

Witness Name: David John FEARON

Statement No.: One

Exhibits: None

Dated:

THE BAHA MOUSA PUBLIC INQUIRY

Witness Statement of David John FEARON

I, David FEARON, will say as follows: -

1. I was first interviewed with respect to my involvement in Operation Salerno whilst I was posted in Iraq in 2003 by the Special Investigation Branch of the Royal Military Police on 23 February 2005, whilst I was in Cyprus. I was not asked about anything other than the detention of the Iraqi detainees, which I was unable to provide any information about. The short statement I provided is as follows:

I am [redacted] Pte David John Fearon, currently serving with 1 QLR, BFPO 58. I am employed on detachment with CJSATC, BFPO 58, and have been since 7 Jan 04.

Between Mar / Apr 03 and Nov 03, I was deployed with A Coy, 1 QLR to Iraq. I was located in Basrah, Camp Steven, for the duration of my tour in Iraq.

During Sep 03, I was involved in Op SALERNO with other members of my unit. This Op was searching hotels in Basrah. Whilst carrying out the Op I was involved in an incident that was dealt with by my unit authorities at the time.

At no time was I involved with any Iraqi detainees. I was not tasked with looking after them or guarding them.

I never visited the QLR detention area in QLR Main and I am not sure where it was located.

2. I received a letter from The Baha Mousa Public Inquiry dated 26 March 2009 outlining a series of questions with respect to my involvement in Operation Salerno. As I confirmed in my statement dated 23 February 2005, whilst I was involved in Operation Salerno, I was not involved in the detention of any Iraqis at 1 QLR Main Headquarters following this Operation. I have not been asked to provide any further information since I provided this short statement in February 2005 and therefore, I am relying solely on my memory in responding to the questions asked in that letter. It is therefore very difficult for me to be confirm details with respect to the Operation, including the individuals present and the times of events.

DEPLOYMENT TO IRAQ IN 2003

3. I joined the British Army on 18 June 2001 as a private soldier. I undertook training for the first two years, including exercises on Salisbury Plains and in Canada. I have been deployed twice to Iraq. The first deployment was to Basrah as part of Operation Telic 2 for six months from about March / April until November 2003. After my return from Iraq, I was posted at Cyprus Joint Services Adventurous Training Centre in Cyprus for two years from early 2004 until late 2005. I was subsequently posted in Germany until I was deployed a second time to Iraq in about November / December 2007 as part of Operation Telic 11. I

remained there for six months until May 2008, when I returned to the United Kingdom. I was not involved in Operation Telic 1.

4. During my first deployment to Iraq in 2003, I was a private soldier and team commander based at Camp Stephen in Basrah with Anzio Company, part of the First Battalion of Queens Lancashire Regiment (1QLR). I served in a multiple of 13 soldiers under the command of Lt Rodgers. Within the multiple, I was in charge of three other privates named Pte Allibone, Pte Mackenzie and Pte Bentham. Pte MacKenzie and Pte Bentham were members of the Territorial Army. As team commander, I was in charge of where they were and what they were doing, including leading the teams on patrols or securing our vehicles whilst other teams were on patrol.

5. I am not able to remember the names of all the other soldiers in the multiple now, more than five years later. As I have mentioned, the other members of my multiple included Pte Bentham, Pte MacKenzie and Pte Allibone.

- (a) Pte Bentham was about 6 foot, slim and he had dark brown hair.
- (b) Pte MacKenzie was about 5 foot 11 inches, average build and had light brown hair;
- (c) Pte Allibone was about 5 foot 7 inches, average build and short brown hair.

I can also recall the following people:

- (d) Lt Rodgers, who was about 5 foot 10 inches, average build with short light brown hair
- (e) LCpl Redfearn, who was about 5 foot 9 inches, skinny with short red hair.

- (f) Pte Cooper, who was about 6 foot, quite slim and I think he had a shaved head.
- (g) Pte Aspinall, who was about 5 foot 10 inches, quite stocky with short dark brown hair.
- (h) Pte Stirland, who was about 6 foot, skinny and had a shaved head.

There was also a soldier called Pte Stuart who served with our multiple in Iraq but I am not sure whether he was still with us when Operation Salerno took place.

- 6. I cannot recall any of these individuals having any tattoos or other distinguishing marks at the time. I know that Pte Stirland has a number of tattoos but do not know whether he had them at the time. I was 5 foot 10 inches, average build and I had a shaved head. I was 20 years old at the time.

