

SUMMARY OF PROCEEDINGS: MONDAY 25 JANUARY 2010

Christopher Dean Kent Hollander

- He joined the army in 1986 as a member of the Intelligence Corps. Left the Army in 2008. In Iraq he was a Colour Sergeant, Platoon Commander, 3 Platoon, A Company, 1QLR.
- He had received training in LOAC but he could not recall any specific training in prisoner handling i.e. hooding. He understood the need to treat prisoners humanely. He had received training before NI in the use of plasticuffs. No training in the use of stress positions.
- In Iraq, they arrested about 12 detainees a week but he could not recall any SOP to hood and plasticuff prisoners. Hooding would have been acceptable for security reasons. When referred to his statement made under caution in 2005, he agreed that he would have been aware of hooding and plastic-cuffs applied to detainees.
- He saw arrested prisoners brought back to A Company's HQ made to kneel with hands on heads but he did not see anyone put into stress positions. He did not see conditioning techniques in use but he presumed that there were employed by the tactical questioners alone.
- He agreed that he had responsibility for the actions of his soldiers but said that if they had been doing something wrong they would not have told him. He confirmed that during his whole tour of Iraq he had never seen anyone being ill-treated. Only such force as was reasonable would be used which did not amount to 'rough treatment'.
- During operation Salerno, he would have received a briefing. He remembers arrests being made and the incident where one of the soldiers was caught taking money from the hotel safe. It was a serious matter and Mr Hollander issued a warning to the soldier at the time and issued a punishment on return to base.
- He went to BG Main on the day the detainees were arrested. He parked up within the vicinity of the TDF. No clear recollection of speaking to Fallon and Crowcroft but they were in his multiple. Earlier statements were put to him to help Mr Hollander remember the detail of events. There was apparent confusion about whether his visit to the TDF had been on the Sunday or Monday evening. Subsequently, he denied talking to anyone about the death of Baha Mousa.
- Mr Hollander was questioned about an incident where Privates Fallon and Crowcroft were made to wait outside his office for a couple of hours. He explained that it was all part of a series of practical jokes within his multiple.

- A number of other incidents which had come to light at the earlier Court Martial were discussed with Mr Hollander including use of racist language by him and comments that he would not have been prepared to share water with Iraqis. He had received a severe 'dressing down' by his CO on the tour.
- He recalled a number of changes to SOPs about prisoner handling following the death of Baha Mousa.

Christopher Andrew Maycock

- He joined the army in 1988 and is currently a Captain. In 2003, he was a Colour Sergeant, CQMS with 1QLR.
- He had been trained in the handling of prisoners over his 18 years operational service which may have included the use of hoods. No training in the use of stress positions and never told that they should not be used when prisoner handling. There was a kneeling position with hands on head that could be used until prisoner had been searched. On initial capture, prisoners would be required to lie on the ground, arms and legs spread. No distinction made in training between PoWs and civilian detainees. His understanding of the maintenance of the 'shock of capture' was to ensure security.
- CQMS role in Iraq was to supply and re-supply troops during the tour of duty. In the early part of the tour, I would receive prisoners and search them thoroughly. Took on responsibility for watch keeping three nights a week. Briefed colleagues on the fast, efficient processing of prisoners. No recollection of the ill-treatment of any prisoner during the tour.
- On one occasion three prisoners were kept at Camp Stephen overnight rather than moved to BG Main. He ensured that hoods and plasticuffs were removed on arrival in camp. He never transported prisoners hooded whilst in Iraq. He did see prisoners in the kneeling position with hands on heads on first arrival for a few minutes.
- During a conversation with CS Hollander, he was told that on orders from above detainees were to be treated more robustly.
- The witness said he had no recollection of Captain McFarlane telling him he had seen an Iraqi being pushed around camp by a senior officer although he accepted that his Rule 9 statement said he did remember that. Captain McFarlane was very inquisitive about whether there was a general culture of bullying in the battalion. On one occasion he heard Captain McFarlane having a blazing row with the OC, Maj Davies.
- The witness was not in Iraq when Baha Mousa was detained. On his return about a week later someone told him about Baha Mousa's death but there was no open discussion about the death. Provost Sgt Smith said he thought the RSM had not done his job properly. Also the RSM had overruled him (Smith) on several issues. The witness never saw any detainees being ill treated.

