

Witness Name: Karl Brooks

Statement No: 1

Exhibits: None

Dated: 3 December 2009

THE BAHA MOUSA INQUIRY

Witness Statement of Karl Brooks

I, **Karl Brooks**, will say as follows:

1. I make this statement in response to the Inquiry's Rule 9 Request dated 18 September 2009. I have read this Request, and I seek here to cover everything that it raises to the best of my ability and recollection.

Career

2. I joined the Army in July 1991 and completed my basic training at Kettering, after which I joined the 1st Battalion Green Howards (1GH). In 1992 I was posted to Northern Ireland for 12 months, before joining the Chief of General Staff Branch, then Chief of Defence Staff, in London for a total of 5 years.

3. In 1998 I was posted to Osnabruck in Germany with the Light Aide Detachment 1GH, where I fulfilled the role of Chief Clerk. On my return to the UK in around 2000 I was the G1/G4 Chief Clerk with the 19 Mech Brigade based at Catterick for the following 3 years, until my deployment on Op TELIC 2.
4. I am currently the Financial Systems Administrator for 2CS Battalion Royal Electrical and Mechanical Engineers (REME), based in Fallingbommel, Germany.

Rank and day-to-day role as at 14 September 2003, and Chain of Command

5. I was deployed on Op TELIC 2 in around June 2003 and left theatre in October 2003. Throughout my tour and as at 14 September 2003 my rank was Sergeant.
6. My position during Op TELIC 2 was Chief Clerk of the Brigade G2 Intelligence Cell. My day-to-day duties were essentially administrative and clerical, including receiving and distributing Intelligence reports from the Battlegroups, answering phones, receiving post and messages, receiving requests for information and directing them around the office where appropriate.
7. In terms of my position as Chief Clerk within the Chain of Command, I reported directly to the officer in charge of G2, the SO2 G2 Major Robinson. Major Robinson was, in effect, the Intelligence Officer for Brigade. My understanding is that he reported up to the Brigadier.

possibly via the Chief of staff. I had no command responsibilities of any kind in my position, and no-one reported to me.

Training, guidance, orders or instructions in relation to the detention and treatment of prisoners

Training

8. I do not recall receiving any training, guidance or orders in relation to prisoner or detainee handling during my basic training at Kettering. Following basic training I undertook regular training courses which were initially known as ITDs but are now known as MATTs, and I recall that this training included a module on the Law of Armed Conflict (LOAC). I am confident that this module included, and still includes, information about how to treat prisoners of war, and some general guidance about what you can and can't do to them. For example, you are instructed that you cannot threaten them, or search female prisoners, and that you have to provide first aid if required. I recall that this training is presented in the form of a power-point based lecture and presentation by an officer in charge. However, this LOAC training has changed and been updated since I completed my basic training in 1991 and, unfortunately, I cannot now say whether the instructions about how to treat prisoners that I have just mentioned have always been included in this training, or whether this has only been included in more recent years. In other words, I cannot now say exactly when I obtained my knowledge about the LOAC, which is really a culmination of nearly 20 years of military service. Nor can I now recall the identities of any of the instructors or officers who have provided me with this training.

9. Immediately prior to Op TELIC 2 I believe that its likely that we would have had some training on prisoner handling as part of our pre-deployment training, however I cannot now recall whether this is the case or, if so, where the training was provided, who conducted it or anything about its content.

10. Aside from the ITDs and MATTs training that I have mentioned above (and discuss further below), I do not recall ever receiving prisoner handling training at any point during my military career, either before or since Op TELIC 2. I have also never received any training, orders or guidance in relation to the 'shock of capture' or 'conditioning' of prisoners.

11. I received a lecture on conduct after capture issues in around 2004 when I was posted to work in an embassy in Albania in 2004. This was only a brief lecture covering the sorts of risks that staff might face if kidnapped, along the lines of what has happened to British nationals captured by terrorist organisations, such as being put on the internet and in videos and so forth.

12. Prior to Op TELIC 2, I do not recall ever receiving any training, orders or guidance of any kind about the use of hoods or blacked out goggles on prisoners, plasticuffs, stress positions, white or loud noise, use of force or deprivation of food, water or sleep.

During Op TELIC 2

13. During Op TELIC 2, I never saw or heard of the use of hoods, blacked out goggles, plasticuffs, stress positions, white or loud noise, or the

deprivation of food, water or sleep on prisoners or detainees. Indeed, during Op TELIC 2 I did not actually ever see any detainees or prisoners detained by British soldiers at all. I recall that I received an aide memoire during Op TELIC 2 on the LOAC which was a small card (I believe it was white) which summarised the LOAC, although I cannot now recall the precise content.