TRAINING

- 7. I have been asked to provide information concerning the training, guidance, orders and instructions I received whilst serving with the British Army with respect to detention and treatment of prisoners of any category and my experience of the practices adopted. I have not been provided with my army training record before dealing with these matters and do not know whether such a record exists or is maintained by the Ministry of Defence. Therefore, this is purely from my current recollection.

Initial training

- 8. I received 12 to 14 weeks basic training at the Infantry Training Centre in Catterick when I first joined the army and before I joined 1QLR. This involved learning basic skills to be a soldier and I do not believe we received any specific training

in relation to the handling or treatment of prisoners at this stage. We received training with respect to the particular operation we were to be deployed on and therefore, training in relation to prisoners would more like relate to a particular deployment.

9. During my first two years in the army before deployment to Iraq in 2003, I received some experience dealing with detainees in simulated battlefield exercises in Salisbury Plain and for three months Canada in 2002. In these instances, we were dealing with prisoners of war rather than civilians and when they were captured in the course of the exercise, we were directed to pass them straight to the Sergeant Major on the exercise. We would attack the position, regroup and the prisoners would be passed on there and then so that we could go on to attack the next position.

Pre-deployment training

10. At the time we were notified of deployment on Operation Telic 2, I was doing my Non-Commissioned Officers training (NCOs) in Catterick in order to be promoted to the rank of Lance Corporal. I believe that this training usually lasted six weeks but it was shortened to about one month because we were going to Iraq. I completed this course two weeks before we left for Iraq and was due for promotion when I returned from Iraq. After completion, I had one week's further training with the multiple and one week's leave before leaving for the Middle East. For this reason, I also missed a lot of the pre-deployment training which the rest of my multiple received.
11. I am not able to now remember how much of the pre-deployment training I received or what that training was. Everything was building up and therefore, almost everything we did was in preparation for going to Iraq. I also cannot say what the training was which I missed but was provided to the rest of the multiple. I do recall that we were taught some basic Arabic and provided with some information about the history and geography of Iraq. I cannot recall receiving any

specific training in relation to handling of prisoners or detainees prior to this first deployment to Iraq, other than I remember seeing the rest of the multiple receiving training from Physical Training (PT) staff in arrest techniques outside the gym one day during my NCOs course when I was outside exercising.

Training in theatre

12. Prior to arriving in Iraq in 2003, I spent about 10 days with my multiple in Kuwait acclimatising. When I arrived in Iraq in March / April 2003, I spent about a week with two other team commanders from 1QLR on patrol with soldiers from the BlackWatch regiment, who were on the way back to the United Kingdom. One of the team commanders was LCpl Redfearn but I cannot recall now who the other one was. This period was to help us get used to the atmosphere in Basrah. I do not recall any discussions in relation to the procedure for handling detainees during this handover period, although it was a long time ago.

13. In the period which followed, as I had missed the training with respect to arresting individuals, I learnt the process from the others in the multiple I was on patrol with. I cannot recall exactly who I learnt this process from but rather, believe it was from the others in the multiple generally. In these circumstances, detainees would be cuffed, generally in front, with plasticuffs. I do not recall putting a hood over the head of any detainee or seeing anyone hooded. The level of force which was required depending on the level of aggression of the person you were arresting. I understood that there was a "ladder system" whereby you would increase the force you used to match their aggression with a view to controlling the situation and calming the situation back down again. I also know that we had clear bags for any personal possessions which were taken from people who were arrested, and receipts to provide them. I cannot recall whether we used these whilst I was in Iraq the first time but we definitely had them in 2008.

14. Once an Iraqi civilian had been arrested, the procedure was to either take them back to camp or the nearest Iraqi police station. Where they were taken depended on the reason for which the individual was arrested. For example, someone caught looting would be taken to the police station but someone found with weapons in their vehicle would be taken back to the camp. This is a decision made by the multiple commander on the ground at the time. When we made an arrest whilst on patrol, we would radio through to the ops room at camp. We did not have any Provost staff in Camp Stephen so any detainees would be examined by medics and passed to the camp Sergeant Major, Sgt Major Tomkinson, who was in charge of discipline and administration of the camp. It was his decision as to what would happen with any detainees and where they would be taken from this point. There were also two Royal Military Police (RMP) officers at camp, who would oversee the process to make sure that we were not doing anything wrong. I do not know the names of the two RMP officers and doubt whether I would have known their names at the time. I cannot now remember what they looked like.
15. I would have been involved in this process every so often during my deployment on Operation Telic 2 prior to Operation Salerno, but the frequency of this entirely depended on what duties we were on. For example, if we spent a few days checking vehicles at check points, we may make a number of arrests over those days. There would have also been a few occasions when I guarded the detainees whilst waiting for them to be escorted back to camp, but this would have been an hour at the most. I cannot now recall any other circumstances in which I would have been involved in guarding detainees whilst I was in Iraq.
16. I never received any written orders or other documents with respect to the treatment and handling of prisoners. The only memory aid I can recall is the "Card Alpha" which sets out the Rules of Engagement. I do not believe it has anything on it in relation to prisoners.

