

1 Wednesday, 17 February 2010

2 (9.59 am)

3 THE CHAIRMAN: Good morning, ladies and gentlemen.

4 Mr Elias.

5 MR ELIAS: Good morning, Sir. May I call John Steven

6 Gallacher, please?

7 THE CHAIRMAN: Yes, indeed. Mr Gallacher, I am going to ask

8 that you take the oath. All right?

9 A. Yes, Sir.

10 JOHN STEVEN GALLACHER (sworn)

11 THE CHAIRMAN: Thank you. By all means sit down.

12 A. Thank you, Sir.

13 THE CHAIRMAN: If you would be kind enough to speak into the

14 microphone, then we will all hear you.

15 A. Yes, Sir.

16 THE CHAIRMAN: All right. Thank you very much.

17 Questions by MR ELIAS

18 MR ELIAS: Would you give the Inquiry your full name,

19 please?

20 A. John Steven Gallacher, Sir.

21 Q. Mr Gallacher, I think you joined the army in 1985, is

22 that right?

23 A. Correct.

24 Q. And you left the army in 2007?

25 A. Correct.

1 Q. Would you have a look at a folder which should be to
2 your right and just confirm that your statement, a copy
3 of it, is inside. If you go to the last page of that
4 statement at our BMI06892, do you see your signature?
5 A. Yes, sir.
6 Q. Is that above the date of 5 February of this year?
7 A. Yes, sir.
8 Q. When you signed that statement, were you indicating to
9 the Inquiry that the contents of the statement were true
10 to the best of your knowledge and belief?
11 A. That's correct, sir.
12 Q. We have all read that statement -- if you put it aside,
13 if you will. I don't intend to take you to every part
14 of it, but I am going to ask you questions about certain
15 aspects of matters that you can help us with. When you
16 left the army in 2007, what was your rank then?
17 A. Sergeant.
18 Q. You joined, as you told us, in 1985. I don't want your
19 date of birth, but how old were you then?
20 A. 19.
21 Q. You were in Iraq in 2003. Your role there was as
22 provost sergeant for 1 Black Watch?
23 A. That's correct.
24 Q. Can you remember when you deployed to Iraq?
25 A. I think I deployed late January or maybe February,

1 I think, sir.

2 Q. Of 2003, obviously.

3 A. Yes.

4 Q. You say in your statement that you returned to the UK on

5 30 June.

6 A. That's correct.

7 Q. Is that a date that you remember or was that some

8 estimate as to the date?

9 A. No, that was a date that I remember.

10 Q. That was the date you remember.

11 I want to ask you something about the training that

12 you will have received as a soldier and then come on to

13 look in a little detail at the training that you

14 received specifically before going to Iraq. Do you

15 follow?

16 In relation to training you received as a soldier,

17 before Iraq, did you receive LOAC training, training in

18 the law of armed conflict?

19 A. Yes.

20 Q. Did you receive training in relation to, do you

21 remember, the Geneva Conventions, the handling of

22 prisoners?

23 A. Probably, sir, yes.

24 Q. Did you receive training as to how prisoners should be

25 treated?

1 A. Probably, sir, yes.

2 Q. You don't specifically remember it?

3 A. No.

4 Q. Certainly by the time you went to Iraq, what was your
5 understanding as to how you, a soldier, should treat
6 prisoners?

7 A. I had a better understanding because I went down to
8 Chicksands prior to Iraq to do the prisoner-handling
9 tactical questioning course, sir.

10 Q. I am going to come to that in just a moment. But did
11 you have, from your earlier training, what I might call
12 any overriding message as to how you should treat
13 prisoners if you ever encountered them?

14 A. Treat them under the Geneva Convention.

15 Q. What did that mean?

16 A. Firm but fair.

17 Q. Had you ever heard the phrase that prisoners should be
18 treated "humanely"?

19 A. Yes.

20 Q. Was that part of your training?

21 A. Probably, sir, yes.

22 Q. What would "humane" mean to you?

23 A. The way I would like to be treated if I was a prisoner.

24 Q. Before going to Iraq you had some pre-deployment
25 training, did you?

1 A. Yes.

2 Q. You had become the provost sergeant, you say in your
3 statement, in 2002 for 1 Black Watch, is that right?

4 A. That's correct.

5 Q. Before that you had never had any RP role, had you?

6 A. Never.

7 Q. Did you do the provost sergeant course on your
8 appointment?

9 A. Yes, sir, yes.

10 Q. You say in your statement that that would normally have
11 been run from Colchester, but in fact it was a course
12 that you undertook in Germany.

13 A. Yes.

14 Q. Can you remember who else from the Black Watch, if
15 anyone, was on that course with you?

16 A. Corporal Canning.

17 Q. He was the provost corporal, was he, at the time?

18 A. Yes.

19 Q. And the focus of that course, you tell us, was on the
20 handling of military personal?

21 A. That's correct.

22 Q. Did you receive anything on that course about handling
23 civilian prisoners, civilian detainees?

24 A. No.

25 Q. Did you receive any instruction on that course about,

1 for example, the use of what are sometimes called
2 "conditioning techniques"?

3 A. No.

4 Q. You know what I mean by "conditioning techniques"?

5 A. Yes.

6 Q. So nothing on that course about the use of hoods or
7 stress positions?

8 A. No.

9 Q. Nothing in Germany on the use of plasticuffs?

10 A. No.

11 Q. Would plasticuffs, in fact, have been used on military
12 personnel?

13 A. On military personnel?

14 Q. Yes.

15 A. I very much doubt it.

16 Q. You say that in about January of 2003 you went on
17 a Chicksands course.

18 A. Yes.

19 Q. That was a prisoner-handling tactical questioning
20 course?

21 A. That's correct.

22 Q. Were you trained in tactical questioning?

23 A. Yes.

24 Q. At that course or at some prior time?

25 A. At that course.

1 Q. At paragraph 14 of your statement to this Inquiry -- it
2 needn't be turned up -- you refer to two others from the
3 Black Watch who were on the course: Colour
4 Sergeant Stewart and the RSM, Warrant Officer Bruce.
5 A. Correct.
6 Q. Do you remember anyone else from Black Watch who was on
7 this Chicksands course?
8 A. I think Captain Mike Williamson was on it as well.
9 Q. Captain Williamson?
10 A. Yes.
11 Q. You tell us it was a two-week course.
12 A. Yes.
13 Q. And, what, in large part was dealing with the handling
14 of captured civilians?
15 A. Yes, for certain parts of the course, yes.
16 Q. What at that course, if anything, did you learn about
17 hooding?
18 A. I learnt how to be hooded because I was hooded on the
19 course.
20 Q. What, in practical exercises?
21 A. Yes, role-play.
22 Q. Did everyone participate in the practical exercises?
23 A. Yes.
24 Q. So would everyone have been themselves hooded?
25 A. I would assume that, yes.

1 Q. The hoods were what?

2 A. Hessian bags, sandbags.

3 Q. Like the sandbags you had in Iraq?

4 A. Yes.

5 Q. We will come back to the purpose of this in a moment.

6 Were you taught anything on that course about the use of

7 stress positions?

8 A. Yes.

9 Q. First of all, can we just understand what you mean when

10 you use the term "stress position"?

11 A. Part of the conditioning method.

12 Q. But what is a stress position or what was a stress

13 position, as you understood it then?

14 A. I was -- understood the stress position that I was put

15 in for the role-play was knees bent, back against the

16 wall, arms out in front of you.

17 Q. That is in what some witnesses have described as

18 something like a ski position.

19 A. Possibly, yes.

20 Q. Do you remember being taught any other stress positions

21 at that time?

22 A. No.

23 Q. Do you say that was a position which was demonstrated on

24 the course?

25 A. It wasn't demonstrated. I was put in that position.

1 Q. Was it just you put in that position?

2 A. I do not know because it was all different role-plays.

3 Q. Would you say that again, please?

4 A. Sorry. I cannot answer that because it was all

5 different role-plays but I was definitely put in that

6 position.

7 Q. Was the role-play part of a demonstration of stress

8 positions or what?

9 A. It was part of a demonstration.

10 Q. Of what?

11 A. The stress position.

12 Q. Were you, on this course, shown any other conditioning

13 techniques apart from hooding and stress positions?

14 A. No.

15 Q. Specifically on this course, was anything said, for

16 example, about depriving prisoners of sleep --

17 A. No.

18 Q. -- or of depriving them of food or water or both?

19 A. Not that I can recollect.

20 Q. Were you told the purpose of hooding or the use of

21 stress positions?

22 A. Yes.

23 Q. What were you told about that?

24 A. It was a method, like I say, as conditioning for HVTs.

25 Q. You were told it was conditioning for HVTs?

1 A. Correct.

2 Q. "HVTs" being ...?

3 A. "High value target".

4 Q. Were you told what was meant by the term "high value
5 target"?

6 A. People of importance.

7 Q. What, importance in the sense that they may have
8 information?

9 A. Correct.

10 Q. Were you taught anything about how you might identify
11 such individuals?

12 A. No.

13 Q. So if hooding and stress positions were to be applied to
14 high value targets, what was the purpose of applying it
15 to them?

16 A. To give them a sense of fear.

17 Q. To give them a sense of fear. Was that what you assumed
18 or was that something that you were told?

19 A. Something that I was told.

20 Q. If you look at paragraph 18 of your statement to this
21 Inquiry, at BMI06880 -- and we all bear in mind, I am
22 sure, Mr Gallacher, that this course is now some years
23 ago -- you said at paragraph 18 -- what you have told
24 us, that is:

25 " ... I understood that stress positions should only

1 be used on high value detainees likely to possess useful
2 intelligence ... I cannot recall exactly what was said
3 but this was my understanding. I concluded that the
4 purpose was to numb them and give them a sense of fear
5 about being questioned, although I cannot now recall
6 that being specifically taught and it may be that these
7 were simply conclusions I reached myself."

8 That's not quite what you have said to us today.

9 A. What you need to remember, sir, is this was seven years
10 ago.

11 Q. I understand that. So might it be the case that the
12 fear point was a conclusion that you might have come to
13 yourself, rather than being taught?

14 A. Possibly.

15 Q. Given that you have told us that you were not taught
16 anything about how you would identify high value
17 targets, were you given any instructions to where the
18 order would come from that you should apply conditioning
19 to this individual but not to that, for example?

20 A. It would have come down from the int cell.

21 Q. We will come back to the practice in just a few moments.
22 Was it your impression that what you were taught on this
23 course was taught to all who were there?

24 A. Yes.

25 Q. Was anything said at the course about what this Inquiry

1 has been calling Prime Minister Heath's statement or his
2 ruling from 1972?

3 A. Was that ever mentioned?

4 Q. Yes.

5 A. I can't remember.

6 Q. You know what I'm talking about now, do you --

7 A. Stress?

8 Q. Sorry?

9 A. Are you talking about the stress position?

10 Q. Well, I am talking about a statement that Prime Minister
11 Heath made to Parliament in 1972, in which he indicated
12 that the use of hooding, stress positions and other
13 conditioning techniques were banned and were not to be
14 used by British soldiers.

15 A. Well, why was it used at Chicksands?

16 Q. That may be a question that the chairman will have to
17 consider, but you have to answer the questions.

18 THE CHAIRMAN: If you just answer the questions, without
19 asking questions, which it is very tempting to do.

20 A. Sorry, could you repeat the question, sir?

21 MR ELIAS: My question to you is: did you ever hear, at
22 Chicksands, on this course, of Prime Minister Heath's
23 statement banning these techniques?

24 A. I can't remember, no.

25 Q. Do you ever remember hearing of it before your

1 deployment to Iraq?

2 A. No.

3 Q. Were you told anything else about hooding and its
4 purpose on this course?

5 A. Not that I can recall.

6 Q. Was anything said, for example, about hooding for
7 security reasons?

8 A. Yes, that was probably mentioned -- probably, I would
9 say.

10 Q. What did you understand was the use of hooding for
11 security? In what way would it be appropriate?

12 A. It would have been appropriate for a prisoner of war
13 coming into the Battlegroup Main headquarters.

14 Q. And why?

15 A. Security.

16 Q. What do you mean by "security"?

17 A. Ie if somebody is coming into battlegroup headquarters,
18 you don't want them just coming in and having a look
19 about so that they can see where everything is.

20 Q. So that would have been, would it, a reason to hood,
21 even in the cases of prisoners who are not high value
22 targets?

23 A. Probably, yes.

24 Q. You say "probably", Mr Gallacher. Do you remember, did
25 you understand that to be the case?

1 A. Remember, the prisoners that came into me, sir, were
2 always hooded.

3 Q. I understand.

4 Taking hooding and stress positions separately and
5 still with the Chicksands course, was anything said to
6 you in training as to how long it was appropriate for
7 a prisoner to be hooded?

8 A. I recall up to about 30 minutes.

9 Q. So up to 30 minutes. And at the end of 30 minutes, was
10 that to be the end of hooding or was there to be a pause
11 and it to be reintroduced or what?

12 A. No, it should have been the end of the hooding.

13 Q. What about the use of stress positions?

14 A. Again, 15 to 30 minutes.

15 Q. And that would be a total time, would it?

16 A. A rough estimate, yes.

17 Q. Not that they should be stopped then, and then
18 restarted, but that would be the total time?

19 A. That would be the total time.

20 Q. When you were being taught this at Chicksands, as you
21 say, did it occur to you that your training before this
22 course would have told you that prisoners should be
23 treated humanely? Did it occur to you that stress
24 positions or hooding was not humane?

25 A. No.

1 Q. You mean by that that you just didn't think about it or
2 you did and you didn't think it was inhumane?
3 A. I didn't think it was inhumane, sir.
4 Q. Stress positions were going to provide some discomfort,
5 weren't they?
6 A. Yes.
7 Q. Pain?
8 A. Yes.
9 Q. You didn't regard that as being inhumane?
10 A. No.
11 Q. Hooding was going to provide disorientation.
12 A. Yes.
13 Q. You didn't regard that as being inhumane either?
14 A. Most definitely not.
15 Q. You say "most definitely not" because ...?
16 A. Because my sole purpose was to look after the soldiers
17 in the camp, their safety.
18 Q. I understand that. Indeed the Inquiry has heard similar
19 answers, I think, before. It might have been required
20 for security reasons, but that doesn't necessarily, does
21 it, Mr Gallacher, make the practice humane for the
22 victim?
23 A. Probably.
24 Q. Well, now, the Inquiry is to hear evidence, I think,
25 from witnesses teaching on the course, who will say that

1 in 2003 these practices were not taught, at least in the
2 way that you outline.

3 A. Well, I beg to differ, sir.

4 Q. There is no doubt in your mind, is there, that this was
5 part of the training that you received in the handling
6 of prisoners?

7 A. No doubt in my mind whatsoever.

8 Q. I just want to put this to you, you see: you know what
9 I mean by "conduct after capture", do you?

10 A. Yes.

11 Q. Did you, on this course, receive any conduct after
12 capture training?

13 A. Yes.

14 Q. And did that include an illustration, a demonstration,
15 if you like, or talk about what might happen to you if
16 you were taken by enemy forces?

17 A. Yes.

18 Q. In that element of the course, were you told that, for
19 example, you may be hooded?

20 A. Yes.

21 Q. For example, that stress positions may be used on you --

22 A. Yes.

23 Q. -- and that other conditioning techniques may be
24 employed?

25 A. I can't remember that, but hooding and the stress ...

1 Q. Hooding and stress you were told about?

2 A. Yes.

3 Q. And, what, were you given some indication that you were
4 being told this so that you could, as it were, mentally
5 prepare yourself for what was to come if you were
6 captured?

7 A. Well, the indication, sir, to me was when I, on my
8 role-play, was put with the hood and into the stress
9 positions for the role-play --

10 Q. Forgive me. Your voice is a little soft. Can you just
11 repeat that answer again?

12 A. Well, the indication was when -- on my role-play, for
13 the conduct after capture part of it, was when I was put
14 into the stress position and hooded to see what -- so
15 you knew roughly what it was going to feel like.

