

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Tuesday, 19 January 2010

(10.00 am)

Opening remarks by THE CHAIRMAN

THE CHAIRMAN: Mr Elias, before we start the evidence, there is something I would like to say in addition to that which I mentioned at the end of the hearing yesterday. It really is in respect of what I said concerning you, Ms Edington. I think my remarks were overly oppressive so far as you are concerned. That is accounted for by the fact that I had not realised -- and I should have done -- that the remit that you have in the case of different clients is rather greater than I had originally thought. I am very sorry. Ignore those remarks. I am sure you will anyway find a way of sorting out when it is sensible for you to appear and when it is not sensible.

MS EDINGTON: Sir, thank you very much.

THE CHAIRMAN: Thank you.

Yes.

MR ELIAS: Sir, the next witness gives evidence under a restriction order and is subject to giving evidence via videolink and appears now on the screen. He is S038 please.

(Proceedings in camera)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

S038 (called)

(Evidence via videolink)

THE CHAIRMAN: May I ask you please, first of all, can you hear me?

A. Yes, I can.

THE CHAIRMAN: Would you be kind enough to stand up, please, S038? We can't actually see you now. That is fine. Thank you. Now I am going to ask you if wouldn't mind taking the oath, please.

S038 (sworn)

THE CHAIRMAN: Thank you very much. If you would be kind enough to sit down. So that we can identify, your solicitor is sitting next door to you, is that correct?

A. That's correct.

THE CHAIRMAN: I believe that, although we cannot see him, there is a technician also in the room where you are ready to help if anything goes wrong with the technology; is that right?

A. Yes, that's correct.

THE CHAIRMAN: Thank you very much. If you are asked any questions by any counsel that you don't understand, would you please say so?

A. Yes, certainly.

THE CHAIRMAN: Yes. Right.

Yes, Mr Elias.

1 Questions by MR ELIAS

2 MR ELIAS: Can you now see me?

3 A. Yes, I can see you now.

4 Q. Thank you. You do understand that we are not referring  
5 to you by name, but we shall call you "Soldier 38" or  
6 "S038".

7 A. Yes, that's fine.

8 Q. Thank you. The Inquiry has a document dated  
9 16 September of last year and signed by you, which is  
10 your statement. Do you recall signing your statement on  
11 that date?

12 A. Yes, I do.

13 Q. When you signed that statement, S038, were you doing so  
14 affirming that the contents of the statement were true  
15 to the best of your knowledge and belief?

16 A. Yes.

17 Q. Thank you. Now we have all read that statement. I am  
18 not going to ask you about every part of it, but to go  
19 to certain aspects of your evidence. Do you understand?

20 A. Yes, yes, I do.

21 Q. May I begin by briefly asking you about your service,  
22 your army history. Did you join the army in 1982?

23 A. Yes, I did.

24 Q. I think you left the army in 2006.

25 A. Yes.

1 Q. You saw service, did you, in West Germany, in Bosnia --

2 A. Yes, yes.

3 Q. You have worked with the Army Training Regiment?

4 A. Yes, I have.

5 Q. You have served in Ireland?

6 A. Yes, I have.

7 Q. And in 2003 you were posted to Iraq?

8 A. That's correct.

9 Q. What, in essence, was your role in Iraq?

10 A. I was a multiple commander and also the unit search

11 adviser for Basra under my battalion.

12 Q. You had qualified as a unit search adviser, is that

13 right?

14 A. Yes, that's correct.

15 Q. In that capacity you tell us in your statement that you

16 had two search teams consisting of 16 soldiers trained

17 in conducting searches under you.

18 A. Yes.

19 Q. I want to ask you a little, please, about your training

20 before posting to Iraq --

21 A. Yes.

22 Q. -- whether PDT training or training that you may have

23 had earlier. Do you follow?

24 A. Yes.

25 Q. I want to ask you, please, some specifics about that.

1 Did you receive specific training on the law of armed  
2 conflict?

3 A. Yes. That would be ITD 1.

4 Q. Was that by way of some video presentation?

5 A. Yes, it was a video presentation followed by  
6 a discussion about the video.

7 Q. Did that training, S038, deal with prisoner-handling?

8 A. In aspects, yes and no.

9 Q. The "yes aspects", what aspects of prisoner-handling  
10 were you taught?

11 A. That where there was to be handled -- ie once they were  
12 prisoners, that they were to be handled -- that they are  
13 not guilty until proven guilty, and that a prisoner  
14 should be then taken up the chain of command all the way  
15 up to the person whose dealing with them at battalion  
16 headquarters.

17 Q. From your training before posting to Iraq, from your  
18 training generally --

19 A. Yes.

20 Q. -- did you have any, if you like, shining beacon as to  
21 how prisoners should be treated generally?

22 A. Well, all the services of my 24 years' serving, you see  
23 this sort of aspect, even through training, that  
24 prisoners are to be treated humanely.

25 Q. Thank you. Now some other specific aspects of training

1           may I ask you about, please, before going to Iraq. Do  
2           you follow?

3    A.   Yes.

4    Q.   Before you were posted to Iraq, did you receive any  
5           training in the use of hoods or hooding of prisoners or  
6           detainees?

7    A.   No.  That aspect of that sort of training is taken  
8           through years of training, ie, when you start your  
9           training in depot, ie when you first join the armed  
10           forces, you are asked to go on through that, through  
11           a fighting position.  You always send people back  
12           (indistinct) if there are prisoners there, and normally  
13           it would be either tying their hands up or hooding.  But  
14           throughout my time whilst I have done it, I have never  
15           hooded one person.

16   Q.   I am going to come to that in due course.  We will stay  
17           with your training if we may for the moment --

18   A.   Yes.

19   Q.   -- before you were posted to Iraq.

20   A.   Yes.

21   Q.   At any time in your army career, were you given any  
22           training in the use of hoods?

23   A.   Yes, at depot.

24   Q.   What were you taught there about the use of hoods, that  
25           it was proper or legitimate to use them?

1 A. It was there to sort of protect -- if you was going into  
2 a sensitive area, so that they could not see through and  
3 see them sensitive areas.

4 Q. So that was the purpose of hooding, was it, security --

5 A. Yes, yes.

6 Q. -- as you were taught?

7 A. Yes.

8 Q. Thank you. Now, you have mentioned cuffing,  
9 plasticuffs --

10 A. Yes.

11 Q. -- were used. Were you taught about the use of  
12 plasticuffs at any stage before going to Iraq?

13 A. Plasticuffs were being used for many years, even from  
14 going from Northern Ireland all the way through. But  
15 before that they used to be sort of tied with whatever  
16 was available.

17 Q. What training, if any, were you given in the use of  
18 plasticuffs?

19 A. Well initially the plasticuffs were just given and said  
20 "This is how you tie people's hands up". Initially it  
21 was one plasticuff, but this was too restraining on the  
22 wrist and would cut off the blood.

23 Q. Were you given any instruction or training in the  
24 circumstances in which plasticuffs were to be applied;  
25 in other words, was it every time someone was arrested

1 or were there other circumstances to bring into account?

2 A. It would be more on the aspects of what you've got the  
3 prisoner in. If he was being detained for your own  
4 security or if he was rebellious, it was more for your  
5 own security against personal harm.

6 Q. So it wasn't a question that you were training that  
7 every time a prisoner was taken or a person detained,  
8 that he would be plasticuffed?

9 A. Yes, that's correct.

10 Q. Still, S038, staying with your training before Iraq, at  
11 any stage before Iraq, were you given any training in  
12 the use of stress positions?

13 A. Never.

14 Q. I think I have to ask you the question: do you know what  
15 I mean by "stress positions"?

16 A. Yes, I do.

17 Q. What do you understand by "stress positions"?

18 A. Putting them -- well, what I have seen off TV and stuff  
19 is putting them in a position where their actual muscles  
20 and everything are being strained. That's my  
21 understanding of it.

22 Q. But you were never given any training in respect of the  
23 use of or prohibition on the use of stress positions,  
24 were you?

25 A. Never.

1 Q. I ask you this question not least because you had joined  
2 the army in 1982.

3 A. Yes.

4 Q. The Inquiry is aware that in the early 1970s, in 1972,  
5 the British Government had banned the use of hoods and  
6 stress positions, certainly in certain circumstances.

7 A. Yes.

8 Q. Were you aware of that Government ban? Was that ever  
9 brought to your attention?

10 A. Never.

11 Q. Now let me ask you a little about your experience in  
12 Iraq. Did you have in Iraq any involvement -- that is  
13 yourself direct involvement -- in prisoner-handling?

14 A. Only on my unit search side where if I, as the commander  
15 on the ground, did find something within a household or  
16 dwelling, then one of my private soldiers or lance  
17 corporals would then arrest the occupants, mainly the  
18 male occupants. They would then subsequently be given  
19 to either the close protection team or to the cordon  
20 troops and that would be the end of my dealings with any  
21 prisoners.

22 Q. Can you give the chairman of the Inquiry some idea of  
23 how many times you would have been in that position of  
24 being present when individuals were arrested and  
25 detained?

1 A. On a whole within the tour, it would probably be about  
2 ten times.

3 Q. On any of those occasions, was the detainee or prisoner  
4 or prisoners who were arrested hooded?

5 A. Not in my presence they wasn't.

6 Q. It wasn't the case, was it, that it was an SOP --  
7 standard operating procedure -- that detainees would be  
8 hooded once arrested?

9 A. No.

10 Q. So it didn't happen in any of those ten cases or  
11 thereabouts that you were directly involved with. Did  
12 you ever see, in Iraq, detainees or prisoners hooded at  
13 any time?

14 A. Not once have I seen anybody get hooded.

15 Q. It's not something that you could have forgotten about,  
16 is it?

17 A. No, never, because I had never used them throughout my  
18 army career, ie hooding.

19 Q. So you have never used it and you have never seen it.  
20 You didn't see it in Iraq?

21 A. No, I never saw it in Iraq.

22 Q. Did you ever see prisoners -- civilians arrested --  
23 blindfolded?

24 A. Nope.

25 Q. Again, dealing with your experience in Iraq across the

1 period you were there, did you ever see detainees in  
2 stress positions?

3 A. Never.

4 Q. So what you tell the Inquiry is that, in your experience  
5 and from what you observed in Iraq, you didn't see  
6 detainees hooded or forced --

7 A. In stress positions.

8 Q. -- into stress positions; is that right?

9 A. No, never.

10 Q. The Inquiry has heard from other soldiers operating on  
11 the ground, as I have indicated to you, that hooding was  
12 an SOP.

13 A. Well, it was never an SOP within my multiple and I had  
14 never seen anybody in my company hooding anybody.

15 Q. In your position, multiple commander and so on, were you  
16 never aware that others -- other multiples, other  
17 companies -- were hooding detainees --

18 A. No, what was happening in other companies didn't comply  
19 unless it was cross-pollinated with duties.

20 Q. I am not sure I understand that, S038.

21 A. What I mean is -- what I mean is each individual company  
22 had its own location. Other than what we was doing,  
23 ie helping out other companies in surge ops, that was  
24 the only time you came across them companies.

25 Q. So you weren't aware of the practice of other companies;

1 is that what you are saying?

2 A. No -- yes, I am.

3 Q. Now you have told us, I think, haven't you, that your  
4 experience in Iraq was in and with search teams?

5 A. Yes.

6 Q. Commanding?

7 A. Yes.

8 Q. At the end of the searches, on arrest, would photographs  
9 be taken of the place where the search had been carried  
10 out?

11 A. Normally photographs would be taken before, during and  
12 after and they would be attached to my report.

13 Q. Was there a requirement that a search should be carried  
14 out with the least disruption possible to the property?

15 A. Yes. That's the whole point of doing the actual search  
16 course because we was going on being more of a security  
17 force when we went there, rather than on a war footing.  
18 The actual procedures of searching were to be done as  
19 what we was doing in Northern Ireland, to stop  
20 compensation claims. So searching had to be done  
21 systematically and cleanly without any real disturbance.

22 Q. Part of your role -- have I understood it correctly --  
23 was to ensure that the men under you carrying out such  
24 searches kept in line with those instructions?

25 A. Yes.

1 Q. Now I want to ask you a little about some of the  
2 individual events that you have described in your  
3 statement to this Inquiry, S038.

4 A. Yes.

5 Q. I don't propose --

6 A. Yes, that's fine.

7 Q. -- to go into every detail of every aspect.

8 A. Yes.

9 Q. I want to ask you about what you have headlined in your  
10 statement as the search for the bomb factory. Do you  
11 remember that search?

12 A. It all depends which search you are going on about as  
13 you can -- because some have been --

14 Q. Do you have your statement in front of you?

15 A. Yes, I have. If you have a paragraph I can read --

16 Q. Paragraph 77, BMI04268. Can I just ask you not to read  
17 the statement for a moment?

18 A. Yes, I have got which one you are on about.

19 Q. You see the headline there, "Search for bomb factory and  
20 'QM's hide'".

21 A. Yes, I know that.

22 Q. I want to ask you a little about that. You describe in  
23 the statement how the find on this search was very  
24 significant.

25 A. Yes. Information had been given through to that company

1 by [redacted]. I was out on a patrol at the time and  
2 was rushed to that location to carry out the search of  
3 those two dwellings.

4 Q. As I say, you found a considerable haul.

5 A. Yes.

6 Q. Was there an element -- perhaps more than an element --  
7 a significant risk in carrying out that search?

8 A. Yes. I would say 90 per cent of all my searches were  
9 classed as high-risk searches. My search team was only  
10 trained to do low-risk searches and many a time -- go  
11 on.

12 Q. I just want to ask you to stick, if you will, to the  
13 issue that we are dealing with now and this particular  
14 search.

15 A. Yes.

16 Q. Was there a specific danger in this particular search  
17 that you remember?

18 A. Yes, there was.

19 Q. What was that?

20 A. Well, because there was -- the amount of munitions in  
21 there, which -- there were ready-made IEDs in there,  
22 which is an improvised explosive device. There was  
23 a cartel of detonators, et cetera, et cetera. My report  
24 laid out everything what was in that location.

25 Q. I understand. So it plainly was not an ideal place to

1 be.

2 A. No, it wasn't.

3 Q. You were carrying out the search there. Did the CO  
4 attend that search?

5 A. Yes, he did, about 15 minutes after the search had been  
6 completed and I was compiling a list of what was being  
7 done.

8 Q. I will just ask you a few questions about that. Was it  
9 unusual for the CO to attend on such a find as this?

10 A. He has been to two, which was this one and another one,  
11 where he turned up at the latter end of the search.

12 Q. Was the other search to which you refer a search  
13 involving a similar significant find of munitions?

14 A. Yes, it was.

15 Q. So the fact that Colonel Mendonca arrived was not  
16 a matter, was it, of any concern to you?

17 A. Well, it was, because of the ammunition, what was there,  
18 I had already dismissed most of my search team and  
19 myself and my corporal carried out the search itself.

20 Q. So what did Colonel Mendonca do when he arrived?

21 A. He started taking photos.

22 Q. Do you recall who was with him when he was taking  
23 photos?

24 A. Yes, yes, the RSM, I believe the adjutant -- there was  
25 only about three of them what turned up. The rest of

1 his Rover group was downstairs, I believe.

2 Q. Did you have any conversation with the CO at that time?

3 A. Well, because I didn't know exactly some of the stuff

4 what was in there, the photographs were a bit

5 inappropriate to be taken because there might have been

6 light-emitting diodes which could set anything off.

7 Q. So that was your concern, was it --

8 A. Yes.

9 Q. -- that photographs were being taken -- what, flash

10 photography?

11 A. Yes.

12 Q. Did you express that concern to Colonel Mendonca?

13 A. Yes, and the RSM.

14 Q. With what result?

15 A. No result. They then left.

16 Q. So they took photographs and left, did they?

17 A. Yes.

18 Q. Is the position, so we understand it, S038, that you

19 thought that the CO should not have done that?

20 A. In my eyes, no. I don't -- a position where it is so

21 high risk, I wasn't amused that ATO and REST teams

22 weren't called in to do this search.

23 Q. They would have dealt with what you describe as the more

24 serious munitions find, is that right?

25 A. Yes.

1 Q. I follow. Sticking to the point about the CO and the  
2 two or three who were with him, you raised the point  
3 with him that he shouldn't be taking photographs or the  
4 dangers of so doing; is that right?

5 A. Well I pointed out that he really shouldn't have been  
6 there --

7 Q. Yes.

8 A. -- and that photographs shouldn't have really been taken  
9 until ATO had cleared what we had found.

10 Q. He left. Did you ever take up the matter with anyone  
11 else subsequently?

12 A. He's the big man. Who else do I go to?

13 Q. So the answer to my question is you didn't, for that  
14 reason?

15 A. No, for that reason.

16 Q. I follow.

17 Can we move on, please, to what you describe in your  
18 statement as the "Ram raid incident". Do you recall  
19 that?

20 A. Yes, I do.

21 Q. It begins at paragraph 86. I don't want you to go to it  
22 in your statement, but for others it begins at  
23 paragraph 86 in your statement. This was another search  
24 operation, was it?

25 A. Yes, it was.

1 Q. But it was a search operation, as I understand it from  
2 your statement, that you were not directly involved  
3 with. It was carried out by another company.

4 A. It was a mixture of myself and my teams and various  
5 multiples from that company.

6 Q. Taking it shortly, because you set it out in detail in  
7 your statement, was the position that you were --  
8 perhaps I put it too mildly, do I -- concerned about the  
9 way in which the search operation was being carried out  
10 by soldiers not under your command directly?

11 A. Yes, I was. I was disgusted.

12 Q. Because again, putting it shortly, the building being  
13 searched was being trashed --

14 A. Yes, it was.

15 Q. -- as you say. Did you report that to anyone?

16 A. Well all the officers -- the OC of that company was  
17 present.

18 Q. Who was that?

19 A. I can't remember which company it was.

20 Q. It might be said, S038, that the fact that the OC was  
21 present of that company and apparently doing nothing  
22 about it -- is that right?

23 A. Yes.

24 Q. -- that in itself was a reason for reporting it higher.  
25 Did you do so?

1 A. No, I didn't.

2 Q. Was there any particular reason -- I mean you had,  
3 didn't you, as you have told us, the specialist training  
4 in searching and so on. You knew how it should be done.  
5 Was there any particular reason why you didn't report  
6 this higher up the chain?

7 A. Well I was concerned with more my search, which got  
8 carried out correctly, but it -- more of -- I could have  
9 reported it, but then I would probably have been told,  
10 like I've been told throughout certain aspects in Iraq,  
11 to play the game.

12 Q. Let's just deal with that for a moment. You could have  
13 reported it. To whom could you have reported it?

14 A. Well, I could have reported it to my OC, but even my  
15 platoon commander was even with me at my search.

16 Q. And so ...?

17 A. He witnessed everything, the OCs witnessed everything.  
18 He witnessed the ram-raiding and stuff.

19 Q. All right. So for whatever reason you didn't report  
20 that.

21 A. No, I didn't report it.

22 Q. Can we move to what you describe in your statement as  
23 the search operation on the derelict building. Do you  
24 recall that?

25 A. Yes, I do.

1 Q. Again I don't ask you to turn it up. It is paragraph 91  
2 for those who are following your statement. I just want  
3 to ask you a little about that. What was the purpose of  
4 the search of this derelict building? What was being  
5 searched for?  
6 A. Munitions and explosives.  
7 Q. You say in your statement that this was a search carried  
8 out just after a group of RMPs had been killed, which  
9 I think we know happened in August.  
10 A. Yes.  
11 Q. Was there, as a result of this search, as you describe  
12 in your statement, a very large haul of ammunitions,  
13 weapons and bomb-making equipment?  
14 A. Received, yes.  
15 Q. And all of this was seized, was it?  
16 A. Yes, it was.  
17 Q. Can you remember now how many were arrested as a result  
18 of the raid?  
19 A. There were three. There were three male Iraqis arrested  
20 at that location.  
21 Q. Did anything happen to any of those three arrested  
22 Iraqis at the scene?  
23 A. Yes, there did -- yes, there was.  
24 Q. Tell us what happened please.  
25 A. After the search had been completed, I got one of my

1 private soldiers to arrest the male occupants. They  
2 were then subsequently plasticcuffed and then given to  
3 a female regimental policewoman. The leading man, which  
4 I believe was the father of them all, was then  
5 drop-kicked between the legs.

6 Q. By whom?

7 A. By the female RMP woman.

8 Q. Do you know who the female RMP woman, as you describe  
9 her, was?

10 A. If I was to see her, I believe -- I have been told  
11 a name, but I don't -- I cannot positively say that that  
12 was her name.

13 Q. Then I won't ask you to give us a name at this stage.  
14 Can you tell us which company she was attached to?

15 A. She was working with Burma Company.

16 Q. Do you know her rank at that time?

17 A. I believe she was a full corporal.

18 Q. Can you describe her?

19 A. She was about 5 foot 7, mousy blonde hair, slim build,  
20 nice looking.

21 Q. So she attacked, what, the oldest of the three men  
22 arrested?

23 A. Yes.

24 Q. What happened when she did what you have described?

25 A. I told her to get out the building, that I would be

1 reporting her to the cordon commander. I then took the  
2 prisoners myself to the cordon commander which was  
3 another -- who was the OC of Burma.

4 Q. Was that Major Lighten?

5 A. Yes, it was.

6 Q. Did you report to him what you had seen?

7 A. Yes, what had happened, yes.

8 Q. What was his reaction to that?

9 A. That he would have a word with her and her boss on  
10 return to BHQ.

11 Q. Was the product of the search taken back to BHQ?

12 A. No, the product of the search -- because it was a Burma  
13 cordon, it was taken back to Burma location, which is  
14 also co-located in BHQ area.

15 Q. I understand. Once taken there, was it off-loaded from  
16 vehicles and as you describe in your statement --

17 A. Yes, it was off-loaded from my vehicles.

18 Q. Thank you. Were photographs taken of it?

19 A. There were photographs taken before and during. At the  
20 offset of offloading from my vehicle, my camera dropped  
21 and smashed.

22 Q. So how were photographs taken?

23 A. I then asked the Burma Company int sergeant at the  
24 present time if they had a camera. A younger officer  
25 then got the camera and started to take photographs.

1 Q. Do you know who that was?

2 A. I have been given a name, but I cannot swear to say that  
3 it is that person.

4 Q. All right. So photographs were taken, were they, by --

5 A. Yes, they was.

6 Q. -- as you describe, a young officer?

7 A. Yes.

8 Q. At that location, did you see the CO at any stage?

9 A. The munitions were being off-loaded and sorted into  
10 categories. Halfway through that the commanding officer  
11 rocked up with various other people, came through a gap  
12 in a wall, walked round the buildings and towards the  
13 location of where the detainees were being held and the  
14 ammunition was being laid out.

15 Q. So was the position that the detainees and the  
16 ammunition were in the same area?

17 A. Yes.

18 Q. Again, was it standard practice for photographs to be  
19 taken of those arrested with items that had been  
20 recovered?

21 A. Yes, so the evidence chain showed a link between the  
22 detainees and the evidence.

23 Q. I think we understand. So that would be standard  
24 practice, then, in a search --

25 A. Yes.

1 Q. -- where people were arrested, that where possible the  
2 product of the search would be taken in the same  
3 photograph as those who had been arrested?  
4 A. Yes.  
5 Q. Thank you. All right. So the CO came to that area, did  
6 he?  
7 A. Yes, he did.  
8 Q. Again let me just ask you this: was that, in your  
9 experience, anything surprising, that the CO should turn  
10 up, if you like, to examine a cache of weapons?  
11 A. I would imagine he turned up due to the fact of the  
12 large haul of what had been found.  
13 Q. You wouldn't have found that remotely surprising if he  
14 had done, would you?  
15 A. No, I wouldn't.  
16 Q. Indeed, can we go a bit further than that, perhaps, and  
17 say that you might have expected him, might you, to turn  
18 up if there were a very significant find of weapons to  
19 see what had been recovered?  
20 A. More than likely, yes. In it was a large amount.  
21 Q. So what happened after his arrival here?  
22 A. He came round the corner. The detainees were under  
23 a sheltered area, which was a metal frame with a metal  
24 wiggly tin on top. He came round the corner and the  
25 first bloke he came to he punched in the side of the

1 face and called him a "terrorist fucker".

2 Q. What sort of a blow was it to the side of the face?

3 A. A punch.

4 Q. What effect did it have on the victim?

5 A. He sort of rocked backwards because he was stood up at

6 the time.

7 Q. A single punch or more than one?

8 A. Just one single punch.

9 Q. How many witnesses were there to this single punch?

10 A. Probably in the regions of about 140 people.

11 Q. I know you go into some detail in your statement

12 about it, but can you just explain, because I think this

13 should go onto the record, as it were, where those

14 140 people were, what --

15 A. You had -- it was like sort of spread out in a half

16 semi-circle. To my right was the Burma Company

17 personnel; to my left was my search team, who was

18 offloading the munitions from the vehicles.

19 Q. Would it have been the case that when the CO arrives in

20 circumstances like that, you would expect all eyes to be

21 on him?

22 A. Well, yes.

23 Q. And he did what he did -- the punch -- as it were,

24 entirely openly, did he?

25 A. Yes, he did.

1 Q. As far, S038, as the Inquiry is concerned, there is  
2 no one else, so far as I am concerned, who comes forward  
3 to describe that punch. Did it happen?  
4 A. Yes, it did happen.  
5 Q. When it happened, was there any reaction from the 140 or  
6 so people around?  
7 A. My reaction was to send my search team around the corner  
8 out the way.  
9 Q. I understand that and you say it in your statement. But  
10 was there any reaction, before you sent them out of the  
11 way, from any of the soldiers who were there who  
12 witnessed this?  
13 A. Not as I can remember.  
14 Q. So you sent your men around the corner and out of the  
15 way?  
16 A. Yes.  
17 Q. Did you report what you had seen to anybody?  
18 A. Yes, I went into Burma Company office and aired my views  
19 that I was disgusted in what had just happened in front  
20 of not only the Burma Company troops, but my own troops  
21 to Major Lighten -- there was quite a few people in  
22 there.  
23 Q. Can you remember to whom you reported or you spoke of  
24 it?  
25 A. I didn't report. I spoke.

1 Q. To whom?

2 A. Major Lighten -- there was probably Sergeant Major Leigh  
3 in there, the clerks, probably Sergeant Tillotson at the  
4 time, and there was -- there was probably about six or  
5 seven people in there.

6 Q. If this happened, it must have been an absolutely  
7 astonishing event.

8 A. Yes, it was. The detainees posed no threat whatsoever.

9 Q. Are you sure that you did raise it with these other  
10 people, as you say you did, Sergeant Tillotson and the  
11 others?

12 A. Yes, I did. I walked in disgusted and said that there  
13 was no need for that whatsoever.

14 Q. Did the CO, Colonel Mendonca, speak to you on this  
15 occasion?

16 A. No, he didn't. He came -- it was probably about two  
17 minutes after I had already gone inside, he then came in  
18 and congratulated Burma Company on a search well done.