- Col Mendonca was a very powerful individual and was well respected. The general tone coming down from above was that Iraqis should be treated with respect.

Peter Carl Tomkinson

- He joined the army in 1984, at the age of 16, and is currently serving as a unit welfare officer with the rank of Captain. In Iraq he was the CSM with A Coy and was responsible for the welfare and discipline of the soldiers within the company.
- The training he received prior to deployment in Iraq included the handling of PoWs. There was no difference between the treatment of PoWs and civilian detainees: they were all to be treated humanely. He recalled training about hooding when other soldiers were hooded with sandbags. His understanding was that hooding was permitted. There were no instructions as to the number of bags to be used. The purpose of hooding was solely for security purposes and hoods should be removed as soon as security permitted.
- The training did not refer to stress positions but they were told that the use of stress positions was prohibited. There was no training about conditioning.
- He would expect multiple commanders and junior NCOs to inform him of any misconduct by the soldiers in the company. If he were in the camp, he would have responsibility for any detainees brought in. That would involve processing the prisoners. On some occasions they would be hooded but it was not the general rule. Soldiers of A Coy would guard detainees if required.
- The CO had overall responsibility for the handling of detainees, delegated to the RSM, WO Briscoe, and below him the Provost Sgt and his staff. The witness never saw any ill-treatment of detainees, nor was he aware of rumours to that effect. Had it been happening, he would have hoped to have known about it. He could not recall any conversations in which concerns about the handling of detainees were raised.
- Following Baha Mousa's death, changes in the handling of detainees were introduced, e.g. hoods were not to be used. The witness had no recollection of Captain McFarlane telling him that he had seen an Iraqi being pushed around camp by a senior officer. His interpretation of the word 'robust' was firm and aggressive.
- The witness was not at Camp Stephen at the time of Baha Mousa's detention and death. On his return they were not allowed to talk about it. He was sure there was no complaint made to him about Cpl Payne's conduct.
- He could not explain why members of A Coy assaulted the detainees. It was beyond him why they should do that. He should have known the details of about the blazing row between Capt McFarlane and the OC.
- Lt Rogers' multiple had a tough reputation but the witness trusted the officers and men in that multiple.
- The CSM is the senior NCO responsible for discipline; the eyes and ears of the CO. The witness was shocked when he heard about Baha Mousa's death.

Witness read: Lance Cpl Billington

He was part of Colonel Mendonca's Rover group during Op Telic 2. He was approached by the Inquiry because Anthony Riley stated that there was a rumour that a Private Bellingham had a video of the CO and the RSM throwing an oil smuggler around. The MoD was initially unable to trace a Private Bellingham, so Lance Corporal Billington was approached in case Riley had the name slightly wrong. In the event the MoD did later trace Private Bellingham. It is therefore no great surprise that in his statement Lance Corporal Billington denies any knowledge of the oil smuggler video and says that the Inquiry's approach to him must be a case of mistaken identity. His statement also addresses prisoner-handling. He says that he was never trained to hood prisoners nor to place them in stress positions and that he never saw either of these practices taking place.

