

THE BAHU MOUSA PUBLIC INQUIRY

VICTIMS’ RESPONSE: PEEBLES SUBMISSIONS

1. This document sets out the victims’ response to the closing submissions made on behalf of Peebles. The victims cross-refer to their own opening and closing submissions as “VOS” and “VCS” respectively, followed by the relevant Part and paragraph number(s).
2. The victims’ main submissions in relation to this witness, including areas where his conduct overlapped with that of the tactical questioners, can be found at the following places in their own written documents: VCS Pt II [171-176], [207-241], [273-279], [351], [448-449] and [456-457].
3. Although Peebles inherited the conditioning techniques as SOPs when he took over the BGIRO role from Major Royce,¹ he must also share some responsibility for the lack of procedural safeguards attaching to the devolved system of internment and interrogation that existed at BG Main: see VCS Pt V [179-201]. His intellectual ability to suggest wholesale remedies to the system within two days of the death of Baha Mousa has always struck the victims as proving the degree to which the absence of intricate safeguards around the TDF was more the product of design rather than negligence: see VOS Pt VI [311-312] and VCS Pt VI [2].
4. The victims recognize the extent to which Peebles is something of an easy target to blame.² They have emphasized this issue by reference to what they regard as the *pathos* of the debate as to whether the BGIRO role had caused the amendment to orthodox principles regarding the chain of command on prisoner handling (see VCS Pt II [456]). At the same time, Peebles’ position as new to the job and the outsider in the Regiment ultimately does no more than highlight that he came to collude with an unlawful system rather than stand up to it.
5. The characterization of the events in this case as “isolated”, “inflicted over a comparatively short time”, not “systemic” in nature, not borne out of “a culture of easy

¹ SUB000443 [9].

² SUB000443 [11].

violence”, with no officers (including Peebles) turning a blind eye,³ is challenged by reference to the length, intensity and systemic features to the torture incident itself (for which see VCS Pt II generally) and the analysis of the culture of violence in VCS Pt V [202-261].

6. Further to the suggestion that the victims have exaggerated their treatment in relation to both days,⁴ the victims refer generally to their submissions at VCS Pt II [5-13] and [115-117] and at VOS [267-269].
7. The submission put forward on behalf of Peebles that it is unlikely that the detainees were assaulted for as long as they say is particularly unrealistic in terms. The suggestion is made: “The more people visiting, the more changes of guard, the longer time scale all make a visit from somebody unwilling to keep quiet more likely”.⁵ The victims suggest that the submission proves too much.
8. Peebles has always accepted that he viewed the find at the hotel as sufficiently significant to send the detainees to the TIF from the outset.⁶ Further to the broad defence of the tactical questioning/BGIRO schematic as it was applied to the detainees,⁷ the victims would emphasize that the tactically important question was “Where would C001 go?” If tactical questioning was to be carried out lawfully, why could that question not be asked quickly? There was no need even to establish whether the detainees were “friendlies”. Even on the off chance they were not, the question could have been asked. The delay in starting the questioning – even for several hours after finding out the detainees were not “friendlies” – is totally unjustifiable, and indicates that the abuse at the TDF was linked to the TQ process: see VCS Pt II [207].
9. If Peebles did not appreciate the full scale of the abuse, it was because he (like others) kept a studied distance from the TDF.
10. The detainees do not accept that “operational reasons” were a key reason for delay until the Monday afternoon.⁸ The detainees continue to suspect that the conversation between Peebles and Radbourne on the Monday morning about the expiry of the 14

³ SUB000445 [15].

⁴ SUB000445 [16].

⁵ Ibid.

⁶ VCS Pt II [176].

⁷ SUB000455 [41-48].

⁸ Cf. SUB000464 [65 (xiv)].

hour time limit *did* concern the fact that the detainees were providing information.⁹ In other words they consider “operational reasons” to be a later justification used in the evening. This is particularly the case given that if the Rodgers multiple was being used to guard the detainees in the TDF, it could just as well be used to move them to Camp Bucca. It may be that Radbourne was not prepared to expose that discussion to the criticism of the higher chain of command within the brigade. For the victims’ submissions on the breach of the 14 hour time limit in this case, see VCS Pt II [273-279].

11. As regards the criticisms made by Peebles of the role of the RSM within 1 QLR, see the victims’ submissions on this issue at VCS Pt V [238-239].
12. For reasons developed in their own submissions at VCS Pt II [115-117], the victims regard the premise that the violence used towards the detainees was “completely different” from the conditioning techniques to which they were linked¹⁰ as a loaded and non-neutral distinction. They suggest that it is a “perpetrator’s distinction”.

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⁹ MOD000982.

¹⁰ SUB000461 [65 (ii)].