16 Q. So when you were telling us a little earlier on that as
17 part of the role-play you were put in a stress position
18 and you had a bag put over your head, that was part of
19 the conduct after capture training, was it?

20 A. Yes, I think so, yes.

21 Q. Was it not made clear to you in that conduct after
22 capture training that although you were being shown what
23 might happen to you, these were not techniques that were
24 to be employed upon any prisoner that you may take?

25 A. No.

1 Q. Are you sure about that, Mr Gallacher?

2 A. 100 per cent, sir.

3 Q. Is there any room for possible mistake on that?

4 A. No, I do not think so.

5 Q. The conduct after capture element of the course, was

6 that all part of the same course --

7 A. Yes.

8 Q. -- carried out at the same place?

9 A. Yes.

10 Q. It's not that with the passage of time you may have, as

11 it were, mixed the two things, conduct after capture and

12 training as to how you should deal with prisoners --

13 A. I don't think so.

14 Q. Because others will tell the Inquiry that there wasn't

15 that element of training, but that's your recollection,

16 is it?

17 A. Yes.

18 Q. Do you remember how long the course was?

19 A. Two weeks.

20 Q. Following the course, what did you do with the

21 information that you had gleaned from it?

22 A. Went back and taught the battlegroup everything that

23 I had been taught.

24 Q. When you say that you taught the battlegroup, who

25 exactly did you teach?

1 A. Black Watch, Scots DGs, RTR.

2 Q. The Black Watch, who did you teach in the Black Watch?

3 A. Everybody.

4 Q. From ...?

5 A. CO downwards.

6 Q. From the commanding officer down?

7 A. Yes.

8 Q. Over what period of time did you teach them?

9 A. Probably a few days.

10 Q. Was your training of them training in relation to how

11 prisoners should be treated?

12 A. Yes.

13 Q. Did it include any elements of conduct after capture?

14 A. That was roughly, I would say, the last part of each

15 part of my lecture because that's the part I wanted each

16 soldier to leave with because lectures can be boring.

17 So you try to make it interesting. So always that bit,

18 the ten-minute part of the last bit of the lecture was

19 always about that.

20 Q. So the last ten minutes of your lectures would always be

21 about conduct after capture --

22 A. Yes.

23 Q. -- and how a soldier might himself be treated if

24 captured?

25 A. Correct.

1 Q. Did you, in giving that information, make clear that
2 these were not procedures that were to be applied to
3 anyone that they may capture?

4 A. Sorry, say that again, sir.

5 Q. Did you make it clear, in your lecture, that although
6 you were dealing with what might happen to soldiers if
7 they were captured by enemy forces, they were not to
8 apply the same techniques to anyone they may capture?

9 A. I told them that stress positions not to be used, but
10 I told them that the hooding could and should be used at
11 times -- at certain times.

12 Q. Just taking those two aspects. We are concerned
13 particularly with the Black Watch and not the Royal
14 Scots Dragoon Guards or the Royal Tank Regiment I think
15 for the moment. What did you tell the Black Watch in
16 particular about the use of hoods?

17 A. It was up to the commanders on the ground to decide on
18 their feet when and if they were coming to me. If
19 prisoners were coming to me, they should be hooded
20 because they would be coming into battlegroup
21 headquarters.

22 Q. Did you indicate or state that it was, if you like, an
23 SOP that prisoners would be hooded at the point of
24 capture and should be hooded coming back to base?

25 A. Probably, yes.

1 Q. Did you indicate any period of time during which it was
2 appropriate to keep hoods on?

3 A. I don't know. I can't remember.

4 Q. What about the use of stress positions? What did you
5 tell the Black Watch about that?

6 A. I told them, like I told everybody before to be
7 prepared, if captured, that they probably will be put
8 into the stress position.

9 Q. Did you tell them what you understood a stress position
10 to be?

11 A. Yes.

12 Q. Did anybody query the matter with you --

13 A. I don't think so.

14 Q. -- along the lines of, for example, "Well, we have been
15 told that hooding is prohibited" --

16 A. No.

17 Q. -- or even "Is this humane"?

18 A. No.

19 Q. So moving on then, Mr Gallacher, to Iraq itself and your
20 role there: what was the chain of command that applied
21 so far as you were concerned in Iraq?

22 A. RSM.

23 Q. You as the provost sergeant -- you were answerable to
24 the RSM, were you --

25 A. Correct.

1 Q. -- throughout the period you were there?

2 A. Yes.

3 Q. You had under you ...?

4 A. Sorry?

5 Q. You had under you?

6 A. Corporal Canning, Corporal Cummings and Lance Corporal
7 Robertson to start with.

8 Q. As part of the provost staff?

9 A. Yes.

10 Q. Did you have situations where soldiers outside the
11 provost staff were guarding detainees?

12 A. Yes.

13 Q. Would they routinely -- initially anyway -- come from
14 the arresting multiple?

15 A. To start with, yes.

16 Q. Under whose command did that guard force fall?

17 A. Whoever the team commander was at the time.

18 Q. Do you mean their team commander?

19 A. Yes, up until the stage where I could get the guard from
20 Delta Company.

21 Q. Who gave the instruction to that team commander as to
22 how the detainees should be handled?

23 A. They done it themselves because it was them that brought
24 them in.

25 Q. If we look at paragraph 35 of your statement to this

1 Inquiry -- BMI06883, please -- at the foot of the page,
2 Mr Gallacher, you said in the previous paragraph that
3 you rarely guarded yourself. That was right, was it?
4 A. Yes.
5 Q. At paragraph 35:
6 "I would speak to the multiple who had carried out
7 the arrest first, then speak to interpreters and work
8 out who I deemed was or was not dangerous. I would then
9 report to BG Main my decision and they would then
10 approve or disapprove of it. I reported to the RSM [as
11 you have told us] or the ops officer Captain Percy ..."
12 Is that right?
13 A. Sometimes, yes.
14 Q. "... and/or Captain Williamson, intelligence officer or
15 Colour Sergeant ... Penman who was 2IC of the
16 intelligence cell."
17 A. Yes.
18 Q. Did you liaise with those individuals?
19 A. Depending who was in the camp at the time.
20 Q. If you wanted information, for example, as to whether an
21 individual was an HVT -- a high value target -- from
22 whom would you get it?
23 A. I wouldn't know if it was an HVT. It would come down
24 from either Captain Williamson or Colour
25 Sergeant Penman.

1 Q. Does it follow -- taking it shortly, I hope -- that if
2 you did get that indication from either
3 Captain Williamson or Colour Sergeant Penman from the
4 IO, what, that you would then begin some conditioning
5 process?
6 A. Colour Penman, it would be 99 per cent of the time,
7 would tell me that an HVT was coming in and get them
8 ready for questioning.
9 Q. I understand. Now prisoners were detained at
10 Battlegroup Main in a temporary detention facility, is
11 that right?
12 A. Correct.
13 Q. And at BMI06894 you have indicated, I think, haven't
14 you, with a cross -- we can see that just above the
15 centre, towards the left -- beneath the B Company camp,
16 on the building that was then the TDF. Is that right?
17 A. It's slightly wrong because it wasn't B Company. That
18 was Delta Company.
19 Q. I understand. We are looking at this from a QLR point
20 of view.
21 A. All right.
22 Q. But is the position of the cross correct?
23 A. I think so, yes.
24 Q. Could we have a look, please, at MOD044609? Can we
25 enlarge that? Are you able to see in the foreground

1 left of the photograph --

2 A. The white building?

3 Q. Can you see the building that you were marking with

4 a cross there?

5 A. I think so, yes.

6 Q. You can draw on the screen, and if you draw with your

7 finger, you can point with an arrow to where it was.

8 A. I think it's either that one or that one.

9 Q. You think it's one of the two buildings there?

10 A. I think so, yes. I might be wrong, but I think it is

11 one of those two.

12 Q. It was a building within BG Main, was it?

13 A. Yes.

14 Q. Can we take that from the screen?

15 You say at paragraph 33 of your statement to the

16 Inquiry:

17 "It was an old stone building with two floors and

18 three or four different rooms."

19 A. Yes.

20 Q. Did it have any secure facility, any lockable room, if

21 you like?

22 A. There wasn't any doors on any of the rooms, no.

23 Q. Prisoners were brought in hooded?

24 A. 99.9 per cent of the time, yes.

25 Q. They were taken to this TDF building?

1 A. Yes.

2 Q. Would they remain hooded within the building?

3 A. Up until I had got a brief off the team commander, yes.

4 Q. And so for how long might they remain hooded within the

5 TDF?

6 A. Ten minutes.

7 Q. Then hoods would be removed?

8 A. Yes.

9 Q. What, in every case?

10 A. Yes.

11 Q. If you got the indication, which I think you say would

12 have come from Messrs Williamson and Penman --

13 A. Mostly Penman, sir.

14 Q. If you got the indication that you were dealing with

15 a high value target, what then?

16 A. Well, if they came in as a group, I would segregate him

17 straightaway.

18 Q. Does that mean put him into a room on his own?

19 A. Yes.

20 Q. What would happen to that individual?

21 A. I would then take his hood off, give him some water,

22 wait for the interpreter to come over and then find out

23 all of the guy's details and then I would then get him

24 ready for questioning.

25 Q. What did getting him ready for questioning involve?

1 A. If it was an HVT from Colour Penman, I then assumed to
2 put him into the stress position and get him conditioned
3 for questioning, sir.

4 Q. So he would be put in a stress position?

5 A. Yes.

6 Q. Would that be the position you described for us a little
7 earlier?

8 A. Correct.

9 Q. Who would enforce that position? Who would make sure he
10 stayed in it?

11 A. Me, with the interpreters, sir.

12 Q. Would it always have been you or was it ever left to
13 your corporal or any member of the guard staff?

14 A. No, sir, it would always be me.

15 Q. And how would you enforce the stress position?

16 A. If he was sliding down the wall, I would just pick him
17 up again and tell the interpreter.

18 Q. Did enforcing the stress position ever require any slap
19 or kick or punch?

20 A. Never, ever, ever, sir.

21 Q. But it would have required, would it, from time to time,
22 some manhandling?

23 A. Of course.

24 Q. What was the maximum period of time that the
25 conditioning went on under your supervision?

1 A. I would say 20 to 30 minutes, sir.

2 Q. And what would happen at that stage?

3 A. Once I got the order to take him over to the room that
4 he was going to, I would then pick him up and take him,
5 with his hood, straight over to where he was going to be
6 questioned, sir, by the TQers.

7 Q. So you would take him for TQ'ing?

8 A. Yes, sir.

9 Q. Were the HVTs ever hooded and in stress positions as
10 part of the conditioning process?

11 A. Yes.

12 Q. What would determine that that should be done?

13 A. I would get the order from Colour Penman that he has got
14 an HVT coming in. That would be my assumption, that
15 I was to get a prisoner ready for questioning, sir.

16 Q. I understand. Well, I may have misunderstood what you
17 were saying earlier. If a prisoner was being
18 conditioned in the way that you have described --

19 A. Yes.

20 Q. -- by you, put in stress positions, he would also be
21 hooded, would he?

22 A. Yes.

23 Q. So, in his case, the hood would not have been removed at
24 all from the point of arrest --

25 A. No.

1 Q. That's correct?

2 A. No. It would have been removed to get water.

3 Q. To get water?

4 A. Yes.

5 Q. I follow. But it then would have been put back on,
6 would it?

7 A. Correct.

8 Q. In getting the instruction, you say nine times out of
9 ten, from Colour Penman, in getting that instruction,
10 what actually were you told, if anything, as to what you
11 should do?

12 A. He would just say to me "Gal" -- that's what everybody
13 called me, sir, "Gal" -- "Gal, I have got an HVT coming
14 in. Get him ready for questioning". That's what
15 I would get.

16 Q. Were you ever told specifically what you needed to do
17 with the HVTs by either Mr Williamson or Colour Penman?

18 A. No.

19 Q. There was nothing in writing, was there, no instruction
20 in writing to you, as to what you should do with
21 relation to HVTs?

22 A. No.

23 Q. Was there any specific oral order that you can remember
24 dealing with how you should deal with HVTs?

25 A. Just get them ready for questioning.

1 Q. At paragraph 42 of your statement to this Inquiry,
2 BMI06885, you said this:
3 "I would sometimes put prisoners into the stress
4 positions or sometimes would order the guards to do it."
5 Is that correct?
6 A. Yes, the guards had to help me to put them into stress
7 positions.
8 Q. And how would they help you?
9 A. I would be at one side of the prisoner and one of the
10 guards would be at the other side. It was quite hard to
11 put a prisoner into stress positions yourself, sir.
12 Q. So it would be two of you --
13 A. Yes.
14 Q. -- effectively manhandling that detainee into the stress
15 position?
16 A. Yes.
17 Q. Who was giving the instruction, if any, to the guard?
18 A. Me, probably.
19 Q. Were there ever times, do you remember, Mr Gallacher,
20 when you would have left the guard to enforce the stress
21 positions while you went off to do something else?
22 A. Never. Any time a prisoner was in a stress position,
23 sir, I was there at all times.
24 Q. Did you ever see any member of the guard doing this task
25 behave improperly?

1 A. They wouldn't dare, sir.

2 Q. Can you look with me, please, at a statement from
3 Mr Williamson, a statement to this Inquiry we find at
4 BMI03202. If we look at paragraph 16 of that statement,
5 please. Just in passing, the last four lines of that
6 paragraph, Mr Williamson says -- talking about the
7 Chicksands course that he went on:

8 "I do not remember being taught anything about using
9 hoods, restraints, or other physical means such as
10 stress positions, loud noise, or food, water or sleep
11 deprivation on prisoners on this course."

12 But you did.

13 A. Yes.

14 Q. More particularly, please, can I take you to
15 paragraph 38 of his statement to this Inquiry, in which
16 he says this, under the heading "treatment of
17 detainees":

18 "As far as I am concerned, those individuals
19 detained at BG Main by 1 Black Watch were treated
20 appropriately and were always checked every couple of
21 hours or so, although I cannot now remember exactly how
22 frequently this was."

23 He goes on to say:

24 "I am not aware that any detainees were mistreated.
25 I never saw, or heard rumour of, stress positions, white

1 noise or deprivation of food or water being used on
2 detainees by 1 Black Watch."

3 So Captain Williamson is saying he never saw or
4 heard rumour, and one imagines, therefore, that he will
5 say to the Inquiry that he wasn't aware that stress
6 positions were being used.

7 A. That's because he was never over at the building, sir.

8 Q. You say he would never have seen it?

9 A. No, he never came visiting, sir.

10 Q. He never visited the TDF?

11 A. No.

12 Q. Whether he visited or not, must he not have been aware
13 of what you were doing if he, at least sometimes, was
14 giving you the instruction?

15 A. Like I say, very rarely I would get an instruction off
16 Captain Williamson.

17 Q. You say in your statement on that point that nine times
18 out of ten it would have been Colour Penman who would
19 have given you the instruction.

20 A. Yes.

21 Q. Did Colour Penman ever see what you were doing, as it
22 were, in the flesh?

23 A. I don't know. He might have went over when I wasn't
24 there, he might not have. I don't know, sir.

25 Q. Let's examine that for a moment. If he came over when

1 you weren't there, he wouldn't have seen stress
2 positions, would he?

3 A. He wouldn't, no, because, if there was a stress
4 position, like I say, I would have been there.

5 Q. Yes. Was he ever there -- I don't want you to guess
6 about it. If you don't know, say so -- was he, Colour
7 Sergeant Penman, ever there when you were employing
8 stress positions?

9 A. Not that I can recall, no.

10 Q. All right. Thinking about it now, Mr Gallacher, how
11 often were these stress positions employed; in other
12 words, how many HVTs do you remember conditioning?