SUMMARY OF PROCEEDINGS: TUESDAY 26 JANUARY 2010

Thomas William Stables

- He joined the TA 20 years ago and is still a member. In Iraq he was a driver in the MT section attached to HQ Coy based in Basra Palace. He had the rank of Corporal.
- He had received training in LOAC prior to going to Iraq. It consisted of a video shown to soldiers every year. The main message was 'treat a prisoner as you would expect to be treated'. He received no training on the hooding of prisoners. Stress positions were demonstrated in training and the message was that they should not be used. There was no training on prisoner handling.
- In Iraq he was answerable to Captain Armstrong, who was head of the MT section. He would go to BG Main four or five times a week. He saw detainees who were hooded but not in stress positions. On one occasion (at a location other than BG Main) he saw five or six men kneeling on the ground; they were handcuffed with their hands behind them, hooded with sandbags and had their heads against a wall. They were outside in the shade. He was not shocked by what he saw; there were senior officers around and he assumed this treatment must have been sanctioned by someone in authority.
- On another occasion he saw one detainee at A Coy's lines. He was being run around a compound by two soldiers; he was hooded and cuffed with his hands behind him. The soldiers had their hands under his arms to guide him. They were shouting at him. The detainee looked 'a bit warm, sweating' and was breathing heavily. The witness observed this for about two minutes. He spoke to one of the soldiers who said they were conditioning the detainee. At the time the witness did not know what this meant. He did not consider reporting what he had seen.

- On a third occasion, he saw five or six detainees at Basra Palace. They were in the rear of a vehicle that was taking them to Umm Qasar and were being guarded by QLR soldiers. None was hooded or plasticcuffed. One or two had cuts on their faces and some appeared to have wet themselves. He was not shocked by what he had seen; it was something he had come to accept. He had not seen any detainees punched or kicked, nor had he heard rumours to that effect. He did not report what he had seen to anyone.
- Apart from these incidents, he had never seen a detainee kicked or punched by a soldier.

John Gorman McLoughlin

- The witness stated that he wanted to correct para. 55 of his statement; when he visited the TDF he believed that some of the detainees might have been hooded.
- He joined the army in 1979 and QLR in 1981. He left the army in 2005. He had been the training WO for the battalion and part of his job was to arrange internal training courses. These covered the core soldiering areas.
- He had received training that dealt with prisoner handling. There were no instructions about depriving prisoners of their sight. Some of the soldiers on the Brecon training course had been hooded with sandbags. His understanding was that hooding was permitted and its purpose was for operational security. Another training exercise on Salisbury Plain involved the safe and humane movement of prisoners. He did not see hooding taking place on that exercise. He could not recall seeing any army document that specified whether or not hooding was permitted.
- He had never seen the use of stress positions other than during the 'conduct after capture' course. He believed that their use was not permitted; it would be against the Geneva Convention.
- In Iraq he was the Operations WO and acted as a watchkeeper. He also assisted in completing the battalion war diary and was a qualified unit search adviser. When they took over from the Black Watch he did not receive any briefing on prisoner handling.
- On a day-to-day basis it was the Provo staff who were responsible for prisoners. At a higher level it was the BGIRO. In the UK the Provo staff would report to the RSM who reported to the Adjutant. The BGIRO post was new for this tour because of the number of prisoners being taken. The RSM spent a lot of time out on the ground with the CO. The soldiers who guarded prisoners were normally from the multiple/platoon that had carried out the operation. The multiple commander would be responsible for the soldiers who were guarding in BG Main. The soldiers would take their orders from him or one of the Provo staff.
- The witness had seen detainees hooded with sandbags, usually within BG Main and B Coy lines nearby. It was not a very frequent sight, possibly once a week. Prisoners were generally hooded when they were brought into BG Main. He had not received any specific guidance on hooding, e.g. length of time hoods should be left on. The prisoners were hooded to stop them