19 Q. What, if anything, did you say to him?

20 A. No.

21 Q. Nothing?

22 A. I didn't say anything. Nothing.

23 Q. Did you think that what you had seen -- a commanding  
24 officer striking a detainee -- needed to be referred  
25 elsewhere?

1 A. In what aspect?

2 Q. Well, reported to someone who might take notice of it.

3 A. It was the commanding officer. If you go against the  
4 system, you are classed as disloyal.

5 Q. Are you therefore telling the chairman that there wasn't  
6 anyone that you could have reported it to?

7 A. Well, no, not really.

8 Q. Did you go outside again, from where that conversation  
9 with the commanding officer had occurred, back to the  
10 detainees?

11 A. The commanding officer then left after he said  
12 "congratulations". I then went back out to start -- to  
13 complete the rest of the ammunition being laid out ready  
14 for the after photo being taken.

15 Q. Did you notice anything about the detainees at that  
16 stage?

17 A. I had already noticed, at the time that I had got back  
18 to Burma location, that the white gowns what they wear  
19 were covered in blood.

20 Q. So can I just understand that? Are you saying you  
21 noticed that before the arrival of the commanding  
22 officer?

23 A. Yes.

24 Q. So before the commanding officer's punch, you had  
25 noticed blood, had you?

1 A. Yes, I did.

2 Q. So it followed, did it, that there was at least the  
3 suspicion that these detainees had been assaulted --

4 A. Already.

5 Q. -- before the arrival of the commanding officer?

6 A. Yes.

7 Q. How clear a memory do you have of that?

8 A. Very clear. They left in perfect condition when they  
9 went onto the OC's Land Rover in his Rover group. When  
10 I got there subsequently, 20 minutes later, with all the  
11 munitions, the three detainees had blood splatterings on  
12 their white gowns.

13 Q. Could you have a look, please, with me at paragraph 101  
14 of your statement, BMI04273? In this paragraph, if  
15 I read it correctly, you seem to be giving a somewhat  
16 different account. Can I just run through it with you?

17 "I was having a cup of coffee in the company office  
18 ..."

19

20 A. Yes. Yes, go on.

21 MR ELIAS: Sorry, would you just give me a moment, Sir?

22 MR DINGEMANS: Sorry to interrupt. If it is being suggested  
23 that he hadn't mentioned the blood before -- I am not  
24 sure where learned friend was going -- he does mention  
25 it in paragraph 97.

1 THE CHAIRMAN: Well, let's just see how the  
2 cross-examination goes.

3 MR DINGEMANS: Yes, sorry.

4 MR ELIAS: Thank you very much.

5 Yes, looking at 101 if we may. You say you were  
6 having a cup of coffee in the company office.

7 A. Yes.

8 Q. This is, what, immediately after the CO's assault, is  
9 it?

10 A. Yes, it was.

11 Q. "... when the CO came in, congratulated me on the search  
12 and then returned to BHQ."

13 You told us about that, haven't you?

14 A. Yes.

15 Q. "About five minutes later, one of my men then came in to  
16 say all was laid out ready for the photograph to be  
17 taken."

18 A. Yes.

19 Q. "At almost the same time, there was then some sort of  
20 jeering outside. I immediately went outside ..."

21

22 A. Yes.

23 Q. "... to find that all ..." --

24 A. Go to, go on.

25 Q. "... to find that all three prisoners had been

1           assaulted; one of their noses was burst and the others  
2           were bleeding from their lips."  
3    A.   Yes, that is correct.  They had been re-assaulted by one  
4           of the company clerks.  
5    Q.   So this was, if you like, a second assault, was it, or  
6           indeed a third if you include --  
7    A.   Well, in my eyes a third assault.  
8    Q.   I follow.  
9            "Their white shirts were covered in blood.  Their  
10           wrists were still plasticuffed.  It was apparent to me  
11           that this had been done by the female company clerk as  
12           she immediately turned round and said to her OC,  
13           Major Lighten, 'Oh, they went for me'."  
14   A.   Yes.  
15   Q.   What happened to her?  Do you recall?  
16   A.   Major Lighten sent her into the company office and, as  
17           far as I'm concerned, that was me finished at that  
18           location.  The photographs was taken and I disappeared  
19           with my troops back to my location.  
20   Q.   Those photographs, you have told us, would have been  
21           attached to your report; is that right?  
22   A.   Yes, correct.  
23   Q.   Did you get those photographs to attach to your report?  
24   A.   No, I didn't.  
25   Q.   Why was that?

1 A. Because my camera had broke, the young officer had used  
2 the Burma Company int camera or a camera from Burma.  
3 I wanted to get out of that location with my troops, so  
4 I therefore told them I would be back the following  
5 morning to put them pictures onto my report. I then  
6 went back, did my report and come back the following  
7 morning, only to be met with that the pictures had been  
8 deleted in error off the camera and off the PC.

9 Q. Who told you that the pictures had been deleted in error  
10 from the camera and the PC?

11 A. Sergeant Tillotson.

12 Q. The Inquiry is to hear from Sergeant Tillotson shortly.  
13 I think he will tell us that he has no recollection of  
14 any such thing happening. Are you sure that it did?

15 A. What, that they were deleted or not deleted?

16 Q. That he told you they were deleted or words to that  
17 effect.

18 A. Well --

19 Q. I'm sorry --

20 A. Well, on the report I actually put a sub-- a PS  
21 paragraph on my report stating that them pictures had  
22 been deleted.

23 Q. How clear are you that it was Sergeant Tillotson who  
24 told you that they had been deleted?

25 A. Because he was the int sergeant and he was actually one

1 of my sergeants from my own platoon before we went to  
2 Iraq.

3 Q. Sorry, forgive me, I am just asking you the question  
4 again so we can be sure of your answer. How clear are  
5 you -- I understand what you say about his role and  
6 so on -- how clear are you that it was he who told you  
7 this on this occasion?

8 A. Because he was one of my sergeants and that's --  
9 normally when I went to there, I would speak to him  
10 because he was one of my sergeants from my own platoon.

11 Q. I understand that --

12 A. I am 99.9 per cent sure that it was him.

13 Q. All right.

14 I want to ask you about another incident that you  
15 describe in your statement. You headline this -- it is  
16 above paragraph 104, but I don't want you to go to it --  
17 "Foot patrol near the Basra steel factory". Do you  
18 remember that incident?

19 A. Yes, I do.

20 Q. I want to ask you a little about that, please. You were  
21 in the vicinity of a steel factory in Basra. Is that  
22 the position?

23 A. That's correct.

24 Q. You were in vehicles doing what?

25 A. Doing a vehicle and foot patrol around the steel

1 factory.

2 Q. Did you encounter the CO's TAC group, as you tell us in  
3 this statement?

4 A. Yes, I did.

5 Q. What did you see happen with the CO's TAC group on this  
6 occasion?

7 A. To put the picture in correctly, I was around the steel  
8 factory and heard a commotion coming up from the houses.  
9 We then went across on a foot patrol. My lead man went  
10 round the corner and then came sprinting back. His  
11 reply was that "The Viper Squad are down the alley".  
12 That was the Rover group, what they had been named.  
13 I then went round the corner to find that there was an  
14 Iraqi civilian up against the wall being hit by the  
15 Rover group personnel, with the commanding officer  
16 present.

17 Q. Just one Iraqi civilian?

18 A. Yes, just the one.

19 Q. Can you identify those who were present alongside the  
20 commanding officer?

21 A. I know the RSM was present, I know the CO was present  
22 and I know that the PTI who was in the Rover group was  
23 also present with a couple of other people there.

24 Q. The RSM was Warrant Officer Briscoe, was it?

25 A. That's correct.

1 Q. I just want to deal with this at this stage -- and  
2 I just want you to answer this question, please, either  
3 "yes" or "no" and nothing else -- so far as Warrant  
4 Officer Briscoe is concerned, is it right that you had  
5 a previous social connection with him quite unconnected  
6 with the army previously?  
7 A. Yes.  
8 Q. So he was there. What did you see happen?  
9 A. The detainee was up against the wall and being punched  
10 and kicked in the back.  
11 Q. Who was doing the punching and kicking?  
12 A. The staff sergeant or he may have been a sergeant at  
13 that time. I do not recall his rank.  
14 Q. What was his role, do you recall?  
15 A. He was the PTI sergeant for the battalion.  
16 Q. The PTI instructor?  
17 A. Yes.  
18 Q. Where was he striking the Iraqi?  
19 A. Round the kidneys and in the shoulders.  
20 Q. What, by punching?  
21 A. Punching and I believe it was a roundhouse kick he had  
22 done once.  
23 Q. What do you say was the reaction of the others present  
24 when the PTI instructor was doing this?  
25 A. Just watching.

1 Q. When you saw this, did you say anything?

2 A. I asked the RSM what was going on because he'd already  
3 seen the private soldier who had come round the corner  
4 and was coming up to the edge of the alleyway and I met  
5 him there.

6 Q. When you asked him what was going on, did he give any  
7 answer?

8 A. He stole a length of steel from the steel factory. He  
9 was an "Ali Baba" as they was called.

10 Q. That's what he said?

11 A. Yes.

12 Q. Thank you. How did you react to that?

13 A. "Was there a need?" or words to that effect.

14 Q. So did you stay to see how that incident, if I can call  
15 it that, with the TAC group ended, what happened --

16 A. No, I didn't.

17 Q. So you didn't see what happened to the Iraqi civilian?

18 A. No.

19 Q. Whether, for example, he was arrested and removed or --  
20 you simply don't know?

21 A. No, I simply don't know. I about-turned, got my troops,  
22 got on to zero to cancel the patrol and moved back to my  
23 location.

24 Q. What was your reaction to what you had seen?

25 A. Disgust. There was no need. Fine, he had pinched a

1 piece of steel, but did he deserve that?

2 Q. So did you report what you had seen to anybody?

3 A. The patrol was a late patrol. When I got back in there  
4 was the watchkeeper, which I explained why I had  
5 cancelled my patrol, and then the following morning, at  
6 breakfast, I discussed it with other senior ranks.

7 Q. When you say "discussed it with other senior ranks", you  
8 refer in your statement at paragraph 113 -- again  
9 I don't ask you to turn it up -- to speaking to Warrant  
10 Officer Weston and Topping.

11 A. That's correct.

12 Q. Did you tell them what you had seen the night before?

13 A. That the Viper Squad had been kicking off down an alley.

14 Q. Are you sure you did report it to them?

15 A. Yes, I did.

16 Q. Because again they don't have recollection of it.

17 A. I know. I believe so.

18 Q. Is there any doubt about whether you spoke to them  
19 about it or not?

20 A. No doubt whatsoever.

21 Q. But you didn't report that matter to anyone senior, did  
22 you?

23 A. Just to the watchkeeper, who was probably -- who was an  
24 officer. I think that was my platoon commander.

25 Q. And you weren't making it, as it were, a formal report,

1           were you? This was simply in chitchat over breakfast.

2           Is that the position we should understand?

3    A.   Yes.  However, on my patrol report, I did put "cancelled  
4           due to the fact that there was another call sign in that  
5           location".

6    Q.   So you cancelled the patrol that you were out on --

7    A.   Yes.

8    Q.   -- because you had encountered the TAC group and because  
9           of what they had done.  Is that what you are telling us?

10   A.   Yes.

11   Q.   But that wasn't the reason that you gave when you filed  
12          your report.

13   A.   Say that again please.

14   Q.   That wasn't the reason that you gave when you filed your  
15          report.  Is that what I understand you to be saying?

16   A.   I cancelled it saying that there was another call sign  
17          within that location.

18   Q.   Yes.

19   A.   The main reason for that was if incriminations like this  
20          is going on, that my call sign would be not incriminated  
21          into that sort of behaviour.

22   Q.   If this is correct, S038, it would have been open to  
23          your, in your report, to indicate that you had called it  
24          off because of what you had seen the PTI instructor  
25          doing, would it not?

1 A. Yes, if I had filled it out correctly -- if I had put in  
2 what I had seen, yes, but I just put it so that it  
3 showed another call sign in that location.

4 Q. Yes, and it may be asked: why did you do that? Why  
5 didn't you simply set out the position as it really was?

6 A. Because it was the commanding officer.

7 Q. And so ...?

8 A. Disloyalty card.

9 Q. I do need to ask you to explain please.

10 A. What "disloyalty card"? If I was to go against the  
11 system, I would be called a disloyal person towards the  
12 regiment. I would be hounded.

13 Q. Apart from those incidents that I have briefly taken you  
14 to through your statement, were you aware of other  
15 occasions when detainees, prisoners, were ill-treated?

16 A. The only other time was rumour control from the  
17 Baha Mousa stuff, which was after a few days.

18 Q. These were rumours --

19 A. And then -- yes, general rumours about the Viper Squad.

20 Q. I understand. How, during that period of time in Iraq,  
21 did you get on with the CO, Colonel Mendonca?

22 A. Our paths whilst in Iraq very rarely crossed. However,  
23 there has been a couple of incidences like we have  
24 mentioned there where I have been discussing what he has  
25 done and then what he subsequently did to my own

1 company.

2 Q. Putting aside, if you like, if we can, those incidents  
3 that you have referred to, how did you get on with him  
4 generally on a day-to-day basis?

5 A. It's a hard one to say, that one. Even in a base  
6 location in peacetime you very rarely spoke to the  
7 commanding officer unless you physically bumped into him  
8 or you was called to his office.

9 Q. That would have been the position in Iraq too, would it?

10 A. Yes, it would. He was in one location and I was in  
11 another. It could be weeks, months, before I seen him.

12 Q. All right. You speak in your statement to this Inquiry  
13 of an apparent lack of regard for his soldiers. Do you  
14 remember saying that in your statement?

15 A. Yes, yes, I do.

16 Q. Why do you say that he had a lack of regard for his  
17 soldiers?

18 A. The way he treated them.

19 Q. In what ways did he treat them that gave you that  
20 impression?

21 A. Well, the belittling of medical people who had been  
22 injured through fitness, he would belittle them in front  
23 of the battalion. When we moved to Iraq, there was no  
24 air-con allowed. The water was warm. We had desert  
25 hats. We was told we weren't allowed to wear them and

1           we had to use berets, which were black, which would bake  
2           our heads.

3    Q.   You held this against the CO, did you?

4    A.   It was his command.  These orders -- yes -- well,  
5           I wouldn't say I held it against him, but he put down  
6           them orders to wear the berets.

7    Q.   Do you recall an incident when the CO brought about some  
8           punishment or retribution for soldiers who had been  
9           drinking?

10   A.   Yes.

11   Q.   What did you think of the nature of the punishment that  
12           was imposed?

13   A.   It was bang out of order.

14   Q.   Was that something that you understood had been sent  
15           down from the CO as a punishment?

16   A.   The CO was present.

17   Q.   And the punishment was bang out of order because ...?

18   A.   He was punishing 120 people because of two.

19   Q.   I just want to ask you a few questions, please, about  
20           a claim that you have brought in the courts against the  
21           army, the MoD.

22   A.   Yes.

23   Q.   I don't want to go into any detail about this, but it is  
24           right, isn't it, that in that claim you have made an  
25           allegation of assault against the successor commanding

1 officer to Colonel Mendonca --

2 A. Yes.

3 Q. -- and also to another company sergeant major?

4 A. No, the regimental sergeant major.

5 Q. Forgive me, my fault, regimental sergeant major.

6 It may be said, S038, that, if I can put it

7 straightforwardly, you have it in for the army. Would

8 that be true?

9 A. No, no, not whatsoever. I would gladly have served up

10 to 55 years of age with the British forces.

11 Q. It may be said that some of the things that you have put

12 into your statement, particularly those that relate to

13 the CO, are simply vindictive allegations which have no

14 foundation --

15 A. Well that's incorrect.

16 Q. -- or that they are perhaps your imaginings and not the

17 truth.

18 A. That's incorrect. Sergeant Tillotson already pays(?)

19 with referral that he had seen pictures with blood

20 splatters on it.

21 Q. Yes. We are going to hear evidence from

22 Sergeant Tillotson as to what he does and does not

23 recall of these events in due course. I am just asking

24 you about them for the moment. The fact that you didn't

25 report some of these issues and events that you

1           witnessed it may be said is because it didn't happen.  
2           Do you follow?

3    A.   No, it did happen.  What happened to me through opening  
4           my mouth with my own claim, where I had to stand up for  
5           myself, is the main reason why I didn't open my mouth in  
6           Iraq, because once you go against the system, all hell  
7           breaks loose.

8    Q.   Finally, can I ask you this -- and again I don't want to  
9           go into any detail at all, but simply so that we have  
10          the full picture, as it were: it is right, isn't it,  
11          S038, that since about 2004 or 2005 you have been  
12          receiving some treatment for mental health problems?

13   A.   Yes, I have.

14   Q.   That is ongoing, is it?

15   A.   Yes, it is.

16   MR ELIAS:  Thank you.

17                 Yes, thank you very much.

18   THE CHAIRMAN:  Yes, now you are going to be asked questions  
19          by some other counsel, all right?  Do you understand?

20   A.   Yes, that's fine.  Yes.

21   THE CHAIRMAN:  Very well.  Mr Friedman?

22                         Questions by MR FRIEDMAN

23   MR FRIEDMAN:  Thank you, S038.  Can you see me?

24   A.   No, I can't.  I can see the chairman.

25   Q.   Can you see me now?

1 A. Yes, I can. Hi.

2 Q. Hello. Just in terms of the civil action that you are  
3 bringing and the information that you have given to this  
4 Inquiry --

5 A. Yes.

6 Q. -- what caused you to give the information that you have  
7 given to this Inquiry?

8 A. That's a hard one to answer. I received a letter from  
9 the Inquiry team towards the Inquiry about Baha Mousa.  
10 The questions on there paid no relation to what I had  
11 seen. However, within there, there was a question on  
12 culture of the battalion. At this point I contacted the  
13 Inquiry team.

14 Q. Can I put the point bluntly? It might be said that if  
15 you can get a criticism accepted of the culture of 1 QLR  
16 that goes back in time before the subject of your civil  
17 action, it would help your civil action.

18 A. I am not bothered -- right -- you are going on about my  
19 civil action.

20 Q. Yes.

21 A. The action that I want is justice. No compensation.  
22 I don't want compensation. I want people who have  
23 abused their rank and status to pay with justice. If  
24 they turn round from my own case and say, "Right, they  
25 have been dealt with satisfactorily, are you

1 satisfied?", the answer would be "yes".

2 Q. I understand. Can I then turn generally to

3 Colonel Mendonca and not repeat what you have already

4 been answering questions about, but just ask you this:

5 in your opinion, from what you saw of Colonel Mendonca,

6 did he put promotion of himself and the reputation of

7 1 QLR above the safety of his troops and others?

8 A. Yes.

9 Q. Turning to Regimental Sergeant Major Briscoe, again I am

10 going to use the formula that you had a previous social

11 connection with him. In order to protect your

12 anonymity, we use those words.

13 A. Yes.

14 Q. Did the fact of that previous social connection and the

15 fact that it broke down influence you to make these very

16 serious criticisms of him or is it disconnected?

17 A. None whatsoever. None whatsoever.

18 Q. Again, just in terms of what you knew of Mr Briscoe, it

19 has been said by another witness that in terms of his

20 conduct during Telic 1, his main priority was to get

21 a commission and for that reason he wouldn't have rocked

22 the boat in any way. Would you agree with that

23 observation or not or you can't say?

24 A. No, I wouldn't agree with that. Mr Briscoe was a fair

25 bloke and he actually got the family atmosphere back

1           into the mess, due to prior RSMs what had completely  
2           mucked it up. Normally he would be fair and this was  
3           totally, in my eyes, out of character. But he was the  
4           RSM and he was the right-hand man of the commanding  
5           officer.

6   Q. Now you used a phrase when you explained why you didn't  
7           report one of the incidents that disgusted you. It was  
8           about you were told to "play the game".

9   A. Yes.

10 Q. Was there anybody in particular who emphasised to you  
11           that you should play the game?

12 A. Yes, Mr Briscoe.

13 Q. Did you have a particular conversation with him on tour  
14           about playing the game?

15 A. Yes.

16 Q. Can you just give us some details of when that was?

17 A. That was the incident with the two soldiers who had been  
18           in trouble and then Colonel Mendonca had punished  
19           120 soldiers.

20 Q. Right. Just to test that, you actually gave the  
21           "playing the game" example to Mr Elias this morning with  
22           regard to the rampaging in the ram raid, where you found  
23           the property had been rampaged.

24 A. Yes.

25 Q. You explained why you didn't take it further up the

1 line. So that was before, was it --

2 A. Yes.

3 Q. -- the incident --

4 A. Yes, it -- for a person to go against the system,  
5 ie your commanding officer, is -- you are dealing  
6 yourself with your own career failing. You just --

7 Q. Sorry. So that had come to you --

8 A. That would just wipe -- it would wipe your social, your  
9 promotion and everything out the window.

10 Q. That was something that you generally understood at that  
11 time earlier --

12 A. Yes, you would be given the disloyal card and you would  
13 be ousted.

14 Q. Just on the specifics, I am going to ask you very brief  
15 questions about the matters you dealt with. First is  
16 what you call the "ram raid incident" in your statement.  
17 I just want to see if we can work out what company it  
18 was because you knew Major Kenyon. You seemed to know  
19 him because in paragraph --

20 A. Yes, he's Corunna Company.

21 THE CHAIRMAN: Could you please wait until the question has  
22 finished before you try to answer? All right?

23 A. Yes, sorry, sorry.

24 MR FRIEDMAN: You have given the answer that it is correct  
25 that you knew Major Kenyon and he was C Company,

1 Corunna Company.

2 A. Yes.

3 Q. We know that you knew Major Lighten because he was

4 B Company.

5 A. Yes.

6 Q. Obviously you knew Major Hemesley, who was your own OC

7 in Somme Company.

8 A. Yes.

9 Q. Would that help you to identify at least the company of

10 the OC that you saw present when the property was

11 rampaged?

12 A. No. However, if I had my search reports it would help

13 me because then I would --

14 Q. Can I not -- sorry, I interrupted you.

15 A. -- then I would be able to see which AOR I would be in.

16 Q. If I put it to you that by a process of elimination it

17 would be A company because you knew the other OCs from

18 the other three companies --

19 A. No, I wouldn't be able to say "yes". No, I wouldn't be

20 able to say "yes" or "no" on that.

21 Q. Now you say your own platoon commander was there. We

22 have a platoon --

23 A. Yes.

24 Q. -- commander that has a cipher of "S047", so I don't

25 want you to name him --

1 A. Yes.

2 Q. -- but was he a man who came from Northern Ireland?

3 A. Yes, he was.

4 Q. Onto the derelict search incident please.

5 A. Yes.

6 Q. If it remains the case, why do you think no one else out  
7 of the 120 or 140 people who were there has come forward  
8 to say that they saw the CO strike a man?

9 A. Because probably 99 per cent of them are still in the  
10 forces.

11 Q. We have some who are not in the forces and they have  
12 also not come forward. Do you have any view about that?

13 A. Moral courage.

14 Q. Just when you went into the ops room and, in your words  
15 this morning, said "There was no need for that  
16 whatsoever" --

17 A. Yes.

18 Q. -- can you be certain now that you actually named  
19 Colonel Mendonca or just --

20 A. Yes, yes.

21 Q. I was going to say "... or just complained generally  
22 about the beatings".

23 A. Yes.

24 Q. You specifically named Colonel Mendonca?

25 A. Yes, I said "There was no need for that by the CO".

1 Q. Was that at the same time that Major Lighten was dealing  
2 with the female clerk or did that happen later?

3 A. No, that happened probably between five minutes after,  
4 I would presume.

5 Q. Just on the photographs, are you able to give  
6 a description of the young officer who took the  
7 photographs other than that he was young and an officer?

8 A. It was a young officer. The cross-pollination between  
9 companies is rare, so you don't know who's with who and  
10 it was just a young officer.

11 Q. Understood. Who, in your mind, was responsible for  
12 passing on the paperwork and the photos up the chain of  
13 command?

14 A. What, for my search report?

15 Q. No, the photographs that were being taken, the purpose  
16 for why everyone was taken to the company lines of  
17 B Company.

18 A. Can you be more specific on that? I mean the  
19 photographs were there to help me out to put my after  
20 photographs within my search report. However, each  
21 company had their own, like, trophy sort of magazine or  
22 noticeboard to say, "This is our operation, this is our  
23 operation".

24 Q. So in your mind those paragraphs were taken for the  
25 purposes of your report and only your report?

1 A. No, they could have been also done for Burma Company's  
2 own like memorabilia book.

3 Q. All right, but no other reason in your mind?

4 A. No.

5 THE CHAIRMAN: Mr Friedman, you are getting close to your  
6 time.

7 MR FRIEDMAN: One last question on the photographs. At  
8 paragraph 103 of your statement, for those who are  
9 reading it -- you don't need to go to it -- you indicate  
10 that you had written into the report that the  
11 photographs had been deleted and by whom.

12 A. Yes.

13 Q. Can we take it that you recall specifically naming  
14 someone?

15 A. In the report it would have been there because I asked  
16 who done the downloading of them pictures and I put  
17 into --

18 Q. So who did you --

19 A. Yes, I named him.

20 Q. Who?

21 A. Pardon?

22 Q. Who did you name as the person who had --

23 A. The person who took the photos, which was the young  
24 officer.

25 Q. So in the report you referred to a young officer taking

1           photographs?

2    A.  No, I asked for his name.  That's why I wanted my search

3           reports.

4    Q.  I am sorry.  It may be me.  As I understood it, you had

5           said in your report that the photographs had been

6           deleted and that you --

7    A.  In error.

8    Q.  Yes.

9    A.  In error by --

10   THE CHAIRMAN:  Listen.

11   A.  Yes -- that young officer.

12   THE CHAIRMAN:  Please pause.

13   A.  Sorry, sorry.  Sorry, Mr Chairman.

14   THE CHAIRMAN:  You are both interrupting.  Nothing happens

15           and we are wasting time.

16   MR FRIEDMAN:  I understand.

17   THE CHAIRMAN:  Very well.  Is there anything more you want

18           to ask?

19   MR FRIEDMAN:  So you described a young officer.

20   A.  I found it -- I think he was skinny looking.

21   THE CHAIRMAN:  Yes, Mr Friedman, any more you want to ask?

22   MR FRIEDMAN:  No, thank you, Sir.

23   THE CHAIRMAN:  Thank you very much.

24           Mr Garnham?

25   MR GARNHAM:  Sir, there is a matter that I want to question



1 Major Kenyon, did you?

2 A. No.

3 Q. And you therefore didn't really speak to anybody else  
4 about the state of the building?

5 A. No.

6 Q. You were irritated that C Company had gone into the  
7 building in the first place when you felt that you or  
8 the Royal Engineer search team should have gone in  
9 first, is that right?

