

the training courses cannot fairly be said to have extended beyond monitoring the stated syllabi and ensuring that the trainers were versed on LOAC.

iii. The “harsh technique” as a method of interrogation as taught on the PHTQ course may have included approaches to interrogation contrary to Article 17 of Geneva Convention III, and Article 31 of Geneva Convention IV.

13. No such criticism can reasonably be made of this witness. Brigadier Yates was simply not *aware* that the harsh technique was being taught in the context of interrogation. He was aware that the harsh technique was employed in terms of Conduct after Capture training but not in respect of interrogation [Yates BMI 89/156/20].
14. It would be unreasonable to criticise him for failing to have known or sought out this information, given that he was severely stretched in terms of his responsibilities (see above), and was therefore reliant to a large extent on issues being brought to his attention. It was highly unlikely that any of the instructors would raise the issue given that it was not drawn to their attention that aspects of the technique may run contrary to the Geneva Conventions [S048 BMI 87/227/20; S012 BMI 87/169/24; S004 BMI 87/62/16; Yates BMI 89/157/17ff].
15. In any event, given he did not know of the technique, Brigadier Yates discharged his general responsibilities in the sense that he made clear in the training he provided to the course instructors that all interrogation has to be compliant with Article 17 [Yates BMI 89/157/23] and it was reasonable for him to expect the trainers to comply with this training.