13 A. Maybe five to ten prisoners.

14 Q. You say in paragraph 41 -- perhaps we should look at
15 that -- of your statement to this Inquiry at BMI06884
16 that there were approximately ten occasions when you
17 think that you put or ordered prisoners to be put into
18 stress positions. You say:

19 "On every occasion this would have been as the
20 result of an order and because of a perception that the
21 prisoner had important information."

22 You go on to say this:

23 "I don't believe that the expression 'stress
24 position' was ever used in relation to such an order.
25 Rather, I would be told to get a particular prisoner

1 ready for questioning ..."

2 Which is rather what you told the chairman today,

3 isn't it?

4 A. Correct.

5 Q. You do say, going down three lines from the bottom of

6 this paragraph:

7 "The word 'conditioning' might have been used."

8 A. Yes.

9 Q. Do you remember whether it was and, if so, by whom?

10 A. I can't remember.

11 Q. "There were no orders or SOPs about this."

12 A. No.

13 Q. Did you yourself do any TQ'ing?

14 A. Never.

15 Q. What was the role of the TQer in this process,

16 questioning HVTs?

17 A. Well, I assume from the course that it was to get as

18 much information as possible.

19 Q. That was his purpose. Did the TQer ever come to the

20 TDF?

21 A. No.

22 Q. You never saw the TQer there?

23 A. I seen him, but he was never at the TDF.

24 Q. Did the TQer have any responsibility, as you understood

25 it, for the welfare of the prisoner --

1 A. No.

2 Q. -- or any say, if you like, in how the prisoner was
3 handled or treated?

4 A. No.

5 Q. Were you ever briefed directly by the TQer as to what he
6 did or didn't require --

7 A. No, no, no.

8 Q. -- in preparation?

9 A. No.

10 Q. You smile at that.

11 A. It's -- you need to picture this TQer.

12 Q. Forgive me.

13 A. Sorry, you don't know what this TQer was like. He
14 was -- he just wouldn't speak to anybody, really.

15 Q. I understand. So your instruction came through the
16 intelligence officers?

17 A. That's correct.

18 Q. Does it follow that you didn't know -- you may have
19 guessed at it or assumed things -- but you didn't know
20 whether the TQer was aware of how the prisoner had been
21 conditioned or not?

22 A. He wasn't aware.

23 Q. Now you have told us of those who didn't come to the
24 TDF. Can we look at those who did? You were answerable
25 to the RSM. Did he come to the TDF?

1 A. Quite regularly, yes, sir.

2 Q. Does "quite regularly" mean on a daily basis?

3 A. Sometimes yes, sometimes no, sir. It depends. They
4 were very, very busy.

5 Q. Would he have been aware of the conditioning that was
6 taking place?

7 A. I cannot say for sure, sir.

8 Q. Do you have any recollection of him being present on any
9 occasion when you were conditioning --

10 A. No.

11 Q. -- an HVT?

12 A. No.

13 Q. But he might have been?

14 A. I don't think so.

15 Q. Did you ever discuss with the RSM the conditioning that
16 you were carrying out?

17 A. No.

18 Q. Did the RSM ever raise the question with you as to how
19 HVTs were being handled?

20 A. Never.

21 Q. Detainees in general, not only HVTs, were they medically
22 examined?

23 A. Sometimes, yes, sir, sometimes, no.

24 Q. Perhaps I should have made my question clearer. Were
25 they medically examined when first brought into the TDF?

1 A. If I ascertained straightaway that I had an injured
2 prisoner, yes, if possible -- if we could get a medic.
3 Sometimes the medics weren't in the camp.

4 Q. So, in other words, should the Inquiry understand that
5 they would be examined if there was a reason, but not
6 routinely?

7 A. Not routinely, sir, no.

8 Q. That's correct, is it? Would that apply to the high
9 value target detainees as well? They would not be
10 medically examined routinely?

11 A. Only if they were injured, sir.

12 Q. I understand. Were you aware, in your time in Iraq, of
13 a prohibition on hooding -- a stop to the practice of
14 hooding -- being brought in at any stage?

15 A. No.

16 Q. Did you receive any order to that effect?

17 A. No.

18 Q. And you weren't aware of one, were you?

19 A. No.

20 Q. Were you aware, Mr Gallacher, of any time limit on how
21 long a detainee should be kept at the TDF?

22 A. Once we went into the peace-keeping time, yes, but
23 during the war fighting, no.

24 Q. In what you call the "peace-keeping time", what did you
25 understand was the limit of time that you had to detain

1 a detainee?

2 A. If we had the manpower and the vehicles, a maximum of
3 two days.

4 Q. And did that change at any time as far as you remember?

5 A. I can't remember. Maybe it changed to every twelve
6 hours or something, but I remember it was a maximum of
7 two days at times, sir. It all depended on the
8 manpower.

9 Q. You recall prisoners being transferred from BG Main to
10 the TIF?

11 A. Down to Um Qasr?

12 Q. Yes.

13 A. Yes.

14 Q. Were you ever aware of any difficulties at Um Qasr about
15 the opening times or closing times of the TIF?

16 A. No.

17 Q. Can I take you, please, just to a couple of paragraphs
18 from the statement to this Inquiry of Major Bruce, the
19 RSM. BMI02691, please, is the first page of his
20 statement. Can we go through, first of all, to
21 paragraph 20. At the foot of the page, Mr Gallacher,
22 Major Bruce says this:

23 "Sergeant Gallacher was also responsible for the
24 documentation relating to the POWs. There was something
25 called a common capture report ... which I think was

1 introduced in 1990. This details exactly what happens
2 to the prisoner, for example, what time they are given
3 food and drink. I would check to see that
4 Sergeant Gallacher was recording everything properly."

5 Did you, with these civilian detainees, have that
6 sort of log, if you like, that would keep a record of
7 what happened with detainees?

8 A. I do not know if it was called that, sir, but there was
9 some sort of document that I had. I called it a "bag
10 and tag tag". That's what I called it.

11 Q. Did you keep a record of the kind that is there
12 described, movements of the prisoner and so on?

13 A. Yes.

14 Q. And was that also a record that would note if anyone
15 visited the prisoners?

16 A. Yes.

17 Q. Was it a record that would note, for example, any injury
18 that was on the detainee when he first came into your
19 TDF?

20 A. If there was a part on the tag for it, the answer would
21 be "yes".

22 Q. Again, I don't want you to guess about it, but can you
23 remember, was that a process -- the keeping of that
24 record -- that applied from when you were first in
25 BG Main through until you left in June or --

1 A. Yes. We kept -- I kept a register of every prisoner
2 that came through.

3 Q. And what would happen to the documentation when the
4 prisoner was moved on?

5 A. There would be three copies -- I would make three
6 copies, one for myself, one for battlegroup headquarters
7 and one for the other side at Um Qasr.

8 Q. So some of it would go on, would it, with the prisoner?

9 A. Yes.

10 Q. Was it usually you who would accompany a prisoner to
11 Um Qasr?

12 A. I have done it quite regularly -- quite a lot of time
13 I have done it, but sometimes I couldn't do it for
14 various reasons.

15 Q. In the same statement, please, can we go to
16 paragraph 27? Just so that you can see to comment, what
17 Major Bruce says at paragraph 27, referring to the
18 course, the TQ course:

19 "... we were told never to use those techniques and
20 I have never seen them used."

21 A. Yes.

22 Q. Was he right about that, that he was told never to use
23 stress positions and hooding in the way that you were
24 for conditioning?

25 A. Well, like I said before, sir, I was put in the stress

1 position and I was basically the guinea pig for that
2 course -- for that role-play.

3 Q. Did it ever occur to you that using these conditioning
4 techniques, stressing, putting hoods on, that that was
5 inhumane?

6 A. No, sir.

7 Q. Did you ever think about it?

8 A. No.

9 Q. What, you were following an order, were you?

10 A. I was a soldier, sir.

11 Q. It isn't the case that you must, from your training,
12 have realised that it was wrong --

13 A. No.

14 Q. -- and you shouldn't do it --

15 A. No.

16 Q. -- or that you should have questioned it with others?

17 A. No, sir.

18 Q. And it's not the case, is it, Mr Gallacher, that you are
19 telling us that you were taught these things when really
20 you weren't because you need to cover up for what you
21 did in the camp in conditioning these detainees?

22 A. Sir, I don't need to cover up anything.

23 MR ELIAS: Thank you.

24 THE CHAIRMAN: If you just wait there for a moment, there
25 will be some questions from other counsel. Thank you,

1 Mr Gallacher.

2 Questions by MS HETHERINGTON

3 MS HETHERINGTON: Mr Gallacher, just dealing firstly with
4 your course at Chicksands and you said that you were put
5 into a stress position, you said in answer to a question
6 from Mr Elias that you couldn't say if others were put
7 into a stress position because there were different
8 role-plays. Can I just understand, would the other
9 people on the course have seen you being put into
10 a stress position or were you split into different
11 groups for the role-plays?

12 A. We were split into different groups, ma'am, but somebody
13 would have seen it because they had to put me into the
14 position.

15 Q. But the other people in your group?

16 A. Yes.

17 Q. Thank you. Insofar as stress positions were discussed
18 on the course -- and you mentioned the limit of 15 to
19 30 minutes -- would that also have been in the role-play
20 group or would that have been part of a larger
21 discussion?

22 A. It would probably have been part of the larger
23 discussion, but it was also part of the role-play,
24 ma'am.

25 Q. So you think it was both?

1 A. Yes.

2 Q. You said that you thought that you had probably been
3 taught about the Geneva Conventions as part of law of
4 armed conflict training. Can you remember whether, on
5 the Chicksands course, you were told anything about the
6 Geneva Conventions?

7 A. It would have been mentioned, ma'am, but like I say, it
8 was seven years ago and I cannot remember. But I would
9 assume it would have been spoken about.

10 Q. Thank you. That may answer my next question. In terms
11 of your understanding about the Geneva Conventions and
12 how you should treat prisoners, at the time of your
13 tour, were you aware of any bar on physical coercion of
14 prisoners to get them to answer questions?

15 A. What, you mean actually hitting prisoners?

16 Q. No, I mean any form of physical pressure on them to make
17 them answer questions.

18 A. No.

19 Q. Does it follow that you also were unaware of any bar on
20 any other type of psychological pressure?

21 A. Yes.

22 Q. When you were on this course at Chicksands, you
23 presumably were aware that you were shortly to go to
24 Iraq.

25 A. That's correct.

1 Q. Presumably most, if not all, of the people on the course
2 were in a similar position.

3 A. I would say 99.9 per cent of them, ma'am.

4 Q. Was there any discussion, as part of either the formal
5 part of the course or informally, with your instructors
6 about the handling of Iraqi prisoners, in particular,
7 and, for example, experiences they might have had under
8 the Saddam Hussein regime or anything like that?

9 A. Yes, informal discussions, ma'am.

10 Q. What would have been said during those discussions?

11 A. What I can remember one instructor spoke about was what
12 happened to -- and I am sure everybody knows about --
13 Bravo 2 Zero.

14 Q. So that was discussed in the Chicksands course?

15 A. Yes.

16 THE CHAIRMAN: He didn't say that. He said it was discussed
17 informally.

18 MS HETHERINGTON: Yes, sorry, but informally while you were
19 at Chicksands?

20 A. Yes.

21 Q. I understand. Thank you. Moving to the lecture that
22 you gave in the cinema at Fallingbostal, you said
23 earlier in your evidence that during that lecture in
24 reference to how to treat Iraqi prisoners, you would
25 have said that stress positions were not to be used.

1 Did I understand that right?

2 A. I told them that they could be expected to be put into
3 stress positions, but we would -- the soldiers would
4 treat the Iraqi prisoners firm but fair. That's what
5 I told them.

6 Q. Did you say anything expressly about whether or not they
7 should use stress positions on prisoners?

8 A. I told them that it was highly unlikely that they would
9 do it, ma'am, because it's quite impossible to put
10 somebody in a stress position when they are in the back
11 of a Warrior vehicle.

12 Q. I see. So it was because of the nature of the role that
13 they would be playing, as opposed to your role --

14 A. Yes.

15 Q. In relation to the conduct after capture element of your
16 lecture which you said that you put at the end to give
17 them something interesting to think about, would you
18 have referred to Andy McNab and those sorts of
19 experiences during that lecture?

20 A. Maybe a couple of seconds' worth because somebody else
21 was taking that lecture and I didn't want to steal their
22 thunder, ma'am.

23 Q. And in that other lecture given by someone else, did you
24 attend that lecture?

25 A. Oh, yes.

1 Q. And did they talk about experiences like that of
2 Andy McNab?

3 A. Yes.

4 Q. Can you recall, were you asked to cover conduct after
5 capture in the same session as prisoner-handling or was
6 that your own idea to keep it more interesting?

7 A. It was probably a joint thing, ma'am, with the --
8 I think it was an Irish Guard captain. It was actually
9 him that spooned me to do the lecture. I did'nae want
10 to do it, but I got spooned to do it because I had done
11 the course. So he probably mentioned to bring it in, so
12 that the soldiers can go away with a wee bit of
13 apprehension because we were going to face the Iraqi
14 army. Nobody knew what we were up against.

15 Q. Thank you.

16 Moving to your time in Iraq, you mention in your
17 statement -- and you mentioned also today -- that
18 although the arresting multiple would initially guard
19 prisoners, you would then get guards in from D company
20 who were co-located with Battalion HQ.

21 A. That's correct, ma'am.

22 Q. Can I ask, what was the reason for that?

23 A. Well, Delta Company were the company that was stationed
24 within Battlegroup Main, so I had to speak to the
25 sergeant major to get the bodies because the guard --

1 the prisoners might have been -- they would have been
2 staying quite a lot, maybe one night or two nights, so
3 we can't leave the prisoners unattended, so we had to
4 have a guard on them at all times.

5 Q. I understand that. Perhaps I will phrase the question
6 differently. You are releasing the arresting multiple
7 so that D company could take over?

8 A. Correct.

9 Q. Was that for practical reasons or because of any concern
10 about the arresting multiple staying with the detainees?

11 A. The arresting multiple, ma'am, had to go back to their
12 own companies.

13 Q. So it was a practical reason because they had other
14 duties?

15 A. Yes.

16 Q. I understand. You explained how you used stress
17 positions on a number of occasions on HVTs. Can you
18 recall ever receiving a briefing from the commanding
19 officer saying that that should stop?

20 A. No ma'am.

21 Q. You also say that you were always there to supervise
22 stress positions. In your statement you talk a little
23 about your handover to the QLR provost team. You say
24 that you thought that you explained about stress
25 positions during that handover. Would you have

1 explained that there was a need for you to be there to
2 supervise at all times?

3 A. Probably, ma'am, but I distinctly remember -- I am
4 positive Corporal Payne already told me that he had just
5 actually done the same course as well.

6 Q. Thank you. Just in relation to the documents that you
7 say you completed, it may be that you can't help, but
8 I wonder if you could just have a look at a document to
9 see if you recognise it as the one you completed. Could
10 we have MOD013502 up, please, on the screen? This is
11 a form of tag. Did it look like this?

12 A. It did, ma'am, yes.

13 Q. If we could just have MOD013504 -- that is something
14 called "The capture report" -- would that also have been
15 something you completed?

16 A. I can't say "yes" or "no", ma'am. I cannot remember
17 that one, but I distinctly remember the other one.

18 Q. That tag, was it the same document or tag that was used
19 throughout the tour?

20 A. Not during war fighting, ma'am, because I didn't have
21 them at the time, but once the war fighting sort of died
22 down and it went to a peace-keeping role, that's when it
23 came in.