17. I cannot recall whether I received other formal training whilst in Iraq in 2003. I can recall receiving training with respect to Improvised Explosive Devices (IEDs). I am not sure whether this was my first or second tour to Iraq, although I know that IEDs were not so much of an issue when I was first in Iraq. I believe I received practice in skills such as conducting strike operations and first aid whilst we were in Iraq but I cannot remember when this was.

Specific training in relation to handling prisoners

18. I undertake Mandatory Annual Training Tests (MATTS) every year, which I understand to be the same as Individual Training Directives (ITDs). These include various areas such as including first aid and nuclear / chemical / biological weapons, as well as general training on the "Law of Armed Conflict" (LOAC) I understood LOAC to basically be the "Rules of Engagement," which set out the circumstances when you are able to engage in conflict with the enemy, for example, when you can return fire. I believe that we were also given training on the Geneva Convention. I cannot recall this training clearly but this may have included reference to providing prisoners with food, drink and sleep. This training was provided to everyone irrespective of rank and role. This training was not particularly emphasised before we went to Iraq in 2003. I do recall a video which we were shown every year which may have related to the Law of Armed Conflict. I cannot recall this in detail given that we were frequently shown videos but I think it included how to deal with people who surrender as well as international signs for medics, hospitals and other non-combatants.
19. I have been asked to explain whether I have received training or guidance with respect to the following:

- (a) Deprivation of sight by hooding and blacked out goggles

I received no guidance or training in using hoods and did not see them being used in Iraq when I was there. I recall that blacked out goggles were provided

whilst I was on Operation Telic 11 in 2008 in the Saxon vehicles to cover the eyes of anyone we arrested in case we had any sensitive equipment in the vehicle which we did not want known about. There was never any sensitive equipment in any vehicle which I was in and therefore, I do not believe that I ever was present when the blacked out goggles were used. I cannot recall whether blacked out goggles were provided when I was in Iraq in 2003 on Operation Telic 2.

(b) Prohibition on covering the face

I never received any training or guidance on not covering the face of a detainee,

(c) Stress positions

I understand a stress position to be any position which causes discomfort to the person in that position. I know what they are as sometimes we would test each other in training by holding stress positions. I have never received any training or guidance in using stress positions on detainees other than during the Pre-Deployment Training I received in Germany prior to being deployed on Operation Telic 11, I recall being told that it is not permissible to leave an individual in a stress position whilst you are carrying out a search of them, for example with their arms held out from their body. Instead, I recall being told that we should allow the individual to rest their arms on something, for example your shoulders, whilst they are being searched. I did not see any prisoners in stress positions whilst I was in Iraq.

(d) Discomforting level of noise

I have never received any training or guidance with respect to the use of discomforting levels of noise. I never saw this happening whilst I was in Iraq.

(e) Provision of food and water

I have never received any training or guidance with respect to providing food and water to prisoners. When we detained prisoners between the period they were arrested and when they were delivered to the CQMS, they were given water, which we always had to hand. The detainees were never with us long enough to be given food and so, this was not an issue for us.

(f) Sleep deprivation

I have never received any training or guidance with respect to allowing prisoners to sleep or depriving them of sleep. Given the short time for which we held prisoners ie. between arrest and passing them on to the Sergeant Major at Camp Steven, this was never an issue. I never encountered this whilst I was in Iraq.

(g) Use of force

I have never received any training or guidance with respect to the use of force on prisoners, with the exception of the guidance I received with respect to arresting prisoners, which I explained above. I understood that restraint and control was used for the purposes of arresting and transporting prisoners. I cannot recall any other circumstance in which force was used on prisoners.

