

The Baha Mousa Public Inquiry

Inquiry Chairman: The Right Honourable Sir William Gage

SUMMARY OF PROCEEDINGS: MONDAY 23 NOVEMBER 2009

EUAN CRAWFORD

- Now Captain was Lt at the time. Had seen (other) detainees hooded and assumed it was SOP.
- Capt MacFarlane told him he was unhappy with the way detainees were being treated by Anzio Coy.
- Had heard rumours about the way detainees were being treated i.e. assaults.

STEPHEN BAXTER

- He was concerned because he saw detainees being escorted to the TDF in rough manner.
- One of the guards would tell medics that detainees had been brought in. Medic would go to TDF and talk to detainees and conduct a medical check, e.g. blood pressure. Would check for any existing injury, mainly visual check. Hood would be removed.
- Did sometimes see detainees in stress positions.
- No system of regular return visits to TDF, only if required.
- Knew that Op Salerno might result in detainees being brought in. Went to TDF with Pte Winstanley mid-afternoon on Sunday.
- Pte Winstanley examined detainees, he supervised. Nothing worthy of making a record.
- About 9pm Monday, he was summoned to treatment room. Saw Baha Mousa lying there not breathing. He (the witness) tried to resuscitate Baha Mousa with other medics there.
- Noticed Baha Mousa had blood on nose, puffy face and skin torn on wrists. Had concerns about way in which he had been treated. Occurred to witness that Baha Mousa had been mistreated. Thought medics should check other detainees; *“Dr Keilloh told us to do it.”*
- Should have been a record of attempt to resuscitate Baha Mousa.
- Later that night remaining detainees were checked out. One person complained of stomach/kidney pain. He was examined by doctor at RAP. Doctor knew of allegation (kicking). Thinks detainee was sent to Shaibah hospital.
- Doesn't recall examinations of the detainees on the Tuesday AM, before they went to Um Qasr.
- After Op Salerno, changes were made to detainees handling by medics; new initial investigation form, all detainees examinations were documented.

Dr D KEILLOH

- Explained medical background – GP training. No particular exposure to surgical problems of a traumatic variety. But no reasons why he couldn't look after detainees from a medical point of view.
- Pre deployment training and acclimatisation did not happen.

- Explained handover from Dr Bartels, his understanding of the role of the RAP in relation to detainees was clear only a month into tour.
- Chain of command – Sgt. Goulding ran RAP – discipline and admin. RMO – executive function – medical direction. Above Keilloh – CO of unit, Snr medical officer – based at Basra Palace.
- Mendonca: if RMO needed to speak to him, the CO, he was available.
- Discussed relations within the RAP team; got on well with them.
- Dr Keilloh was aware that detainees were hooded. Was told that it was to prevent them knowing their whereabouts. Explained by Sgt. Smith that first time he saw detainees.
- Outlined process for examining detainees. If findings were compatible with staying in TDF for 48 hrs then no documentation was completed.

SUMMARY OF PROCEEDINGS: TUESDAY 24 NOVEMBER 2009

DAREN JAY (via video link)

- Mr Jay joined army in 1985 and served as a military policeman for 13 years. With SIB for 9 years. Retired from the army in 2002 as a Warrant Officer Class 2. Was a staff sergeant, aged 36, in 2003. He was a member of the investigation team following the death of Baha Mousa.
- He encountered some reluctance by interviewees to be frank during his investigations.
- Witness, unlike suspects, were not entitled to legal representation during case interviews.

JONATHAN GREGORY

- Mr Gregory joined the army in 1998 and is now a serving soldier with the rank of sergeant. In September 2003 he was a 21 year old Lance Corporal (promoted to Corporal in October 2003).
- He did not see any detainees who were hooded. He did not see or hear of, any detainees being treated violently whilst in custody.
- He was not aware that detainee 7 (D007) was a suspected insurgent.

ANDREW LAWRENCE

- Mr Lawrence has never before made a statement about this case until this inquiry. He is currently a serving Corporal.
- He was taught that hooding was not acceptable when detaining prisoners. Could use blacked-out goggles to prevent a detainee seeing the inside of a camp. He did not see any detainees hooded, but may have seen detainees with blacked-out goggles. He saw detainees blindfolded by a 'shemag'
- He saw no abuse or mistreatment of any detainees in Iraq.
- He was sent out (in 2 vehicles, led by Lt. Crosby) from Camp Stephen to search a house.
- The younger man in the house had an AK47 rifle.
- Mr Lawrence has no recollection of going back to Camp Stephen with detainees. Neither does he recall a visit to the camp and an address to troops by the CO.