- During the Iraq tour he heard the use of the word 'conditioning', which he had understood to mean prisoners being hooded with a sandbag and plasticuffed. He had never seen stress positions being used nor had he seen people being deprived of sleep.
- Order for Op Quebec: "Prisoners should arrive for TQing bagged and tagged". This meant with a sandbag over their head and some sort of label showing where they were picked up.
- The witness was on duty in the ops room on September 14 at the time of Baha Mousa's detention. It could often be a 16 hour shift with short breaks. He was receiving radio messages on the battalion net, from e.g. OC's signaller, OC and CO. The signaller could hear all the radio traffic on the company net, which would contain more detail.
- The log recorded a radio message from the OC of A Coy to indicate that they had picked people up at the hotel. In the 'action' column was written 'plasticuffs but no sandbags'; this direction was noted by the witness but would have emanated from an officer in the ops room.
- Another entry in the log showed a message from A Coy's signaller. Seven prisoners had been taken and six were being transported to BG Main. The seventh had been taken to another address and the eighth (the hotel manager) had not been detained. A later message indicated that the eighth person had escaped. Two of the prisoners, father and son, were being taken to Camp Stephen rather than being brought to BG Main.
- After his shift in the ops room he went to the TDF to speak to the soldiers and find out how the search went. He spoke to one soldier outside, he may have been a private. He said the search had gone well. The witness took a couple of steps inside the TDF to check who was in there. A soldier was inside, possibly one of A Coy's guard force. There were two prisoners that he could see but there could have been more. They were in the left hand room, on the right side by the far wall sitting on the floor; they were not in stress positions. He believed that they were hooded (hence the correction to his statement). It was hot in there. Other people may have been present but he had no clear recollection.
- Mr McLaughlin said that later he saw one hooded and plasticuffed prisoner being escorted by two soldiers to the Int Office. He did not see the detainee being mistreated in any way. He did not see any prisoner being held next to the generator.
- He saw some food being taken to the TDF; he thought it was the evening meal but could not be sure. He was sure that it was the Sunday. The food could have been for the guards.
- He did not hear any screaming coming from the TDF. There was general shouting. After Mr Mousa's death there was a rumour that it may not have been a heart attack. There had never been any trouble with detainees in BGM prior to this.

- Everyone was reminded to maintain discipline but these reminders were of a general nature and did not relate to a specific incident. So far as Mr McLaughlin believed any soldier, including TAs, could take any concern to a higher officer in the chain of command.
- Mr McLaughlin had no direct responsibility in the chain of command for the TDF. He confirmed that in the absence of the Multiple commander the guards took orders from the Provost staff.
- He had had contact with SO38 since Iraq. SO38 was disgruntled because he had not gained any promotion.

Dr Oliver James Michael Bartels

- He qualified in as a Doctor in 1999; joined the army in 1996 and is currently serving as a Major. He served in Iraq from June to August 2003.
- He had no training in prisoner handling prior to deployment and had no knowledge of hooding or stress positions, or their legality prior to deployment. He now understands the term conditioning now as meaning the maintenance of the shock of capture in order to facilitate questioning.
- Capt Guthrie was his predecessor and they had a telephone conversation prior to deployment. The nature of the job, location, and personnel were discussed in order to allow Dr Bartels to plan ahead. He did not recall any conversation about prisoners.
- When deployed, Dr Bartels was initially sent to Kuwait for a week for acclimatisation and in order to assemble equipment. Thereafter he returned to Basra where there was a 2 -3 day handover, including briefing on how Black Watch had been managing things. He learned of problems for example, power supply, and communications. He was also informed of the reconstruction work he would be doing, and met some of the contacts. He does not believe he had a specific conversation about detainees. He would not have expected Capt Guthrie to have discussed documentation since it was such an ingrained practice. He was able to go to Col Mendonca about any service problem; for medical problems, he would go to SMO at Basra Palace. Commander Medical dealt with medical policy. He had regular contact with both.
- Dr Bartels described his usual daily routine. This included spending a proportion of the day – 6 – 8 hours - outside the camp. His day started at around 7.30, and he returned to camp in time for the O group meeting. His main job in Basra was to conserve the fighting strength of the men. Heat was major problem. Over 100 men succumbed in 5 weeks.
- Prior to deployment, Dr Bartels had a conversation with Sgt Smith where it was explained he was required to examine detainees when asked to do so by Provost staff. He assumed he would examine all detainees in the same way as he had examined soldiers in custody. When in Iraq, he was told by Provost staff when a detainee required a medical examination but he could not say whether all detainees were seen routinely. Detainees would be asked three