(h) Plasticuffs

I was not trained with respect to using plasticuffs but did learn how they were used when I arrived in Iraq from observation and experience. Whether one or two soldiers were required to put an individual in plasticuffs would depend on how compliant that individual was. If they were very compliant, one soldier could do it alone. If the individual resisted arrest, one soldier would need to hold them whilst the other soldier put the plasticuffs on the individual. In both cases, they were applied around the individuals wrists, with their palms together. I believe their arms were to the front but I cannot recall for certain. The procedure changed whilst we were in Iraq during 2003 in that we initially used one plasticuff around

both wrists and subsequently, this changed so that two plasticuffs were used, one round each wrist and they were linked together.

20. I understand the "shock of capture" to refer to the fact that when a person is first arrested and detained, they will most likely be frightened and unsure what is happening to them. I have not received any training in relation to prolonging this state. I have heard of "conditioning" but only in films I had seen on television over the years, for example, putting someone in stress positions or subjecting a prisoner to "white noise". I was not aware of the use of conditioning within 1QLR and I did not hear it being spoken about. I certainly have not received training or guidance with respect to conditioning techniques.
21. As I have explained above, I received specific NCOs training just prior to leaving for Iraq in 2003. This essentially involved training in command and leadership in conventional warfare. It did not include any training with respect to the treatment and handling of prisoners.
22. I have never been given "Conduct after Capture" training and this phrase does not mean anything to me. I have never received training from any branch of the military intelligence, the Royal Military Police, the Military Training Corrective Centre or Physical Training (PT) staff in relation to the treatment and handling of prisoners. I have never been involved in tactical questioning or interrogation and never received any training in this. This is a specialist area which I believe is dealt with by a particular team.
23. I am not aware of any member of my multiple or 1QLR being disciplined with respect to handling and treatment of prisoners.

Sandbags

24. I understand that all soldiers who arrive in Iraq are issued with a sandbag, which they attach to their webbing. This was simply a brown cloth bag about two foot

long and one foot wide. They had not specific purpose but could be used for everything and anything, for example, carrying spare ammunition. I did not see anyone using one as hood for detainees or use one as a hood myself.

OPERATION SALERNO

25. My multiple was briefed by Lieutenant Rodgers prior to the operation. I do not now recall when. It may have even been the night before. We were told that there were insurgents who were using hotels as weapon caches. I think the operation centred on five or six particular hotels quite close to each other. Lieutenant Rodgers briefed us on the overall operation and specifics about the particular hotel we were dealing with. I cannot recall being told any specific information about the hotel our multiple was sent to or whether there were any particular suspects at that hotel.
26. I do not recall that we were given any direction with respect to arresting and detaining individuals in the course of the operation by Lt Rodgers. The full company was on the operation and so, as we had done in other operations, I understood that any one who had been arrested would be passed straight back to the Sergeant Major. In this case, the Officer Commanding (OC) had a "rover group" on the operation. The OCs did change whilst I was in Iraq and I cannot be sure whether at this time, the OC was Major Davison or the OC who took over from him whose name I cannot now remember. I recall that both the Sergeant Major and the OC were outside the hotel when I left.
27. This was a battalion operation. Whilst there had been other battalion operations on markets, this was the first I can recall which involved hotels.
28. After the briefing of the multiple by Lt Rodgers, we would have attended "rehearsals" with the entire company in which the OC would explain where and when everyone would be going and what they would be doing. I cannot recall whether this included any instructions with respect to the procedure for the arrest

and detention of prisoners. Sometimes, during a briefing of this type, we may just be told to deal with particular issues "as per SOP" ie as per our Standard Operation Procedure.

29. I did not see any form of written order or other document with respect to the operation.
30. My multiple were sent to a particular hotel but I cannot now recall the name of the hotel. I recall it was in the morning first thing but I cannot recall what time. I have a vague recollection that there were three teams; I believe two teams were downstairs and one was upstairs backfilled another multiple with an Anzio call sign, but do not know who they would be. I think my team were the first team in to the hotel. Everyone from the hotel was brought downstairs and sat down in the main hall. With the help of interpreters, it was possible to identify who were guests and who were employees. During this time, other members of the teams were doing searches.
31. I recall that downstairs, there were two rooms on one side of the hall and a dining room and kitchen on the other. I was downstairs with the three soldiers in my team the entire time I was at the hotel. My three men were guarding the people who had been brought downstairs to the dining room area. I expect there would have also been some other soldiers guarding the people but I cannot now recall.
32. I cannot recall exactly how many people were there but I do remember that one escaped through a window. I was keeping an eye on the people downstairs and seeing if there was anything else to be done. I did not see any of these people being arrested by the soldiers in my multiple or plasticuffs being put on them. Whilst I was there, all the people brought downstairs were sitting in the lounge area, either in seats or on the floor, with soldiers standing by making sure they did not leave. I cannot recall anyone lying down or being required to lie down. I cannot recall any of the people having any injuries when I saw them.