24 Q. And that was used through until you left?

25 A. Yes.

1 Q. Did you also keep any kind of occurrence book?

2 A. I kept a log in my own notebook, ma'am.

3 Q. I see. Would that have been something that RSM Bruce
4 would have seen?

5 A. Yes, because I would have showed him. I probably showed
6 him every time I had a face-to-face with him, ma'am.

7 Q. I understand. Thank you. In terms of your handover to
8 Sergeant Smith and Corporal Payne, would you have told
9 them about the documents that you had been keeping and
10 shown them those documents?

11 A. Yes, ma'am, because I would have handed everything I had
12 over to them.

13 Q. So including the copies of the tags that you say you
14 retained yourself?

15 A. Yes.

16 MS HETHERINGTON: Thank you very much.

17 A. Thank you, ma'am.

18 THE CHAIRMAN: Mr Evans?

19 Questions by MR EVANS

20 MR EVANS: Mr Gallacher, you told us in your statement that
21 you weren't sure whether, on the PH and TQ course, you
22 had been put into a stress position by a instructor or
23 by a student.

24 A. That's correct, sir.

25 Q. And your group on the PH and TQ course, for the purposes

1 of the role-play, was, what, four or five people?

2 A. I can't remember. Probably about four, sir.

3 Q. Four people. Were they all from your battalion?

4 A. Oh no.

5 Q. So they were from different battalions?

6 A. Different battalions, different units.

7 Q. Right. Can I take you to some passages -- still on the
8 PH and TQ course -- in your witness statement, please?
9 If we could have paragraph 18 on the screen for
10 a moment. It is one that Mr Elias took you to a moment
11 ago. You said towards the end of that paragraph, about
12 five lines from the bottom:

13 "I cannot now recall that being specifically taught
14 [that is stress positions for high value targets] and it
15 may be that these were simply conclusions I reached
16 myself."

17 All right?

18 A. Yes.

19 Q. The next paragraph, beginning "I understood that stress
20 positions ...", do you see that?

21 A. Yes.

22 Q. I will read it to you:

23 "I understood that stress positions were one of the
24 conditioning techniques that could be adopted. Again
25 this understanding was based on the use of stress

1 positions in the role-plays and I cannot now
2 specifically recall being taught this by the
3 instructors."

4 Does that remain the case?

5 A. Yes.

6 THE CHAIRMAN: Forgive me for saying, but Mr Elias took him
7 through that --

8 MR EVANS: Not through that passage, Sir, no.

9 THE CHAIRMAN: I don't want to encourage people to ask
10 questions about what has come out already.

11 MR EVANS: All right, sir. Mr Elias, I think I am right in
12 saying, took him to paragraph 18, but not to 19. That's
13 why I dealt with it.

14 THE CHAIRMAN: The point of the question was the same,
15 though.

16 MR EVANS: I understand the point, Sir, and I have just one
17 more to put which Mr Elias did not take this witness to,
18 but I am conscious that I do not want to repeat ground
19 that we have been over before.

20 Going on, Mr Gallacher, please, to paragraph 16 of
21 your statement -- if we can have that on screen -- you
22 say this:

23 "I recall that on this course whilst doing
24 a role-play I was hooded with a normal hessian sandbag
25 and placed in a stress position while acting in the role

1 of a prisoner. From this I concluded that we were
2 expected to use these techniques ourselves on
3 prisoners."

4 That remains the case, does it?

5 A. Yes, sir.

6 Q. Does it come to this, that you assumed that hooding and
7 stress positions were part of the conditioning process
8 because of what you had experienced in that role-play
9 exercise?

10 A. That's correct.

11 THE CHAIRMAN: That point was precisely made by Mr Elias.

12 I really do not want repetition of matters that we have
13 already dealt with, Mr Evans.

14 MR EVANS: I understand, Sir. I have finished that topic.

15 I will move on.

16 In terms of conditioning, Mr Gallacher, can you help
17 me with this as far as the TQ course was concerned?

18 Does this ring a bell, that you were taught on the
19 course that better intelligence might be obtained from
20 prisoners if they were isolated and not talked to, for
21 example, after they had been captured?

22 A. I can't say, sir.

23 Q. You don't remember that?

24 A. No.

25 Q. Do you remember being told that prisoners should be

1 treated firmly but fairly, having been captured?

2 A. Yes.

3 Q. Do you remember being taught that if a prisoner had been
4 deprived of sight for security reasons, that it might
5 also make them easier to question later?

6 A. Possibly, but again I can't say, sir.

7 MR EVANS: You can't remember.

8 Yes. Thank you very much indeed, Mr Gallacher.

9 THE CHAIRMAN: Thank you. Ms Coomber?

10 MS COOMBER: No questions, thank you.

11 THE CHAIRMAN: Ms Simcock, you are with us today.

12 Questions by MS SIMCOCK

13 MS SIMCOCK: Yes, thank you, Sir.

14 Your handover to the 1 QLR provost staff, I think
15 you say in your statement that you remember
16 Corporal Payne and also one other person to whom you
17 handed over; is that right?

18 A. That's correct, ma'am.

19 Q. Can I ask if that other person fits this description, if
20 you remember: approximately 5 foot 10 inches tall,
21 approximately 13.5 stone with short brown hair?

22 A. Correct, ma'am.

23 Q. As the 1 Black Watch provost sergeant, you had
24 responsibility for handing over provost matters to
25 1 QLR, didn't you?

1 A. That's correct.

2 Q. As such, would you have wanted to hand over to your
3 direct opposite number, as it were, the 1 QLR provost
4 sergeant?

5 A. That would have been an ideal world, ma'am, yes.

6 Q. Do you think that that is in fact what you did, that it
7 was in fact -- the other person there was
8 Sergeant Smith, the 1 QLR provost sergeant?

9 A. Possibly, but all I can distinctly remember is
10 Corporal Payne, ma'am.

11 Q. Thank you. In the course of that handover, were you
12 conveying the position in relation to hooding and stress
13 positions to the 1 QLR provost staff that both of those
14 were permissible --

15 A. Yes, ma'am.

16 Q. -- and that both had routinely been used?

17 A. I told them that, ma'am, but I also said earlier as well
18 that Corporal Payne mentioned that he -- and I think he
19 said Sergeant Smith -- had done the PHTQ course, so they
20 were quite conversant on up-to-date matters.

21 Q. Yes, thank you.

22 Were you also conveying your impression that those
23 two techniques had therefore been sanctioned up the
24 chain of command?

25 A. Probably, ma'am, yes.

1 Q. During the course of that handover period, would the
2 1 QLR provost staff also have seen people detained with
3 hoods and in stress positions?
4 A. I can't remember, ma'am, honestly.
5 Q. In the course of that handover -- that was a verbal
6 handover, primarily, is that right?
7 A. Yes.
8 Q. You mentioned, in answer to questions from
9 Ms Hetherington, that you would have given the
10 documentation that was to be filled in across to the
11 1 QLR provost staff. That didn't include, though, did
12 it, copies of written orders, is that right?
13 A. That's right, ma'am, yes.
14 Q. Thank you. Moving on. During your time in Basra as the
15 provost sergeant, do you remember roughly how many
16 people were detained?
17 A. A few hundred. Before I go on, ma'am, quite a lot of
18 them were thieves -- mostly thieves.
19 Q. That was, in fact, going to be my next question. Was
20 there a mixture of suspected criminals and also
21 suspected insurgents, including those you have referred
22 to as "HVTs"?
23 A. Yes, ma'am.
24 Q. In relation to your duties, you didn't have any specific
25 intelligence duties or role, did you?

1 A. Oh no.

2 Q. No job title to do with intelligence?

3 A. No.

4 Q. No. You weren't, were you, routinely tasked to perform
5 daily duties for any particular officer in addition,
6 were you?

7 A. No chance, ma'am, no.

8 THE CHAIRMAN: This is all leading to matters which you will
9 no doubt -- or Mr Beer on his behalf -- will make
10 submissions about. I have heard all the evidence about
11 that. It is not a similar situation.

12 MS SIMCOCK: I am grateful, Sir.

13 May I just clarify one matter which you mention in
14 your statement? You refer at paragraph 6 -- I don't
15 think we need to put it up -- that you had some
16 responsibility for regimental discipline issues. What
17 was the nature of those duties?

18 A. For instance, ma'am, if a soldier had an ND --
19 a negligent discharge -- he would be up in front of the
20 commanding officer for charges. So I would ensure all
21 the admin was sorted, he was there on time, dressed
22 properly to get commanding officer's orders, ma'am.

23 Q. Thank you, but that role did not take up too much of
24 your time?

25 A. No.

1 Q. Lastly, then, in relation to the provost course that you
2 attended that you mentioned was usually in Colchester
3 but you in fact did in Germany, that course didn't give
4 you any training on the specific situation that you were
5 faced with in Basra with regard to prisoner-handling,
6 did it?

7 A. That's correct.

8 Q. And there was nothing about the detention of civilians
9 who were to be tactically questioned dealt with on that
10 course, was there?

11 A. No.

12 Q. Was your view, then, that that course -- the provost
13 course specifically -- didn't equip you adequately for
14 your primary role in Basra, in 2003?

15 A. Totally different roles, ma'am. Totally different.

16 Q. Yes. Prior to deployment, were you ever told that you
17 would receive specific training on the war-time
18 detention of prisoners, the role that you were in fact
19 carrying out in Basra?

20 A. Not really, ma'am, no.

21 Q. And you didn't, in fact, receive any specific training
22 to that effect prior to deployment, did you?

23 A. No.

24 MS SIMCOCK: Yes, thank you, Sir.

25 THE CHAIRMAN: Mr Elias?

1 I am sorry, Ms Dobbin, I am forgetting myself. You
2 are quite right and I do apologise.

3 MS DOBBIN: Just one question, if I may.

4 THE CHAIRMAN: Yes, of course.

5 Questions by MS DOBBIN

6 MS DOBBIN: Mr Gallacher, you were asked about Mr Stewart
7 and Mr Bruce and the fact that they did the Chicksands
8 course as well.

9 A. Yes, ma'am.

10 Q. I want to ask you this: do you know if they were on the
11 course on exactly the same two weeks that you were on
12 the course?

13 A. Most definitely not, ma'am.

14 Q. When you say that, do you mean you are not sure or --

15 A. No, they were definitely not on the same course as me,
16 ma'am.

17 Q. And in terms of Mr Williamson?

18 A. Possibly. I cannot say for sure, but possibly, ma'am,
19 but Bruce is sure, 100 per cent not.

20 MS DOBBIN: That is all, Sir.

21 THE CHAIRMAN: Yes, Mr Elias.

22 Further questions by MR ELIAS

23 MR ELIAS: Just three matters, I think, Mr Gallacher. You
24 have been asked a little about the handover. You are
25 perhaps aware, are you, that Corporal Payne, in his

1 evidence to the Inquiry, suggests he learnt nothing on
2 the handover? Could that be right?

3 A. I beg to differ, sir.

4 Q. Specifically, would he have learnt about what you call
5 the HVTs and how they should be dealt with?

6 A. Yes, he would have learnt that.

7 Q. From whom?

8 A. Myself and the course.

9 Q. Could we please go back to the transcript of today just
10 for some clarification from you, if you can help me.
11 Page 20 of today's transcript, please, about line 5.
12 Can you see that?

13 A. Yes.

14 Q. Mr Gallacher, I was asking you the question at line 5:
15 "Did you make it clear, in your lecture [this is you
16 coming back to brigadel], that although you were dealing
17 with what might happen to soldiers if they were captured
18 by enemy forces, they were not to apply the same
19 techniques to anyone they may capture?"
20 Do you see that?

21 A. Yes.

22 Q. Your answer that you gave at that stage:
23 "I told them that stress positions not to be used,
24 but I told them that the hooding could and should be
25 used at times -- at certain times."

1 A. That's correct, sir, yes.

2 Q. Did you tell them that stress positions were not to be
3 used?

4 A. I told them that 99 per cent of the time they would not
5 have time to deal with prisoners, putting them into
6 stress, because they had a more important job, they had
7 to get the prisoners to me, so they wouldn't have time.

8 Q. So what you were telling them -- is this what you are
9 saying -- was that stress positions should not be used
10 by them out on operations?

11 A. Probably sir, yes.

12 Q. Is that really the case?

13 A. Yes.

14 Q. You see, if you were telling them that stress positions
15 were not to be used at all, that would have been the
16 result, I suggest, of your conduct after capture
17 training, where you were told to be sure not to pass on
18 these messages --

19 A. But like I said before, sir, I took it from the course,
20 when I was put in the stress position, that it can be
21 used on only HVTs.

22 Q. You, yourself, received conduct after capture training,
23 you told us.

24 A. Yes.

25 Q. Wasn't the message clear to you that the techniques you

1 were shown were not to be used by you on prisoners --

2 A. No.

3 Q. It wasn't something that you simply ignored?

4 A. No.

5 Q. Can I go back -- and this isn't something that arises,

6 sir, out of cross-examination, but out of a piece of

7 information that we have been given. Can I just go

8 back, please, to the Chicksands course? You have told

9 us, am I correct, that you were trained in conditioning

10 techniques at Chicksands in January or thereabouts of

11 2003?

12 A. Yes.

13 Q. You have told us that the conduct after capture training

14 was part of that same course.

15 A. Yes.

16 Q. I don't want you to guess about this, Mr Gallacher. If

17 you really don't remember, it's better that you say so.

18 Was the conduct after capture part of the course, if it

19 was part of the same course, not held somewhere else?

20 A. No.

21 Q. Have you ever been to St Mawgan in Cornwall?

22 A. Never.

23 Q. And so the conduct after capture part of the course, as

24 you recall it, was held at Chicksands?

25 A. Yes, sir.

1 Q. And as part of the same two weeks?

2 A. Yes, sir.

3 Q. Are you certain about that?

4 A. 100 per cent.

5 MR ELIAS: Yes, thank you.

6 Questions by THE CHAIRMAN

7 THE CHAIRMAN: Just one thing I want to ask you before you
8 leave, Mr Gallacher. You told us a little earlier that
9 the length of time for putting people in stress
10 positions or indeed hooding, for that matter, was no
11 more than 20 to 30 minutes.

12 A. That's correct, Sir.

13 THE CHAIRMAN: You told Mr Elias that, after that, that
14 would be the end of it. That was the total length of
15 time.

16 A. Correct, Sir.

17 THE CHAIRMAN: What happened if they weren't ready for
18 TQ'ing after the 20 to 30 minutes?

19 A. It never happened, Sir. They were always ready.

20 THE CHAIRMAN: What do you think you would have done --

21 A. What do I think I would have done?

22 THE CHAIRMAN: I'm sorry?

23 A. What I do I think I would have done if they weren't
24 ready?

25 THE CHAIRMAN: Yes.

1 A. I would have took the hoods off, Sir, sat them down and
2 given them water and something to eat, sir.

3 THE CHAIRMAN: And then the TQer would come along and they
4 would just be taken to the TQer without any further --

5 A. Yes, Sir, correct.

6 THE CHAIRMAN: I see. All right. Thank you.

7 Further questions by MR ELIAS

8 MR ELIAS: Just on that point, if I may, Sir, just to ask
9 the question: did you have your own TQers?

10 A. Within the battalion?

11 Q. Yes.

12 A. No, they were outsiders, sir.

13 Q. And nonetheless -- the point that the chairman made --
14 there was never delay, was there?

15 A. Not that I can remember, sir, no.

16 MR ELIAS: Thank you.

17 THE CHAIRMAN: Well, thank you very much for coming,
18 Mr Gallacher. You are now free to go and I am grateful
19 to you for giving your evidence to the Inquiry. You can
20 come back if you want to, but you are not required to.
21 Thank you.