10 A. It should have been the Royal Engineer search team that  
11 should have done that job.

12 Q. Because they are the specialists in this matter?

13 A. Yes, it was high risk.

14 Q. In your opinion, once you got there?

15 A. Yes.

16 MS EDINGTON: Yes.

17 THE CHAIRMAN: You are likely to take a little time, are you  
18 not, Mr Langdale? I wonder if you would mind if I ask  
19 Mr Dingemans if he has any --

20 MR DINGEMANS: He is my client.

21 THE CHAIRMAN: He is your client. Well, I'll tell you what  
22 we'll do. Ten minutes, half past 11.

23 We will break off now for a moment, please. Would  
24 you please not talk to anybody about your evidence? We  
25 will break for ten minutes. Can you be ready to start



1 Q. I don't want you to give the name, I don't want you to  
2 say the name, but if the solicitor who is there present  
3 with you could give you a piece of paper and a pen, I am  
4 going to ask you to write it out on a piece of paper so  
5 he can keep it and bring it back to the Inquiry. Do you  
6 follow?

7 A. Yes.

8 Q. So don't, please, give us the name, but can you now  
9 write it out for me?

10 A. Yes. I remember her first name. The last name it's  
11 similar, but I don't know whether it is --

12 THE CHAIRMAN: Just write right, as I think you have done,  
13 what you believe to be the first name and indeed, if you  
14 can, the second name. Don't say any more than that.  
15 Have you done that now?

16 A. Yes, I have done that, Chairman.

17 THE CHAIRMAN: Thank you very much.

18 MR ELIAS: Just so we understand it, that is a name, is it,  
19 not that you know yourself but a name that you believe  
20 you have been given by someone else?

21 A. Yes.

22 THE CHAIRMAN: Thank you.

23 MR ELIAS: Thank you.

24 A separate matter and please tell me if you can't  
25 help: the young officer who took the photographs --

1 A. Yes.

2 Q. -- did you ever know -- I think you told us you did know  
3 his name --

4 A. Yes, but I couldn't --

5 Q. I don't want you to give the name again, but do you now  
6 have any recollection of his name?

7 A. I think I do, yes.

8 Q. Again, would you like to write that down, please,  
9 perhaps on the same piece of paper but below?

10 A. I have done that, sir.

11 Q. Thank you very much. Those are the two matters I wanted  
12 your help about. Those will now be brought back to the  
13 Inquiry if your solicitor would be kind enough to bring  
14 them back on his return.

15 Could I also simply indicate this to you -- again  
16 I do this as a result of discussions that have taken  
17 place during that short break.

18 A. Yes.

19 Q. -- I referred you to Mr Briscoe and what I think  
20 I described as a previous social connection outside the  
21 army.

22 A. Yes.

23 Q. You are likely, I think, to be asked some further  
24 questions about that and I simply remind you not, in  
25 giving your answers, to disclose the precise nature of



1 medical stuff towards people who had gone -- who had  
2 been downgraded.

3 Q. Sorry, I do not understand that. What does that mean?

4 A. They were basically abused while they was out there and  
5 people were medevaced from the Falklands. Therefore the  
6 commander at the Falklands decreed that no downgraded  
7 personnel from my company which was going would be  
8 allowed to go to the Falklands.

9 Q. Were you medically downgraded?

10 A. Yes, I had been medically downgraded from February of  
11 2004 with a degenerative disc in my neck.

12 Q. And that was the only reason you didn't go to the  
13 Falklands?

14 A. Precisely.

15 Q. There was no element of election or choice by you?

16 A. No. Two weeks prior to them deploying to that base,  
17 I was on the manifest. I was doing everything to go to  
18 the Falklands.

19 Q. You felt aggrieved, didn't you, about the way you were  
20 treated by the army?

21 A. In my last 18 months, yes.

22 Q. Not before that?

23 A. No. Once the battalion had left and I moved to  
24 a different post, the infrastructure what was in my new  
25 post was brilliant.

1 Q. You regarded yourself as the victim of bullying. You  
2 tell us that in your statements.

3 A. Yes.

4 Q. You regarded yourself as the victim of negligence. That  
5 was the basis of your civil action, wasn't it?

6 A. It was discrimination, harassment, assault, both  
7 physical and verbal.

8 Q. And negligence? You were treated negligently?

9 A. Negligence, yes, on reporting.

10 Q. And you faulted the army for what you regarded as the  
11 mismanagement of your career; is that right?

12 A. Yes, yes.

13 Q. All of that has affected the evidence you have given  
14 this Inquiry, hasn't it?

15 A. No, it hasn't.

16 Q. You have been keen to get your own back on the regiment  
17 and its officers, haven't you?

18 A. No, I have not.

19 Q. That has led you to make up allegations and to  
20 exaggerate events that happened?

21 A. No. No.

22 Q. The account you give of a female RMP corporal kicking  
23 a detainee is not true --

24 A. Yes --

25 Q. -- is it?

1 A. Yes, it is true.

2 Q. Nor is the case that you reported that incident to  
3 Major Lighten, is it?

4 A. It's all true. What I have stated in my statement is  
5 true.

6 Q. In your statement, in a paragraph that for others it may  
7 be convenient to indicate is paragraph 101, you say that  
8 it was apparent to you that the female clerk had  
9 assaulted three prisoners. Do you remember that  
10 incident?

11 A. Yes.

12 Q. You didn't witness that assault, did you?

13 A. No, I didn't.

14 Q. From what, exactly, was it apparent to you that she had  
15 done it?

16 A. Because she was still stood over one of the last men who  
17 she'd hit and she was subsequently moved into the  
18 company office.

19 Q. How does that enable you to say that it was she who had  
20 hit the three?

21 A. Because she admitted that she'd hit him because he had  
22 lunged for her.

23 Q. She admitted she had hit him?

24 A. Yes.

25 Q. You don't say that in your statement, do you? That's

1 a new piece of evidence. Perhaps we should have  
2 paragraph 101 on the screen please. Have you found  
3 paragraph 101?

4 A. Yes, got it.

5 Q. Two-thirds of the way through that paragraph you say:  
6 "It was apparent to me that this had been done by  
7 the female company clerk as she immediately turned round  
8 and said to her OC ... 'Oh, they went for me'."

9 There is no reference there to her having admitted  
10 to striking them, is there?

11 A. Well, it reads there:  
12 "She immediately turned round and said to her OC,  
13 Major Lighten, 'Oh, they went for me'."

14 Q. Yes --

15 A. Is that not a --

16 Q. -- but the critical difference between that version of  
17 events and the one you have just volunteered is that in  
18 the version you have just given the chairman, you say  
19 that she admitted an assault, whereas --

20 A. Well, that is what she has just done there, "Oh, they  
21 went for me".

22 Q. No. That's an allegation that she was the victim of an  
23 assault.

24 THE CHAIRMAN: Well, that may be a matter of interpretation.  
25 If that's what he says, that's what he says.

1 MR GARNHAM: Yes. Let me ask you this: if it was the case  
2 that she had said in your hearing that she had assaulted  
3 them, wouldn't you have put that in your statement,  
4 those words?  
5 A. Well, I have done, "Oh, they went for me".  
6 Q. I see. How did you know from what you'd seen that what  
7 she said there, "they went for me", was not true?  
8 A. Repeat that question.  
9 Q. How did you know that her explanation, "they went for  
10 me", was not true?  
11 A. Well, I don't. But the people were covered in blood,  
12 split lips, blood all the way down their fronts.  
13 Q. Three men?  
14 A. Pardon?  
15 Q. Were there three men who were so injured?  
16 A. Yes, there were three men there covered in blood.  
17 Q. What you say you heard was her saying "they went for  
18 me".  
19 A. Yes.  
20 Q. How do you know that it is not true --  
21 A. Well, I don't.  
22 Q. -- that they went and attacked her?  
23 A. Well, because I am -- on going outside, they were all  
24 still in the same positions except for the last man who  
25 was crouched on the floor.

1 Q. But you are not in a position to say, are you, whether  
2 or not they attacked her?

3 A. No, I am not.

4 Q. Nor are you in a position, are you, to criticise  
5 Major Lighten for the way he dealt with this because you  
6 don't know what he did?

7 A. No, I don't. I never criticised Major Lighten.

8 Q. You don't criticise Major Lighten?

9 A. No, because I don't know what punishment he gave out to  
10 the RMP girl, to the clerk or to anybody else.

11 Q. Or whether or not punishment was justified because you  
12 don't know what his investigation revealed?

13 A. No.

14 Q. Thank you. Let me ask you about the steel factory  
15 incident next, please.

16 A. Yes.

17 Q. This is a complete invention, isn't it?

18 A. Pardon?

19 Q. This is a complete invention by you?

20 A. No, it is not.

21 Q. You say that those present included Mendonca, Briscoe  
22 and Roberts, the PTI instructor.

23 A. Yes.

24 Q. This, if you are right, was the most outrageous  
25 incident, wasn't it?

1 A. No, it is not. The most outrageous was doing it in  
2 front of the whole company and search team.

3 Q. I am not sure I understand that. So the actual assault  
4 you don't regard as outrageous; you regard it as  
5 outrageous because others saw it?

6 A. No, because the assault should have never happened.  
7 There was no requirement to do anything to Iraqis who  
8 were "Ali Babas", as they put it.

9 Q. Given that there was an assault by the commanding  
10 officer and senior NCOs, it was outrageous?

11 A. Yes. It was outrageous for anybody to do an assault on  
12 anybody who didn't require it.

13 Q. What you did about that was to report it in chitchat to  
14 others, but to do nothing formal; is that right?

15 A. Yes.

16 Q. Why didn't you elevate this up the chain of command  
17 above Colonel Mendonca, if he was involved?

18 A. Well, the same reason, when my complaint went in, it  
19 came become down to the commanding officer.

20 Q. It is most unlikely that that would happen if it was  
21 a complaint about the commanding officer, isn't it, if  
22 you had made a complaint to division?

23 A. That's exactly what's happened in my own case.

24 Q. You talked earlier, when you were answering questions  
25 from Mr Elias, about having moral courage to report --

1 A. Yes.

2 Q. -- appalling behaviour. Did you show moral courage on  
3 this occasion, S038?

4 A. No, I didn't. No, I didn't.

5 Q. But you could have done and you should have done --

6 A. Yes.

7 Q. -- if it's true what you say happened?

8 A. It is true.

9 Q. You say that you did talk about it to Weston and  
10 Topping.

11 A. Yes.

12 Q. Did you talk about it in terms that made clear what  
13 exactly --

14 A. What had gone on --

15 Q. -- had happened?

16 A. Yes.

17 Q. Did you talk about it in terms that made clear just how  
18 outrageous it was?

19 A. Yes.

20 Q. That was not a description of an event they were likely  
21 to forget, was it?

22 A. No, it wouldn't be.

23 Q. So if they say that they didn't hear it, they can't be  
24 telling the truth?

25 A. It's their interpretation of whether they want to tell

1 the truth.

2 Q. You have made those allegations about Mr Briscoe because  
3 of the differences which have been referred to obliquely  
4 between you and him, haven't you?

5 A. No, that is absolutely wrong. Me and Mr Briscoe were  
6 still friends up to me leaving the battalion. He even  
7 gave me a letter to say "Remember the good times", so  
8 that is incorrect.

9 Q. I am not permitted to reveal in my question the nature  
10 of the connection between the two of you, but you know  
11 what it is, don't you?

12 A. Yes, I do.

13 Q. Could you have that piece of paper back, please, that  
14 your solicitor provided you with?

15 A. Yes.

16 Q. Could you write, underneath the two names you have  
17 already given, the nature --

18 A. What the relation is?

19 Q. -- of the relationship, please.

20 A. Done it.

21 Q. That relationship concerned another person, didn't it?  
22 There is a connection between you that consists of  
23 another person?

24 A. Yes.

25 Q. Did you fall out with that other person in some way

1           without -- just a "yes" or "no" will do.

2    A.   Yes.

3    Q.   As a result of that falling out, did that connection

4           between you and that other person break down?

5    A.   No.

6    Q.   Not at all?

7    A.   Nothing.  Me and him -- me and him were still good

8           friends.

9    Q.   You misunderstand me.  Did the relationship between you

10           and the person that you and Briscoe have in common -- do

11           you know who I am referring to?

12   A.   I believe so.

13   Q.   -- did the relationship between you and that other

14           person -- not Briscoe, the person I can't identify --

15           did the relationship between you and that other person

16           break down?

17   A.   Yes.

18   Q.   Is it right that Mr Briscoe took that other person's

19           side in that disagreement rather than yours?

20   A.   No.  I think you are on the wrong track here or I am on

21           the wrong track because me and Mr Briscoe have been

22           friends for over 24 years.

23   Q.   He says -- and he said to the chairman -- that there was

24           a reason for you making up an allegation against him.

25   A.   No.

1 Q. Can you think of what that might be?

2 A. Not got a clue.

3 Q. As a similar part of the slightly cloak and dagger  
4 regime we are having to adopt, he wrote that down on  
5 a piece of paper so I can't relate it to you. But you  
6 can't think of any reason, can you, why he would say of  
7 you that there was a good reason why you might make up  
8 allegations against him?

9 A. None whatsoever.

10 MR GARNHAM: Yes. Thank you very much.

11 THE CHAIRMAN: Yes. Mr Langdale?

12 Questions by MR LANGDALE

13 MR LANGDALE: S038, you were posted to Glencourse, were you  
14 not --

15 A. Yes.

16 Q. -- in the early part of 2002?

17 A. Yes, I was.

18 Q. I am not trying to test you on dates, but I think that  
19 is about right.

20 A. Yes, that's correct.

21 Q. Was that something you were happy to be doing or  
22 something that displeased you?

23 A. At the present time it was happy.

24 Q. When you say "at the present time", do you mean at the  
25 time that it happened?

1 A. Yes.

2 Q. So you were quite happy to be posted there?

3 A. Yes.

4 Q. It was in fact Colonel Mendonca's predecessor,  
5 Colonel Davies, who had posted you there, wasn't it?

6 A. No, that was in that previous year from 1997.

7 Q. Colonel Mendonca became the CO of 1 QLR in December of  
8 2001. You went to Glencourse in about January 2002.  
9 I am suggesting to you that it would be wrong to say  
10 that Colonel Mendonca posted you there. Do you agree?

11 A. No, that's incorrect. No, that's incorrect. I went to  
12 Glencourse on February 5 of 2002. I had also had  
13 a previous posting for three years, from 1997 up to  
14 2000, at HR Glencourse.

15 Q. When you were at Glencourse or on the course at  
16 Glencourse in 2002, was it right that you were  
17 temporarily the acting RSM?

18 A. Yes.

19 Q. Therefore temporarily W01?

20 A. No, I was still a W02.

21 Q. Yes, but in terms of your acting role, that was a W01  
22 role, was it not?

23 A. Yes, yes.

24 Q. That, S038, has been your great ambition, hasn't it, to  
25 get promoted to W01?

1 A. It is with any person within a rank.

2 Q. But for you it particularly upset you that you failed to  
3 make it, didn't it?

4 A. No, it didn't.

5 Q. Are you seriously telling the Inquiry that you really  
6 weren't bothered by the fact that you didn't make it to  
7 WO1?

8 A. My aspirations throughout my army career was to reach  
9 the highest rank that I could possibly do. At each rank  
10 stage you are always looking forward or hoping that you  
11 are going to get the next rank, but as --

12 Q. My question --

13 A. Go on.

14 Q. My question was: are you saying it didn't upset you or  
15 concern you that you didn't make it?

16 A. No.

17 Q. You weren't in the least bit worried?

18 A. Well, no, because I only had -- by the time I had come  
19 back from Iraq with a degenerative disc, I knew my army  
20 career was possibly over, even with two years left.

21 Q. That's not right either, is it, S038? You did your best  
22 to try and get good reports, improved reports, improved  
23 appraisals, so that you could stay in the army much  
24 longer than you did?

25 A. I would have stayed in the army up to 55 even if I was

1 still on the long service list as a WO2.

2 Q. Did Colonel Mendonca ever compile any appraisal or  
3 personal report about you when he was the CO?

4 A. Yes, he did.

5 Q. Was that a report which encouraged you to think that you  
6 were still in the running for promotion to WO1 or  
7 a report which encouraged you to think that you probably  
8 had reached your peak?

9 A. He had put in one report which was late by eight months  
10 that I was suitable to an HR depot as a WO1, but not  
11 within the battalion.

12 Q. Did his successor, Colonel Jefferies, write a report or  
13 any reports which indicated that in his view you had  
14 reached your level at WO2?

15 A. No, he put in that I lacked sparkle, motivation,  
16 et cetera, et cetera.

17 Q. Because it is your underlying grudge, isn't it, against  
18 Colonel Mendonca and indeed Colonel Jefferies that you  
19 didn't get as far as you had hoped?

20 A. No. It was the manner in which they did it.

21 Q. The manner in which they did it. What was wrong with  
22 the manner in which Colonel Mendonca did it?

23 A. Colonel Mendonca's was fine, but it was still late. The  
24 appraisal time was late. When it came to  
25 Colonel Jefferies, I hadn't even seen the first

1 reporting stuff. When I removed myself from the CO's  
2 office, I asked for a resolution interview and was  
3 subsequently denied.

4 Q. You don't hesitate to make complaints when you have  
5 a basis for making a complaint, do you?

6 A. No, I don't.

7 Q. No, you --

8 A. I was unjustifiedly wronged by these people who were in  
9 rank.

10 Q. Yes. Does that count as playing the disloyalty card in  
11 your view?

12 A. What, me?

13 Q. No, the --

14 A. I have been loyal -- I have been loyal to Queen and  
15 country for 24 years and loyalty runs both ways.

16 Q. Is it right that you claimed that you had been subjected  
17 to humiliating conduct --

18 A. Yes.

19 Q. -- abuse and inappropriate --

20 A. Yes.

21 Q. -- behaviour by the RSM at the time, WO1 Hayes?

22 A. Yes.

23 Q. Colonel Jefferies, yes?

24 A. Yes.

25 Q. The adjutant at the time?

1 A. Yes.

2 Q. Captain Sweeney?

3 A. Yes.

4 Q. Anybody else you would like to include?

5 A. No, that is about it.

6 Q. I see. Then you have alleged -- and you are taking  
7 proceedings in connection with it -- that you were  
8 assaulted by WO1 Hayes in --

9 THE CHAIRMAN: Just pause a moment. Please would you wait  
10 until the question has finished before you answer; all  
11 right? Do you understand? Thank you.

12 MR LANGDALE: -- 6 September, to give the precise date,  
13 2004; yes?

14 A. Yes.

15 Q. And you have been suffering, have you, from the assault  
16 since then? I am not asking the details --

17 A. Yes.

18 Q. You have. I see. You reported that assault, did you  
19 not, to your then officer commanding and the garrison  
20 commander?

21 A. Yes.

22 Q. Yes. The RMP investigated, did they not?

23 A. Some 18 months later, may I put it in.

24 Q. The answer to my question is "Yes, they did". And they  
25 found no basis for charge, did they?

1 A. I think you have got that information incorrect. You  
2 need to look at the police report what was given to me.

3 Q. Well, it is not your fault. I have indicated that  
4 I would like to see it and I have not been able to get  
5 it. But, S038, the fact of the matter is no charges  
6 were laid in respect of this allegation of yours,  
7 correct?

8 A. And why was that?

9 Q. I am asking you the question. I would like you to  
10 answer please.

11 THE CHAIRMAN: If you could just answer the question. If  
12 you don't know, say so, but, please, you can't ask  
13 questions in return.

14 A. Well, the reasons for that, the British forces played  
15 the time delay on that investigation going ahead and  
16 have played the time delay subsequently for the past  
17 five years.

18 Q. And you appealed the decision not to bring any charges  
19 and provided some further evidence which the provost  
20 marshal examined, didn't he?

21 A. Pardon? Can you say that again?

22 Q. Did you appeal the decision that was made that no charge  
23 should be brought?

24 A. Yes.

25 Q. Was your appeal examined or heard by the provost

1 marshal?

2 A. Probably. I don't recall.

3 Q. Please explain. How can you not recall?

4 A. Right, I have dismissed or not been happy with the

5 results that have come back because I was not satisfied

6 with the judgment, and it states within AGAI 67 and

7 AGAI~70 that if you are not satisfied by the carrying

8 out of the investigation by both the MS and the

9 military, then you take it up to the next formation. It

10 states within AGAI 70 that my complaint should have been

11 at the army board within six months. It took up to the

12 latter of 2009 to even reach the army board,

13 subsequently four years later than what it should have

14 got there, therefore unsatisfied.

15 Q. You have been a bit late with your claims, have you not,

16 S038?

17 A. No, I have not. My claim went straight in --

18 THE CHAIRMAN: Please both of you stop. You are now just

19 arguing with each other. Would you please listen to the

20 question and answer it as you can when it is finished,

21 otherwise you just get into an argument between the two

22 of you.

23 MR LANGDALE: Leave aside your appealing in terms of army

24 procedures, you have also brought a case against

25 WO1 Hayes and the Ministry of Defence in a county court,

1           have you not?

2    A.   Yes, I have.

3    Q.   The defence in that case alleges that you have been  
4           rather late in bringing your claim, does it not?

5    A.   Wrong.

6    MR DINGEMANS:  Sir, I entirely understand that my learned  
7           friend is entitled to put the case fully, but asking  
8           whether a civil claim is late is, we respectfully  
9           submit, on the tangent of relevance.

10   THE CHAIRMAN:  I have not stopped because it is not  
11           unimportant to Mr Langdale's client, but at the moment  
12           I am not being greatly assisted by it, Mr Langdale.

13   MR LANGDALE:  I have made the point and I am not going to  
14           pursue that aspect of it.

15                 Furthermore, you have lodged a redress of complaint  
16           in terms of your confidential report, haven't you?

17   A.   And the conduct of these people carried it out.

18   Q.   So the answer is "yes".  It is part of the picture, you  
19           see, that I am asking about that you do not hesitate to  
20           complain.  You were concerned about your confidential  
21           report for which Colonel Jefferies was responsible  
22           because it meant that your chances of promotion were  
23           non-existent?

24   A.   Wrong.

25   Q.   And you also allege that Colonel Jefferies assaulted

1           you -- is that right?

2    A.   True.

3    Q.   -- by throwing a bit of paper at you?

4    A.   It is an assault.  Whether you spit on me or whatever,  
5           it is an assault.

6    Q.   Have you really got something of a bee in your bonnet,  
7           S038, about all of these injustices that you claim have  
8           been done to you?

9    A.   What, abuse of rank, abuse of authority?

10   Q.   You told this Inquiry that your only interest is in  
11          justice.

12   A.   Yes.

13   Q.   You are not interested in compensation.  That's not true  
14          either.

15   A.   Right.  The injustice happens -- when I put that  
16          complaint in about my CR is the way it was written,  
17          slanderous to my character and then the subsequent  
18          follow-up by the processes, which are supposed to be  
19          unified throughout the British forces, was incorrect, so  
20          therefore I wasn't satisfied.  The investigation was  
21          supposed to have been started immediately.

22   Q.   Forgive me, I am sorry if I didn't make myself clear.  
23          I am suggesting to you that it's not right when you tell  
24          the Inquiry that you are not interested in compensation.  
25          You are, aren't you?

1 A. The justice comes first. If the court says, "Right, you  
2 can have some money", then that is fine.

3 Q. You have made it --

4 A. No, what I'm on about, the military system is governed  
5 by the law of land and the military law. Both times it  
6 has failed me in my own case.

7 Q. You have applied or seek, through your civil claim,  
8 damages, don't you?

9 A. Yes, but that was done as per normal --

10 THE CHAIRMAN: Just please pause a moment. I know it is not  
11 easy and I appreciate that it is upsetting for you, but  
12 could you please just confine your answers to the  
13 questions you are being asked and not argue it; all  
14 right? Do you understand?

15 A. Yes, your Honour.

16 THE CHAIRMAN: Thank you.

17 A. Yes, Chairman.

18 THE CHAIRMAN: Mr Langdale, you put a catalogue of matters  
19 to him. I think I have the general drift of this. Are  
20 you going to ask him about the incidents or not?

21 MR LANGDALE: I am, but I am going to ask him one more  
22 thing, if I may, about compensation.

23 In addition, S038, you have made a claim under the  
24 Criminal Injuries Compensation Scheme, haven't you?

25 A. Yes.

1 Q. Thank you. I want to ask you some questions about  
2 particular allegations you have made in relation to your  
3 tour in Iraq.

4 A. Go on.

5 THE CHAIRMAN: Now, just wait for the question. Don't  
6 comment please.

7 MR LANGDALE: For general reference purposes, I am going to  
8 give the page number BMI04261, paragraph 52. S038, if  
9 anything that I am asking you means that you want to  
10 refresh your memory from your statement, please do, but  
11 I think you can deal with this without looking. If you  
12 would rather look, go ahead. If you want to see, it is  
13 paragraph 52.

14 Kuwait, your complaint that Colonel Mendonca didn't  
15 care about the welfare of his troops. Do you really  
16 mean that?

17 A. Yes, I do.

18 Q. According to you, Colonel Mendonca was very keen on the  
19 reputation of 1 QLR being maintained, and it follows --

20 A. Yes.

21 Q. -- does it not, that he must have been very keen that  
22 they did well in Basra; correct?

23 A. There are ways to do -- to bring the battalion in light,  
24 but to put people at risk through heatstroke --

25 Q. And --

1 A. - (indistinct) in heat.

2 Q. What are you saying about black berets and floppy hats  
3 again is just plain wrong. You were not forbidden from  
4 wearing floppy hats in Kuwait, were you?

5 A. We was told to wear our berets. That was an order,  
6 berets only.

7 Q. S038, the wearing of berets was instituted when 1 QLR  
8 were in Basra. It is not right to suggest, as you have,  
9 that they were not allowed to wear floppy hats in  
10 Kuwait. A simple point.

11 A. We even did a Waterloo parade out in the desert with  
12 berets on.

13 Q. Is it right that Colonel Mendonca, although he could  
14 have permitted alcohol to be consumed, forbade it?

15 A. Yes, he did.

16 Q. 1 QLR were to be, if I can use the expression, "dry";  
17 correct?

18 A. That's correct.

19 Q. The reason was the concern about the effects of alcohol  
20 in terms of the excessive heat that 1 QLR troops had to  
21 put up with; correct?

22 A. Correct.

23 Q. Did you like that decision, S038, or did you find that  
24 something against the CO?

25 A. Well, no, because it is -- in other operations there's

1           been a no drinking policy out in different places.

2   Q.   How in your --

3   A.   However --

4   Q.   How, in your view, does it help 1 QLR to do a good job

5           if the CO isn't concerned about the welfare of his

6           troops? Please explain that.