14. I do not recall receiving any orders or guidance in relation to prisoner handling or detainee matters during Op TELIC 2, and I certainly did not give any orders or guidance on these matters myself. Nor do I have any specific recollection of being aware of discussions regarding prisoner handling issues within the Intelligence Cell at any stage of Op TELIC 2, such as during meetings or briefings, or in the course of my normal duties as Chief Clerk, such as by passing on telephone messages or taking notes.

Training since Op TELIC 2

15. Since Op TELIC 2, in my experience more detail has been provided in MATTs training about prisoner handling. For example, we are told that hooding with sandbags is not permitted, although I am not sure whether blindfolding with blacked-out goggles is allowed in certain security-sensitive situations. I think that the use of stress positions, loud noise, food and water deprivation and sleep deprivation are now also specifically mentioned in training and that it is confirmed that they are strictly prohibited. I cannot recall if the use of plasticuffs is mentioned.
16. As stated, I do not recall ever receiving orders or guidance on issues of prisoner handling during Op TELIC 2, and was not privy to, or aware of,

the Battlegroup policies, practices or guidelines in this respect. As such, I am similarly unaware of whether, and if so how, these policies, practices and guidelines changed after the death of Baha Mousa.

FRAGO 152 and other orders/advice regarding prisoner handling

17. I have been asked by the Inquiry whether I was aware of FRAGO 152 (MOD017061) or any other order which prohibited the hooding of prisoners. Having been referred to this FRAGO by my solicitor, I note that it was issued prior to my arrival on Op TELIC 2, but in any event I can confirm that I have no recollection of being aware of such an order or any other order relating to hooding of prisoners before now.

18. As stated above, I have no recollection of receiving or being aware of any orders, guidance or other advice from any person or party relating to any aspects of prisoner handling, which includes the use of hoods and/or blindfolds, stress positions, loud noise or the deprivation of food, water and/or sleep.

Tactical questioning

19. I have never received training in tactical questioning and do not have any understanding of what it involves. I understand that prisoners were probably questioned by questioners, interrogators or intelligence personnel during Op TELIC 2 in order to obtain information and intelligence, however I did not know anything about the specifics or practicalities of this process, nor of who was actually involved. In terms of the Chain of Command, I imagine Major Robinson may have had some

command responsibility for this process in his role as SO2 G2, given that I would have thought that tactical questioning would fall under the responsibility of the Intelligence Branch; however I do not know this for certain. I have no idea about the availability of tactical questioners as a resource.

14-hour period

20. Until advised by my solicitor for the purpose of preparing this statement, I was unaware that there was a 14-hour rule in relation to the transfer of prisoners detained by the Battlegroups, and am equally unaware of whether this rule was generally complied with during Op TELIC 2.

Baha Mousa

21. I had no knowledge of the intelligence background to Operation Salerno, which I am informed was the operation on which Baha Mousa and the other detainees were arrested. I was generally not privy to intelligence information or discussions about specific operations within the G2 Cell.
22. I do not know a Major Peebles or a Sgt Smulski, and do not believe I had any interaction with them, or anyone else who may have been involved in the arrest, questioning or guarding of Baha Mousa and the other detainees. I believe that SSgt Davies was a part of our team in the G2 Cell and so I possibly had some interaction with him at the time because we worked in the same branch. However I cannot remember any particular interaction and certainly do not remember any discussion with

him relating to Baha Mousa or the other detainees. Again, I confirm that I was generally not privy to any discussions about specific operations.

23. I have no knowledge about how Baha Mousa and the other detainees were handled or treated during the period 14 - 16 September 2003, other than what I have subsequently learned from the press and media.
24. I believe that I heard about Baha Mousa's death from the Ops Room. I recall hearing that a prisoner had died, although I do not believe any name was mentioned at that point. I am not sure exactly when this was, but I believe it was quite shortly after the death, such as a matter of hours. I have no recollection of who told me. From the Ops Room I recall that I returned to the G2 Cell and recall that the Brigadier appeared and wanted to speak to Major Robinson. I am not sure whether they subsequently spoke or, if so, what was discussed, as I was not involved.
25. As stated above, I have no understanding of what procedures and/or responsibilities in relation to prisoner handling, if any, were changed following the death of Baha Mousa.

Press

26. I have not ever given an account of these matters to the press or other media.

Statement of Truth

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

Signed 

Karl Brooks

Dated: ...03 Dec 07.....