- In his time in Iraq, Dr Bartels saw between 2 -10 detainees. Until he read the evidence given to the Inquiry he was unaware that medics were carrying out examinations themselves or that there were more than 10 detainees. He would have expected any medic to treat an injured person, and to make a record of that treatment which would be handed to the Provost staff. He had no concerns about the medical team. The question of numbers of medics was raised in O group.
- Dr Bartels considered the purpose of the medical examination of detainees was to ascertain fitness to be detained. This was the position for UK soldiers, he believed that this was part of his training. He had not received any specific instruction or training in respect of the examination of detainees; he had used common sense. He understood that some might be sent for further questioning but did not certify them as fit for questioning, since he had no knowledge of TQ or how it would be carried out. He was unaware of any requirement to certify detainees as fit for conditioning.
- When he saw detainees in TDF none were hooded. Indeed, he had never seen or heard of any hooded during his time in Iraq, nor kept in stress positions.
- Dr Bartels met Capt Keilloh in the UK prior to his own deployment, but cannot recall any conversation before Capt Keilloh deployed. The handover was similar to that which he had received and lasted 2 days. He assumed he would have mentioned detainees during that time when they walked past the TDF. He left a copy of the written orders he had received relating to OP TELIC 2 but does not recall specifically mentioning it or handing it over. He did not specifically mention the keeping of records.
- There is now an RMO specifically allocated for prisoners; this was established in 2004. At the time it was a small part of Dr Bartels' duties.

Stephen Wraggs (READ)

He was posted to Iraq as 1~QLR's regimental signals warrant officer. Alongside the regimental signals officer, he was responsible for making sure that BG Main's communication systems were working properly and that communications were properly logged. Later in the tour he became the H Company sergeant major. His statement describes the different radio networks used by 1 QLR, namely brigade net, BG Main net and the different company nets. He also explains the call sign system which was used to identify different sub-units and individuals. His statement can be used as a kind of Rosetta Stone for understanding the various radio logs we have seen. As to prisoner handling at BG Main, he recalls a particular occasion when ten to 15 prisoners were brought into BG Main late one evening. He thinks this was some

time in September. He recalls being awoken by shouting on this occasion and seeing that the prisoners were all hooded. He says that at 6am the following morning he saw the prisoners again. They were knelt down outside the TDF, hooded and with their hands plasticcuffed. He says he does not remember seeing prisoners hooded on other occasions during the tour but he does recall hearing shouting from the TDF once or twice.

Ian McCleary's (READ)

Warrant Officer McCleary says that he was trained to hood detainees with sandbags a number of times during his army career for security purposes. In 1989 he completed a section commanders' course at Brecon where he was taught to sandbag prisoners. He was taught this again in 1990 when he completed the platoon sergeants' battle course at Brecon and during pre-deployment training for Op Telic 2 -- which, he says, was taught by senior NCOs from the QLR as well as from the Royal Engineers Regiment -- he was again told that prisoners should be hooded when they were being taken into camp. He was told that the purpose of hooding was to prevent detainees from seeing the layout of the camp. He also remembers that during his pre-deployment training he was taught to treat all detainees as prisoners of war. He says that during the tour he did not in fact have any responsibility for dealing with prisoners and he did not witness any hooding of prisoners.

SUMMARY OF PROCEEDINGS: WEDNESDAY 27 JANUARY 2010

Michael Giblin

- Mr Giblin was a lance corporal in A company during 2003 in Iraq and is still a serving lance corporal.
- During Op Telic, he was a signaller in the operations room.
- He had a copy of the "TDF video" on his laptop, and, whilst on duty in the guard room, he was asked to run this by Capt. Rodgers. Cpl. Woods was also present.
- Before deployment to Iraq, he had , on one occasion only, been shown a video on the law of armed conflict but had not received any training on the handling of prisoners.

Richard Osborne

- Mr Osborne joined the TA in 1993, then joined 1 QLR as a commissioned officer in 1998. He left the army in March 2004 and re-joined the TA , where he continues to serve as a senior captain.
- At time of deployment to Iraq in 2003, he was a captain and ops officer and 2i/c of A company.
- Annually (like other members of the army) he saw the LOAC video but not any other video about prisoner handling.
- He did get a handover briefing from Black Watch officers which included a strong recommendation to ensure that all detainees were medically examined on arrival. This followed the death of a detainee whilst in the custody of the Black Watch.