22 A. Thank you.

23 THE CHAIRMAN: That is a convenient moment for us because it
24 is exactly 25 past 11. We will break for ten minutes.
25 (11.25 am)

1 (A short break)

2 (11.35 am)

3 THE CHAIRMAN: Yes, Mr Moss.

4 MR MOSS: Thank you, Sir. I call Mark Percy, please.

5 THE CHAIRMAN: Yes. If you wait there for a moment,
6 standing up, I will ask that you take the oath, please.

7 MARK ANDERSON PERCY (sworn)

8 THE CHAIRMAN: Thank you. If you would be kind enough now
9 to sit down and, in answering your questions, speak into
10 the microphone, then we will all be able to hear you.
11 All right? I am afraid I think you have to sit a little
12 closer to it. You are not too uncomfortable there?

13 A. No that is fine.

14 THE CHAIRMAN: Thank you.

15 MR MOSS: Mr Percy, would you start by giving the Inquiry
16 your full name, please?

17 A. Mark Anderson Percy.

18 Q. If you have a look in the folder in front of you, I hope
19 you will find a hard copy of your witness statement to
20 this Inquiry. Just take that up and look, if you would,
21 at the final page, which we have at our BMI03803. Did
22 you sign that statement to the Inquiry on 28 August of
23 last year?

24 A. Yes.

25 Q. And when you signed that statement, were you telling the

1 Inquiry that the contents of the statement were true to
2 the best of your knowledge and belief?

3 A. Yes.

4 Q. We have all read your statement and I only need to pick
5 up some aspects arising out of it. May we start,
6 please, just briefly, with some matters relating to your
7 army career. You tell us in your witness statement that
8 you joined the army in 1996; that's right?

9 A. Correct.

10 Q. The normal training at Sandhurst --

11 A. Correct.

12 Q. -- before joining the Black Watch?

13 A. Correct.

14 Q. You served in Kosovo and in Germany, is that right?

15 A. Correct.

16 Q. By December 2002, did you take over as the operations
17 officer for 1 Black Watch?

18 A. Yes.

19 Q. So that we have the picture now, you also tell us, don't
20 you, that that was not to be your role for the whole of
21 Op Telic 1, but that you took over towards the end of
22 the tour as a company commander --

23 A. Correct.

24 Q. -- first, I think, for Delta Company and then for
25 Bravo Company.

1 A. Correct.

2 Q. After Iraq, did you, in due course, leave the army in
3 2006?

4 A. Yes.

5 Q. And what was your rank by the time you left the army?

6 A. Major.

7 Q. And during Op Telic 1, would you have been a captain?

8 A. Correct.

9 Q. I would like to turn, then, to some aspects, please,
10 relating to your training. You tell us in your
11 statement that as far as Sandhurst is concerned,
12 prisoner-handling, at that stage of your training, came
13 up within the teaching on the law of armed conflict. Is
14 that correct?

15 A. Correct.

16 Q. What can you remember about practical training
17 exercises, please, in which prisoner-handling at
18 Sandhurst may have been taught?

19 A. The only aspect which covered practical aspects of
20 handling prisoners of war was actually during exercises.
21 For example, we would be attacking a position, and once
22 the position had been captured, whoever the individuals
23 were who were playing the enemy in that scenario, we
24 would then carry out a search of that individual and
25 then move them back to the platoon sergeant.

1 Q. You are speaking quite softly. It is not your fault at
2 all. Just keep your voice up a little, if you would.

3 THE CHAIRMAN: I don't mind if you shout, but I do want to
4 hear you.

5 MR MOSS: Thank you. Did those practical exercises end at
6 that stage with the handing over to the platoon sergeant
7 or were you taught anything about prisoner-handling
8 further down the chain or back at battlegroup
9 headquarters?

10 A. No.

11 Q. Did you receive any training one way or the other about
12 whether hoods could be used, at that stage, at the point
13 of capture and the immediate passing on of a prisoner?

14 A. Hooding was never discussed. It wasn't an issue. It
15 never came up.

16 Q. So you weren't trained, if I follow you correctly, to
17 hood at that stage?

18 A. Correct.

19 Q. But nor were you taught that hooding would be
20 inappropriate?

21 A. Correct.

22 Q. Just not mentioned?

23 A. Correct.

24 Q. You do tell us, though, that the theory of what happens
25 to prisoners was also taught. What did you mean by that

1 when you referred to it in your witness statement?

2 A. Simply the process by which the prisoners would be moved

3 back from the frontline where we would be operating

4 through to the battalion and then back through to

5 brigade level.

6 Q. Would it be right that that's really the logistics side,

7 then, of the prisoner-handling -- the theory of that

8 that was taught --

9 A. Correct.

10 Q. -- rather than physical handling aspects of how

11 prisoners should be treated?

12 A. Yes.

13 Q. You tell us that you went on, is this right, as an

14 infantry officer, to do the platoon commanders' battle

15 course.

16 A. Yes.

17 Q. Was the teaching there much to the same effect --

18 A. Yes.

19 Q. -- so far as prisoners is concerned?

20 A. Correct.

21 Q. So nothing there on hooding one way or the other?

22 A. No.

23 Q. The Inquiry has heard a lot of evidence about annual

24 training that all officers and soldiers should have in

25 the law of armed conflict. Would you have received such

1 annual training?

2 A. The majority of the time, yes.

3 Q. A video that was shown once a year, does that ring
4 a bell?

5 A. Yes, it does.

6 Q. In your witness statement you speak of matters such as
7 ammunition not being doctored and prisoners being
8 allowed to keep their protective equipment. Were those
9 matters that came up annually in the training?

10 A. Yes.

11 Q. The Inquiry knows that the video to which you refer in
12 your witness statement doesn't deal with hooding or
13 directly with stress positions. Was hooding or stress
14 positions ever mentioned in the lectures or the talks
15 that would have accompanied the 30- or 40-minute LOAC
16 slot once a year?

17 A. No.

18 Q. You, of course, went on to do subsequent promotion
19 courses -- we don't need to go through them -- but in
20 order to be promoted to major and so on. Just help us
21 with this: did any of those courses deal with those
22 physical prisoner-handling aspects, in particular
23 hooding or stress positions?

24 A. No.

25 Q. Moving on, then, to your pre-deployment training for

1 Op Telic, if I may. I think you tell us that you had
2 some of that in Germany and some of that once you had
3 moved over to Kuwait, is that right?

4 A. There was pre-deployment training and that did take
5 place, yes, some of it in Germany and some of it in
6 Kuwait.

7 Q. Were you able to attend all of the pre-deployment
8 training or did your duties take you elsewhere so that
9 you missed some of it?

10 A. I missed some of it.

11 Q. So far as the organisation of that training is
12 concerned, did you have some responsibility in relation
13 to the timings and when training was to be given and
14 that sort of thing?

15 A. In general I would have been, but again I had other
16 responsibilities at that time which may have taken me
17 away from that role, and that role may have been
18 fulfilled by someone else.

19 Q. I follow. Did you, in short, have any responsibility
20 for the content of the training that was being
21 delivered? Was that something you had an input into?

22 A. Not in general, no.

23 Q. In particular on prisoner-handling?

24 A. No.

25 Q. I would like to ask you about a particular aspect of the

1 pre-deployment training about which the Inquiry has
2 heard some evidence, which is a lecture given in
3 a cinema to 500 people or so at Fallingbostal in Germany
4 that touched on prisoner-handling. Does that ring any
5 bells with you?

6 A. I don't recollect it, no.

7 Q. You didn't hear lectures on prisoner-handling that may
8 have included reference to stress positions or hooding
9 or screaming gauntlets or anything of that kind?

10 A. I personally don't recollect that, no.

11 Q. If those had been mentioned, whether in terms of what
12 British soldiers could do to prisoners or perhaps
13 mentioned in the context of what might be done to you or
14 your men if they were captured -- theoretical training
15 on conduct after capture -- whatever context, if that
16 had been mentioned at a cinema presentation when you had
17 been present, would you now remember it, do you think?

18 A. I would have thought I would remember it, yes.

19 Q. You yourself, I think, were not one of those from the
20 Black Watch who went off on the specialist course at
21 Chicksands in relation to prisoner-handling and tactical
22 questioning before Op Telic. You didn't do that course,
23 did you?

24 A. No.

25 Q. Do you remember any back-briefing or discussion of

1 prisoner-handling techniques, hooding, stress positions,
2 the like, from those that had been on the course?

3 A. No.

4 Q. There's no reason why you shouldn't have done. Did you
5 hear the evidence of the previous witness,
6 Sergeant Gallacher?

7 A. Yes.

8 Q. You will remember him talking about having been on that
9 course and having come back and briefed 1 Black Watch,
10 from the CO down, as he put it, on certain matters, on
11 hooding and stress positions. Do you recall receiving
12 any information from Sergeant Gallacher relating to
13 those matters?

14 A. No.

15 Q. Again, if you had received instruction from him, is that
16 something that you might have now forgotten about or do
17 you say it didn't happen so far as you are concerned?

18 A. So far as I'm concerned, it didn't happen.

19 Q. Does it follow, Mr Percy, from the series of questions
20 that I have asked and the answers that you have given,
21 that by the time of the start of hostilities in Iraq,
22 you had had no training at all on hooding?

23 A. Correct.

24 Q. Had you had any training at all on stress positions by
25 that time?

1 A. No.

2 Q. Had you come to understand of the Heath Ruling in 1972
3 to the effect that those techniques were not to be used
4 as an aid to interrogation? Had that ever been drawn to
5 your attention?

6 A. Not until about two days ago.

7 Q. Can I deal, then, if I may, with your understanding,
8 against that background of not being given specific
9 training in those matters. I appreciate it is
10 difficult, but what, at the time of the start of
11 Op Telic 1, would have been your understanding as to
12 whether or not it was legitimate to hood prisoners?

13 A. At the start of Op Telic 1, it was never an issue that
14 was raised or I had been involved in any conversation to
15 do with it, so it wasn't an issue either way. It just
16 wasn't. It wasn't something that the battlegroup was
17 aware of or considering.

18 Q. It may be, in that case, that I am asking you
19 a theoretical question, but help us if you would: would
20 you have had an understanding, at that stage, as to
21 whether hooding was legitimate or not, based on the
22 training that you had had?

23 A. No.

24 Q. You wouldn't have known one way or the other whether it
25 was something that was proper?

1 A. Correct.

2 Q. What about stress positions?

3 A. I think I would say, with regard to stress positions,
4 then, actually that was probably beyond what was
5 accepted in the Geneva Convention.

6 Q. What do you understand a stress position to be?

7 A. A position which inflicts a degree of discomfort and
8 pain after a period of time.

9 Q. When you tell us in your witness statement, as you did
10 in paragraph 27, that so far as you were concerned
11 stress positions would be illegal because the Geneva
12 Conventions require that prisoners of war are treated
13 humanely, that remains your evidence, does it, of what
14 you would have thought at the time if stress positions
15 had been raised with you?

16 A. Correct.

17 Q. Just before we leave training, then, and your
18 understanding, can I ask you about the shock of capture?
19 What did you understand right at the start of Op Telic 1
20 about the shock of capture? What did that mean to you?

21 A. Again, actually, that's not a term which was used or
22 I was particularly aware about at the beginning of
23 Op Telic 1. However, from a general experience of being
24 in the military, I would say shock of capture is to
25 maintain a period of uncertainty.

1 Q. Did you understand -- just leave aside, if you can, any
2 knowledge that you have gained subsequently -- but at
3 that stage, right at the start of Op Telic 1, did you
4 have an understanding of how the shock of capture might
5 be maintained in a prisoner taken by British soldiers?

6 A. What I will say is I think if -- to maintain a period of
7 uncertainty, you could move the individual around, keep
8 changing his circumstances, keep changing the
9 individuals who are around him. Processes such as that
10 would maintain the shock of capture.

11 Q. May I just explore with you the first of those aspects,
12 Mr Percy? Moving the prisoner around, what exactly do
13 you mean by that?

14 A. As would normally happen, if there was a prisoner taken
15 at the front line, he would be moved back from the
16 front line to the company sergeant major of that
17 sub-unit. Again, from there, the company sergeant major
18 would move him back to battalion under the control of
19 the regimental sergeant major. So that's what I mean by
20 the movement, the changing of surroundings.

21 Q. So you are talking, are you, about what might be thought
22 to be conventional aspects of moving a prisoner quickly
23 back through the chain in such a way that they are never
24 going to be resting in one position for a long period of
25 time?

1 A. Correct.

2 Q. Is it that sort of concept?

3 A. Correct.

4 Q. The Inquiry has heard some evidence about a different
5 type of keeping prisoners moving around and them being
6 forced to do exercises, stand up, sit down, squat and
7 so on. Would that have been part of your understanding
8 of keeping them moving around or is that a completely
9 different matter entirely?

10 A. I think that's a different matter entirely.

11 Q. Did you ever come across that?

12 A. No.

13 Q. In sum, then, was it your understanding that the shock
14 of capture had to be maintained by methods that were
15 humane?

16 A. Correct.

17 Q. What about a different phrase, "conditioning"? What did
18 you understand "conditioning" to mean?

19 A. A process by which you could use to assist in somebody
20 eliciting information from an individual.

21 Q. You, I take it from your witness statement, had had no
22 specific training in that?

23 A. Correct.

24 Q. Taking that into account, did you understand what the
25 techniques might be that would be involved in

1 conditioning to elicit the information from an
2 individual, in your words?

3 A. Not really, no.

4 Q. Let's just have a look at your witness statement for
5 a moment if we may. It will come up on the screen for
6 you. If we go to BMI03793, paragraphs 34 and 35. You
7 say in paragraph 34:

8 "I understand conditioning to be the practice where
9 the prisoner is prepared in such a way that they are
10 more cooperative when questioned."

11 I don't want you to guess and speculate, but are you
12 able to help us with the ways in which they might be
13 prepared to be more cooperative when questioned?

14 A. There's not much I can add to it, really, to be quite
15 honest with you. I have never been involved in
16 conditioning or been trained in conditioning or
17 understand the concepts behind it any further than what
18 I have just said in 34 and 35 there.

19 Q. I follow. Did you understand that some process of
20 conditioning, whatever it involved, was permitted?

21 A. I don't think I did, actually, no.

22 Q. Thank you. Well let's come on, then, to Op Telic 1, if
23 we may, and your role. I would like to concentrate for
24 the moment on what I have understood to be the longer
25 period in Op Telic 1 when you were the operations

1 officer. All right?

2 Is it the case that you were the ops officer for
3 most of the tour?

4 A. I was the ops officer -- yes, you can say for the
5 majority of the tour, up until some period in May.

6 Q. And you tell us in your statement -- is this right --
7 that together with the 2IC, Major Channer, you, in your
8 role as ops officer, had the primary responsibility for
9 what you described as planning, briefing and
10 coordinating the day-to-day operations for the whole of
11 the battlegroup.

12 A. Correct.

13 Q. The tempo of those responsibilities and that work for
14 you was what?

15 A. During the war-fighting phase, 24 hours a day; during
16 the subsequent phase in Basra, initially, again, it was
17 24 hours a day, then beginning to slow down slightly,
18 but still probably nothing short of an 18-hour day.

19 Q. A particularly busy role; would that be fair?

20 A. Correct.

21 Q. Would you have then had an involvement in preparing the
22 written orders when operations were pre-planned
23 operations?

24 A. Yes.

25 Q. Can you help us with the sort of thing that may have

1 been included in such Black Watch operations orders in
2 relation to how prisoners should be treated, if taken?

3 A. Um --

4 Q. Can I just add on that that you can leave aside, if you
5 would, for the moment, the war-fighting phase and
6 concentrate on the period once Basra had been taken and
7 you were settled in Basra.

8 A. The orders for an operation such as that, they are
9 orders that cover the sort of practicalities or the
10 logistics for that operation. And with regard to
11 prisoners of war, the only time that would be brought up
12 was if there was specific instruction to deal with
13 prisoners of war in a different way than what we had as
14 a general policy at that time.