7   A.   I am afraid -- could you re-do that question?

8   Q.   I am suggesting to you that your suggestion is complete

9           nonsense. I am asking you how it could be, in your

10           mind, that a CO who is concerned about doing a good job

11           in Basra is not also concerned about the welfare of his

12           troops. Could you explain about that?

13   A.   Right, well, okay then. Why punish 120 people for two

14           people?

15   THE CHAIRMAN: Again, we are getting into an argument about

16           this. Can we get to the detail, Mr Langdale?

17   MR LANGDALE: Sir, yes, of course.

18           The search for the bomb factory --

19   A.   Yes.

20   Q.   -- page BMI04268, starting at paragraph 77. It is not

21           right, as you suggest, that Colonel Mendonca arrived

22           wanting to take photographs of this particular find.

23   A.   Well, what did he want to do?

24   THE CHAIRMAN: Would you please, S038, don't comment, just

25           answer the question. It is quite simple. Is it right

1 or not right? You say it is right, do you?

2 A. He turned up and took photos and then disappeared.

3 THE CHAIRMAN: Right. Just answer the question when you get  
4 to it.

5 MR LANGDALE: Did he have a camera?

6 A. No, he probably didn't, but his entourage did.

7 Q. I am not concerned with "probably". You are claiming  
8 this happened. Did he have a camera?

9 A. No, Mr Mendonca didn't.

10 Q. Who did?

11 A. Either the adjutant or the RSM, whoever was with him.

12 Q. So it must have been one of those two, mustn't it?

13 A. Well, whoever was with him.

14 Q. You have said the RSM and adjutant.

15 A. Yes.

16 Q. Is that right?

17 A. Yes, whoever was with him.

18 Q. Is that right --

19 A. Yes.

20 Q. -- because we may have to check on what you say, you  
21 see.

22 A. Yes.

23 Q. Is it not right that on that occasion the ATO was  
24 already at the scene when Colonel Mendonca arrived?

25 A. Not at that particular moment. ATO was coming up the

1 stairs as Colonel Mendonca was leaving.

2 Q. Very well. Then in relation to the ram raid incident,  
3 starting at paragraph 86 --

4 A. Yes.

5 Q. -- you do not involve Colonel Mendonca in this incident.

6 A. No.

7 Q. But in relation to S047, who was your immediate boss --  
8 is that right?

9 A. Yes.

10 THE CHAIRMAN: Just pause a moment. I will rise for  
11 a second.

12 (12.10 pm)

13 (A short break)

14 (12.11 pm)

15 MR LANGDALE: Sir --

16 THE CHAIRMAN: Say nothing. Can we get on?

17 MR ELIAS: Sir, I think perhaps you should simply give an  
18 order, since there is an audio link, that the name last  
19 used should not, under any circumstances, be reported.

20 THE CHAIRMAN: I make that order. Very well.

21 MR LANGDALE: It is my fault and I apologise.

22 The person who was your immediate boss is known to  
23 us as "S047" -- all right?

24 A. Correct.

25 Q. -- as we understand. Is he someone who witnessed what

1           you have described in relation to the soldiers trashing  
2           the place?

3    A.   Yes.

4    Q.   He would have witnessed it?

5    A.   Say again.

6    Q.   He would have witnessed it, according to you?

7    A.   Yes.

8    Q.   Did he do anything about it?

9    A.   I do not know.

10   Q.   Then the search operation on the derelict building,  
11       page BMI04271, starting at paragraph 91.

12   A.   Yes.

13   Q.   In relation to what you have said about this, there was  
14       a young officer who was taking photographs with the  
15       intelligence camera.

16   A.   Yes.

17   Q.   Correct?

18   A.   Correct.

19   MR LANGDALE:  Sir, may I indicate that I appreciate that  
20       this officer's name has been asked to be written down --

21   A.   Yes.

22   MR LANGDALE:  -- but I am just concerned with one possible  
23       problem that, if the witness misremembers, whether  
24       putting a name to him would be appropriate to see if he  
25       agrees it.  I do not know if there is any sensitivity

1           about it.

2   THE CHAIRMAN:  At the moment I can't see any reason to do

3           that.

4   MR LANGDALE:  Might I have a very brief word with Mr Elias?

5   THE CHAIRMAN:  Yes.  (Pause).

6   MR LANGDALE:  Sir, I am grateful.  I need not trouble the

7           Inquiry about it at this stage.

8   THE CHAIRMAN:  Thank you.

9   MR LANGDALE:  As I understand it, S038, that officer took

10          photographs and would have witnessed the assault you

11          claim took place involving Colonel Mendonca --

12   A.  Yes.

13   Q.  -- as well as the approximately 140 people you have

14          stated.

15   A.  Yes.

16   Q.  Was Major Lighten present to witness the assault?

17   A.  Whether he was inside the Burma Company building,

18          I don't know.

19   Q.  Are you able to identify any specific people apart from

20          your own group who witnessed this assault?

21   A.  Well, other than the young officer -- like I have stated

22          before, as companies don't mix, you only -- the

23          hierarchy people only mix.

24   THE CHAIRMAN:  Is the answer -- forgive me Mr Langdale --

25          that you can't identify anybody else?  Is that right?

1 A. No -- yes.

2 THE CHAIRMAN: Okay.

3 MR LANGDALE: S047, was he present?

4 A. No.

5 Q. When you went into the Burma Company office, when you  
6 were having your cup of coffee and so on and you were  
7 talking to Major Lighten, Sergeant Tillotson and some  
8 clerks and saying what had happened, what was their  
9 reaction, if that is what you said?

10 A. Well, that is what I said and I just said it was bang  
11 out of order. But by then the CO was -- say again.

12 Q. Sorry, I interrupted you. My question is: what was  
13 their reaction?

14 A. I do not know, I can't remember, because the CO just  
15 come in straight after me.

16 Q. Sorry? You mean to say there wasn't --

17 A. After I made that comment, after he'd punched that  
18 prisoner, I moved straight into the office --

19 Q. Yes.

20 A. -- sending my troops round the corner. Them people were  
21 already inside the office.

22 Q. Did you immediately, when you got into the office, say  
23 how bang out of order what you had seen was or words to  
24 that effect?

25 A. Yes, yes.

1 Q. Before the CO came in?

2 A. Yes.

3 Q. So what was the reaction of the people to whom you have  
4 described this incident?

5 THE CHAIRMAN: He has given you an answer.

6 A. It is hard to describe what sort of reaction they had  
7 because the CO was directly on my tail coming in.

8 MR LANGDALE: Did the CO congratulate you?

9 A. He congratulated us as a team, ie me as a search  
10 commander and Major Lighten, ie, "Well done on the  
11 search, well done", and then he went.

12 Q. What you said in your evidence initially was that he  
13 hadn't spoken to you, but in your statement you say --  
14 if I could just finish.

15 THE CHAIRMAN: Don't interrupt.

16 MR LANGDALE: In your statement you say "He congratulated  
17 me". Was that right or wrong?

18 A. It is probably right. Yes, it is right because we was  
19 in there as a group. "Well done for the search, well  
20 done for the operation, congratulations", and then  
21 walked out.

22 Q. When you had the problem, you told us, about getting  
23 photographs which you say Tillotson -- I believe it was  
24 Tillotson -- told you had been deleted --

25 A. Yes.

1 Q. -- were you concerned about that or not?

2 A. Yes, because they were the after photos for my report.

3 Q. Why did you not report that to your own OC,

4 Major Hemesley?

5 A. I don't know.

6 Q. Forgive me, S038, it is rather an important thing to do,

7 isn't it? He is the man who could sort it.

8 A. Yes.

9 Q. What is the reason --

10 A. Okay, yes. What's the reason? Because they have gone.

11 They had been deleted. As long as my report showed it

12 that they have been deleted in error, they have been

13 deleted in error. That's what I was told. That's what

14 I put down in the report.

15 Q. Did you find Major Hemesley to be somebody you could

16 talk to, approachable?

17 A. Yes, sometimes.

18 Q. Why didn't you report to him or at least mention to him

19 your shock and dismay at the CO having assaulted

20 somebody in the presence of, it seems, just about the

21 whole of Burma Company? If it happened, why not tell

22 Major Hemesley?

23 A. Why tell him at all?

24 THE CHAIRMAN: I have allowed you quite a lot of latitude in

25 terms of time.

1 MR LANGDALE: I will move on. I have some other matters to  
2 put, if I may.

3 Did you record any of these incidents you now relate  
4 in your diary?

5 A. Yes. On a daily basis I used to write down in my diary.

6 Q. Where is the diary?

7 A. Disappeared. The last time I saw it was at my house in  
8 [redacted] because my ex was up -- my partner was up  
9 there.

10 Q. That must have been rather an important document, so far  
11 as you were concerned.

12 A. Not an important document. It didn't play any  
13 relevance.

14 Q. You see, S038, we are trying to see if there is anything  
15 to support your account. So we have not got the diary?

16 A. No, but we have got pictures which Mr Tillotson has seen  
17 with the blood splatter on it.

18 Q. And in relation to the incident you describe near the  
19 Basra steel factory --

20 A. Yes.

21 Q. -- which essentially appears at BMI04275, is this right,  
22 that the CO was witnessing this unmerited assault?

23 A. Yes.

24 Q. Who else, so we can try to check? Did the adjutant,  
25 Captain Moutarde?

1 A. I have not got a clue. It was the Rover group. I was  
2 met -- I saw the RSM, who met me basically 5 metres in  
3 from the junction. I witnessed, like, the PTI punching  
4 and kicking the Iraqi prisoner and the CO standing in  
5 front of the Land Rover.

6 Q. He was standing in front of --

7 A. Yes, but as it was a disgusting scene to witness,  
8 I moved away from that position and cancelled my patrol.

9 Q. Was there anything else that you noticed?

10 A. No, just that act.

11 Q. In your Rule 9 statement, paragraph 107, you claim that  
12 the CO and the RSM were laughing. Is that an invention  
13 on your part?

14 A. No. I asked the RSM, "Why is it going on?"; "Because he  
15 is an Ali Baba, so he deserves a good kicking down an  
16 alleyway".

17 Q. Did it strike you as rather peculiar that the CO, who  
18 was so keen about the reputation of 1 QLR, would allow  
19 such a thing to happen?

20 A. Well, it wouldn't surprise me at the least with what  
21 I had already witnessed, with what I had already got  
22 punished through, through two people.

23 Q. You got punished --

24 A. You are relating to, like, little incidences, but you  
25 need to be living with him for over two years.

1 THE CHAIRMAN: Now, please, don't comment. Just answer. We  
2 must be getting towards the end now, Mr Langdale.

3 MR LANGDALE: I am very close. There are a couple of things  
4 I do need to ask, if I may.

5 THE CHAIRMAN: Yes. Carry on.

6 MR LANGDALE: Looking at paragraph 110 of your statement --  
7 I don't think you need to turn it up -- you say that  
8 when you went back to camp after this incident I have  
9 just been asking about --

10 A. Yes.

11 Q. -- the watchkeeper was told by you something about what  
12 had happened.

13 A. Yes.

14 Q. I just want to ask you this: was the watchkeeper the  
15 person we are describing as "S047"?

16 A. It may have been. I am not sure.

17 Q. I think you indicated that you thought it was when you  
18 gave your evidence.

19 A. Yes, maybe thought -- maybe -- is the same.

20 Q. In relation to the matter about which you have made  
21 complaint in terms of Somme Company, when there was an  
22 incident where two soldiers had been drinking --

23 A. Yes.

24 Q. -- and there had been a drunken driving or something of  
25 that kind of a vehicle --

1 A. Yes.

2 Q. -- is it right that in fact the multiple containing  
3 those two soldiers were put on specific sentry or guard  
4 duties at Burma? Do you remember that?

5 A. Yes.

6 Q. So that was their punishment which was for a week,  
7 wasn't it?

8 A. No, it wasn't for a week.

9 Q. How long do you say it was?

10 A. It was near enough four to five weeks.

11 Q. That the multiple was put on --

12 A. Yes.

13 Q. -- guard duty at Burma? Is that your evidence?

14 A. Yes, as well as the rest of -- pardon?

15 Q. Go on.

16 A. As well as -- one of -- the junior NCO who was in the  
17 incident was given to me. The remainder of the company  
18 was put on patrols, in out, in out, in out.

19 Q. Was there any reason --

20 A. That is why the search team wasn't used on the  
21 Baha Mousa hotel.

22 Q. Is there any reason why Somme should not have been given  
23 those duties to assist the other companies on the  
24 ground?

25 A. What, and doing the guard duties? It was a punishment.

1 Q. Sorry, it is my mistake. I am not talking about the  
2 guard duty for the multiple. It is the rest of Somme.  
3 Were they punished in any way in your view or not?  
4 A. They were punished being put on patrols basically 24/7.  
5 The men had no morale. They were tired because it was  
6 going out from patrol, coming back in for an hour and  
7 then going back out on patrol, which Mr Mendonca  
8 instigated.  
9 Q. What did the commanding officer of Somme do about it?  
10 A. Nothing.  
11 Q. We shall be hearing --  
12 A. He just carried that order out.  
13 MR LANGDALE: Sir, in the circumstances, I think that is all  
14 I need to ask.  
15 THE CHAIRMAN: Thank you.  
16 MR LANGDALE: Thank you.  
17 THE CHAIRMAN: Yes, Mr Dingemans.  
18 Questions by MR DINGEMANS  
19 MR DINGEMANS: If you had seen hooding in Basra, would you  
20 have told this Inquiry about that?  
21 A. Yes, I would.  
22 Q. Is there anything else you would like to add?  
23 A. No, that is it. Thank you.  
24 MR DINGEMANS: Okay.  
25 THE CHAIRMAN: Mr Elias?

1 Further further questions by MR ELIAS

2 MR ELIAS: I just want to ask you about the names you have

3 written down. If I may just ask you one further detail

4 about those names.

5 A. Yes.

6 Q. Please give me one moment.

7 The name of the woman, the RMP corporal, as you

8 think --

9 A. Yes.

10 Q. -- you have written the name down now, you were not able

11 to put that name in the statement that you made to the

12 Inquiry; is that right?

13 A. That's correct, but I give a general description.

14 Q. You did. Have you been given that name subsequently to

15 making this statement?

16 A. No, it was -- it was mentioned -- not given, mentioned.

17 Q. It was mentioned when?

18 A. Two or three weeks ago, I think.

19 Q. Two or three weeks ago?

20 A. I can't say. Sorry, I can't say that name belongs to

21 that RMP girl.

22 Q. I understand. I just want to understand where it comes

23 from -- do you see -- the name? If I have understood

24 you correctly, you say that the name has been mentioned

25 in your hearing within the last three or four weeks; is

1           that it?

2    A.   Yes.

3    Q.   That is where it comes from.  In relation to the young  
4           officer, can I ask you, please, to have a look with me  
5           at paragraph 98 of your statement to this Inquiry,  
6           page BMI04272, at the foot of that page?  You say in the  
7           statement to this Inquiry:

8                 "A young officer ..."

9                 Again you have written a name down now, haven't  
10            you --

11   A.   Yes, I have.

12   Q.   -- for the officer who took the photographs?

13   A.   Yes.

14   Q.   You say in the statement:

15                 "... whose name I cannot remember ..."

16                 Does that mean you did know the name at the time?

17   A.   It was more of -- on the day when I went in for the  
18           deleted pictures, it was mentioned then, his name, and  
19           I put it in my PS of my report.

20   Q.   I follow.  So you were given that name at the time, in  
21           other words, or within twelve hours, as I think you have  
22           said.

23   A.   Yes.

24   Q.   And the name you have written down is, as you recall it,  
25           the name you were given at that time.  Is that what you

1 are telling us?

2 A. I believe so, yes.

3 MR ELIAS: Thank you very much.

4 I've no further questions, Sir. Thank you.

5 THE CHAIRMAN: Yes, very well. That is all the questions

6 that you are going to be asked in the Inquiry, S038.

7 Thank you very much for giving your evidence. You are

8 now free to go and we are going to turn off the

9 videolink. Thank you very much.

10 A. Thank you very much, Chairman.

11 (Proceedings in public)

12 MR ELIAS: Sir, the next witness, who is not represented,

13 would like to be referred to as "Mr Tillotson". I call

14 Mr Tillotson, please.

15 THE CHAIRMAN: If you would be kind enough to stand up,

16 please, Mr Tillotson, I am going to ask you to take the

17 oath.

18 NEILL TILLOTSON (sworn)

19 THE CHAIRMAN: Please sit down and talk into the microphone.

20 If there is any question you are asked which you don't

21 understand, please say so.

22 Questions by MR ELIAS

23 MR ELIAS: Can you give the Inquiry your full name, please?

24 A. It is WO2 Neil Tillotson.

25 Q. You are currently in the army?

1 A. That's correct.

2 Q. What is your current rank?

3 A. I am WO2.

4 Q. When did you join the army?

5 A. In June 17, 1986.

6 Q. You made a statement for this Inquiry and we do ask you,  
7 please, to look at a folder which I hope is alongside  
8 you. If you go to the last page of the document that  
9 I hope is inside it -- it is our BMI05564 -- do you find  
10 your signature there against the date of 26th October of  
11 last year?

12 A. Yes that is my signature.

13 Q. You have signed, have you, your statement to this  
14 Inquiry and, in signing it, attested that it was true to  
15 the best of your knowledge and belief?

16 A. That's correct.

17 Q. You were approached by the Inquiry specifically to deal  
18 with matters that had been raised by the last witness,  
19 S038. I think you are aware of that from the letter  
20 that was sent to you from the Inquiry. It is about that  
21 essentially that I am going to ask you questions.  
22 Again, for the record, you have been, haven't you, in  
23 the vicinity of this room -- I think outside -- but  
24 listening to the evidence of S038 as he gave it?

25 A. Yes, that's correct.

1 Q. You were posted to Iraq in 2003. Can you give us the  
2 essence of your role in Iraq please?

3 A. Yes, I was the company intelligence officer for  
4 Burma Company.

5 Q. In that role, where would you spend the majority of your  
6 time when working?

7 A. I would say 95 per cent, unless I was asleep, I would be  
8 in the company ops room.

9 Q. And your immediate superior?

10 A. Would be the OC, who was Major Johnny Lighten.

11 Q. Did you deploy on a number of occasions with the OC,  
12 Major Lighten?

13 A. Yes, I did.

14 Q. Part of his Rover group?

15 A. Yes.

16 Q. But that was the exception rather than the rule as far  
17 as you were concerned, was it?

18 A. Yes, that's correct.

19 Q. I want to ask you, please, about the derelict building  
20 search operation that the last witness gave evidence  
21 about and which you will have heard about. I am not  
22 going to ask you the specific detail, but can you  
23 remember the search operation of the derelict building  
24 that S038 refers to?

25 A. Yes, I can.

1 Q. Did you play any part in that operation itself?

2 A. On the deployment, I was part of the OC's Rover group,  
3 who was initially the inner cordon of the cordon itself.

4 Q. Did you visit the building as part of that, the OC's  
5 Rover group?

6 A. No.

7 Q. So you remained part of the cordon, did you?

8 A. There was three or four of us, close protection, who  
9 stayed in the two Land Rovers.

10 Q. Were you aware of the fact that the search of that  
11 building was indeed -- or became at some point --  
12 extremely dangerous?

13 A. Yes, I did.

14 Q. For any particular reason that you now recall?

15 A. Yes, it came over the radio that we found an RPG round  
16 and we was told to get under cover while it was pulled.

17 Q. An "RPG" being ...?

18 A. A rocket projected grenade.

19 Q. Do you know who dealt with that?

20 A. It was S038.

21 Q. As a result of that raid, as we have been told,  
22 munitions, armaments were recovered and taken away,  
23 taken back to HQ?

24 A. Taken back to Burma Company's location.

25 Q. Burma Company's location?

1 A. Yes.

2 Q. And prisoners also taken?

3 A. Yes.

4 Q. Do you recall that?

5 A. The prisoners were not given to the Rover group. They  
6 were given to one of the platoons and they were brought  
7 back in a number of Saxons.

8 Q. Do you have any recollection of seeing the prisoners who  
9 were brought back as a result of that operation?

10 A. On return to the company location, I witnessed the  
11 prisoners who were kneeling down under the covered area  
12 in the vehicle park.

13 Q. Were they out in the open?

14 A. No, they was under cover.

15 Q. Were they in the vicinity of where the munitions were by  
16 this stage laid out?

17 A. They were approximately 15 metres behind where they had  
18 just begun to start laying the munitions out. There was  
19 quite a lot of munitions, so it took quite a lot of  
20 time.

21 Q. Do you agree with S038's evidence that it would be the  
22 practice for those arrested to be photographed, if it  
23 could be done, with those things which were recovered  
24 from a raid such as this?

25 A. Again, yes, preferably at the source of where they were

1           arrested so it keeps a link of the evidence with the  
2           perpetrator.

3    Q.   But if that could not be done at source, it would be  
4           done, would it, then, as it appears to have been in this  
5           case --

6    A.   Yes, I concur with that.

7    Q.   -- at B Company location?

8    A.   I concur with that.

9    Q.   Yes.

10           Do you know whether photographs were taken of those  
11           munitions at BHQ?

12   A.   To the best of my knowledge, the only photograph I am  
13           aware is the one taken by the officer who was stood on  
14           top of the ops room while the munitions were laid out.

15   Q.   Who was the officer who took that photograph or those  
16           photographs?

17   A.   I believe it was Second Lieutenant Kevin Callaghan.

18   Q.   What was his role at that time?

19   A.   He was the company G5 officer.

20   THE CHAIRMAN:  Sorry, Second Lieutenant Kevin Callaghan?

21   A.   That's correct.

22   MR ELIAS:  Yes.  Did you ever see the photograph that he had  
23           taken?

24   A.   Yes, numerous occasions.

25   Q.   What was it a photograph of?

1 A. It showed the entire munitions layout. There was  
2 about -- it covered about 20 metres of floor space.  
3 There was a number of soldiers on the picture and you  
4 saw one of the detainees stood behind the picture and  
5 the photograph went up to about -- just to his neck.  
6 You didn't see above his neck.

7 Q. You say you saw the photograph a number of times. Does  
8 that mean you saw it over a period of, what, days or  
9 weeks?

10 A. Yes, it was loaded onto my computer, the intelligence  
11 stand-alone computer, and kept in files regarding to  
12 that operation.

13 Q. So there was, for a period of time, then, was there,  
14 a photograph of the product of that search in being,  
15 what, for days or weeks afterwards at least?

16 A. It was still there when we handed over to the company  
17 taking over from us at the end of our tour.

18 Q. So that would therefore have been for months?

19 A. That's correct.

20 Q. Staying with that occasion at B Company location and  
21 that stash of weapons, do you have any recollection of  
22 the CO, Colonel Mendonca, coming to that location at  
23 that time?

24 A. I remember Colonel Mendonca coming into the ops room,  
25 and that's the first time I was aware of him being at

1 the location.

2 Q. Can you remember who else was in the ops room at that  
3 time?

4 A. It would be Captain John Harker, who was the  
5 Burma Company 2IC who was responsible for running the  
6 operation whilst the OC was on the ground. There will  
7 have been a signaller, whose name I can't remember.

8 Q. Do you remember S038 being in the ops room?

9 A. S038 would have been in and out of the ops room in the  
10 aftermath of the operation, yes.

11 Q. So he could have been there at the same time as the CO,  
12 Colonel Mendonca?

13 A. Yes, that's correct.

14 Q. I don't want you to guess at this, Mr Tillotson, but you  
15 will have heard evidence of the number of soldiers that  
16 S038 says would have been outside at about the time that  
17 the CO arrives in that vicinity. Are you in a position  
18 to confirm or deny the numbers that he gives of soldiers  
19 who would have been present at that stage?

20 A. I believe it was grossly exaggerated.

21 Q. What, the figure, the number of soldiers?

22 A. The figure that was present, that's correct.

23 Q. How many soldiers do you recall being present at that  
24 time?

25 A. I don't remember the exact time because I didn't see

1 anything occurring, so the exact time I don't know.

2 However, post operation, all the soldiers would have

3 returned to their accommodation to do equipment checks.

4 Q. Plainly some soldiers brought the munitions to the place

5 where they were to be laid out and photographed.

6 A. That would have been the unit search teams.

7 Q. Some soldiers presumably brought the detainees -- the

8 three arrested persons back.

9 A. Correct, it should have been the arresting soldiers and

10 witnesses.

11 Q. You say a gross exaggeration, 140. It would not have

12 been anything like that number present?

13 A. No, there was probably a couple of soldiers hanging on

14 in the background to see the munitions, et cetera,

15 et cetera, but the majority of them would have been more

16 concerned, after coming off an operation, in getting

17 back into the air-conditioned rooms and sorting the

18 equipment out.

19 Q. Did you, at any stage, see the arrested detainees in the

20 vicinity of the munitions?

21 A. When they was brought -- when the picture was being

22 taken?

23 Q. Yes.

24 A. The officer on top of the roof, they was brought

25 forward, so they was in the -- well, what hopefully

1           would have been in the picture itself.  However, when  
2           the picture was taken, obviously you couldn't see them.

3   Q.   So how many detainees were there?

4   A.   I believe there was three.

5   Q.   And at that stage that you were observing the taking of  
6           photograph -- I don't think anyone will hold you to  
7           precise numbers, but you say 140 is a gross  
8           exaggeration -- about how many soldiers would you say  
9           would be in the vicinity?

10  A.   When the photographs were taken, obviously a few more  
11          people came out of the woodwork.  I would say about 35  
12          to 40.

13  Q.   If, on that occasion, on his arrival, the commanding  
14          officer, Colonel Mendonca, struck one of those  
15          detainees, did you see it?

16  A.   No.

17  Q.   Did you ever hear anything about such an assault?

18  A.   Not at the time or in any subsequent years since -- that  
19          is until I have obviously read S038's statement.

20  Q.   The statement to this Inquiry?

21  A.   That's correct.

22  Q.   How well did you know S038?

23  A.   I was a good friend of his.

24  Q.   Did that remain the position after Iraq?

25  A.   It did until approximately 12 months ago.

1 Q. In that period up to approximately 12 months ago, had  
2 S038 ever referred to that incident of Colonel Mendonca  
3 striking a detainee to you?  
4 A. No, he didn't.  
5 Q. I want to ask you a little detail about the detainees.  
6 Do you remember what they were dressed in?  
7 A. Yes, they were dressed in white garments. I have  
8 forgotten the name of garment now -- "dish-dashes"  
9 I believe they were called.  
10 Q. Yes. Did you notice anything about the dish-dashes they  
11 were wearing?  
12 A. Only in the photograph which I saw, which did show some  
13 small blood splattering on the one detainee, which was  
14 quite obviously in the photograph.  
15 Q. So that is the photograph taken by, you think, Callaghan  
16 from the roof?  
17 A. That's correct.  
18 Q. And the blood splattering, was it on one or more than  
19 one of the detainees, do you recall?  
20 A. There was only one detainee in the picture.  
21 Q. I follow. So from your memory, you didn't see this, as  
22 it were, in real life, you saw it in the photograph  
23 subsequently?  
24 A. As far as I can recall, that's correct.  
25 Q. I don't want you to speculate, but do you know how that

1 blood got onto that detainee's dish-dash?