33. There was an incident at the hotel which meant that I was taken back to Camp Stephen by another multiple approximately an hour after arriving at the hotel. Whilst I was in one of the rooms downstairs, I was seen through the window of the room taking some Dinars (Iraqi currency) from the safe. I believe that I went into the room with LCpl Redfearn but I am not sure whether he was still in there at the time I took the Dinars. I believe there may have been one other person in the room at the time. I do not recall who this was and they had nothing to do with what I did. I took one or two of each note of each value as I was making a collage. I believe that the notes were of very little value, perhaps less than £2. I am not aware of anyone else from my multiple taking anything at the hotel.
34. I do not know who saw me but this must have been reported to Lt Rodgers, who came in to the room and got me to come outside. I was then taken by another team back to Camp Stephen. I believe that I was only at the hotel for approximately an hour before I was taken back to camp. I waited there for the Sergeant Major to give me my punishment. I believe that Pte Stirland, one of the other members of my multiple, took over my team and I did not have any further involvement in Operation Salerno.
35. As I was leaving the hotel, I saw the inside of the room next to the room with safe. The door could not be opened and so it was broken open. It was a back room, a bit like a toilet or bathroom, with Saddam Hussein flags on the wall. I believe that they found money, a weapon, ammunition, electronic equipment, including welding equipment and a respirator, in the room. It was not unusual to find a lot of ammunition when searching premises in Basrah but more weapons than was normal were found in this search.
36. The Sergeant Major gave me my punishment later that day, which was to fill 250 sandbags with sand. I was also told by both Lt Rodgers and the Sergeant Major that I would not be promoted for a long time, although I do not believe that I was given a specific length of time. I was promoted last year to the rank of Lance

Corporal almost five years after this incident. I understand that the Ministry of Defence do not hold any disciplinary records with respect to this matter.

37. After this, I returned to the multiple as a signaller and Pte Stirland continued as team commander in my place.

Subsequent detention of Iraqis

38. I was not involved at all in the handling of the detainees who were arrested at the hotel. I did not go to Battlegroup Main Headquarters at all during the period they were detained. I later heard that a detainee had died but I did not know who it was. I know that every member of the multiple had to give statements to the RMP and we were briefed that we not able to talk to anyone else about the operation, including each other. I was not part of the RMP's investigation as I was not involved in the detention of the Iraqis arrested.

FOLLOWING OPERATION SALERNO

39. I do not recall seeing my multiple for the three days following Operation Salerno. I believe that they were at Shaiba base doing RMP interviews every day but returning in the evening and at that time, I was filling sandbags. I also recall receiving a briefing, although I am not sure who from, in which we were told that we were not to talk to each other about what had happened. And therefore it was clear to me that I should not ask questions about what had happened.
40. After this incident, I served in Iraq for a further three months. I cannot recall being given any further training in relation to handling detainees after Operation Salerno. I was not aware of any change in the rules or guidance with respect to prisoners following Operation Salerno.

41. I was not aware of any issues arising whilst I was in Iraq in relation to lack of discipline within my unit concerning the handling of prisoners. As far as I know, the others in the multiple followed the practices with respect to arrest which I have described above.
42. When I returned to Iraq in 2007, I would have received pre-deployment training. Although I cannot recall this clearly, I believe that we would have been trained in relation to arresting individuals to have used a similar procedure to that we used in Iraq on Operation Telic 2 i.e. to restrain the individual if necessary, apply plasticuffs and then, pass the individual to the Sergeant Major at camp. At this time we would have had blacked out goggles to use if there had been any sensitive equipment in the vehicles. Our duties on Operation Telic 11 were different in nature to Operation Telic 2 in that we were mainly guarding the base, undertaking escort duties and conducting patrols against rocket attack. I cannot recall being involved in the arrest or guarding of detainees at all during this period. I have never provided any information concerning Operation Salerno or the arrest and detention of the Iraqis from the hotel which we went to the press / media.

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

Signed 

Dated 15/6/09