15 Q. The Inquiry has seen a number of orders from the
16 successor battlegroup, QLR, that referred, for example,
17 to the conditioning of prisoners or to bagging and
18 tagging. Would those sort of phrases have appeared in
19 Black Watch operation orders from you?

20 A. No, because, as I say, the orders are a process by which
21 we communicate practical aspects of that operation and
22 it would only be by exception that we would say
23 something along the lines that -- or, rather, an
24 exception to a change in the general policy in how we
25 were treating prisoners of war. So when you say

1 "bagging and tagging", no, I don't think that would
2 appear in a general ops order.

3 Q. So, what, you don't have a recollection of your orders,
4 whether in the war-fighting phase or subsequently,
5 descending into detail about how detainees who were
6 taken should actually be treated?

7 A. What -- obviously prior to going into Iraq there was
8 a number of ops orders disseminated from brigade --

9 Q. Of course.

10 A. -- which would outline what the rules of engagement
11 would be.

12 Q. Yes.

13 A. That would be disseminated within the battlegroup and
14 that's how the prisoners of war would be treated.

15 Q. So you have the template of how prisoners of war would
16 be treated from a higher formation order. But if you
17 were planning a particular operation order on the ground
18 for Black Watch, I just want you to help the Inquiry to
19 understand whether you would be giving instruction on
20 that if, say, a particular arrest op was to be conducted
21 the following day?

22 A. If that operation was at a battlegroup level -- and
23 actually the majority of operations were at the company
24 group level within Basra -- if it was at battlegroup
25 level, then I would be crafting the orders. If,

1 however, it was at a company group level --

2 Q. Yes.

3 A. -- type of operation, all we would be saying to the
4 company commander is, "This is what needs to be done.
5 These are the constraints within which you need to
6 operate. Go and plan it, come back to us, tell us what
7 resources you need or what support you need from us and
8 then we will talk that through".

9 Q. So did you, yourself, in your role as operations
10 officer, have an understanding, once Basra had been
11 taken, as to what the SOP, if you like, would be for
12 taking a civilian prisoner on a search operation or
13 something of that kind?

14 A. As far as I can recollect, there's no change to the SOP
15 until some time in May.

16 Q. We will come on to the changes in May. Now, sticking
17 with the role of operations officer, did it include, as
18 you remember it please, any responsibility for prisoner
19 handling?

20 A. No.

21 Q. I wonder if I can seek your assistance just with some of
22 the evidence that the Inquiry has received and will
23 receive from others. You will remember, I am sure,
24 Major Bruce, then Warrant Officer Bruce.

25 A. Yes.

1 Q. Could we just have a look, please, at BMI02693 and his
2 paragraph 10? You see that he says there:

3 "There were several people who were responsible for
4 POWs. I oversaw the processing of prisoners through the
5 battlegroup ... detainment facility.
6 Sergeant Gallacher, as the provost sergeant, was the man
7 on the ground who had day-to-day contact with and
8 responsibility for the prisoners. He was helped by the
9 provost staff. There was also Captain Percy, who was
10 the operations officer, but also became the unit
11 internment officer, who supervised the processing of the
12 prisoners."

13 Just pausing there, is he right about that, that you
14 became the unit internment officer?

15 A. Not as far as I can recollect. I don't even recognise
16 the term "unit internment officer". Secondly, it
17 doesn't make sense for the operations officer to be that
18 individual.

19 Q. Right. He goes on to say:

20 "I do not know when he took up this post. He was in
21 charge of the documentation and timings as to when the
22 prisoners had to be moved on to the division detention
23 facility."

24 Again, might he be right about that?

25 A. He could be, but it's not what I recollect. And again,

1 it doesn't -- dealing with prisoners is a G4 activity,
2 not a G3 activity. So, to me, the logistics of moving
3 prisoners sits within the G4 logistics workstream within
4 the battalion, not the G3.

5 Q. So you don't recall that being your role and you don't
6 think, in terms of the division of responsibilities
7 between the branches, that it makes sense; is that
8 right?

9 A. Correct.

10 Q. If we go on to his paragraph 20, while we have it, if we
11 may. It is BMI02696. It talks about Sergeant Gallacher
12 again, just for the context at the beginning. Then,
13 over the page, please, he is talking about capture
14 reports and the documentation relating to prisoners.
15 Four lines down:

16 "I would check to see that Sergeant Gallacher was
17 recording everything properly. The internment officer,
18 Captain Percy, was responsible for forwarding the
19 documents to brigade and/or division when the prisoners
20 were transferred on."

21 Can you help us with that?

22 A. I think that's incorrect. Going back in his statement,
23 he also says it is actually the G2 officer who logs the
24 prisoners of war. Why it would be a G3 operation or
25 a G3 responsibility, I don't know. It's not a G3

1 responsibility.

2 Q. I follow. But do you have any recollection yourself of
3 having forwarded documents to brigade about prisoners
4 who had been taken and been transferred on?

5 A. No.

6 Q. May we look, then, please, at your then CO's statement
7 to seek your assistance on that, please. May we have
8 BMI03406 and paragraph 21, please, towards the bottom of
9 page. If we take it up with:

10 "Once Basra had been occupied, the regimental
11 sergeant major ('RSM') Warrant Officer Class 1 ... David
12 Bruce and the provost sergeant ... along with his
13 provost staff ... became responsible for the day to day
14 management of prisoners. The adjutant was above the RSM
15 in the chain of command. The provost sergeant and staff
16 would also receive task from the ... ops officer,
17 Captain Mark Percy. For example, if prisoners were
18 apprehended on an operation for which Captain Percy was
19 responsible, he would sometimes issue instructions
20 directly to the provost sergeant."

21 That is making a slightly different point to the
22 evidence of Bruce that we were looking at, but does that
23 ring true to you?

24 A. As an operations officer, I am not responsible for any
25 operations.

1 Q. By that you mean that you are responsible for what, the
2 planning of them?

3 A. I am responsible -- if I'm in battlegroup headquarters
4 and -- I'm responsible for planning them, briefing them
5 and potentially reacting to any incidents that happen on
6 the ground to assist the operation being successful.
7 But myself, personally, I am not responsible for that
8 operation.

9 Q. So you would be, what, in the operations room --

10 A. Correct.

11 Q. -- during the course of an operation?

12 A. Correct.

13 Q. So can you help us with this point about tasks being
14 received by the provost staff from you?

15 A. No.

16 Q. Is it right that if prisoners were apprehended on an
17 operation for which you were responsible, you would
18 sometimes issue instructions directly to the provost
19 sergeant?

20 A. Well, I am not responsible for any operation.

21 THE CHAIRMAN: I think the answer is "no", is it?

22 A. Thank you.

23 MR MOSS: Just so that we have it, perhaps we can just look
24 at paragraph 35 of the statement of the previous
25 witness, Mr Gallacher. Can we have BMI06883?

1 Mr Gallacher is saying in his witness statement:

2 "I would speak to the multiple who had carried out
3 the arrest first, then speak to interpreters and work
4 out who I deemed was or was not dangerous. I would then
5 report to Battlegroup Main my decision and they would
6 then approve or disapprove of it. I reported to the RSM
7 or ops officer Captain Percy and/or Captain Williamson,
8 intelligence officer, or Colour Sergeant Penman who was
9 2IC of the intelligence cell."

10 He goes on to say that who he spoke to depended on
11 who was around or who the prisoner was. So might it
12 have been that on occasions the provost sergeant would
13 raise with you what the position was with prisoners,
14 depending on which of those various officers and warrant
15 officers was around?

16 A. He may well have done.

17 Q. Do you remember the battlegroup logistics officer,
18 Fraser?

19 A. Yes.

20 Q. Do you remember one way or the other whether he had
21 a role in relation to prisoners and prisoner-handling or
22 as a unit internment officer or anything of that kind?

23 A. As I said, I don't remember the term "unit internment
24 officer". Anthony was the OC of logistics G4, so he
25 would have -- his workstream would have been responsible

1 for the movement of the prisoners of war.

2 Q. You don't have any specific recollection of him actually
3 having a responsibility or what work he carried out in
4 relation to prisoner-handling?

5 A. No.

6 Q. I won't take you to his statement. Thank you.

7 There is, though, a range of witnesses, whose
8 evidence I have briefly shown you, each of whom
9 suggesting that you had some involvement with
10 prisoner-handling. Were you aware -- can I ask you the
11 general question -- of the use of hoods on prisoners
12 during the tour --

13 A. No.

14 Q. -- or stress positions?

15 A. No.

16 Q. There is no sense, is there, in which the reason why you
17 were saying that you had no responsible and no
18 involvement in prisoner-handling is wishing in any way
19 to distance yourself from what may have been going on
20 with prisoners during the tour by the Black Watch?

21 A. No.

22 Q. Dealing with the practices in relation to
23 prisoner-handling insofar as you can help us with them
24 then, Mr Percy, can I stick with hooding? So far as the
25 war-fighting phase is concerned, we dealt with what the

1 training was. What about the practice for the
2 war-fighting phase? Was there any guidance given on the
3 use of sandbags as hoods?

4 A. No.

5 Q. You certainly didn't hear any?

6 A. No.

7 Q. Did you see hoods being used on prisoners who were taken
8 during the war-fighting phase and before Basra fell?

9 A. No.

10 Q. What about guidance against hoods being used? Can you
11 help us with that? We will come on to the changes in
12 May in due course, if we may, but around that time when
13 Basra fell, the April period, do you remember any
14 guidance coming down to the effect that hooding should
15 cease?

16 A. No.

17 Q. The Inquiry has heard some evidence that there was an
18 order right from on high, from the GOC -- a verbal
19 order -- that all hooding was to cease. If that verbal
20 order was given, is that something you would have
21 expected, as ops officer, you would have come to know
22 about?

23 A. Sorry, are you asking me would I have heard that order
24 from the GOC?

25 Q. Forgive me. It is my fault. Obviously you wouldn't

1 hear it directly from the GOC, but if we assume that the
2 evidence of the GOC and his chief of staff is correct
3 and a verbal order was given, late March/early April,
4 that hooding should cease, would you have expected, one
5 way or the other, that you should have heard about that
6 as the ops officer?

7 A. I would have expected to hear about it if I was issued
8 an order from brigade.

9 Q. So if brigade passed on the GOC's order, you would have
10 expected it then to come to your ears?

11 A. Correct.

12 Q. And it didn't?

13 A. Not necessarily my ears. I would have expected to see
14 a paper order.

15 Q. Forgive me. I was using it colloquially. But it would
16 have come to your attention --

17 A. Correct.

18 Q. -- and it did not do so; is that your evidence?

19 A. Correct.

20 Q. Do you remember Company Sergeant Major -- as he then
21 was -- Thomas Henderson?

22 A. Yes.

23 Q. He gave evidence which was to the effect that after one
24 of the Black Watch deaths in custody, when the SIB came
25 to speak to him and to his OC, S056 -- do you know who

1 I mean by "S056"?

2 A. Presumably that is [redacted].

3 Q. Sorry, it is my fault. Do not use the name for the
4 moment. But do you know who I mean? Don't use the
5 name.

6 A. I do now, yes.

7 Q. All right. That when the SIB came to speak to him and
8 his OC, there was some talk of a FRAGO, a radio order,
9 having been received that had actually authorised the
10 use of hooding. All right? Do you know anything about
11 that, a FRAGO authorising the use of hooding?

12 A. No.

13 Q. And you did not see the use of hoods at any time during
14 Op Telic 1, is that right?

15 A. Correct.

16 Q. In fairness to you, just help us with this: during the
17 war-fighting phase, you would have had an ops area that
18 was secure, that prisoners wouldn't go anywhere near, is
19 that right?

20 A. Correct.

21 Q. And would you have been in that secure area for most of
22 the time?

23 A. Correct.

24 Q. So you would not, in fact, have had contact with
25 prisoners, what, at all at that stage?

1 A. No.

2 Q. What about once you were at BG Main in Basra, though?

3 Would you not have seen prisoners from time to time at

4 BG Main at that stage?

5 A. There's a possibility, but as far as I can recollect

6 I didn't.

7 Q. So your evidence is, what, that you don't recall

8 physically seeing any prisoners at all?

9 A. Correct.

10 Q. Now, if that is the position and that is right -- you

11 didn't see prisoners and therefore you didn't see any

12 prisoners that were hooded, you haven't seen them in the

13 first place -- did you have an understanding of what the

14 SOP was? Did you know whether hoods were being used

15 even if you hadn't seen it yourself?

16 A. No, I didn't know.

17 Q. What about the use of stress positions? You tell us

18 obviously that you did not see those at any time; is

19 that right?

20 A. Correct.

21 Q. Were you aware that stress positions were being used by

22 some within the battlegroup?

23 A. Nope.

24 Q. So when Sergeant Gallacher tell us, as he did this

25 morning, that stress positions were being used,

1 supervised by him, when high value prisoners at least
2 were taken, within the detention facility, that's
3 completely news to you, is it?

4 A. Correct.

5 Q. Just help us with that. That is something which the
6 chain of command at battlegroup headquarters ought to
7 have known about, isn't it? I don't mean you
8 personally, but generally the chain of command ought to
9 have known that that was going on?

10 A. Potentially.

11 Q. Well, you told us earlier on that your understanding was
12 that stress positions would be illegal. If the provost
13 sergeant is in the detention facility at
14 Battlegroup Main and is using them, that's something
15 which the chain of command above him ought to be aware
16 of, is that right?

17 A. I'm not sure I quite agree when you say "ought to be
18 aware of". The chain of command would have either been
19 aware of it or it would not have been aware of it.

20 Q. But if stress positions were being used by the provost
21 sergeant, for example, you would expect the RSM to know
22 about it, wouldn't you?

23 A. I would be surprised -- maybe I would expect the RSM to
24 be aware of it. That's -- I can't really answer for
25 him, can I?

1 Q. No, but to put it another way, if it was going on in the
2 detention facility, you would be disappointed if the RSM
3 was completely ignorant of it, wouldn't you?

4 A. I would be surprised.

5 Q. It may be an entirely theoretical question, but if that
6 had come to your ears -- or for that matter come to you
7 on a piece of paper -- that stress positions were being
8 used in the detention facility at BG Main, would that
9 have concerned you? Would that have troubled you?

10 A. Yes.

11 Q. What would you have done about it if you had known
12 about it?

13 A. I would have discussed it with the commanding officer.

14 Q. Was there any discussion of stress positions or hooding
15 that you can remember?

16 A. Not that I'm aware of, no.

17 Q. I would like to jump ahead just a little bit --
18 I promise that I will come back to it, to the flow of
19 orders and so on -- but can we just look ahead a little
20 bit.

21 Can we have on the screen BMI03797, paragraph 47 of
22 your statement? Perhaps we should start at 46 just to
23 get the context. The bottom of the page. Thank you.

24 "I can't recall any briefings or orders concerning
25 the treatment of prisoners ... until May 2003. Sometime

1 during May 2003 I recollect that there were changes in
2 how prisoners of war were treated.

3 47. Firstly the use of hooding was stopped ..."

4 I just want to ask about your choice of phrase
5 there. "... the use of hooding was stopped" might be
6 suggested that that might carry the inference that it
7 had been going on.

8 A. It might.

9 Q. Did you mean that, that you knew that it had been going
10 on, but it was stopped?

11 A. I think you need to put this in context. This FRAGO is
12 a brigade-wide FRAGO.

13 Q. I follow.

14 A. It's not particular to the Black Watch; it's not
15 particular to a company in the Black Watch.

16 Q. I am just trying to understand what your evidence is.
17 Is what you were saying that brigade-wide, if hooding
18 had been going on, it was stopped, or is it that so far
19 as the Black Watch was concerned, you were aware of
20 a change because hooding had been going on, but it was
21 stopped when this order was received?

22 A. I think what I'm saying is actually your former point.

23 Q. All right. You tell us, do you, that any talk of stress
24 positions would have been a surprise to you because you
25 didn't know anything about it being used at all?