2 A. No, I can't comment on that.

3 Q. Still staying with the same occasion, the same search if  
4 you like, do you remember hearing any allegation made  
5 concerning any woman RMP officer?

6 A. I remember at a later stage -- I cannot confirm how long  
7 after the operation it was -- somebody told me that --  
8 words to the effect that she had flown at the prisoners.

9 Q. She had flown at the prisoners?

10 A. That's correct.

11 Q. Did you know the female RMP officer to whom reference  
12 was being made when you were told that?

13 A. I knew who she was, but I didn't know her.

14 Q. Did you know her name?

15 A. No.

16 Q. Did you know her company?

17 A. Yes, it was -- she was attached to Burma Company.

18 Q. The information that this had happened, that she had  
19 flown at the detainees, you say you were given some time  
20 later. Do you recall who gave you that information?

21 A. No, I'm not -- I can't recall who told me that  
22 information.

23 Q. Can you help us at all about how long after the event  
24 you were told it? Are we talking about the same day,  
25 the following day --

1 A. It was probably a matter of days.

2 Q. Days later?

3 A. Yes, that's correct.

4 Q. Had you, in fact, seen anything of any assault by that  
5 woman RMP?

6 A. No.

7 Q. Did you see Major Lighten dealing with anyone that day  
8 in respect of any ill-treatment or misbehaviour?

9 A. He did on one occasion bring the female clerk into the  
10 office and told her to basically sit down and he would  
11 deal with her later.

12 Q. Did you know what that was a reference to at the time?

13 A. At the time, no.

14 Q. Just again, so that we understand the timescale of this,  
15 was this at about the same time that the CO,  
16 Colonel Mendonca, had come to the ops room?

17 A. No, I believe it was afterwards.

18 Q. After that, but within the same sort of timescale. We  
19 are not talking about hours or --

20 A. We are talking about 15 to 20 minutes, yes.

21 Q. I follow.

22 Did you ever hear, so far as she is concerned, what  
23 was said to have happened?

24 A. Again, I can remember someone telling me that she had --  
25 again, she had slapped a prisoner.

1 Q. Can you remember who told you that --

2 A. I can't recall.

3 Q. -- or indeed when you were told that?

4 A. Again, it would have been in the aftermath of the

5 operation. It could have been anything up to a day or

6 two afterwards.

7 Q. As you know, S038 suggests that in the course of

8 chitchat, if you like, that he told you of the incident

9 where Colonel Mendonca had struck a detainee. Did he

10 tell you such a thing?

11 A. No, he didn't.

12 Q. Do you think it conceivable, Mr Tillotson, that he could

13 have told you that, but you have forgotten it?

14 A. If he'd have told me a statement like that, I believe

15 I would have remembered something as dire as that.

16 Q. You say "as dire as that". How dramatic -- if I don't

17 overemphasise it -- a piece of information would that

18 have been if it had been given to you?

19 A. Well it would have made me very, very shocked and

20 I would certainly have remembered it.

21 Q. You are also aware of the fact, I think, from hearing

22 his evidence, that S038 suggests that he complained to

23 you about photographs of those events that we have been

24 talking about and you telling him that the photographs

25 that were loaded onto a camera and onto a laptop

1           apparently had been inadvertently deleted. Did you have  
2           any such conversation with him?

3    A. I don't recall any conversation regarding any of the  
4           photographs apart from the photograph I have already  
5           mentioned.

6    Q. Do you have any recollection, whether there was  
7           a conversation or not, of any photographs of those  
8           detainees or the weapons in fact having been  
9           inadvertently deleted in any way from any camera or  
10          laptop?

11   A. No, I don't recall at all.

12   Q. Moving away from that incident now to matters more  
13          generally, did you ever witness ill-treatment of  
14          detainees by soldiers of 1 QLR when you were in Iraq?

15   A. Not at any time, no.

16   Q. Did you ever hear talk of ill-treatment or rough  
17          treatment?

18   A. No.

19   Q. Did you ever see detainees hooded?

20   A. On one occasion I did, yes.

21   Q. Were you involved in that or was that something that you  
22          saw?

23   A. That's something I saw from about a 300-metre distance  
24          away.

25   Q. Was it one or more than one detainee who was hooded?

1 A. It was one detainee.

2 Q. Did you know the reason why that detainee was hooded?

3 A. No.

4 Q. Did you know at that time whether hooding was

5 permissible or not?

6 A. No.

7 Q. You didn't know either way, did you?

8 A. That's correct.

9 Q. It wasn't something that you questioned at the time, was

10 it?

11 A. I didn't question it at all, no.

12 Q. You weren't aware, were you, of any occasions -- any

13 stories, any rumours, any talk -- of detainees being

14 roughed up --

15 A. No.

16 Q. -- or loosened up so that they might be better able to

17 be questioned?

18 A. I knew of the certain procedures that tactical

19 questioners went about their business, but I mean it was

20 all -- it was all hearsay and then I didn't know

21 exactly. I wasn't told exactly what procedures they go

22 through prior to interning them.

23 Q. So this was rumour and gossip, was it, that tactical

24 questioners required certain procedures to be gone

25 through with detainees? Is that the position?

1 A. Again it was just one of those black arts that -- they  
2 go away and do a course and they don't tell anyone -- or  
3 they are not supposed to tell anyone what the procedures  
4 are, they keep it to themselves. Obviously it was just  
5 rumour control of what goes on. I am obviously talking  
6 about conditioning there.

7 Q. Did you attend O Group meetings from time to time?

8 A. Company O Group meetings, yes.

9 Q. Yes?

10 A. Yes.

11 Q. Do you recall attending a meeting attended by the  
12 intelligence officers from all companies? Did that  
13 happen from time to time?

14 A. That happened on a nightly basis.

15 Q. I am going to ask you, please, to look at the statement  
16 of another witness to this Inquiry, Michael Crosbie.  
17 You know of Lieutenant Crosbie. You will see it on the  
18 screen in front of you. Don't worry to look at it in  
19 hard copy. Can we have BMI03970 on the screen, please,  
20 paragraph 36?

21 A. It is not on the screen.

22 Q. Is it there now for you? I wonder if it can be turned  
23 on. I think it may not have been turned on.

24 A. I can see it now.

25 Q. Thank you very much. Do you know Lieutenant Crosbie?

1 A. I know the name. I can't put a picture to his face.

2 You see what he says at paragraph 36, speaking of  
3 a meeting:

4 "There were only four of us ... being the  
5 intelligence officers for each company. As such, it was  
6 myself from Anzio Company, a tall blonde-haired officer  
7 whose name I cannot recall from Corunna Company, another  
8 officer whose name I cannot recall from Burma Company  
9 and Colour Sergeant Livesey from HQ company. I remember  
10 that there was a brief discussion about the detainees  
11 and Colour Sergeant Livesey stated that some had been  
12 kept next to a generator prior to interrogation."

13 Do you ever recall any discussion about detainees  
14 being kept next to or near a generator?

15 A. None whatsoever.

16 Q. He goes on in this paragraph:

17 "I recall that he said this in a way that was  
18 slightly mocking, as if he thought that making the  
19 detainee stand next to a generator had been a foolish  
20 and/or useless thing to do. At that point [says  
21 Lieutenant Crosbie] I advised the meeting about what  
22 I had seen the day before in the detention facility;  
23 namely 'the choir' ..."

24 Did you ever hear anything about something that was  
25 referred to as "the choir" or "the chorus" --

1 A. No, I didn't.

2 Q. -- where detainees were prodded or struck to make  
3 various noises as if a choir?

4 A. No.

5 MR ELIAS: Yes, I have no further questions.

6 THE CHAIRMAN: Can you do it in five minutes?

7 MR FRIEDMAN: Yes, I can.

8 THE CHAIRMAN: You are going to be asked a few more  
9 questions by other counsel.

10 A. All right.

11 Questions by MR FRIEDMAN

12 MR FRIEDMAN: Mr Tillotson, why would 30 to 40 people come  
13 out of the woodwork for the photographs to be taken?

14 A. For that simple reason, because there was a photograph  
15 being taken.

16 Q. It was a photograph opportunity?

17 A. That's correct.

18 Q. To celebrate the finding of a haul like this?

19 A. Yes. It was probably the biggest haul that  
20 Burma Company had got and, as such, it held a little bit  
21 of prestige.

22 Q. People were buoyant?

23 A. In the aftermath of the operation, that's correct.

24 Q. Was there an element of jeering going on?

25 A. I never heard any jeering.

1 Q. The CO, is it right to say that he effectively came to  
2 congratulate you?

3 A. That's correct.

4 Q. It would have been clear to an ops officer and an intel  
5 officer and anyone in the chain of command at B Company  
6 that these people were effectively suspected threats to  
7 the coalition. They weren't ordinary criminals at this  
8 stage?

9 A. That is why the operation took place in the first place,  
10 so, yes, that is correct.

11 Q. Just in terms of your answer to the question that you  
12 had never heard rumours of assaults or unwarranted  
13 violence throughout the tour, save in the hours and days  
14 after this one, the rumours about the RMP officer and  
15 the clerk, they must have been stand-out events for you  
16 then?

17 A. Like I say, it was just hearsay. It wasn't a stand-out  
18 event and I took very little notice of it, to be honest.

19 Q. In terms of the answer you gave, for the rest of the  
20 tour there was no other hearsay like that relating to  
21 any other circumstances?

22 A. Not to mistreatment of prisoners, no.

23 Q. Do you recall S038 coming into the ops room and  
24 effectively expressing some kind of general concern  
25 about what was going on?

1 A. No.

2 Q. The photographs. Is it your understanding that it is  
3 permissible to take, as it were, trophy photographs of  
4 detained persons in an occupation situation?

5 A. Cameras, shall we say, were not prohibited as mobile  
6 phones were. Each patrol carried patrol cameras --

7 Q. It is a specific question, if you don't mind me  
8 interrupting, which is: is it permissible be to take, as  
9 it were, memorabilia photographs of detained persons in  
10 a situation of occupation as the military were in?

11 A. Not of detained persons, no.

12 Q. Is it permissible to pose in a memorabilia-like way with  
13 detained persons?

14 A. No.

15 Q. Were the 30 to 40 people coming out to do that?

16 A. I can't comment on that.

17 Q. I am nearly finished. You looked at the photograph, you  
18 say, on numerous occasions. What, in your  
19 understanding, was that photograph retained by your  
20 company for?

21 A. As evidence of the operation or, like I aforementioned,  
22 the prestige of the operation itself.

23 Q. Insofar as you recollect evidence of potential assault  
24 on the face of the photograph, in terms of these  
25 allegations against an RMP officer and the female clerk,

1 did that photograph have any relevance to those  
2 allegations in your mind?

3 A. No.

4 Q. Why not?

5 A. Because I didn't connect the two.

6 Q. Who in B Company would have been in charge of passing on  
7 the photographs and the found material -- the weapons --  
8 to headquarters?

9 A. The photographs should have been taken by the unit  
10 search adviser and attached to his report.

11 Q. So you, as ops officer or an intel officer, had no  
12 responsibility in passing those matters on to the BGIRO  
13 at BG Main?

14 A. That's correct.

15 Q. Was it your understanding that these prisoners were  
16 going to go to the BGIRO and to be tactically questioned  
17 if that was considered necessary?

18 A. It was my understanding that they had already been  
19 processed by the RMP detachment and that the next port  
20 of call would have been the detention facility, yes.

21 Q. The detention facility at BG Main?

22 A. That's correct.

23 Q. Lastly this, with regard to Colonel Mendonca and the  
24 allegation that S038 makes about him on this occasion:  
25 did you have any personal views either way with regard

1 to your ex-commanding officer being prosecuted in  
2 relation to the Baha Mousa event?

3 THE CHAIRMAN: Well, is that really something that he can  
4 answer and is it something that he can properly be  
5 asked?

6 MR FRIEDMAN: Let me put it this way: do you retain some  
7 loyalty to your ex-commanding officer?

8 A. I retain loyalty to all my commanding officers, whether  
9 they are the officers in command or senior above me.

10 Q. Let me put it specifically with regard to  
11 Colonel Mendonca. Were you sad to lose him personally  
12 as a commanding officer of your regiment?

13 A. I was posted away into another regiment as this was  
14 occurring so I didn't really look at it either way.

15 Q. Again, if I may ask it in that context, did you have  
16 a view about him being prosecuted in relation to the  
17 Baha Mousa events?

18 THE CHAIRMAN: Well, the value of the answer is so  
19 negligible that I don't think it is worth asking, and  
20 you have now expired on your five minutes.

21 MR FRIEDMAN: Therefore just a simple last question. Would  
22 you deny knowledge of Colonel Mendonca behaving in the  
23 way that has been alleged, either to protect him or  
24 other people in B Company, in relation to what you  
25 accept is a dire allegation for that day?

1 A. I strongly refute trying to hide any knowledge of that.

2 MR FRIEDMAN: Thank you, Sir.

3 THE CHAIRMAN: Thank you very much. 2 o'clock please.

4 (1.03 pm)

5 (The short adjournment)

6 (1.58 pm)

7 THE CHAIRMAN: You are still under oath, Mr Tillotson, as

8 I am sure you understand.

9 A. Yes.

10 THE CHAIRMAN: Yes.

11 Mr Garnham?

12 Questions by MR GARNHAM

13 MR GARNHAM: Thank you, Sir.

14 You told the Inquiry that you believe that the

15 officer who took the photographs of the weapons and

16 detainees from the roof was Lieutenant Callaghan.

17 A. That's correct.

18 Q. It would be the sort of job he might do, wouldn't it,

19 given the role he had?

20 A. Yes, that's correct.

21 Q. But are you confident that on this particular occasion

22 it was him who took the photograph?

23 A. Yes, that's without a doubt.

24 Q. You used the expression "I believe", both in your

25 evidence to the Inquiry and in your statement, which

1 suggests a degree of uncertainty, but is that not right?

2 A. No, that's not right. It is definitely Second

3 Lieutenant Kevin Callaghan.

4 Q. Photographs of that sort would ordinarily be downloaded,

5 wouldn't they, onto the B Company desktop computer --

6 A. That's correct.

7 Q. -- rather than the laptop?

8 A. Yes.

9 Q. That would be done by whom?

10 A. By the int collator who was on duty at the time.

11 Q. Who was that on that occasion?

12 A. That was a member of the RRF, who was a private soldier,

13 who was my second in command in the int cell.

14 Q. That downloading wouldn't be done by you personally?

15 A. It could be done by me.

16 Q. But on that occasion it wasn't?

17 A. No.

18 Q. Or by your 2IC.

19 A. It would have been done by the 2IC.

20 Q. Thank you.

21 When you returned to the B Company ops room after

22 the incident, was Callaghan present?

23 A. He was in the ops room -- when I first entered the ops

24 room itself, I cannot say for certain if he was there,

25 but he was in or around the ops room area in the

1           aftermath of the operation.

2    Q.   You don't know whether he was in the ops room itself?

3    A.   As I arrived, no.

4    Q.   Do you know from your own knowledge, rather than from

5           what you have been told, to whom it was reported that

6           the female RMP officer attached to B Company had

7           assaulted the detainees?

8    A.   I don't -- no idea.

9    Q.   The incident involving Major Lighten -- you knew

10          Major Lighten, did you?

11   A.   Yes, I did, yes.

12   Q.   Was your experience of him that he was not the sort of

13          officer to have tolerated abuse of prisoners?

14   A.   That's correct, yes.

15   Q.   He was somebody who maintained a proper discipline over

16          those for whom he was responsible?

17   A.   That's correct.

18   Q.   You didn't know from first-hand, did you, what issue the

19          female clerk had been involved in? You only know what

20          you are told?

21   A.   That's correct. She was in incidents every other week.

22          She was always getting told off by the OC and his

23          company sergeant major, so it was nothing out of the

24          ordinary to myself.

25   Q.   Who would have been the sergeant major who would have

1           told her off?

2    A.   WO2 Darren Leigh.

3    Q.   Also quite a disciplinarian?

4    A.   That is definitely true, yes.

5    Q.   That's no exaggeration, is it?

6    A.   No exaggeration, no.

7    Q.   If, as would often be the case, Major Lighten had left  
8           disciplining to that officer, that NCO, you would expect  
9           that discipline to be carried through?

10   A.   Without a shadow of a doubt, yes.

11   Q.   Yes.   Thank you very much.

12           One last question.   You said in answer to Mr Elias  
13           that you had been a friend of S038 but as of, I think  
14           you said, twelve months ago, you no longer were.

15   A.   That's correct, yes.

16   Q.   What happened?

17   A.   It is quite a long answer.   Are you prepared for a long  
18           answer?

19   Q.   Well, try to give us the thumbnail sketch version.

20   A.   At the time I was posted to the same country as S038 in  
21           a different battalion as company sergeant major Somme  
22           Company, as it happened, but a different battalion.   And  
23           he contacted me on the phone and we arranged to meet  
24           because at that time we was good friends.   I hadn't seen  
25           him since the incident in which he was sacked as company

1 sergeant major previously and I arranged to meet him in  
2 this country for a few drinks and what have you. That  
3 didn't occur.

4 Over Christmas of 2008 I received a couple of phone  
5 calls off him and the content of the phone calls just  
6 relapsed to him having a total whinge on the battalion  
7 or my ex-battalion, 1 QLR, to the extent that I just  
8 held the phone away from me. I wasn't even interested  
9 and I was just -- I never got in contact with him after  
10 that. I was just ...

11 Q. Did that whinge appear to be rational to you?

12 A. He was just blaming Colonel Jefferies, saying, "Bang out  
13 of order", and he was going to take him to the courts,  
14 et cetera, et cetera. I think he was under the  
15 influence of drink while the telephone conversation was  
16 going on.

17 MR GARNHAM: Thank you very much.

18 THE CHAIRMAN: Mr Dingemans?

19 Questions by MR DINGEMANS

20 MR DINGEMANS: The blood splatters that you saw on the  
21 dish-dash you said you noted from the photograph when  
22 you were studying it later. Did you see the detainees  
23 yourself at any time that day?

24 A. Prior to entering the ops room, I noticed the detainees  
25 who were kneeling down under the shaded area, which

1           would have been a distance of about 50 metres.

2   Q.   So too far away to notice any blood stains on them then?

3   A.   I just noticed them as a presence, rather than looking

4           at them as individuals.

5   Q.   Right.  And that's as close as you got to those

6           particular detainees on the day?

7   A.   When they were brought forward to take the photograph,

8           they would have been to the rear of me.  While we was

9           facing forwards for the photograph, they were brought in

10          behind us.

11  Q.   So although they then got closer to you, you were not

12          looking at them for obvious reasons?

13  A.   That's correct.

14  Q.   So far as the hearsay, as you put it, about the RMP

15          officer, did you hear that from S038?

16  A.   I can't recall, but it is possible.

17  Q.   Did you have discussions with him at all over meals?

18          I mean, you were in different locations, weren't you?

19  A.   I never had a meal with S038, no.

20  Q.   So it would only have been when he visited your company

21          location?

22  A.   If that was indeed who I heard it from, yes.

23  Q.   Right.  When you saw the clerk being told that she would

24          be dealt with later, do you know what incident that was

25          in connection with?

1 A. Not at the time, no. Like I said, she was always in  
2 trouble so I didn't give it a second thought.

3 Q. But it was the same day that S038 was there and the CO  
4 was there?

5 A. Yes, it was within 20 minutes of each -- of the CO being  
6 there.

7 Q. So far as the conversations about the photos are  
8 concerned -- we have all seen what you say in your  
9 statement and you have said that -- you say you had the  
10 photographs on your own system, would  
11 Lieutenant Callaghan have known about that, that you had  
12 a photograph on your own system that had been  
13 downloaded?

14 A. He took the photograph. He must have given the  
15 photograph to my 2IC, who uploaded it onto my system.

16 Q. You don't recall any conversation with S038 about that  
17 at all?

18 A. No recollection whatsoever.

19 Q. In relation to his complaint to you about the CO being  
20 out of order for what he had done, no recollection of  
21 that?

22 A. No. I was too busy when I first got into the ops room  
23 doing my duties. Obviously I had been on the ground for  
24 three hours. I was more interested that in three hours'  
25 time I had to put in a report, an int sum over the last

1 24-hour period. I was struggling for time so I was not  
2 interested in what was going on in the ops room.

3 Q. Is this at least a possibility -- whether it happened  
4 is, of course, for others -- that you, perfectly  
5 understandably, getting straight on with your job, but  
6 him talking to you -- and I think you have said, again  
7 perfectly understandably, that you took little notice of  
8 hearsay in any event -- is that a possibility for what  
9 happened that day?

10 A. After six and a half years, my recollection of it is  
11 anything is a possibility.

12 MR DINGEMANS: Thank you very much.

13 THE CHAIRMAN: Yes. Mr Langdale?

14 MR LANGDALE: Nothing, thank you, Sir.

15 THE CHAIRMAN: Thank you very much.

16 Mr Elias?

17 Further questions by MR ELIAS

18 MR ELIAS: You were just asked a question or two about the  
19 downloading of photographs. If it were Mr Callaghan who  
20 brought his camera to your team, as you say, it would  
21 then have been loaded down onto your computer, as  
22 I understand it, by your team. Is that right?

23 A. If there were proper photographers for intelligence  
24 purposes, they should have been loaded onto my  
25 stand-alone computer, the intelligence computer, not the

1 laptop, as it was --

2 Q. Perhaps you have answered the question I was trying to  
3 ask. That would be the standard procedure, then, would  
4 it? That is what Callaghan would do with photographs  
5 that he took for that purpose?

6 A. It is what he should have done, yes.

7 MR ELIAS: Sir, I am conscious this witness is not  
8 represented. Perhaps he may be asked whether he has  
9 anything else he wishes to say.

10 THE CHAIRMAN: Yes. I have one or two things I just want to  
11 ask him about.

12 Questions by THE CHAIRMAN

13 THE CHAIRMAN: Forgive me for asking it. I hope you are not  
14 embarrassed by it. What age were you at the time in  
15 2003?

16 A. When I deployed I would have been 33. I had my 34th  
17 birthday in the October.

18 THE CHAIRMAN: Thank you. There is one other matter I want  
19 to ask you about.

20 You may remember being asked by Mr Elias about the  
21 question of whether or not you heard a discussion taking  
22 place with Colour Sergeant Livesey and others on  
23 intelligence matters. Did you attend such meetings?

24 A. It was a 50/50. It would depend who was on duty, either  
25 myself or the 2IC, and in our absence the two officers,

1 Lieutenant Callaghan and Captain Harker, would have  
2 attended in our absence.

3 THE CHAIRMAN: I follow. So, first of all, you might not  
4 remember it and, secondly, you might not even have been  
5 there and you can't say, I don't suppose.

6 A. I don't even know exactly the dates, but again  
7 I deployed on my R&R at the end of September/beginning  
8 of October, so that is a two-week period where the  
9 officers would have had to attend the intelligence  
10 meetings.

11 THE CHAIRMAN: All right.

12 The only other thing is this: you are not, as  
13 Mr Elias just said, represented here. Is there anything  
14 that you feel that you haven't been asked that you want  
15 to speak about that is relevant to the Inquiry or is  
16 there any matter that you think I ought to know about  
17 that you haven't had an opportunity of mentioning?

18 A. Just the fact of S0328's evidence --

19 THE CHAIRMAN: S038, the one who gave evidence before you?

20 A. Sorry, yes. His evidence relating to the air of culture  
21 that, you know, if you spoke out it would be a bad  
22 thing.

23 THE CHAIRMAN: Yes.

24 A. I never saw any of that in my entire time in QLR. As  
25 a senior warrant officer, he had more than enough, you

1 know, gout behind himself to speak up should he feel the  
2 need to and obviously he never did.

3 THE CHAIRMAN: I see. All right. Thank you very much.

4 Now you are free to go. Thank you for coming to the  
5 Inquiry and giving your evidence. Those are all the  
6 questions that you will be asked. You may, of course,  
7 come back if you want to listen, but you are free to go.  
8 Thank you very much.

9 A. Thank you, Mr Chairman.

10 MR MOSS: Sir, our next witness, please, is S047.

11 THE CHAIRMAN: Yes. Thank you.

12 If you would be kind enough, please, to stand up for  
13 the moment, I will ask you to take the oath which will  
14 be read to you.

15 A. Yes.

16 S047 (sworn)

17 THE CHAIRMAN: Yes. Do sit down. If you could speak into  
18 the microphone, that would help us all to hear.

19 A. Yes.

20 THE CHAIRMAN: If there is any question that you are asked  
21 that you don't understand, would you please say so?

22 I am sure you would in any event.

23 A. Yes, sir.

24 THE CHAIRMAN: Yes.

25 Questions by MR MOSS

1 MR MOSS: As you know, your name in this Inquiry is "S047",  
2 but your name is known to the core participants and the  
3 chairman.

4 I wonder if we could start by having a look at your  
5 statement, please. There should be a folder on the  
6 table in front of you. If you just pick that up, do you  
7 see there -- we have it at BMI03357 -- a witness  
8 statement that you gave to this Inquiry I think on  
9 6 August of last year?

10 A. Yes.

11 Q. If you would turn with me to the final page, please --  
12 you will have it in hard copy I hope -- can you see  
13 there, although for obvious reasons it has been redacted  
14 in our copy, did you sign that statement in August of  
15 last year?

16 A. Yes, I did.

17 Q. When you signed it, were you attesting to this Inquiry  
18 that the contents of your statement were true to the  
19 best of your knowledge and belief?

20 A. Yes, they are true.

21 Q. Everybody has read that statement, S047, and I am just  
22 going to take you to one or two topics arising out of  
23 it.

24 Can we start please with your background? I think  
25 it is right, isn't it, that you are still in the army

1           now?

2    A.   Yes, that's correct.

3    Q.   And your current rank?

4    A.   Is major.

5    Q.   And your post we don't need to go into, but it is right,

6           isn't it, that you have made known to the Inquiry what

7           your current post is?

8    A.   Yes, and that is correct.

9    Q.   I think you joined the army, is this right, in 1999?

10   A.   Yes, January 1999.

11   Q.   But you had had previous experience in the officer

12           training corps, is that right?

13   A.   Yes, it was a university -- university officers training

14           corps, which was basically a branch of the TA designed

15           to get university students aware of the military

16           environment.

17   Q.   Thank you. On Op Telic 2 itself, you tell us that you

18           were a platoon commander of Anti-Tank Platoon; is that

19           right?

20   A.   Yes, but although I was in command of the Anti-Tank

21           Platoon, I was more closely in command of what was

22           called a multiple of soldiers, which is about

23           13 soldiers, and a multiple is better -- better suited

24           to a counter-insurgency environment than a platoon of

25           approximately 36 soldiers.