ROBERT BREZEZINSKI

- Mr Brzezinski served as regular soldier from 1986-1990 then in the TA from 1995-2004. In September 2003, he was a 38 year old Lance Corporal and team commander.
- He received no training about hooding or stress positions, but saw detainees who were hooded during the Iraq tour, though not at BG Main.
- At the briefing prior to Op Salerno, soldiers were told that they were looking for men concerned with the death of Capt. Dai Jones.
- Mr Brzezinski briefly guarded prisoners at BG Main on late Sunday afternoon. He saw prisoners being treated firmly but not with violence.

JOSEPH GRIST

- Mr Grist joined the army in 1999, was a 21 year old Lance Corporal in September 2003 and left the army in 2004.
- Trained to treat prisoners humanely. Hooding prisoners was SOP. He saw hooded detainees once or twice in Camp Stephen.
- He went on leave around the time of – but not before – Op Salerno. He does not recall a CO's briefing about theft at the hotel.

SUMMARY OF PROCEEDINGS: WEDNESDAY 25 NOVEMBER 2009

PAUL STIRLAND

- Currently a Lance Corporal in the army. Joined the army in 1998. In September 2003, he was a driver aged 20 in Lt. Rodger's multiple.
- Familiar with hooding to maintain 'shock of capture', it was 'common knowledge' that stress positions should not be used.
- He was on guard duty from 0600 to 1300 on Monday 15 September 2003. His instructions that morning were to give detainees breakfast and to give them a slap if they got out-of-hand. Mr Stirland did slap a prisoner round the back of the head.
- He saw Cpl Payne giving a hard punch to a detainee who had got out of his plastic cuffs. He also witnessed 'the choir' and could see bruising on the body of one detainee.
- He returned to the TDF later that day to find Baha Mousa being removed on a stretcher.

JOHN AINLEY

- A captain in 1QLR. Media Officer and COY Ops officer responsible for communications. No training for handling detainees, aware of the practice of hooding but never saw it or stress positions used during the tour.
- He understood about TQ and what it entailed. Several documents were shown to the witness who agreed that references were in his handwriting.
- Detainees were sometimes brought to Camp Stephen and guarded. Sat on the floor and made to wait. Lt. Crosby came to Camp Stephen with two detainees (D005 & D006).

DAVID BROWN

- Mr Brown was a member of the TA from 1979-2007. In September 2003, he was a 43 year old sergeant and driver of the intelligence cell.
- He had not received any training on the use of hoods and other conditioning techniques.

- Word of mouth on the Sunday said that the detainees from Op Salerno were connected to the death of Capt Dai Jones.
- Sgt. Brown was instructed to guard a detainee by an outside generator – about 2 feet away – until the questioning room was free.
- He recounted from his journal entries on and around 14 September 2003.

SIMON KENDRICK

- Role in Iraq as a G2 clerk in the intelligence cell mainly photographing detainees as soon as detainees were in the compound. Detainees were hooded as a SOP to restrict their vision. They were plasti-cuffed as a restraint and put into stress positions to maintain the shock of capture.
- Photographed Salerno detainees mid to late morning (about 8 in number). Detainees in a state of shock and some had cuts and bruises on their faces.
- Returned to TDF a few times during the day. All were hooded and plasti-cuffed. They seemed progressively more tired, sweating and exhausted. Finding it difficult to maintain stress positions would sometimes collapse and have to be picked up under the arms.
- The picking up of detainees was rougher than I would have wished. Later on I saw Cpl Payne put his forearm across the prisoner's neck. Baha Mousa put into the middle room.
- Witness described the process of TQ'ing. One occasion when we guarded a detainee by the generator. Sometimes placed different detainees by the generator to disorientate the prisoners.
- A number of contradictions in the witness various statement over time were brought out during cross examination.

SUMMARY OF PROCEEDINGS: THURSDAY 26 NOVEMBER 2009

ROBERT LIVESEY

- Witness described process of tactical questioning. Collecting detainees from TDF, preparing for questioning and then taken back to the facility. Detainees would be taken to stand by a generator during TQ'ing if they were unco-operative.
- Admitted to striking 3rd detainee out of frustration, not irritating behaviour observed in others. Gave order to return detainees to stress positions on the instructions of TQ'ers but didn't question the order even though he believed the positions to be wrong.
- Conditions in TDF worsening. Hot, smelly and difficult. Didn't observe Cpl Payne doing other than placed detainees in stress positions. Sgt. Smulski had been responsible for using a metal pole to deprive detainees of sleep.
- Further two to three visits to TDF on the Monday. The guards were shouting at the detainees and handling roughly.

ANDREW BROMLEY

- Mr Bromley's role in Iraq was as Col. Mendonca's driver, part of the TAC group. The witness confirmed that he never saw any inappropriate behaviour on the part of the CO or any hooded detainees within camp. Also, he confirmed that he had never been to the TDF nor did he hear guards shouting. Mr Bromley could not recall anything about Operation Salerno.