1 A. Correct.

2 Q. Your CO, Colonel Riddell-Webster, has given evidence --

3 I don't think we need look it up -- of having given

4 a briefing to all those at JNCO level and above in the

5 following circumstances, that it had come to his ears,

6 via the padre, that a stress position may have been used

7 on one occasion, that your CO didn't know who it was and

8 didn't breach the confidence of the padre, but

9 determined to give that briefing to JNCOs and above to

10 make the position absolutely clear that stress

11 positions, in his words, would not be tolerated. Do you

12 remember that briefing or hearing of that?

13 A. No.

14 Q. Was that not the sort of thing that would have been

15 discussed at battlegroup O Groups, which you would have

16 attended?

17 A. Well, from the background that you have just laid out

18 there, it seems like information that came to the

19 commanding officer that came through a process where he

20 didn't want to divulge or lose the trust of the

21 individuals involved in it. Maybe he decided that the

22 way to get round that was actually to give a brief to

23 each of the companies within the battlegroup. So it

24 might not necessarily have been an issue that he would

25 have broached with the ops officer -- myself at the

1 time -- because he was dealing with it in a way that he
2 thought best preserved the anonymity of the individuals
3 involved.

4 Q. In any event, you don't recall yourself receiving that
5 briefing?

6 A. Correct.

7 Q. What about -- if I may just touch on this -- the various
8 deaths in custody. I think the first of those directly
9 involving the Black Watch was on 8 May, a prisoner for
10 whom there's evidence that he came into the Black Watch
11 facility hooded, but the hood was removed, and the
12 suggestion was that the death later on was due to
13 a heart attack. Does any of that ring bells to you now?

14 A. If you are referring to the incident with
15 Charlie Company.

16 Q. Yes.

17 A. Yes.

18 Q. Was that something that was discussed at O Groups -- at
19 battlegroup level O Group?

20 A. No, that wasn't discussed, no.

21 Q. The first death in custody that the battlegroup had had
22 and it wasn't discussed at the O Group?

23 A. The O Group is there for passage of information. What
24 would have likely have happened, I would have thought,
25 would be that the OC of Charlie Company and the

1 commanding officer would have probably discussed that
2 operation and the results of that operation. If there
3 was any inferences or lessons to be learnt from it, then
4 that information may have been passed on at a O Group.
5 But an O Group is not a sit down round the table having
6 a discussion. An O Group is a process by which
7 information is communicated.

8 Q. One follows that, but it might be thought that a death
9 in custody and the lessons to be learnt, as you put it,
10 would be exactly the sort of thing and exactly the sort
11 of information that might need to be put around so that
12 everybody was aware at the top of the tree, as it were,
13 in the battlegroup.

14 A. Correct.

15 Q. You don't have any recollection of that being discussed?

16 A. No.

17 Q. Was the fact that that prisoner was hooded on arrival at
18 the company location something which was discussed?

19 A. Not as far as I can recollect.

20 Q. Without going into specific incidents, can you help us
21 with any occasion on which injuries to Black Watch
22 detainees may have been raised?

23 A. In what sort of way? Sorry. I don't really understand
24 where you are going.

25 Q. I didn't want to take you to specific examples, but

1 a number of your other officers, who would have been
2 with you in the battlegroup headquarters, refer to
3 occasional reports being received where prisoners who
4 were detained seemed to have injuries and questions
5 being asked about the circumstances in which those
6 injuries had been inflicted or suffered. Is that
7 anything that you can recall being raised in meetings
8 that you attended?

9 A. Again, if you are referring to specific instances, then
10 I might be able to answer the question slightly --

11 THE CHAIRMAN: Mr Moss, we are straying a bit from the terms
12 of reference.

13 MR MOSS: I was not proposing to take it any further, Sir.
14 As you will appreciate again, I ask some questions that
15 are raised by core participants, but I will move on.

16 THE CHAIRMAN: Yes.

17 MR MOSS: Just this, then, finally, so far as
18 prisoner-handling is concerned: the forced exercising of
19 prisoners, did you hear any concerns being raised about
20 that, prisoners being made to stand up, sit down, squat,
21 jerry can aerobics, anything of that kind?

22 A. No.

23 Q. May we turn, then, please, Mr Percy to a few matters
24 relating to the orders in relation to prisoners and
25 taking prisoners and detainees? Could we start, please,

1 with MOD042938? Just before we turn to the detail of
2 this -- don't worry about the front page on the screen
3 for the moment, Mr Percy. Plasticuffs, do you remember
4 anything about instructions on the circumstances in
5 which plasticuffs were to be used?

6 A. No.

7 Q. The document that I have had put on the screen, just so
8 that you can get the context, I think top left -- you
9 will be more expert, of course, at this than me -- but
10 6 March 2003, the 7 Armoured Brigade operation order,
11 its third edition. So this is before the start of
12 hostilities, just so that you have the context of it.

13 Could we just go to, within this document, please,
14 to MOD042955. Do you see, if we just have the top half
15 of the left-hand page highlighted, that we are dealing
16 here with annex S to the front page of the order that
17 I showed you, dealing with a prisoner-of-war handling
18 order, so that you know which annex we are looking at.

19 If we then go to page MOD42957 within it, I think we
20 see -- can we pick it up in the bottom paragraph of the
21 left-hand page?

22 "Prisoner of war admin and documentation. Initial
23 prisoner of war documentation ... as close to point of
24 capture as is practicable ... A bracelet should be
25 attached ... bracelets ETA is 10 March ..."

1 Then the top right-hand side, please, the bracelet
2 coming to theatre.

3 "The bracelet must only be used on UK PW if
4 situation permits. A capture card should also be
5 completed. Plasticuffs issued for the restraint of
6 non-compliant PWs are only for emergency only."

7 So it looks, doesn't it, as if there was, at least
8 at that stage, an order given that plasticuffs should be
9 for emergency use; is that right?

10 A. It looks like it.

11 Q. Do you have any recollection of whether that ever
12 changed?

13 A. I've got no recollection of that order in itself.

14 Q. Thank you. That can be taken from the screen. So that
15 was March. You tell us in your statement that the
16 instruction such as you remember it now for
17 prisoner-handling -- is this right -- was the sort of
18 matters that you were telling us about earlier, that
19 they were to be passed, in the war-fighting phase, up
20 the prisoner handling chain as soon as possible?

21 A. Correct.

22 Q. Once we get into April and the time when your
23 battlegroup was occupying Basra, can you recall whether
24 there was any time limit for how quickly prisoners
25 should be passed on by your battlegroup once they had

1 been taken, when you were occupying Basra?

2 A. I can't recollect that there was any change to the
3 process in April.

4 Q. Just forgive me for one moment. MOD023062. You tell us
5 in your statement that the first you remember of that
6 sort of time limit was in May. We are looking now at
7 FRAGO 10. You see from the top left it is dated 8
8 April. This is a brigade FRAGO, isn't it?

9 A. Correct.

10 Q. If we look, please, on the right-hand side, starting
11 with "Under the ROE ...", the second paragraph down,
12 down to the bottom of the page, just so that you get the
13 context again.

14 "Under the [rules of engagement], all soldiers have
15 the power to stop, search and temporarily detain."

16 Then, "680 Bravo (One)" is set out, the power of
17 temporary detention.

18 You don't need to worry about the paragraph that is
19 redacted. Then:

20 "It should be noted that the power to stop, search
21 and temporarily detain can be used either if a person is
22 a threat to force security or where someone has
23 committed a criminal offence. Both are regarded as
24 'interfering with or threatening the coalition
25 mission'."

1 Just pausing there, does that start to ring any
2 bells with you, that there was a power of temporary
3 detention that could be used, if you like, either for
4 common criminals or for those who were engaged in
5 insurgency, if you like?

6 A. It doesn't particularly ring any bells with me, no.

7 Q. Just if you take your eyes down to the bottom of the
8 page, the instruction being given as of April was:

9 "Once a person has been temporarily detained, he
10 should either be released or handed over to the Royal
11 Military Police as soon as practicable and, in any
12 event, within six hours. The detainee [I think that
13 should be] should always be handed over to the [RMP] ...
14 where a threat to force security or where a specified
15 arrestable offence has been committed."

16 Then specified offences are listed. So it looks,
17 doesn't it, as though there was a time limit from two
18 days after the fall of Basra and that that time limit
19 was as soon as practicable for prisoners to be handed
20 over and, in any event, within six hours.

21 A. It does look that way.

22 Q. Just help with this: the process for these orders, that
23 sort of a brigade FRAGO, how would you have expected
24 that physically to arrive -- whether on paper or by
25 radio, help us with its distribution and how it would

1 come to the Black Watch.

2 A. I think we would expect it to arrive in a paper copy.

3 Q. Forgive me for going into the detail of it, but the

4 paper copy would arrive how?

5 A. It would be delivered by an individual from the brigade

6 headquarters.

7 Q. So brought from brigade to your battlegroup location, is

8 that right?

9 A. Correct.

10 Q. And again, if you don't know, please say so, but just to

11 use your understanding of this and your expertise on it,

12 if it comes in hard copy, who first receives it at

13 battlegroup headquarters?

14 A. I would assume it would be handed over to the

15 watchkeeper at the time.

16 Q. And the watchkeeper would be where? In the ops room?

17 A. Correct.

18 Q. And what is the watchkeeper then expected to do with it?

19 A. Probably sign in receipt of the order and then to

20 disseminate it to the relevant people.

21 Q. You say "sign in receipt of the order". Is any written

22 summary made -- there may not be time for it -- but

23 explaining what the order was in any sort of log at that

24 stage or is it just a signing that that order with that

25 FRAGO number has been received?

1 A. Just signing for that order.

2 Q. You explained that it was then for the watchkeeper to
3 disseminate it to the relevant people. Is there not
4 a stage when it would come first to either you or to
5 the 2IC?

6 A. Correct.

7 Q. So the first port of call would be either you or
8 Major Channer, is that right?

9 A. In general, yes.

10 Q. Can you help us? Is it just a matter of availability or
11 something else? When would it go to the 2IC and when
12 would it go to you as the ops officer?

13 A. It would probably be dependent on availability.

14 Q. If one assumes that it's an order that has come to you,
15 help us with what your process would be when the
16 watchkeeper has brought it to you. Obviously you read
17 it and digest what it's about. How does the
18 dissemination follow from then?

19 A. It depends what the content of the order is, whether it
20 is content that can be relayed through the daily O Group
21 or whether it's content which is specific to an
22 operation, which then may be discussed with the
23 commanding officer as to how he wants to deal with it,
24 or if it is an order which requires more quick action,
25 such as giving radio orders out to the battlegroup as

1 a whole.

2 Q. I follow. If it is that sort of an order that we have
3 been looking at -- and the May order that we will come
4 on to look at -- something which is giving, if you like,
5 general guidance on time limits for moving detainees on
6 or dealing with the ways in which prisoners should be
7 treated, how would you expect that order would be dealt
8 with if it had come to you or to Major Channer?

9 A. To be disseminated through the daily O Group.

10 Q. When you say "the daily O Group", do you mean the
11 battlegroup level O Group?

12 A. Correct.

13 Q. So what would you do? Would you keep a copy of the
14 order and then brief the CO and others on that at the O
15 Group?

16 A. No, the CO and the -- sort of the battlegroup level --
17 what's the word for it -- planning cell, which would be
18 the CO, 2IC, myself, potentially the int officer and G4,
19 we would discuss the implications of that order prior to
20 the O Group that afternoon.

21 THE CHAIRMAN: Mr Moss, forgive me for interrupting, but I'm
22 not absolutely certain about the relevance of this --

23 MR MOSS: Sir, forgive me, but it may well matter because
24 the next order in the sequence is the order that deals
25 with the prohibition on hooding. So whether that was

1 received by the Black Watch and, if so, whether it was
2 disseminated may matter in the detail of how that went
3 out.

4 THE CHAIRMAN: Yes, I see that they may matter, but this
5 one, I'm not --

6 MR MOSS: I have moved on, Sir. Forgive me if the error is
7 mine, but I have moved on from this particular order to
8 dealing with how an order dealing with prisoner-handling
9 matters in general would be disseminated.

10 THE CHAIRMAN: All right.

11 MR MOSS: So there would be a pre-meeting before the
12 battlegroup level O Group where the implications of it
13 would be discussed, is that right?

14 A. In general, yes.

15 Q. And what would then follow? Who would then, in the
16 normal course, introduce the matter at the O Group if it
17 related to prisoner-handling, if you can help us with
18 that?

19 A. This could fall to a number of people, actually, and
20 apologies for not able to give you an exact answer.

21 Q. I don't want you to guess.

22 A. It would either fall to me or actually I can see it
23 falling to a G1 or a G2 or I could see it falling under
24 G4. If it is with regard to how you process prisoners,
25 that's an order which could fall into various

1 workstreams, not just a G3 workstream.

2 Q. Whoever introduced the subject, is what you are
3 saying -- correct me if I am wrong -- that it would then
4 be explained verbally at the battlegroup level O Group?

5 A. Correct.

6 Q. And the OCs of the companies would be attending that
7 O Group, won't they?

8 A. Correct.

9 Q. Would they receive, on this sort of an order, a hard
10 copy of the order if it relates to prisoner-handling or
11 do you not know --

12 A. Not necessarily.

13 Q. Whether or not they received a hard copy, would it be
14 fair that the expectation would be that the OCs would
15 then cascade it down to their own companies?

16 A. Correct.

17 Q. And in your experience, typically, what, that would be
18 done at company level O Groups?

19 A. Correct.

20 Q. If we turn on, then, please, to the next of the FRAGOs,
21 to see if you can help us with that just briefly,
22 please. Could we look at FRAGO 63 at MOD031014?
23 I think you have had a chance to look at this, perhaps
24 in recent days, but do you see, top left again, that
25 this is a brigade level FRAGO --

1 A. Yes.

2 Q. -- of 21 May. We see, don't we, that 1 Black Watch is
3 one of the named battlegroup level recipients under
4 "External. Action"? Is that right?

5 A. Correct.

6 Q. Paragraph 1:
7 "Detention of civilians. A number of civilians have
8 died in [coalition force] custody and human rights
9 organisations are actively investigating alleged abuses.
10 At annex A is a comprehensive guide to the detention of
11 civilians which is to be briefed to all those likely to
12 be in a position of contact with civilians under
13 detention at any stage in the chain. Battlegroups and
14 sub-units are to adhere to this policy."
15 Then, if we go on two pages, please, one sees the
16 detail being set out of that comprehensive guidance, as
17 it was called.

18 Now I think for the purposes of your witness
19 statement, you may have been shown the divisional level
20 FRAGO 152 and you said that you didn't have any
21 particular recollection of actually seeing that. Are
22 you helped by seeing this brigade level FRAGO? Is this
23 something that you recall?

24 A. It is not something that I recall specifically, no.

25 Q. But you do have a recollection, is this right, of

1 a change that came about in May 2003?

2 A. Correct.

3 Q. What, so far as you can recall, was the change that was
4 effected in 2003 in relation to prisoner-handling?

5 A. The primary point that sticks in my mind is actually the
6 time period by which we had to move prisoners of war,
7 detainees, back into the custody of the RMP.

8 Q. Was there any reason -- just perhaps without, for the
9 moment, going to what the order says on the screen --
10 why the timescale sticks in your mind?

11 A. I think two reasons: (a) because now there was
12 a timescale and (b) because we had to move them back
13 into the custody of the RMP.

14 Q. We don't need to go back to it obviously, but when the
15 previous FRAGO in April had been saying that what should
16 happen is that prisoners should be handed over within
17 six hours to the RMP, you don't remember that being in
18 place before May?

19 A. Correct.

20 Q. You tell us in your statement that another matter that
21 you recall about this was that the use of hooding was
22 stopped in May. Did you have a recollection of that
23 without having been shown any orders? Did you remember
24 that a time came when hooding was stopped?