1 Q. So the Inquiry has heard quite a lot of evidence, so far  
2 as other companies are concerned, that a platoon would  
3 be split in the middle and the platoon commander would  
4 take half and there would be a multiple commander  
5 appointed for the other. Did the same apply in Support  
6 Company for you?

7 A. My platoon -- because Support Company platoons were  
8 normally slightly bigger than Rifle Company platoons,  
9 the Anti-Tank Platoon was split down into three  
10 multiples.

11 Q. It was three?

12 A. Yes.

13 Q. So that we have it, please do not use the name, but do  
14 you know who I mean when I refer to "S038"?

15 A. Yes.

16 Q. Was he one of your multiple commanders?

17 A. He was, yes.

18 Q. In Op Telic 2, what rank did you hold at the time?

19 A. I was a first increment captain, which means I was  
20 promoted to captain 12 months beforehand.

21 Q. I want to ask you a few questions, if I may, about your  
22 training. You tell us in your witness statement -- is  
23 this right -- that you did have some training during  
24 your course at Sandhurst which included law of armed  
25 conflict training and you had some arrest and restraint

1 training as well. Is that right?

2 A. Yes, that's right. On an annual basis every soldier,  
3 whether it be junior rank, senior rank or officer, would  
4 have to undertake what was called mandatory individual  
5 training directives or ITDs. There were six subjects  
6 that these covered: weapon-handling skills, live firing  
7 in the ranges, first aid, and one of these mandatory  
8 lessons was the law of armed conflict or "LOAC" for  
9 short.

10 Q. I am going to come on to some individual aspects --  
11 plasticuffing, stress positions and hooding -- in a  
12 moment. Just sticking with the generality for the  
13 moment, what was the message that you came away with so  
14 far as prisoners were concerned on a general level about  
15 how prisoners on operations were to be treated?

16 A. My understanding, both from training at Sandhurst and  
17 the training which I then gave to recruits, was that  
18 prisoners in a conventional war scenario, such as the  
19 Falklands War or Gulf War I, was that enemy prisoners  
20 could be detained -- they would first of all be disarmed  
21 of any weapons or ammunitions or any weapon that could  
22 pose a threat to our soldiers. They would then be --  
23 they could be plasticuffed if the tactical situation  
24 warranted it, as in if there was some believed threat  
25 where an enemy soldier would have to be plasticuffed,

1           and again they could actually be -- they could actually  
2           be blindfolded to restrict their vision.

3    Q.   I am going to come on to those details, as I say, in  
4           a moment.  Could I ask you to stick with the generality?

5    A.   Yes.

6    Q.   My question was: overall, what did you come away with as  
7           the message about how prisoners should be handled?

8    A.   Prisoners should have been handled in a humane and  
9           dignified manner because, if they weren't, then it could  
10           be counter-productive in terms of them giving up  
11           intelligence and information.  So my understanding was  
12           that if prisoners were treated correctly, humanely and  
13           professionally, then they were more likely to give up  
14           information than if they were abused, punched and  
15           kicked, et cetera.

16   Q.   I follow.  Was any distinction drawn -- still at a high  
17           level of generality for a moment -- between prisoners of  
18           war in a conventional warfare situation and civilian  
19           detainees in something falling short of full warfare?  
20           Did they all have to be treated humanely, as you have  
21           described, or was there a distinction?

22   A.   No.  There was a distinction made between enemy  
23           combatants -- that is enemy soldiers who openly wear  
24           a uniform -- and a distinction was made between  
25           civilians, insurgents, terrorists, et cetera, that would

1 not openly wear uniforms, but effectively the treatment  
2 was to be exactly the same.

3 Q. So the treatment standard is the same --

4 A. Yes.

5 Q. -- although you might have, for other reasons, to draw  
6 a distinction between those two groups, is that right?

7 A. Yes, but, effectively -- yes, treatment was to be  
8 exactly the same, with the same understanding that if  
9 prisoners or detainees were treated correctly and in  
10 a professional manner, they would more likely volunteer  
11 information as a result.

12 Q. Thank you. I would like to come on to a few details  
13 about particular techniques. Can I ask you, please,  
14 S047, to put out of your mind for the purposes of these  
15 questions any training that you have received since  
16 Op Telic or indeed any training you have given since  
17 Op Telic 2 and concentrate on the pre-Iraq stage, if you  
18 would.

19 A. Yes.

20 Q. So far as plasticuffs are concerned, can you remember  
21 what, if any, training you were given about how  
22 prisoners could be plasticuffed?

23 A. Yes. The use of plasticuffs was allowed simply if the  
24 scenario required a detained -- a prisoner's hands to be  
25 tied, but the guidelines that were given was that

1 detainees' hands could be -- sorry, should be held  
2 towards -- should be bound towards the front of their  
3 body and the plasticuffs should be loose enough for  
4 somebody to get their finger in between the plasticuff  
5 and the wrist. The rationale behind that is -- was in  
6 case the flow of blood to the detainees' wrists was cut  
7 off. So it was to be loose enough to allow the flow of  
8 blood to the extremities.

9 Q. The part of the guidance that you have just explained  
10 about cuffing to the front of the body, how confident  
11 are you that that was training that you had received  
12 prior to Op Telic 2, the specific guidance that  
13 prisoners should be cuffed to the front of the body?

14 A. I can't say exactly that I was told that detainees'  
15 wrists should be cuffed to the front. It is what  
16 I would imagine to be the most comfortable position to  
17 cuff somebody.

18 Q. Might that have been guidance which was given after  
19 Op Telic 2, which you have heard of subsequently, the  
20 specific guidance that it should be cuffing to the  
21 front?

22 A. To be honest, it could be. I cannot remember the  
23 specifics of the exact lessons prior to Op Telic 2. But  
24 if I had to plasticuff someone on Op Telic 2, it would  
25 have been with the wrists to the front because keeping

1           somebody's hands bound behind their back for possibly an  
2           extended period of time would be quite uncomfortable.

3    Q.   So that would be the election you would have made in any  
4           event?

5    A.   Yes.

6    Q.   I follow.

7           So far as hooding is concerned -- please concentrate  
8           again on the pre Op Telic 2 situation and the pre  
9           Op Telic 2 training -- can you recall what training you  
10          had, what guidance you were given, on whether or not  
11          prisoners could be hooded?

12   A.   Again, this was part of the annual individual training  
13          directives on the law of armed conflict.  The guidance  
14          that was given was that prisoners/detainees could be  
15          blindfolded if there was a security reason to do so,  
16          such as if they were going through a sensitive area  
17          where they could pick up information such as patrol  
18          bases, looking at maps in our locations or looking at  
19          sensitive areas where they could passively pick up  
20          information.

21   Q.   You say they could be blindfolded for those security  
22          reasons.  Was a distinction drawn between blindfolding  
23          with any kind of piece of material and hooding with the  
24          common or garden soldier's sandbag?

25   A.   I believe the distinction which was made is that the

1 detainees'/prisoners' vision was to be restricted so  
2 that they could not see anything. I think the guidance  
3 that was given in the lessons was any material that is  
4 appropriate to hand could be used, but I believe the  
5 default -- the default guidance was to use a sandbag  
6 because sandbags are quite freely available and it was  
7 part of a soldier's individual kit.

8 Q. So a sandbag could be used. If a sandbag was to be  
9 used, was any guidance given about how to use a sandbag  
10 or precautions to take with a sandbag?

11 A. Yes. The overriding principle was that if a sandbag was  
12 to be used, then, effectively, whoever was putting the  
13 sandbag over the detainee's head had to make sure that  
14 they could breathe freely and unrestricted.

15 Q. How would they make sure that they could breathe freely  
16 and unrestricted? What did that mean in practice?

17 A. I think it was open to interpretation, but essentially  
18 if a prisoner/detainee was showing obvious signs of  
19 distress and difficulty in breathing, then the sandbag  
20 could be rolled up over the mouth in order to unhinder  
21 any airway and permit breathing again. But, again,  
22 there was a certain amount of common sense to be applied  
23 whereby vision had to be restricted. But, again, if  
24 a detainee/prisoner was being put in such an  
25 uncomfortable position, then alternative options should

1 be examined.

2 Q. What you are saying now is that if it was to be  
3 a sandbag, if a prisoner got into distress, one should  
4 ensure that the sandbag was rolled up to keep the airway  
5 clear; is that right?

6 A. Yes, but sandbags inherently are quite loosely woven  
7 material.

8 Q. Yes. Can I help you to say that the chairman and all  
9 the lawyers involved have seen a sandbag so we know what  
10 you are talking about.

11 A. Yes.

12 Q. Let us have a look at your statement just briefly if we  
13 may. BMI03362, paragraph 14, please. If we look about  
14 five lines down, S047, what you were saying in your  
15 statement was that you recall "... being taught that we  
16 needed to ensure that the airway for the detainees was  
17 kept clear so they could breathe unhindered by making  
18 sure that the mouth was not covered. We were taught  
19 that the hood could be rolled up, but I do not remember  
20 there being a demonstration on how the hood was to be  
21 rolled up ..."

22 We should read that, should we, as you have  
23 explained it, that in fact it was only if somebody got  
24 into trouble with breathing that the hood should then be  
25 rolled up?

1 A. Yes, that's correct.

2 Q. So far as your training was concerned, a sandbag  
3 covering the mouth initially would not have been wrong?

4 A. No, simply because it was quite loose material and  
5 therefore people could breathe freely.

6 Q. Again, I think I ought to ask: how clear is your  
7 recollection that this matter was covered in that level  
8 of detail prior to your first tour in Iraq?

9 A. I think it was -- I never did any practical  
10 demonstrations or practical lessons on how to put  
11 a sandbag over somebody's head. I was only back with  
12 battalion for about six days -- five to six days of  
13 pre-deployment training -- so I actually missed quite  
14 a lot of it.

15 Q. Yes, but did you have this sort of training with this  
16 level of detail in your annual ITDs prior to 2003?

17 A. Yes, and most of the descriptions of how to put  
18 a sandbag over somebody's head was given verbally. So  
19 it was a verbal description of: to restrict vision, put  
20 a sandbag over the detainee's head, but at all times  
21 make sure their airway and their breathing is  
22 unhindered.

23 Q. Was any other sort of guidance given on the deprivation  
24 of sight about causing discomfort to detainees, anything  
25 of that kind?

1 A. I believe if there was no sandbags available, other  
2 materials could be used, such as a strip of material,  
3 T-shirt for example or blacked-out goggles, if such  
4 equipment was present. But it was really any material  
5 that would restrict vision of the detainee/prisoner.

6 Q. You go on in your statement to talk about ear defenders  
7 and the circumstances in which ear defenders might be  
8 used. Again, the same theme there. How confident are  
9 you that you had had any specific training about the use  
10 of ear defenders prior to going to Iraq, whether in ITDs  
11 annually or in your pre-deployment training?

12 A. I remember -- I am sure it was in ITDs that the first  
13 mention of ear defenders was used, and that was simply  
14 to block out any noise such as coalition forces or  
15 friendly forces talking about future intentions or the  
16 likes, whereby an enemy personnel could passively listen  
17 and gain information. So as a result, if there was such  
18 a risk of compromise, then ear defenders were used.

19 Q. Do you think you had that training -- forgive me --  
20 prior to going to Iraq in 2003 at any time?

21 A. It was mentioned normally in the ITDs and I think it was  
22 mentioned verbally during pre-deployment training. But,  
23 again, it was mentioned verbally without a practical  
24 demonstration to reinforce it.

25 Q. Apart from the security reason for using ear defenders,

1           was there any incidental benefit to using them?

2    A.   Yes.

3    Q.   What was that?

4    A.   Because we relied very heavily on local Iraqi civilians  
5           to act as interpreters for the coalition forces, the  
6           interpreters were quite concerned that their identity  
7           would be compromised in the fact that they were working  
8           with us.  So if we arrested any potential terrorists,  
9           then the option of using ear defenders to try and  
10          protect the identity of our interpreters was an option.

11   Q.   All right.  I understand that matter.  But in your  
12          training before you got to Iraq, was it suggested to you  
13          that the use of ear defenders would have a benefit other  
14          than a security benefit?

15   A.   I believe it was mentioned -- and I think this is  
16          anecdotally -- that it added to what was known as the  
17          shock of capture when a detainee was arrested.

18   Q.   So far as hooding is concerned, was it ever suggested to  
19          you that hooding for security purposes also had the  
20          incidental benefit of adding to the shock of capture?

21   A.   Yes.  It was something that was again mentioned  
22          verbally.  I believe it was in theatre, standard  
23          operating procedures or SOPs, in that detainees that  
24          were subsequently arrested, it would add to their what  
25          was called "shock of capture", which is basically

1           disorientation and a slight element of apprehension on  
2           their part that they were now being held by a detaining  
3           force.

4    Q.   So in Iraq, on your tour, you heard talk of that being  
5           a benefit?

6    A.   Yes.

7    Q.   Had you had that referred to in training before Iraq,  
8           whether in your annual training or your PDT?

9    A.   I don't believe it was mentioned in pre-deployment  
10           training, but again, because I missed quite a lot of  
11           it --

12   Q.   Yes.  Or in annual training?

13   A.   In annual training, no.  I had never heard of the phrase  
14           "shock of capture" or "conditioning" before.

15   Q.   So that was new to you when it arose on tour, was it?

16   A.   Yes.  Yes, that was a new phenomenon or a new practice.  
17           I had certainly never heard of it before.

18   Q.   You also tell us -- we don't need to look it up.  It is  
19           paragraph 19 of your statement -- that during your  
20           annual training you were repeatedly taught that sleep  
21           deprivation was counter-productive and was not to be  
22           carried out.  Is that right?

23   A.   That's correct, and that was reinforced on annual law of  
24           armed conflict lessons.

25   Q.   Can I deal with it in this way?  Your evidence of what

1 was banned and what were prescribed as techniques  
2 suggests that the annual LOAC training did give quite  
3 a lot of reasoned detail. There is quite a lot of  
4 evidence from others to the Inquiry that the lesson was  
5 a video, somewhat outdated, and some questions and  
6 answers or a script, but that it simply didn't descend  
7 into the sort of level of detail that you are speaking  
8 about. How confident are you, for example, that sleep  
9 deprivation was repeatedly mentioned every time that you  
10 had the LOAC lesson?

11 A. I am very confident in the content of the lesson simply  
12 because, before I was posted to Iraq, I was a recruit  
13 depot platoon commander for approximately two years and  
14 it was part of my lesson syllabus to deliver the law of  
15 armed conflict lesson to recruits, which was a lesson  
16 that I would give approximately three times in any  
17 12-month period. Because I was teaching recruits,  
18 I would therefore reinforce the lesson with examples  
19 from history, particularly from Northern Ireland, why  
20 the likes of sleep deprivation, stress positions and the  
21 mistreatment of prisoners is counter-productive.

22 Q. I follow. You tell us in paragraph 21 of your statement  
23 that having served in Northern Ireland and you also say  
24 "from researching Northern Ireland history", you knew  
25 that stress positions were counter-productive and likely

1 to create more terrorists and do more harm than good.

2 Is that right?

3 A. That's correct.

4 Q. Might it be this, that when you have given the Inquiry

5 evidence of what you received by way of annual training,

6 that you are actually remembering the lectures that you

7 gave yourself that perhaps went into greater detail. Is

8 that possible?

9 A. No. Again I would reinforce the lessons that I would

10 teach to recruits and soldiers with, as I said, examples

11 from history, particularly Northern Ireland, to try to

12 reinforce that mistreatment of prisoners and detainees

13 is counter-productive.

14 Q. Forgive me. I am sure it is my fault, but it may be

15 that my question was not clear. I am particularly

16 interested and the chairman may be particularly

17 interested to understand what training you received as

18 opposed to what training you gave. So far as the

19 training you received is concerned, you have told us

20 that every year you were told in the training you

21 received that stress positions were prohibited, that

22 sleep deprivation was prohibited.

23 A. Yes.

24 Q. Might it be that that wasn't given every year in the

25 LOAC lectures that you had received, but it was

1 something that you taught when you gave presentations  
2 because you knew about them?

3 A. No. Even though I was an instructor in the LOAC  
4 lessons, I subsequently then had to receive the lessons.  
5 And, again, every year, in and out, the practice of  
6 sleep deprivation, stress positions, et cetera, was  
7 significantly highlighted as something that troops were  
8 not to be -- were not to do.

9 Q. Does that go for stress positions as well?

10 A. Yes, stress positions also.

11 Q. When you had that training, did you have fellow members  
12 of the QLR alongside you when you were receiving it?

13 A. If I was part of 1 QLR, then yes, I would have had  
14 colleagues from 1 QLR alongside me. But if I was posted  
15 away, then I would have other soldiers from other  
16 regiments listening in the lesson as well. It just  
17 depended where I was posted at the time.

18 Q. All right. Well, based on your career background that  
19 we have looked at, joining the army in 1999, how many  
20 annual lots of ITDs do you think you had while you were  
21 with 1 QLR in LOAC?

22 A. It would have been in the year 2000 -- the training year  
23 2000 I would have sat through it, followed by 2001 as  
24 a definite because I remember receiving the lesson when  
25 I was deployed in Bessbrook in Northern Ireland. So it

1           was definitely -- I definitely received two lessons  
2           in -- sorry, a lesson in 2000 and a lesson in 2001.

3    Q.   Thank you.  You have told us about missing much of the  
4           pre-deployment training because you only rejoined the  
5           battalion six days -- as you explain in your  
6           statement -- before going to Iraq.  You do mention in  
7           your statement that there was some revision on detainee  
8           handling.  Can I just ask you, can you now help us with  
9           what the specific content of that revision of detainee  
10          handling contained within the pre-deployment training?

11   A.   From what I remember -- and again this is a long time  
12          ago -- it was a re-emphasis of the fact that detainees  
13          were not to be harmed or abused.  They were not to be  
14          put in stress positions, nor were they allowed to be  
15          deprived of any sleep.  And because the -- because of  
16          the environmental scenario we were going to find  
17          ourselves in, as in excessive heat, then it was  
18          re-emphasised that detainees should be given water on  
19          a regular basis and that their diet should reflect their  
20          local religious -- the local religious practices as  
21          well, simply because we were likely to encounter  
22          a Muslim population.  So it was a case of: if you are  
23          going to give them food, make sure it ties in with their  
24          dietary requirements.

25   Q.   Just sticking with that pre-deployment training, the

1 revision of detainee handling that you had, how  
2 confident are you that a prohibition on stress positions  
3 was mentioned in that training?

4 A. I can't remember if it was mentioned exactly during the  
5 lesson. I am pretty sure that it was, and again it was  
6 a general understanding in the battalion and the  
7 military at the time that stress positions were not to  
8 be used simply because it's an illegal act and it is  
9 also counter-productive.

10 Q. When you say that, that it is an illegal act and  
11 counter-productive -- and we have been talking about  
12 stress positions -- perhaps I should have asked -- what  
13 do you understand "stress position" in that context to  
14 mean?

15 A. My interpretation of a "stress position" is a position  
16 that somebody is put in for an extended period of time  
17 with the sole aim of causing physical discomfort and,  
18 therefore, a certain degree of mental anguish.

19 Q. So for the purpose of causing physical discomfort?

20 A. Yes.

21 Q. Would kneeling -- being forced to kneel upright for just  
22 a short period of time, say five minutes, would you  
23 understand that to be a stress positions?

24 A. It depends what context it is in, but no. Following  
25 a -- following the arrest of a detainee, putting them in

1           that position whilst transport was being waited for, no,  
2           I wouldn't class that as being put in a stress position.

3   Q.   But if it was held for longer then it might become one,  
4           would that be fair?

5   A.   Yes.

6   Q.   Can I move on then to a slightly different matter which  
7           is the question of conditioning?  Again, if you can  
8           stick with how you understood things in those weeks  
9           before going to Iraq.  What did you understand  
10          "conditioning" to mean in the context of  
11          prisoner-handling?

12  A.   "Conditioning" was a bit of a grey area as in it was  
13          a fairly new concept and it was essentially being firm  
14          with a detainee, but at the same time being  
15          professional; letting the detainee know that he or she  
16          was under arrest, however they would be treated fairly  
17          if they cooperated.  It was really getting the detainee  
18          in that frame of mind that if he or she cooperated, then  
19          basically, if they cooperated and surrendered  
20          information, then they would be treated well.

21  Q.   In what sense was it a grey area?

22  A.   It was a grey area because nobody really knew exactly  
23          how conditioning of prisoners should be done.  It was  
24          a very vague -- it was a very vague subject, but the  
25          main direction we got was: treat the prisoners fairly,

1 but at the same time treat them humanely and let them  
2 know that they are being detained by a professional  
3 force and that no harm will come to them.

4 So there was no -- there was no tangible science  
5 behind it. It was really just: be firm but fair with  
6 the detainees.

7 Q. Did you ever come to hear, as the tour then progressed,  
8 about conditioning being used in a slightly different  
9 sense of using some forms of stress position and hooding  
10 on prisoners?

11 A. No, I never heard of any such instance as a result of  
12 conditioning. I know that when the detainees were  
13 brought back to battlegroup headquarters, they were then  
14 handed over to personnel, who were known as tactical  
15 questioners or TQers, and the TQers had a number of --  
16 well, basically, the TQers were trained to question --

17 THE CHAIRMAN: Just pause a moment please. You weren't  
18 trained as a TQer, were you?

19 A. No, I was not trained.

20 THE CHAIRMAN: No, well I am not sure that you have the  
21 expertise to tell us a great deal about that.

22 A. Okay.

23 MR MOSS: Let us move on then to the theatre itself. You  
24 tell us that you had -- is this right -- a number of  
25 cards, including one, you think, to do with the matters

1 of the law of armed conflict; is that right?

2 A. Yes.

3 Q. So far I have asked you about training in stress  
4 positions. Did you ever see stress positions actually  
5 used in Iraq on prisoners?

6 A. No. Categorically no.

7 Q. The Inquiry has heard evidence, including from two  
8 members of a different platoon of Support Company, that  
9 stress positions were used; incidents being given of one  
10 occasion at least at Basra Palace and others at BG Main.  
11 You saw none of that, is that right?

12 A. That's correct, but again my interpretation of what  
13 a stress position is, again excessive undue physical  
14 discomfort, and detainees being kept kneeling, waiting  
15 for transport to be picked up at the point of arrest,  
16 could be seen by some as a stress position.

17 Q. If one is dealing with Basra Palace and prisoners at  
18 Basra Palace or at BG Main, once they have arrived at an  
19 army camp, being kept in forced positions there, you  
20 say, what, that you never saw it and never heard of it?

21 A. No, never saw it or never heard of it categorically  
22 because, if I did see it or heard of it, then I would  
23 have taken steps to have it reported or stopped.

24 Q. Was it ever discussed at company O Groups within  
25 Somme Company?

1 A. Other than just a remind and reinforce on a regular  
2 basis at company O Groups that stress positions and  
3 detainee mistreatment was not to take place.

4 Q. If you had seen such stress positions being used, what  
5 exactly would you have done?

6 A. If I saw what I understood stress positions to be in --  
7 or if I saw detainees being put in stress positions,  
8 I would have physically gone over to the location,  
9 stopped it from happening, and then reported the event  
10 up the chain of command. But I never actually saw or  
11 heard of any instances where stress positions were being  
12 used.

13 Q. You tell us that you went to BG Main perhaps twice  
14 a week, although I think you explain in your statement  
15 that the actual frequency would vary from week to week.

16 A. Yes, there were some instances where I would go maybe  
17 twice a week and there were other instances where  
18 I wouldn't go perhaps for a number of weeks. It just  
19 depended on my reasons for going there.

20 Q. Were there occasions when you did visit BG Main when you  
21 went to the TDF -- the temporary detention facility --  
22 where prisoners were held at BG Main?

23 A. I believe that's what it's called, yes, but, yes, I did  
24 go into BG Main and passed the location where detainees  
25 were being detained.

1 Q. I understand that you would have passed it. The  
2 concrete building there, the low-rise building with  
3 three rooms, did you ever recall actually going into it  
4 and seeing prisoners inside it?

5 A. No. I do recall the small single-storey building and  
6 I do remember that detainees were being kept in and  
7 around the vicinity of that location --

8 Q. Yes.

9 A. -- but I never actually went inside it.

10 Q. Right. We are going to come on to one or two examples  
11 of that. In general terms, your platoon, you explain in  
12 your statement, was quite often doing the outer cordon  
13 on operations. Is that right?

14 A. Yes, that's correct.

15 Q. But would there be exceptions to that, when your company  
16 may be involved in search operations and actual arrests?

17 A. Yes. My platoon, the Anti-Tank Platoon, had a number of  
18 people trained in it to be the low-risk search advisers  
19 or basically what's called "searchers". So on any  
20 arrest or strike op, as they were called, my multiple  
21 would normally be kept on the outer cordon or the inner  
22 cordon while another multiple actually did the arrest  
23 operation itself, for the sole reason that, as soon as  
24 the detainees were arrested and under control, my  
25 soldiers would then be called forward to carry out the

1 actual search of the building.

2           Simply, you couldn't have the arresting troops  
3 detaining the detainees and then go on to do a search.  
4 So my soldiers were normally kept slightly out of the  
5 way first of all and then called forward to actually do  
6 the search.

7 Q. Does it follow that soldiers in your platoon, your  
8 soldiers, may have been involved less frequently with  
9 arrests than other platoons?

10 A. Yes, that's right. As far as I can remember, during the  
11 time that I was a multiple commander physically on the  
12 ground, I can only recall one instance where my multiple  
13 was involved in an arrest, as in the arresting force,  
14 and I think there might have been one other, but I'm not  
15 sure. So our frequency of carrying out physical arrests  
16 was very low.

17 Q. When you and your soldiers were involved in arrests,  
18 can I ask about hooding on capture? Did your soldiers  
19 in fact use sandbags at the point of capture when people  
20 were arrested?

21 A. Again it would depend on the scenario itself, but  
22 because the local Iraqi interpreters were physically  
23 embedded with the arresting troops, then quite often it  
24 would be a case of: hood the detainees fairly quickly at  
25 the point of arrest in order to protect the identity of

1           the interpreters. So, yes, detainees were hooded fairly  
2           quickly after arrest.

3    Q.   How many hoods would be used on each individual  
4           prisoner?

5    A.   I seem to remember in the early days of the tour it was  
6           just one sandbag, but I think it very quickly became a  
7           double layer of sandbag, simply because the material was  
8           quite loosely woven, and I believe detainees could see  
9           through it fairly easily.

10   Q.   How would the sandbag be applied or the two sandbags if  
11           it was two sandbags? Would they be applied down over  
12           the mouth initially?