- He dealt with a detainee – and summoned medical assistance – whose wrist had been injured, allegedly because of rough treatment by a guard.
- In August 2003 - shortly after the death of Capt Jones – he changed roles and moved to G5 to work on local reconstruction projects in Basra.

SUMMARY OF PROCEEDINGS: THURSDAY 28 JANUARY 2010

Stuart MacFarlane

- Mr MacFarlane was commissioned in the TA in 1993 and left the army in 2005. During OpTelic, he was a captain attached briefly to 1 QLR.
- In July 2003 he witnessed from the verandah in camp at Basra an Iraqi detainee being “pushed and shoved” by a group of soldiers, including the company commander, Mr Davies. He was told that the detainee had a broken wrist.
- He was transferred from 1QLR to HQ company at short notice following a testy conversation with the CO, Col Mendonca.
- He believed that the use of hoods was permissible only during the transfer of a prisoner from battlefield to detention facility for security purposes. In separate conversations with a Major Clifton and a US PsyOps officer, both expressed the belief that the use of hoods was permissible after detention in order to preserve the “shock of capture”.

Mark Moutarde

- Mr Moutarde was commissioned out of Sandhurst in 1995 and he left in 2008. In 2003 he was deployed to Iraq as the Adjutant with the rank of Captain. He was the Commanding Officer’s personal staff officer. The officer within the Relied on a day to day basis on the RSM for feedback.
- He received training in LOAC annually and explained his understanding of the use of conditioning techniques i.e. hooding and stress positions.
- When asked about responsibilities for processing and handling of detainees before during and after questioning, he explained that the BGIRO post was created for this purpose within days of arriving in Iraq. The Provost staff had responsibility for detainees.
- He had seen detainees both hooded and plastic-cuffed throughout the tour of duty. He also saw stress positions used in Iraq. He witnessed these techniques employed regularly in and around camp and when detainees were being transported. In particular, he saw hooded detainees in the TDF in stress positions which he assumed was part of the conditioning for tactical questioning.
- When shown the video clip of detainees being shouted at in the TDF, he agreed that the examples of stress positions he had seen at the time. He explained that such treatment would not be humane if it persisted for more than five minutes to prepare prisoners for tactical questioning. He could not recall any incident that could be described as inhumane.

- Brigade and Divisional HQ had sanctioned conditioning techniques prior to TQ but it was questioned at O Group meetings. Col Mendonca was always clear with everyone - officers and soldiers – about the standards of conduct and discipline he expected when on tour in Iraq.
- During Op Salerno I played my part as a member of the Cos TAC Group. It followed the death of Captain Jones. He was not aware of the theft of money from the hotel until after the operation. The incident was brought to the attention of the CO.
- Detainees were taken back to BG Main and kept there for a longer period than usual. They were a larger group than was usual at the camp. He didn't have any specific memory of these detainees. He saw nothing unusual at the TDF. It is likely that he would have visited them and if he had seen anything untoward he would have reported it and would now remember. He didn't remember any worsening of conditions at the TDF.
- When asked about orders that more robust treatment was to be used when handling detainees, Mr Moutarde could not remember in any detail.
- He was in the operations room when he heard of the death of Baha Mousa. He thought that it was likely that he had visited the TDF after Baha Mousa's death but didn't remember any detail. There was no truth in the suggestion that I put the reputation of the Battalion above the truth.
- He went to the Regimental Aid post where Baha Mousa's body had been taken. He spoke to the doctor and he confirmed that BM was in fact dead. He saw the body but didn't examine it in detail. He didn't see injury or bruising to the head of the deceased.
- Mr Moutarde was directed to a memorandum written by him at the time setting out for the CO the context in which there had been a death in custody. The note contained information about the circumstances surrounding the death and details of people to whom Mr Moutarde must have spoken that night. The Sinc report and Mr Moutarde's report to the CO would have been to the SIB.
- His understanding was that each detainee was examined by the RMO to establish if they were fit to be detained and fit for questioning. CO would visit TDF regularly and therefore would have seen conditions. I should have been aware of what was going on. Collectively, all of the officers within BG Main must accept some responsibility for what happened to these detainees.