25 A. To be honest with you now, I can't now. I can't --

1 I don't know if that's because I have read the order and
2 that has jogged my memory or not.

3 Q. As you sit there now, today, doing the best that you
4 can, is it your recollection that, whether it was this
5 or some other paper or some other order, that there came
6 a time when 1 Black Watch did receive an order to the
7 effect that hooding should cease?

8 A. It would make sense to assume that -- because I remember
9 the issue around about the six-hour period -- I would
10 have seen the rest of the order or been briefed on the
11 rest of the order or given a brief about the order. It
12 may be because the fact is that I wasn't aware of
13 hooding going on within the battalion or the battlegroup
14 and that's the reason why that other part of this order
15 does not particularly stick in my mind.

16 Q. You must, of course, correct me if I am wrong, but the
17 timescale, that might have a impact on operations,
18 I suppose, would that be right?

19 A. Sorry, what timescale?

20 Q. The timescale to hand over to the police might have an
21 effect on your area of work, operations; would that be
22 right?

23 A. That's correct.

24 Q. So that might be something that caught your attention in
25 the order; would that be fair?

1 A. It could be fair.

2 Q. If we look now, please, just briefly at paragraph 4,
3 "Reasonable force may be used ...", if that could just
4 be expanded perhaps.

5 "Reasonable force may be used to effect the
6 detention and search but this only allows the minimum
7 force necessary to be used."

8 It talks about guidance on searches that have been
9 provided.

10 "... once the person has been detained they should
11 be handed over to the Military Police as quickly as
12 possible. This should occur within six hours of
13 detention. However, this does not mean that a unit can
14 hold for up to six hours but rather the delivery to the
15 RMP should occur as soon as possible. The guidance
16 allowing up to six hours is to take account of those
17 units which might be in remote locations."

18 Pausing there, it seems, doesn't it, that this
19 brigade FRAGO wasn't changing the previous time limits
20 that we saw in the previous FRAGO -- which was as soon
21 as possible and, in any event, six hours -- but was
22 giving perhaps greater emphasis to it. Would that be
23 right?

24 A. I am not sure I necessarily agree with that. It is
25 emphasising that the six hours is a period within which

1 we need to deliver the prisoners of war/internees back
2 to the RMP. The other reason I remember this is because
3 actually, to facilitate that, we had an RMP individual
4 stationed at battlegroup headquarters.

5 Q. Yes.

6 A. So that's as far as my recollection and my
7 interpretation of it goes.

8 Q. All right. It would in fact be an encouragement rather
9 than for six hours for the Black Watch in Basra to hand
10 over quicker than that, wouldn't it, if achievable?

11 A. If achievable.

12 Q. It says:

13 "All other units [other than those in remote
14 locations] should attempt to deliver the detained person
15 in under an hour."

16 Do you follow at the bottom of the page?

17 A. Yes.

18 Q. Over the page, then, if we may, just briefly on
19 paragraph 5. The second line:

20 "... the detained person should be treated with
21 humanity and dignity at all times. They should not be
22 assaulted. They should be provided with water ..."

23 Would those have been matters that were of your
24 immediate concern, given your responsibilities at the
25 time?

1 A. It's not for me to carry out -- to make sure these
2 things happen.

3 Q. No.

4 A. And to be quite honest with you, this is no different to
5 the orders or the procedures that we were operating
6 prior to this order was issued.

7 Q. It goes on, having dealt with some medical matters and
8 so on, to say:

9 "Under no circumstances should their faces be
10 covered as this might impair breathing."

11 That phraseology, is that at all familiar to you
12 other than through reading it in recent days or weeks?

13 A. I can't honestly say if it is or isn't.

14 Q. Appreciating that it is difficult, but my having taken
15 you to this particular order, are you able to help us as
16 to whether this was an order that a watchkeeper brought
17 to you?

18 A. I can't remember the circumstances of -- as I said to
19 you earlier, I can't remember specifically this order.

20 Q. If this order had been brought to you, would it have
21 been dealt with in the mechanism that you described to
22 the Inquiry a few moments ago in terms of how it would
23 be briefed going through up to the O Group and so on?
24 Is that how you would expect this sort of an order to
25 have been dealt with?

1 A. Yes.

2 Q. If that had occurred, it would follow, wouldn't it, that
3 that order would have been cascaded down within the
4 1 Black Watch sub-unit?

5 A. Correct.

6 Q. And you, presumably, would then have expected any
7 practice of hooding that had been going on to cease?

8 A. Correct.

9 Q. I can deal with this I think, in light of your evidence,
10 shortly. The Inquiry has received quite a significant
11 body of evidence from soldiers within 1 QLR who saw the
12 Black Watch hooding. Some of that may relate to the
13 recce period earlier in May, but some of it, on its
14 face, appears to deal with the handover period in June,
15 after this order had been received. Are you able to
16 help us at all with why it may be that the Black Watch
17 may still have been hooding come June 2003?

18 A. No.

19 Q. We needn't perhaps turn it up, but if you would take it
20 from me for the moment that later on, on 30 May, there
21 was a further brigade FRAGO -- FRAGO 70 -- which did two
22 things. The first of them was a shortening of the
23 timescales for handing prisoners over, so that it became
24 one to two hours in all cases, rather than the six. The
25 second change -- or the second change of potential

1 interest to the Inquiry -- was an express instruction
2 that there should be no interrogation of prisoners prior
3 to their arrival at the theatre internment facility, and
4 that's a FRAGO of 30 May. Does any of that ring any
5 bells with you?

6 A. No.

7 Q. I don't know whether you are able to help with the date
8 when you actually took over as a company commander and
9 ceased being ops officer. Can you help us with that?

10 A. Between maybe four or five or six weeks before end of
11 tour.

12 Q. Presumably, if there was that sort of a change in the
13 timescales for handing over prisoners -- no longer six
14 hours, but a clear one to two hours -- as a company
15 commander that is something that you would expect to
16 have received by way of an instruction at an O Group or
17 some other way, is that right?

18 A. Correct.

19 Q. Do you have any recollection now of timescales for
20 taking prisoners actually being shortened in a way so
21 that you had a very short period at the end of your tour
22 to hand prisoners over?

23 A. No.

24 Q. Just help us with this, then: once you took over as
25 company commander, do you actually recall being involved

1 in operations when you took prisoners?

2 A. I recall -- I probably recall two operations during my
3 time as a company commander. I recall one episode where
4 my multiple took a prisoner.

5 Q. So one episode when your multiple took a prisoner?

6 A. Correct.

7 Q. Just dealing with that episode, the prisoner that was
8 taken, was that a prisoner who was suspected of -- if
9 I can call it common criminality or of insurgent
10 activity, which was it or can you not remember?

11 A. The former.

12 Q. Common criminality. Was that prisoner hooded?

13 A. No.

14 Q. When you took over as the Delta Company commander, who,
15 please, took over your previous post as the ops officer?

16 A. Nick Ord.

17 Q. I am not sure we quite caught that.

18 A. Sorry, Nick Ord.

19 Q. Can I turn, then, please, lastly, to the handover that
20 you would have been involved in, handing over to the
21 incoming 1 QLR company. By that time you had ceased
22 being D company commander and become B Company OC, is
23 that right?

24 A. Correct.

25 Q. Can you help us with where Bravo Company was based

1 within Basra?

2 A. I can't remember what it was called. It is next to --

3 is it the United Nations -- not "headquarters". It is

4 somewhere in Basra. I can't remember what the name of

5 the UN building was next door.

6 Q. You must say if you can't remember, but one of the

7 companies within 1 QLR was at something called the "Old

8 State Building". Does that sound like where it might

9 have been or not?

10 A. To me the Old State Building, I think, was something

11 else --

12 Q. Forgive me. Do carry on --

13 A. -- but within our area of operations, as in B Company

14 area of operations.

15 Q. Or the CIMIC building?

16 A. It could have been.

17 THE CHAIRMAN: Perhaps we had better stick to it that it was

18 in Basra.

19 MR MOSS: Do you remember which company of the QLR it was

20 that you handed over to?

21 A. No.

22 Q. Now, by that stage, does it follow from the evidence you

23 have already given that you did know that an order had

24 previously come in requiring that hooding should cease?

25 A. Yes.

1 Q. And your handover would have been presumably to the
2 incoming OC for whichever company it was?

3 A. Correct.

4 Q. Did you mention the prohibition on hooding to the
5 incoming OC?

6 A. I don't recollect that I would have done, no.

7 Q. Can you help us as to why you wouldn't have done, if in
8 fact you didn't do so?

9 A. That type of instruction is a brigade level policy.
10 It's not a battlegroup policy and it's not a company
11 policy. As such, it being a brigade level policy, that
12 information should be passed back from brigade in
13 theatre or brigade headquarters, which is in theatre,
14 back to the HQ or the brigade headquarters which is due
15 to come in to take over from them.

16 Q. You are dropping your voice ever so slightly.

17 A. Sorry. What I am trying to say is that it is brigade
18 level policy and I would have thought or assumed that
19 the responsibility or the mechanism by which that
20 information is passed is from one brigade headquarters
21 to the other one. And the incoming -- or the incumbent
22 brigade headquarters would then disseminate that
23 information as is required.

24 Q. All right. Understanding what you say about that, can
25 we put that to one side for the moment? I think the

1 Inquiry will understand that that order should have been
2 part of the brigade-to-brigade handover so that the
3 incoming brigade was clear at brigade level that that
4 was the decision. Do I fairly summarise what you are
5 saying so far?

6 A. Fairly.

7 Q. Would it not have been useful, however, at battlegroup
8 level, for the incoming OC to be told by you, "This is
9 how we're dealing with prisoners if we are taking them
10 while we are out on operations. We are not allowed to
11 hood now and our SOP is as follows ..."

12 A. That's not a company SOP. That's at brigade level,
13 subsequently pushed into a battlegroup level SOP. It is
14 nothing to do with the company. Just to clarify this:
15 first of all, I think it is the responsibility of the
16 brigade to make sure that information is passed.
17 Secondly, okay, you may think that you could maybe argue
18 that actually it might be included in a battlegroup
19 level handover between ops officers --

20 Q. Yes.

21 A. -- but I don't actually think that would have happened.
22 The ops officer would have been briefing his
23 counterpart --

24 Q. Can I just pause -- forgive me.

25 THE CHAIRMAN: I would just like to hear the finish of this.

1 A. The operations officer would be more aligned to actually
2 doing a G3, as in an operational handover. He would
3 also have probably have handed over a file of FRAGOs
4 saying, "Here are the FRAGOs that we have had from
5 battlegroup for the last four or five weeks". He may
6 have marked one or two out; he may not have. He may
7 have said, "Here is the information. Sorry, I don't
8 have time to go through it". I don't think it is
9 relevant to a company commander to brief his incoming
10 replacement about that type of policy.

11 MR MOSS: Forgive me for interrupting you, I was going to
12 come on to the ops officer, but I was dealing for the
13 moment with the company commander because that is the
14 post you had, isn't it?

15 A. Correct.

16 Q. Presumably there would have been a whole host of
17 information which you would have sought to convey to the
18 incoming company commander in quite a short space of
19 time. Would that be fair?

20 A. Correct.

21 Q. What sort of things would you be telling the incoming OC
22 about?

23 A. I think you need a bit of background here. As a company
24 commander obviously within -- I am concerned about my
25 area of operations and this is the important information

1 that you need to pass to the incumbent that will include
2 G2 -- so within my company, you would have a G2
3 operative who would be briefing directly his replacement
4 in QLR --

5 Q. Yes.

6 A. -- my company 2IC would be dealing with the general G3
7 issues and my company sergeant major would be dealing
8 with the general G4 issues and G5 issues.

9 Q. Just pausing there, would you expect, then, your company
10 sergeant major to be handing over to the incoming CSM of
11 the incoming company matters relating to
12 prisoner-handling at company level?

13 A. Yes.

14 Q. So leaving aside what is happening on high at brigade
15 level, the day-to-day way in which you are dealing with
16 prisoners you would expect to be dealt with, what, at
17 the CSM level handover?

18 A. Correct.

19 Q. You say that's not a matter for you as OC to pass on to
20 the incoming OC, do you?

21 A. I don't see that as a matter for an OC to deal with.

22 Q. All right. Very much against the background that you
23 were no longer the ops officer, can I just seek to go
24 back to that issue, then, of what you would expect the
25 ops officer to do. We have seen -- although I didn't

1 show you FRAGO 70 -- that the latest FRAGO dealing with
2 prisoners matters was that one of 30 May, FRAGO 70, and
3 it was the earlier FRAGO, the one on 21 May, that had
4 contained the guidance about the ceasing of hooding and
5 so on.

6 You should say if you don't know, but would you have
7 expected both of those FRAGOs to be handed over by the
8 ops officer in the collection of FRAGOs that was handed
9 over or only one of them or none of them?

10 A. I couldn't say.

11 Q. What would the ops officer in that situation be seeking
12 to achieve? What sort of FRAGOs would he be seeking to
13 hand over?

14 A. The handover of FRAGOs is probably not his principal
15 concern. His principal concern is outlining operations
16 and threats within the battlegroup's area of
17 responsibility and outwith the battlegroup's area of
18 responsibility.

19 THE CHAIRMAN: Mr Moss, it is now 1 o'clock. Do you want to
20 break off now?

21 MR MOSS: I have one more question.

22 THE CHAIRMAN: That's it, is it?

23 MR MOSS: Help us finally with this, then, if you can.

24 Again leaving aside what should have been happening at
25 brigade, can you just be clear for us about how and who

1 within Black Watch you say should have been handing over
2 the thrust of that order that hooding should have ceased
3 or should cease?

4 A. The more I think about it, I don't think it's
5 a battlegroup responsibility. It's a brigade policy.
6 It comes from brigade.

7 Q. You have talked about the CSM's at company level. Was
8 there anybody, apart from the ops officer at battlegroup
9 HQ level, who would have been or ought to have been
10 involved in the handing over of that order to the QLR?

11 A. I wouldn't say it was anybody's direct responsibility to
12 hand that order over to the QLR in the battlegroup.
13 I would say it would be part of the process.

14 Q. But the process involving who at battlegroup
15 headquarters?

16 A. Probably the ops officer.

17 THE CHAIRMAN: By "process", do you mean handing him all the
18 FRAGOs or do you mean pointing out individual ones?

19 A. No, I mean handing over a file with the FRAGOs -- a file
20 with all the FRAGOs, not necessarily picking out
21 a particular order.

22 MR MOSS: Sir, would that be a convenient moment?

23 THE CHAIRMAN: Yes. If you could all finish your questions
24 in five minutes, I would go and finish this witness.

25 MS HETHERINGTON: Sir, I was about to say I don't have any

1 Questions by MS DOBBIN

2 MS DOBBIN: Simply this: do you have any recollection of
3 being in any lectures at all on prisoner-handling as
4 part of your pre-deployment training in Germany?

5 A. No.

6 MS DOBBIN: Thank you.

7 THE CHAIRMAN: Thank you.

8 Mr Moss?

9 MR MOSS: No, thank you.

10 Questions by THE CHAIRMAN

11 THE CHAIRMAN: One question I would like to ask you and it
12 is little bit more than curiosity. You missed some of
13 the pre-deployment training. Why?

14 A. If it was the pre-deployment training which occurred in
15 Germany, it was because I probably spent the majority of
16 January in Kuwait and I only came back for a period
17 of -- I can't remember now -- maybe a week. During that
18 time I was there to brief the battlegroup on the
19 intelligence situation.

20 THE CHAIRMAN: I follow. So you missed the majority of the
21 pre-deployment training?

22 A. I would have probably missed the majority of the
23 training that occurred in January onwards.

24 THE CHAIRMAN: Yes. All right. Thank you very much.

25 Very well, well, 5 past 2.