13   A.   They would be deployed down over the mouth, yes, so the  
14           entire head was covered. But, again, individual  
15           soldiers were normally allocated one or two detainees to  
16           keep a watch on and, again, if it looked like they were  
17           suffering any undue stress or having difficulty in  
18           breathing, then the standard operating procedure was  
19           that the sandbag would then be rolled up to free  
20           breathing of mouth.

21   Q.   There is no reason at all why you should not have done  
22           so, but have you, in recent days, read the evidence of  
23           Warrant Officer -- as I think he then was -- Topping?

24   A.   Yes, I have.

25   Q.   You saw, no doubt, his evidence about double hooding --

1 two hoods -- being used and that becoming an SOP.

2 A. Yes. That was -- I had actually forgotten about --

3 THE CHAIRMAN: I suspect the best thing is to wait until you  
4 are asked the question.

5 A. Sorry, yes. That's correct.

6 MR MOSS: You don't mention in your statement to the  
7 Inquiry, do you, the use of two sandbags?

8 A. No.

9 Q. Is there any reason for that?

10 A. A very simple reason, that I had simply forgotten that  
11 aspect of events until I read it again in Sergeant Major  
12 Topping's statement.

13 Q. It is also right, is it not, that when you were  
14 providing the statement to the Inquiry back in August of  
15 last year, you were seeking to suggest to the Inquiry  
16 that it was an SOP to always ensure that the sandbag was  
17 kept above the mouth of the prisoners right from the  
18 outset?

19 A. I believe that was my interpretation of it, but  
20 obviously, having only carried out two arrest ops,  
21 I think that was the -- I believe that then became the  
22 exception rather than the norm -- only if a detainee was  
23 suffering difficulties in breathing.

24 Q. Forgive me, but when I was asking you questions a moment  
25 ago about what your soldiers did and whether they

1 hooded, I asked you, "Did they pull the sandbag over the  
2 mouth?" and you indicated that they did, your soldiers  
3 did that.

4 A. Yes.

5 Q. We have on the screen BMI03372, paragraph 42, the top of  
6 the paragraph. To give the context, you have been  
7 explaining what your platoon was involved in and you go  
8 on in 42 to say:

9 "We usually plasticuffed the detainees' hands at the  
10 wrists. We would also blindfold them at the point of  
11 arrest, normally with a sandbag placed over their head  
12 by a soldier to restrict their vision and to preserve  
13 the identity of any interpreters that were with us as  
14 the interpreters feared reprisal from the community."

15 Then this:

16 "We were taught always to ensure their airways were  
17 kept clear by not covering the mouth and that they could  
18 breathe comfortably."

19 That is just not right, is it?

20 A. Well, if they could breathe comfortably through the  
21 hessian sandbag when it was rolled down, then that was  
22 fine.

23 Q. But it is not right, is it, that the SOP used by you and  
24 your soldiers was to start off with the sandbag rolled  
25 up above the mouth of the detainees?

1 A. Unless that was my -- unless that is how I remember it  
2 when I was giving my statement. Obviously, having read  
3 other people's statements, my memory has now been jogged  
4 sufficiently as a result.

5 Q. I am not going to labour the point, but it has been  
6 jogged to the extent that not only was the mouth  
7 covered, but in fact it was SOP that two sandbags were  
8 used.

9 A. Yes, but if a detainee then looked like he was having  
10 difficulty in breathing, then the subsequent SOP was to  
11 roll it up over the mouth in order to free the airway.

12 Q. It is not the case, is it, that in your statement to the  
13 Inquiry you were trying to paint the particular  
14 procedures that you used in a more favourable light than  
15 was in fact entirely the true position?

16 A. No, that's not correct.

17 Q. On those occasions when arrests have been made, please,  
18 by your soldiers, where would they then be taken for  
19 processing? Would it be to Support Company headquarters  
20 at the Palace or to BG Main?

21 A. It was always back to Battlegroup Main unless there was  
22 some reason why we couldn't gain access to  
23 Battlegroup Main. But the default, yes, was always  
24 Battlegroup Main.

25 Q. Just help with this if you can: were your soldiers then

1           sometimes left at Battlegroup Main to assist with the  
2           guarding?

3    A.   No, I don't believe they were.

4    Q.   Thank you.  Could I move on in that case, then, please,  
5           to two particular occasions that you describe in your  
6           statement of seeing prisoners at BG Main.  I think you  
7           tell us that the first one -- if this is right -- was at  
8           around about the time of Op Quebec.  Does that ring any  
9           bells?

10   A.   Yes, I believe I remember the details of Op Quebec, but  
11          I can't say with any 100 per cent certainty.  There were  
12          lots of different ops ongoing that I took part in.

13   Q.   I understand.  The first occasion that you describe in  
14          your witness statement of seeing several detainees, you  
15          talk about seeing them at BG Main being processed within  
16          the holding area.  Just dealing with that first  
17          occasion, can you remember now whereabouts the detainees  
18          actually were in BG Main?

19   A.   The -- on the few occasions that I brought detainees  
20          back to Battlegroup Main, they were brought round to an  
21          area close to a single-storey building close to the  
22          entrance of Battlegroup Main, and from there they were  
23          then handed over to the battalion regimental police  
24          staff.

25   Q.   Yes.

1 A. From there, the battalion RP staff then took  
2 responsibility for the detainees, while myself and the  
3 arresting soldiers would then go off into the  
4 Battlegroup Main building to give statements.

5 Q. There would have been paperwork to complete?

6 A. Yes.

7 Q. Just dealing with this first occasion, you talk about  
8 seeing -- if I can take you to it from your statement.  
9 We don't need to turn it up -- detainees who were sat on  
10 the ground and they had sandbags on their head. On this  
11 first occasion were they inside the detention building  
12 itself or were they outside?

13 A. The ones I saw were outside, sat on the ground, but  
14 I can't confirm if there was detainees inside the  
15 single-storey building.

16 Q. You say that they had sandbags on their heads. Were the  
17 sandbags rolled down over their mouths or kept above  
18 their mouths on this first occasion?

19 A. To be honest I really can't remember if they were rolled  
20 up or rolled down.

21 Q. Look at paragraph 48 in your statement, BMI03374. You  
22 say:

23 "I remember returning to BG Main and seeing several  
24 detainees being processed within the holding area ...  
25 sat on the ground with sandbags on their head ... The

1 sandbags were tucked up over their mouths so they could  
2 breathe freely."

3 A. Okay.

4 Q. Is it true position that you can't remember whether the  
5 bags were over their mouths or not, as you have just  
6 told us a moment ago?

7 A. At the time of making the statement, I obviously thought  
8 that they were rolled up, but I can't say with any great  
9 certainty. I am sorry, I really can't remember or can't  
10 say with any great accuracy.

11 Q. Is that something you would have forgotten since August  
12 when you signed your statement, if you did actually see  
13 them with their sandbags rolled up over their mouths?

14 A. Possibly not. To be honest I can't really -- I can't  
15 say with any great clarity here today.

16 Q. You go on in this statement to describe how you went  
17 into the BG Main building in order to provide  
18 a statement. Not looking at the statement for the  
19 moment, when you came back out again, what, if anything,  
20 did you see so far as the detainees were concerned?

21 A. I do remember afterwards because it was starting to  
22 become mid-morning and that a couple of the detainees  
23 were having the sandbags removed from their head and  
24 were actually being given water to drink.

25 Q. Was there anything on this first occasion that you

1 describe that caused you concern about the way in which  
2 the detainees were being handled or treated?

3 A. No, no -- nothing of any great concern, no.

4 Q. So on this first occasion, is this right, that there was  
5 nothing for you to report or nothing adverse for you to  
6 report to the chain of command about how they were being  
7 treated?

8 A. That's correct.

9 Q. If you had seen them in stress positions, would you have  
10 reported that --

11 A. Yes.

12 Q. -- on this occasion?

13 A. If anybody was being put in a stress position, yes,  
14 I would have reported it, but because I didn't see  
15 anybody being put in a stress position, then I had no  
16 reason to report anything.

17 Q. You go on to talk about a second occasion when you saw  
18 detainees at BG Main.

19 A. Yes.

20 Q. What were the circumstances of that? Can you remember  
21 roughly whenabouts it was?

22 A. I think it was roughly about two days after Op Quebec if  
23 that -- well, basically, the arrest operation that I was  
24 on. Yes, it was roughly about two days after the event.

25 Q. From the orders for Op Quebec, we would seem to be

1 talking about mid-August. Does that seem about right?

2 A. I believe so, but again I can't say with any great  
3 certainty.

4 Q. All right. On this second occasion, how many detainees  
5 did you see?

6 A. I was across in Burma Company -- sorry, I was walking  
7 out of Burma Company headquarters location, so I must  
8 have been about 150 or 200 metres away from the area  
9 where the detainees were sat out in.

10 THE CHAIRMAN: Could you possibly concentrate on the  
11 question? How many did you see, if you could say?

12 A. Sorry, I would say no more than maybe three or four  
13 detainees.

14 MR MOSS: Were they being kept inside or outside?

15 A. The ones I saw were kept outside.

16 Q. Did they have sandbags on their head?

17 A. I believe they did, yes.

18 Q. On that occasion, the second occasion, were the sandbags  
19 pulled down covering the mouth or rolled up above the  
20 mouth?

21 A. Because I was at quite a distance, I don't think I was  
22 able to distinguish whether they were rolled up or  
23 rolled down.

24 Q. Did you know in relation to what events those detainees  
25 had been arrested?

1 A. I believe they were detained on Op Quebec, which I had  
2 taken part in two days earlier, because if there was an  
3 arrest op in the intervening period, then it was likely  
4 I would have either taken part in it or would have heard  
5 of it. Because there was no ops in that intervening  
6 period, then I assumed that they were part of the arrest  
7 op that had taken [sic] two days prior.

8 Q. So it was your assumption that they were the prisoners  
9 from Op Quebec -- is that right?

10 A. Yes.

11 Q. -- but you didn't know?

12 A. No.

13 Q. Was there anything about the way in which these  
14 detainees, on this second occasion, were being held that  
15 caused you to be concerned?

16 A. Yes. The fact that they were still sat out in the open  
17 and in the sun, again with sandbags on their heads, made  
18 me slightly concerned that they hadn't been processed or  
19 they hadn't been moved on somewhere else.

20 Q. I think in a sense you may have answered the question,  
21 but what was it about the detainees on this second  
22 occasion in their treatment that was different to the  
23 first when you had had no concerns?

24 A. The fact that they were still sat out in the sun, again  
25 still with sandbags on their head.

1 Q. On this second occasion were they in stress positions?

2 A. No, they were just sat on the ground.

3 Q. Could we just have on the screen, please, BMI00470? Can  
4 we just do the best we can to enlarge the prisoners who  
5 are held on the pavement?

6 A. Yes, I can see that.

7 Q. Yes. Thank you very much. These are photographs  
8 exhibited by an Inquiry witness statement called Brown.  
9 The background does not matter. They were taken on or  
10 around 15 August, about this time. Is that the sort of  
11 scene that you saw?

12 A. No. The detainees were -- the ones that I saw were  
13 a bit more dispersed. They weren't kept in sort of high  
14 density like that. They were quite spread out.

15 Q. All right. Could we try BMI00471?

16 A. Yes, it looked something similar to that.

17 Q. All right. So you have told us that it did cause you  
18 concern because you thought, "They are still out in the  
19 sun, still with sandbags, they haven't been processed".  
20 What, if anything, did you do about it?

21 A. Sergeant Smith, one of the battalion RP sergeants,  
22 was stood close by me and I was just having a normal  
23 chat, a conversation with him. I basically said, "How  
24 come ..." -- and I asked something like, "How come the  
25 detainees are still sat outside after all this time?"

1           Then I basically asked the question, you know, "Is this  
2           right? Is this what we are meant to do?"

3   Q.   All right. Did he say anything in response?

4   A.   Yes, he said, "Yes, we are following guidelines as set  
5           out by brigade headquarters".

6   Q.   Let me pause you there. How confident are you in your  
7           recollection that Provost Sergeant Smith referred to  
8           guidance that had been received from brigade  
9           headquarters?

10  A.   Obviously I can't confirm it word for word, but from  
11           what I remember, I believe that is something similar to  
12           what he said.

13  Q.   Did you consider that the way that they were being  
14           treated was right?

15  A.   I thought that it probably wasn't. It probably wasn't  
16           a nice thing to do, to keep detainees sat out in the sun  
17           anything up to two days after they had been detained,  
18           which is why I raised it --

19  Q.   Yes.

20  A.   -- to Sergeant Smith.

21  Q.   We will come on to conversations that you may have had  
22           with the OC in that moment, but is there any reason why  
23           you didn't there and then order Sergeant Smith to take  
24           the prisoners inside and/or that their hoods should be  
25           removed?

1 A. I raised my concerns again with Sergeant Smith along the  
2 lines of, "Look, are you really sure this is correct?",  
3 and he said, "Yes, this is what we have been told to do  
4 by brigade", "brigade" obviously meaning brigade  
5 headquarters. Because Sergeant Smith was part of the  
6 Regimental Police staff that specialised in the  
7 receiving of detainees and their subsequent processing,  
8 I basically thought, "Well, he obviously knows what he  
9 is doing, he has had direction from brigade  
10 headquarters", and at that point I thought, "Well, okay  
11 then", but with a mind of going back to my location and  
12 obviously just raising my concerns informally with  
13 Major Hemesley.

14 Q. Did you in fact do that? Did you raise it with  
15 Major Hemesley, your OC?

16 A. Yes. Again, I can't remember the exact specifics of the  
17 conversation, but I do remember it. It was in an  
18 informal chat with him back at my company headquarters  
19 location. I basically said -- I told him what I saw and  
20 just basically said to him, "Look, you know, this  
21 doesn't seem correct. You know, should we be doing  
22 this?" or "Is this the way that we should be doing  
23 things?"

24 Q. Obviously we will ask Major Hemesley about it when he  
25 comes to give evidence. At least in his witness

1 statement to the Inquiry he appears to say that he has  
2 no recollection of any kind of ill-treatment being  
3 raised with him by those under his command in the  
4 company. How confident are you that you raised this  
5 matter with him?

6 A. I am very confident, but again it was a run-of-the-mill  
7 informal conversation. It wasn't anything that  
8 I formally brought to his attention in writing. It was  
9 just a conversation that I was having with him where  
10 I raised this concern.

11 Q. All right. So it wasn't a formal complaint, but you  
12 raised it with him?

13 A. Yes.

14 Q. What was his response?

15 A. Again, I believe his response was something similar to  
16 Sergeant Smith's in that, "Well, that's the direction we  
17 have been given by brigade", "brigade" obviously being  
18 brigade headquarters. So having --

19 Q. Sorry, go on.

20 A. Having heard Sergeant Smith and then Major Hemesley come  
21 out with the same statement that it was a direction  
22 given from brigade headquarters, I was then satisfied  
23 that I had raised it on two occasions, one of which to  
24 my immediate superior officer, and that the answers that  
25 I got back satisfied me that this procedure --

1 procedures -- were endorsed from a higher headquarters.

2 Q. Did your OC indicate one way or the other -- I don't

3 want you to guess or speculate -- the form that the

4 direction took, whether it was verbal guidance from

5 brigade or whether it was a written SOP or an

6 aide-memoire? Do you have any recollection of that at

7 all?

8 A. He didn't extrapolate. Apparently there was some

9 written aide-memoire that had come from brigade on --

10 I believe it was something on the lines of procedures

11 for detainee handling, but simply because of the lack of

12 resources a lot of this information was passed down

13 verbally and I never received or saw --

14 Q. You never received a written copy of that?

15 A. No.

16 Q. And you never saw one?

17 A. No.

18 THE CHAIRMAN: Mr Moss, we are now at quarter past 3.

19 MR MOSS: Yes.

20 THE CHAIRMAN: We have another witness. I don't want to go

21 too late tonight. I assume he is able to come back

22 tomorrow if it is necessary -- we have certainly got

23 time for him -- but it would be inconvenient if he did

24 have to come back. What is the position? Are we likely

25 to get through this witness?

1 MR MOSS: I suspect Mr Peel might be a bit shorter in terms  
2 of that. We may struggle to finish him. Can I make  
3 enquiries during the break as to what the position is?  
4 THE CHAIRMAN: Yes. I will break off in ten minutes' time.  
5 MR MOSS: Of course. I understand.  
6 You go on to say in your statement, is this right,  
7 that you were not the only person in Somme Company who  
8 had concerns. Can you help us with that?  
9 A. Yes, I do remember very vaguely that I believe  
10 witness -- was it S037 -- who gave evidence earlier --  
11 Q. S038.  
12 A. S038.  
13 Q. Yes.  
14 A. I do have a fairly vague recollection that I think he  
15 raised it on one of the company O Groups.  
16 Q. What did he raise?  
17 A. I think it was something similar, in that detainees  
18 shouldn't have been kept out in the sun for so many  
19 hours. But, again, I can't remember the specifics of  
20 that conversation.  
21 Q. Very well. Was it just the two of you or were there  
22 others as well?  
23 A. I think if it was in a company O Group, it would have  
24 been done with the company hierarchy. But I really  
25 can't remember if others endorsed our thoughts or made

1 any such comment in any way.

2 Q. Is that entirely right? Paragraph 50 -- again there is  
3 no reason to perhaps have it up -- what you say is that:

4 "... many of the senior NCOs in Somme Company raised  
5 concerns asserting that this was not how we should be  
6 processing detainees ..."

7 Was it many senior NCOs in the company raising  
8 concerns?

9 A. I think as part of the company O Group there was a bit  
10 of a discussion about it. I can't remember exactly  
11 if -- how many others joined in the conversation, but  
12 I just think people basically gave their opinions that  
13 maybe keeping detainees out in the sun wasn't  
14 a particularly nice thing to do. I can't remember  
15 exactly how many joined in the conversation.

16 Q. Forgive me, but in paragraph 51 of your statement you  
17 say that elements of the company HQ agreed that it did  
18 not seem right to have the detainees handled in this  
19 way.

20 A. Mm-hm.

21 Q. Who were the elements of the Somme Company HQ who were  
22 agreeing that it was not right to treat them in this way  
23 if they were in company headquarters? Who was that?

24 A. It would have been the multiple commanders, normally, or  
25 a representative for most of the Somme Company

1 multiples. But, again, depending on the scenario at the  
2 time, not everybody was able to attend.

3 Q. You can't remember the names of any others who were  
4 raising concerns?

5 A. Not on that specific occasion, no, but because most of  
6 the Somme Company hierarchy were quite experienced  
7 soldiers and had served quite a lot in Northern Ireland,  
8 I believe the conversation probably would have went  
9 along the lines of generally the feeling was that it  
10 wasn't the right thing to do. But I can't remember  
11 specifics of who agreed or who disagreed.

12 Q. Just two more fairly short topics if I may. The first  
13 one is this: other than these two incidents you have  
14 described, with prisoners being out in the sun, were  
15 there any other occasions when you had cause to be  
16 concerned about the way that prisoners were being  
17 treated? Casual violence and the like? Did you see any  
18 of that?

19 A. No, I never saw anything of that matter. There were  
20 very minor anecdotal occasions where some of the younger  
21 soldiers had maybe got carried away with detainees  
22 whenever they were arresting them, but their chain of  
23 command, as in their corporals, lance corporals and  
24 sergeants, very quickly nipped it in the bud.

25 Q. Did you see that yourself or are you speaking from what

1           was the talk --

2    A.  No, it was speaking purely anecdotally, but I never saw  
3           it myself.

4    Q.  S038, we have mentioned him several times during the  
5           course of your evidence.  Did you know him well at the  
6           time?

7    A.  At the time I knew him fairly well, yes.

8    Q.  Did he ever raise with you any concerns about an  
9           incident involving the Viper Squad, the CO's TAC group  
10           and over-aggression by them?

11   A.  Not that I can remember, no.

12   Q.  If he had raised a concern that members of the  
13           Viper Squad had actually hit and kicked a detainee, is  
14           that something that you would be likely to remember?

15   A.  Yes.

16   Q.  There wasn't an occasion, was there, when you perhaps  
17           were the watchkeeper and he reported that he had left  
18           a patrol because another call sign was in his location  
19           and the other call sign was, in fact, the CO's TAC  
20           group?  Does that ring any bells at all?

21   A.  No, that's not to say it didn't happen, but I don't  
22           remember it.

23   Q.  Finally this, then: do you remember an occasion where  
24           you had the misfortune on a search operation to climb  
25           over a wall and fall into a cesspit on the other side?

1 A. It wasn't a wall. It was just a straightforward running  
2 down a dusty --

3 THE CHAIRMAN: Never mind whether it was a wall or  
4 straightforward, did you fall into a cesspit?

5 A. Yes, I fell into a cesspit.

6 THE CHAIRMAN: Not very pleasant.

7 MR MOSS: Was that on a search op with S038?

8 A. It was during, I believe, Op Quebec, so it was an arrest  
9 op.

10 Q. Leaving aside the building that S038 may have been  
11 involved in searching, did you see, on that occasion, an  
12 army vehicle actually ram another building about  
13 100 metres away?

14 A. No.

15 Q. Did you see or was it brought to your attention that in  
16 another building that S038 hadn't been searching  
17 himself, that the other building effectively had been  
18 trashed by soldiers from 1 QLR purporting to search it?

19 A. No, I don't recall that on that instance.

20 Q. Do you recall anything along those lines?

21 A. I do recall certain instances where vehicles were used  
22 to gain access into buildings, but that was simply to  
23 batter down heavy doors that couldn't be opened in any  
24 other way.

25 Q. S038, during the course of his evidence today, did say



1 Ireland? First of all, you are reasonably clear, aren't  
2 you, that 1 QLR gave you training in LOAC in 2000 and  
3 2001 during the Northern Ireland deployment?

4 A. Yes, that's right.

5 Q. Can you recall who it was from 1 QLR who gave you that  
6 training?

7 A. I haven't a clue, I'm sorry.

8 Q. Now, without going into the detail, you did a tour in  
9 Northern Ireland and you yourself have studied the  
10 background of British military deployment in Northern  
11 Ireland; is that's correct?

12 A. Yes, that's right.

13 Q. From your understanding, was hooding for the purposes of  
14 assisting interrogation something that had been banned  
15 in Northern Ireland historically?

16 A. I believe it was, yes.

17 Q. Did your understanding of that ban exclude what you have  
18 explained to Mr Moss was a use of hooding for security  
19 purposes temporarily, if I can put it that way?

20 A. As in the use of hooding in Iraq?

21 Q. Yes, in transit for security purposes.

22 A. Yes.

23 Q. Perhaps not during your tour in 2001, but when you were  
24 learning about Northern Ireland -- either reading  
25 about it or speaking to others who had served earlier --

1           was it your understanding that hooding for security  
2           transit purposes had been actually used in Northern  
3           Ireland, say, in the 1990s?

4    A.   Yes.

5    THE CHAIRMAN:  Mr Friedman, we are trespassing into areas  
6           that are not covered by my terms of reference.

7    MR FRIEDMAN:  The question which I actually asked  
8           I understood was rather covered by Module 1 because  
9           I wasn't going to ask anything more than that, and the  
10          answer is "yes", that the witness came to be known  
11          that --

12   THE CHAIRMAN:  We have all the documents and the like about  
13          that.

14   MR FRIEDMAN:  I don't know whether one has necessarily heard  
15          about evidence of it being used in Northern Ireland in  
16          the 1990s, but the answer from this witness is "yes".

17   THE CHAIRMAN:  Yes.  I have got it.

18   MR FRIEDMAN:  Moving to the theatre of operation, Telic 2,  
19          in terms of your explanation of hooding being used for  
20          security transit purposes, was it necessary for  
21          detainees to be hooded once in the Saxons on the way to  
22          somewhere?

23   A.   If there was a number of detainees being transitted  
24          together, then, yes, the hoods would normally remain on.

25   Q.   In that context, what was the reason for using the

1 hoods?

2 A. It was literally, again, to keep the detainee in a sense  
3 of isolation because, again, if detainees could make eye  
4 contact with each other, it could actually strengthen  
5 their resolve not to surrender any information. But if  
6 they felt that they were hooded and kept in a sense of  
7 isolation and slight concern, then it would make them  
8 more susceptible to giving up information whenever they  
9 got back to Battlegroup Main.

10 Q. Do you appreciate from the answer that you have given  
11 that there's a slight movement beyond security in the  
12 second part of the answer you have just given me?

13 A. Well, again, if the detainees could make eye contact  
14 with each other, then there was also a possible security  
15 risk --

16 Q. We understand that, but was there a second limb in the  
17 reason for keeping on the hoods which was to maintain  
18 insecurity -- "shock of capture", sometimes the words  
19 are used -- in order to assist interrogation when they  
20 got back to wherever they were being taken?

21 A. Yes, but the primary reason for keeping the hoods on was  
22 so that they wouldn't attempt some sort of escape bid by  
23 jumping out the back of a vehicle.

24 Q. I want to ask you not about Somme Company and the few  
25 occasions that it dealt with detainees, but concerns

1           that you did have arising out of a point in time which  
2           you believe is close to Operation Quebec. We know that  
3           is 13 August. Can I ask you this? You have made  
4           assumptions on the basis that there wasn't an official  
5           operation in the intervening period between first  
6           sighting of these people and second sighting of  
7           prisoners.

8           An event we know about is the murder of Dai Jones,  
9           which is on 15 August, which is in fact the same day as  
10          the photographs you looked at may well have been taken.  
11          If you just take those dates from me. Were you aware of  
12          a round-up of people quickly after the murder of  
13          Dai Jones?

14   A. No. As far as I was concerned any arrest ops that took  
15          place were borne out of intelligence gained from the  
16          various intelligence sources and they were the sole  
17          driver for the targeting of individuals and houses.

18   Q. You say you took your concerns to your OC,  
19          Major Hemesley, and you used the word "informally". But  
20          informal or otherwise, are we to understand that you  
21          raised it in an O Group at Somme Company, an O Group  
22          meeting?

23   A. No, it was just in a conversation. I believe it was in  
24          a -- I think it was in one of the corridors in the  
25          headquarters building.

1 Q. You see, in terms of, then, the second stage of this,  
2 which is in paragraph 51 of your statement -- you don't  
3 need to go to it -- how it was that you were then  
4 learning about the concerns of the other senior NCOs?  
5 Were they responding to similar conversations you had  
6 after this event?

7 A. To be honest, I can't remember if the concerns raised in  
8 the O Group discussion took place before or after  
9 I raised it with my OC. I really can't remember.

10 Q. So there was a general O Group discussion at some point?

11 A. Yes.

12 Q. Are you saying that other people were simply raising  
13 concerns about detainees being held hooded in the sun or  
14 were they raising perhaps a range of concerns about the  
15 way in which Iraqi civilians were being treated?

16 A. I think it was more just that detainees were kept --  
17 were being kept out in the sun. Given the temperatures  
18 during the day out in Iraq at that period of time, it  
19 would have been extremely uncomfortable. But I don't  
20 think it was anything more in-depth than that.

