour to

11 find out, Sir.

12 MR DONMALL: Sir, if it may assist I think Neil Wilson was

13 the OC MPS during Op Telic 1.

14 THE CHAIRMAN: I think you are right.

15 MR DONMALL: His evidence was 12 people on Op Telic 1, as I

16 recall.

17 THE CHAIRMAN: It remained twelve throughout?

18 MR DONMALL: I don't know the position on Op Telic 2.

19 THE CHAIRMAN: Right.

20 MR ELIAS: Thank you, Sir.

21 That is it for today. Tomorrow we have S017

22 followed by S015, both subject of restriction orders.

23 Then not before 2.30, Sir, you are to hear submissions

24 in relation to the standard of proof issue.

25 THE CHAIRMAN: Yes. Thank you very much. 10 o'clock

1 tomorrow then, please.

2 (3.55 pm)

3 (The Inquiry adjourned until 10.00 am, Tuesday, 26 April

4 2010)

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