21 Q. I want to turn to S038. It is no criticism, but in  
22 order to save time, did you hear his evidence this  
23 morning, his oral evidence?

24 A. I heard bits of it, yes.

25 Q. Have you read the statement that he has given to the

1 Inquiry?

2 A. No.

3 Q. First of all this: he had a searching role in that  
4 multiple for Somme Company. Is it right to say that  
5 that role demanded a significant degree of reliability  
6 and integrity?

7 A. Yes.

8 Q. During the time that he served under you, did you have  
9 any cause to be concerned about his reliability and  
10 integrity?

11 A. That is again only my opinion, but, no. He was a fairly  
12 robust senior NCO, but he was a bit rough around the  
13 edges, so to speak.

14 Q. In this sense, is that the way in which he communicated  
15 that you mean "rough around the edges" or do you mean  
16 anything other than that?

17 A. I think just his mannerisms. He could be quite brash  
18 and excitable at times and blow things up out of  
19 proportion. But generally, on the whole, yes, he was  
20 quite reliable.

21 Q. Did he approach his actual search role in a particularly  
22 reliable and professional manner?

23 A. In my opinion, yes, but I'm not trained in any search  
24 capacity.

25 Q. Just, then, on the incident of the cesspit. Could it be

1 possible that when you recall -- and your memory has  
2 been prompted that it may have been S038 who was one of  
3 the senior NCOs who raised concerns -- when you recall  
4 him raising concerns, that he raised it about ransacking  
5 an Iraqi property, in other words treatment of houses  
6 and treatment in the knocks, rather than prisoners in  
7 the sun?

8 A. Sorry, what was the question again?

9 Q. The question is, if I understood you correctly, you have  
10 been prompted to remember that S038 may have been  
11 a person who raised concerns --

12 A. Yes.

13 Q. -- about how other companies were behaving.

14 A. Yes.

15 Q. What you have been able to recall thus far is his  
16 concerns about prisoners in the sun.

17 A. Yes.

18 Q. He in fact has not raised that concern, as it happens,  
19 but he has raised a concern about the conduct of another  
20 company during a knock. It is in fact the one relating  
21 to when you fell in the cesspit. Is it possible that he  
22 raised concerns about that and you do recall, perhaps in  
23 the back of your mind, concerns being raised about that  
24 event?

25 A. It is possible that he may have raised concerns, but

1 I don't recall them as a result of that operation.

2 Q. When you were involved coming in on a secondary basis  
3 with Somme Company into knocks, did you sometimes find  
4 properties in a condition that made you suspect that  
5 there had been heavy-handedness in the way in which  
6 people had treated them?

7 A. No, and that was simply because my multiple normally  
8 provided the cordon for Somme Company arrest ops, and  
9 from any time I saw, there was no evidence of any  
10 trashing of houses.

11 Q. Lastly this: you don't recall a specific complaint from  
12 S038 when you were brigade watchkeeper about the conduct  
13 of the TAC team, but do you recall some rumour control  
14 during the course of the tour that from time to time the  
15 TAC team could get out of hand?

16 A. Yes. There was some gossip, speculation, that the  
17 commanding officer's TAC team were quite keen to get  
18 stuck into the action and, as a result, they would turn  
19 up to scenarios that maybe the commanding officer  
20 shouldn't have been directly involved in.

21 Q. Is that a safety concern or something more about them  
22 going over the top?

23 A. I think it was more that the commanding officer's TAC  
24 should have kept a tactical step back instead of getting  
25 so intimately involved in specific situations.

1 MR FRIEDMAN: Thank you, Sir.

2 THE CHAIRMAN: Thank you.

3 Yes, Mr Evans.

4 Questions by MR EVANS

5 MR EVANS: S047, I want to ask you a little about your  
6 pre-deployment training which you turned up to a little  
7 bit late, as you told us earlier. It was with the rest  
8 of QLR, though, I assume.

9 A. Yes.

10 Q. You tell us in your witness statement from about  
11 paragraph 28 that it was made clear to you in that  
12 training that you were to treat detainees firmly but  
13 fairly to maintain the shock of capture --

14 A. Yes.

15 Q. -- and you were told not to rough them up.

16 A. Yes.

17 Q. And you were told that the treating of detainees firmly  
18 and fairly to maintain the shock of capture was what  
19 conditioning was.

20 A. Yes. In a -- again, it was a very loose connection made  
21 because conditioning was a bit of an unknown science, to  
22 be honest.

23 Q. But you understood "conditioning" to mean treating  
24 detainees firmly but fairly --

25 A. Yes.

1 Q. -- as a result of the pre-deployment training?

2 A. Yes.

3 Q. It was clear to you, as a result of the pre-deployment  
4 training, was it, that you were to be courteous and  
5 polite to Iraqis, for example at VCPs or in contact with  
6 them?

7 A. Yes.

8 Q. It was made clear to you as well, I think you tell us in  
9 your statement, that the point of treating Iraqis in  
10 this way was to win the support of the population and  
11 the approbation of the media and international  
12 community.

13 A. Yes, that's correct.

14 Q. I want to ask you finally about the informal  
15 conversation in the corridor you told us about that you  
16 had with the OC, Major Hemesley. You told us a moment  
17 ago that you believed that Major Hemesley also mentioned  
18 to you a brigade directive as well as Sergeant Smith.  
19 What I am going to say to you is that Major Hemesley  
20 doesn't remember any brigade directive of this kind and  
21 I am going to ask you whether it is possible that you  
22 might be mistaken about Major Hemesley mentioning  
23 a brigade directive to you and that it was just  
24 Sergeant Smith who did so. Is that possible?

25 A. In my mind I am sure that's what he said, but I am sure



1 Q. It was your understanding that it was standard operating  
2 procedure for detainees to be hooded whilst in BG Main  
3 for security purposes -- is that right?

4 A. Yes.

5 Q. -- to prevent them from seeing the camp?

6 A. Yes.

7 Q. You have also told us that this was also your  
8 understanding of procedure from your training that they  
9 would be hooded in a sensitive area; is that right?

10 A. Yes.

11 Q. As far as you were concerned, BG Main -- the inside of  
12 BG Main -- fitted that definition?

13 A. Yes.

14 Q. You have also told us that preventing collusion was  
15 a reason behind hooding so far as you were concerned.  
16 Is that right?

17 A. Yes.

18 Q. Was it also your understanding that on occasions where  
19 there were a large number of detainees at BG Main, it  
20 would be necessary to hold some of them inside the TDF  
21 and some of them outside to prevent collusion between  
22 the numbers?

23 A. I don't really know what procedures were in the  
24 internment facility at the time.

25 Q. Could that have been an explanation for what you saw on

1           this occasion when you saw these detainees for two  
2           minutes or so?

3    A.   It's possible.

4    Q.   Moving on, just to your conversation with  
5           Sergeant Smith.  As an NCO and the provost sergeant,  
6           Sergeant Smith would not have been in a position to  
7           receive directions from brigade headquarters directly,  
8           would he?

9    A.   He would probably receive them indirectly through the  
10           chain of command.

11   Q.   Yes, he was too junior.  Directions, if they came from  
12           brigade, would come to those higher up than him at  
13           BG Main and filter down?

14   A.   Yes.

15   Q.   In those circumstances he simply wouldn't have mentioned  
16           that he had received a direction from brigade HQ, would  
17           he?  Could you be mistaken about your memory of him  
18           saying that to you?

19   A.   No.  I think it was just phraseology.  He probably would  
20           have said "It's a direction from brigade" as opposed to  
21           saying "It's a direction from brigade through  
22           battlegroup down through the cascade system".

23   Q.   As a shorthand, as it were?

24   A.   Yes.

25   MS SIMCOCK:  Yes, thank you.

1 Thank you, Sir.

2 THE CHAIRMAN: Mr Dingemans?

3 Questions by MR DINGEMANS

4 MR DINGEMANS: Just the cesspit incident. I imagine that  
5 after you jumped into the cesspit you were more  
6 concentrating on getting cleaned up, were you?

7 A. My initial concern was to get inside the target building  
8 that we were told to smash into and arrest any detainees  
9 inside it.

10 Q. And that was your hard knock operation --

11 A. Yes.

12 Q. -- rather than watching what another rifle company was  
13 doing?

14 A. No, as soon as I fell into the cesspit I gave my troops  
15 the order to go into the building. They forced their  
16 way into the building and then I quickly followed in.

17 MR DINGEMANS: Thank you very much.

18 THE CHAIRMAN: Mr Moss?

19 MR MOSS: Sir, I have no further questions. I am grateful.

20 Questions by THE CHAIRMAN

21 THE CHAIRMAN: Just one matter I want to ask you, please,  
22 S047. Your company, Somme Company, that was based at  
23 the Palace; is that right?

24 A. That's right, sir, yes.

25 THE CHAIRMAN: Did you have a mess there for officers at the

1 Palace rather than going to BG Main?

2 A. Yes, Sir. In the Palace there was a communal cookhouse.

3 THE CHAIRMAN: For officers and men or just for officers?

4 A. I believe it was for -- I believe it was a mixed

5 cookhouse and all ranks went there.

6 THE CHAIRMAN: Were there discussions between you and your

7 colleagues about the tour and what was going on?

8 A. Yes, sir, it was the talking point of pretty much every

9 meal.

10 THE CHAIRMAN: I am sure it was. After Baha Mousa's death,

11 did that come up as a topic of conversation?

12 A. It probably would, sir, yes, but I can't remember any

13 specifics.

14 THE CHAIRMAN: I dare say you can't remember anything

15 specific, but surely that would have been a major point

16 of talking.

17 A. Yes, sir, it most probably would have been.

18 THE CHAIRMAN: What I would like to know is this: I have

19 heard evidence about what A company did in terms of

20 hooding and stress positions and that which went on in

21 the TDF. Did that filter through to you after

22 Baha Mousa's death?

23 A. No, sir. After Baha Mousa's death it was investigated

24 by the Royal Military Police --

25 THE CHAIRMAN: That I understand. I am not asking you about

1           that.

2    A.   Sorry.

3    THE CHAIRMAN:  Did any of this information filter through to

4           all of you that they had been hooded for some time and

5           been placed in stress positions?

6    A.   No, sir, it hadn't.

7    THE CHAIRMAN:  Not a word?

8    A.   No, sir, not that I -- not that I had heard, no.  I only

9           found out about this once the court martial

10           investigations began.

11   THE CHAIRMAN:  And you weren't aware at all, throughout the

12           tour, about other people putting detainees in stress

13           positions?

14   A.   No.

15   THE CHAIRMAN:  All right.

16           Just one other matter I want to ask you about and

17           that is this:  in paragraph 50, about which you have been

18           asked, you said this about the detainees being

19           sandbagged and held outside in the heat.  I want to know

20           if this is accurate because you seemed to possibly say

21           something different earlier.  You say:

22           "I do not remember specifically who, but many of the

23           senior NCOs in Somme Company raised concerns ..."

24           Is that right?

25   A.   Yes, sir.  I think it was concerns raised --

1 THE CHAIRMAN: I just want to know: is that right?

2 A. Yes, sir.

3 THE CHAIRMAN: Thank you.

4 "... asserting that this was not how we should be

5 processing detainees but again the OC confirmed that

6 this was the direction received from brigade

7 headquarters by way of an aide-memoire on detainee

8 handling."

9 Is that correct?

10 A. Yes, sir.

11 THE CHAIRMAN: It is. All right. Thank you.

12 Yes. That's all I wanted to ask you. I am

13 forgetting my manners. Thank you very much for coming

14 to the Inquiry and giving evidence. You are now free to

15 go.

16 A. Thank you, Sir.

17 THE CHAIRMAN: Very well.

18 Yes, Mr Moss.

19 MR MOSS: Sir, our next witness then is Captain Michael

20 Peel.

21 THE CHAIRMAN: Could you be kind enough to stand up, please,

22 and I am going to ask that you be sworn?

23 MICHAEL PEEL (sworn)

24 THE CHAIRMAN: Thank you. Please sit down, Captain. I am

25 sorry you have been kept waiting. I very much hope that

1 we will be able to finish your evidence this afternoon  
2 so you don't have to come back tomorrow, which I imagine  
3 will be an irritation as well as inconvenient.

4 A. Thank you, Sir.

5 THE CHAIRMAN: If you speak into the microphone, we will all  
6 hear you. If there are any questions that you are asked  
7 that you don't understand, please say so.

8 Questions by MR MOSS

9 MR MOSS: Captain Peel, could you start by giving the  
10 Inquiry your full name please?

11 A. I am Captain Michael Peel.

12 Q. You have provided, I think, two statements to the  
13 Inquiry. If you pick up the folder that is in front of  
14 you, can you turn firstly to your first statement? If  
15 you perhaps go to the final page --

16 A. Yes.

17 Q. -- do we see that there is a statement from you which is  
18 dated 22 July and is that your signature on that  
19 statement?

20 A. That's correct.

21 Q. Did you then provide -- I think you should have it  
22 following afterwards at our page BMI06370 -- a short  
23 supplementary statement on 15 December 2009, last month,  
24 which you also signed?

25 A. That's correct.

1 Q. When you signed those two statements, were you attesting  
2 to the Inquiry that the contents of the statement were  
3 true to the best of your knowledge and belief?  
4 A. That's correct.  
5 Q. As you will have heard me say to the previous witness,  
6 everybody has read those statements and I am going to  
7 have to take you to some parts of them. Do you  
8 understand?  
9 A. I understand.  
10 THE CHAIRMAN: I think we can take his career background  
11 really as read.  
12 MR MOSS: Sir, yes.  
13 Can I just deal with this then? It is right, isn't  
14 it, that by the time of Op Telic 2, your position was as  
15 a second lieutenant, if I have it right, of a platoon of  
16 B Company 1 QLR? Is that right?  
17 A. That's correct.  
18 Q. Was that in fact 6 Platoon of which you were the  
19 commander?  
20 A. That sounds accurate, yes.  
21 Q. So far as training is concerned, you have spoken in your  
22 witness statement about LOAC training and the like.  
23 Before we go on to look at particular techniques,  
24 hooding and so on, what was the overall method you had  
25 understood about how prisoners should be treated?

1 A. I think the principle guiding lines were that they were  
2 to be treated humanely.

3 Q. What did you understand humane treatment to involve?

4 A. That they would not suffer any unnecessary stress or  
5 degradation.

6 Q. So far as hooding is concerned in your training --  
7 I will come to pre-deployment training in a moment --  
8 but in your annual training for your ITDs or in your  
9 initial training at Sandhurst, had you had any training  
10 one way or the other as to whether hooding was  
11 permitted?

12 A. No. To clarify I can remember in the annual training  
13 blindfolding being mentioned, but it never specifically  
14 went down to hooding.

15 Q. Thank you. When blindfolding was mentioned in the  
16 annual training, what was said about blindfolding?

17 A. Purely that for security reasons blindfolding could be  
18 permitted. It never went into any details about how  
19 specifically that was to be achieved.

20 Q. Did you ever hear talk, whether in training or  
21 subsequently, that hooding might have another purpose or  
22 at least a side benefit, which was to disorientate the  
23 prisoner?

24 A. Moving onto the actual tour, I never believed that the  
25 purpose of hooding was for that. It was purely for

1 security purposes.

2 Q. So disorientation arising from hooding, was that ever  
3 discussed at all?

4 A. Disorientation for what purpose?

5 Q. Well, for example, to help in later questioning --

6 A. No.

7 Q. -- to keep them shocked.

8 A. No.

9 Q. You never heard talk of that at all, did you?

10 A. No.

11 Q. So far as pre-deployment training is concerned, you tell  
12 us in your witness statement, is this right, that  
13 Sergeant Mick Potter was involved in giving some  
14 training. Was he in fact the platoon sergeant for  
15 6 Platoon?

16 A. My memory is fairly scant. However, for the majority of  
17 the tour he was my platoon sergeant, yes.

18 Q. So you would have known him pretty well, would that be  
19 fair?

20 A. That's correct.

21 Q. Can you remember, so far as the training that he gave is  
22 concerned, whether he covered hooding?

23 A. I can't remember specifically. To clarify, we did cover  
24 detainees. Detainees were part of the training.  
25 However I cannot specifically remember whether, before

1           deploying to Iraq, we actually went through hooding as  
2           a practice.

3    Q.   Just moving on.  You tell us that after deployment, but  
4           in the acclimatisation period in Kuwait, there was some  
5           final training then.  Do you remember who gave that  
6           training?

7    A.   I can remember who gave parts of the training.  It was  
8           in many cases down to either company or platoon  
9           organisation.  For my platoon, myself with -- using  
10          Sergeant Potter and his experience to assist, we created  
11          our own training programme and went through things which  
12          involved, in the end stages, detainee handling.

13   Q.   Was hooding covered in that training in Kuwait?

14   A.   Unfortunately I can't say to any degree of certainty,  
15          however I believe it would have been.

16   Q.   What was said about it in Kuwait in the training that  
17          was given?

18   A.   Again, I believe that we covered to the point whereby  
19          soldiers understood that detainees at the point of  
20          capture would be hooded for security purposes.

21   Q.   I don't want you to say if you are not sure, but was it  
22          Sergeant Potter who gave that training?

23   A.   From my recollection Sergeant Potter gave the majority  
24          of that training.

25   Q.   Can I ask then, please, about stress positions?  Before

1 we get to pre-deployment training and so on, were stress  
2 positions covered at all in your training at Sandhurst  
3 or in your ITDs?

4 A. No, sir. The only experience of stress positions I had  
5 had was prior to joining the army as part of my training  
6 as an officer cadet at the OTC.

7 Q. Yes.

8 A. Training for one exercise, called Cambrian Patrol, one  
9 of the instructors who was qualified in such matters, he  
10 told us, took us through conduct after capture training,  
11 I believe it is referred to, and as part of that  
12 training I was hooded, plasticuffed and put in stress  
13 positions.

14 Q. That was when you were in the OTC --

15 A. That's correct.

16 Q. -- by somebody who told you that he was trained in those  
17 matters, is that right?

18 A. I believed him to be trained in those matters, yes.

19 Q. Just this then: if you were hooded and put in stress  
20 positions during that exercise, was anything said to you  
21 about whether stress positions or hooding could be used  
22 by British soldiers when they took prisoners?

23 A. No.

24 Q. There was no warning to the effect of "This is going to  
25 be done on you, but you shouldn't use them as a soldier

1 in the British Army"?

2 A. That wasn't specifically said, however it was a given or  
3 the understanding that this was used on us as part of  
4 conduct after capture training, however we were not  
5 permitted to use it as we were not trained in the  
6 techniques.

7 Q. So it was not that you weren't to use them because they  
8 were unlawful, it was that you weren't to use them  
9 because you had not been trained in these techniques?

10 A. I was not specifically told either. I was purely told  
11 that I was never to put anyone in a stress position  
12 because I was not trained in it.

13 Q. Thank you. Do you remember -- moving on then -- in  
14 pre-deployment training or in that training in Kuwait in  
15 the acclimatisation period, whether stress positions  
16 were mentioned again one way or the other during  
17 pre-deployment training?

18 A. As far as I am aware, stress positions, we were told --  
19 we were told not to use stress positions.

20 Q. Who said that? At what stage?

21 A. I cannot remember any specific incident of it being  
22 said. All I can remember is from -- what I believed at  
23 the time was that they were not to be used.

24 Q. Do you have any recollection, please, Captain, of any  
25 written guidance filtering down to you on how prisoners

1           were to be handled?

2    A.   I do not have any recollection of any written  
3           instruction.

4    Q.   You don't remember a letter that was produced by the ops  
5           officer?

6    A.   I can remember, since returning from the tour, several  
7           years after, finding a letter which I believe -- I can't  
8           remember the title of it, but I believe it may have  
9           mentioned something along the lines of that. I have  
10          since tried to find that letter. Unfortunately I must  
11          have thrown it out. So I cannot confirm what was in  
12          that letter. So unfortunately, no, I cannot confirm if  
13          there was anything written in terms of the handling of  
14          detainees.

15   Q.   But you can tell us this much, that there was a letter  
16          which was produced which dealt with that issue; is that  
17          right?

18   A.   Not with any degree of certainty, unfortunately.

19   Q.   You did say in your statement -- can we have it very  
20          briefly please -- BMI03115, paragraph 18, at the bottom  
21          of the page:

22                 "I also recall that shortly before we were deployed  
23                 a letter came out from battalion HQ in relation to  
24                 prisoner-handling. The Inquiry has asked whether I can  
25                 identify who produced this letter. I believe it was

1           Captain Elliot, the ops officer."

2           Is that right?

3    A.   That is a correct statement at the time.  I believe lots  
4           of letters were given out.  Like I said, the letter  
5           I recall, I can't remember the title so I can't say with  
6           any degree of certainty what it contained, however,  
7           I believe there could have been a letter of that nature.  
8           As I cannot find it, I cannot confirm what it contained  
9           or what it was about.

10   Q.   Just this then, finally, on that: there is some evidence  
11           available to this Inquiry not that Captain Elliot  
12           produced such a letter, but that Captain Seeds produced  
13           a summary of the army doctrine JWP1-10 on  
14           prisoner-handling.  He produced a summary of it in  
15           writing in about January 2003.  Might that be the thing  
16           that you are remembering here?

17   A.   That is possible, but again, as I cannot remember the  
18           title of the document, I cannot really comment.

19   Q.   As regards -- finally on these training matters  
20           please -- the shock of capture and conditioning, what  
21           did you understand the "shock of capture" to be?

22   A.   Shock of capture, if ever mentioned, was only really  
23           mentioned more in passing, so it's something that  
24           I heard other people mention.  However, the only time it  
25           was mentioned to me was, I believe, by Sergeant Potter,

1 and that we shouldn't take part -- we are not part of  
2 the conditioning process. We don't take part in  
3 maintaining or otherwise the shock of capture. However,  
4 as a passive part of it, we were not to speak to the  
5 prisoners in a way which would otherwise make them more  
6 difficult to interrogate later.

7 So it is more of a passive -- that we should not  
8 speak to reassure the prisoners or try to build up  
9 a bond with them as we are holding them. We should stay  
10 completely separate from them and not speak to them.  
11 I believe that was part of the shock of capture, but  
12 nothing that we actually did to them or with them to  
13 actually maintain or build on that shock of capture.

14 THE CHAIRMAN: We are tight for time, but not so tight that  
15 you have to speak that fast.

16 A. Apologies, Sir.

17 THE CHAIRMAN: It is very difficult for the shorthand  
18 writers.

19 MR MOSS: I am probably going quickly as well, but every  
20 word that we say is being transcribed by the ladies who  
21 sit in front of me to my right.

22 What about conditioning? Did you have an  
23 understanding of what the phrase "conditioning" meant in  
24 the context of prisoner-handling?

25 A. Unfortunately that is fairly blurred with my previous

1 training I mentioned on our conduct after capture.  
2 I don't know what I knew about what happened higher or  
3 what I imagined to have happened higher, therefore  
4 I cannot really comment with any degree of certainty  
5 what happened. What I concentrated on was what my job  
6 was, which -- after holding the detainees, which is to  
7 hand them over. What happened after that to them was  
8 the responsibility of those I handed them over to. So  
9 unfortunately I can't give any more information on that.

10 Q. Can we just have a brief look at BMI03117, paragraph 24,  
11 please. What you said to the Inquiry in your witness  
12 statement was that your understanding -- middle of the  
13 paragraph -- it is on the screen in front of you,  
14 Captain, if it is more helpful. Do use hard copy if you  
15 prefer, but it is on the screen.

16 "My understanding of 'conditioning' is that it is  
17 linked to the shock of capture, in that you try to keep  
18 a person in that 'shocked' frame of mind so that they  
19 are more likely to answer questions."

20 Do you see that?

21 A. That's correct. Yes, that statement -- that is what  
22 I believe now and I can only assume what I believed at  
23 the time to be the purpose and what people meant by  
24 "shock of capture".

25 Q. All right. Just this then: did you understand -- and

1 say if you didn't -- whether there was a limit to what  
2 you could properly do to keep a person in a shocked  
3 frame of mind?

4 A. As I have already mentioned, we were not to do anything  
5 to either increase or maintain it. The only guidance we  
6 were given is not to do things which could alleviate  
7 that shock of capture, for example building up a rapport  
8 with prisoners. There was instances where people  
9 holding the prisoners would strike up a conversation  
10 with them, speak to them, ask them questions,  
11 occasionally sometimes talk about football matches or  
12 things like that, purely out of boredom while they were  
13 holding the prisoners. We were told not to do that as  
14 building up a rapport with them and setting them at ease  
15 would make questioning them later more difficult. So it  
16 was more passive as opposed to active.

17 Q. So, in essence, "Don't fraternise with those you have  
18 detained"?

19 A. That is probably a more concise way of putting it, yes.

20 THE CHAIRMAN: I think a little more concise, I agree.

21 MR MOSS: In all that training that we have gone through and  
22 you have spoken about, was any distinction drawn in  
23 terms of how the person detained should be treated? Was  
24 any distinction drawn between prisoners of war and  
25 civilians who were detained on suspicion of illegal or

1 criminal activity?

2 A. My understanding was the manner in which they were  
3 handled did not change. What happened to them after  
4 they had been captured varied.

5 Q. Let's move on then -- thank you -- to the tour itself.  
6 You have explained your position in B Company. It is  
7 right, isn't it, that B Company was located alongside  
8 BG Main? Is that right?

9 A. That's correct.

10 Q. You were leading a platoon. What was your own platoon  
11 principally involved in in terms of operations?

12 A. We were working on a cycle whereby for two-thirds of the  
13 cycle we would be patrolling. For the other third we  
14 would be responsible for the protection of the camp,  
15 including battlegroup headquarters. Extra things on top  
16 of that were specific deliberate operations conducted as  
17 a company, generally made up of the two platoons at that  
18 time who were doing patrolling.

19 Q. So an element of patrols, regular patrols, an element of  
20 guarding and then an element of specific operations?

21 A. That's correct.

22 Q. Those three things taken together?

23 A. That's correct.

24 Q. And you rotated between them, did you?

25 A. That's correct. The three platoons in the company

1 rotated on, I believe, a 24-hourly basis between the  
2 different activities.

3 Q. Between those roles. I follow.

4 You go on to say a little later in your statement --  
5 help us with this -- that your company had almost no  
6 involvement in the handling of detainees at BG Main.

7 A. As far as I'm aware that didn't happen, though it's not  
8 beyond the realms of possibility that when they were  
9 short of manning at Battlegroup Main, they would rely on  
10 the company that was part of the base to reinforce them  
11 at times for things such as when people at  
12 Battlegroup Main were away on R&R. Unfortunately --

13 Q. Just go a little bit slower.

14 A. Apologies. During times such as R&R, when people at  
15 Battlegroup Main were away, it is possible that members  
16 of my company went to Battlegroup Main to reinforce on  
17 specific tasks.

18 Q. I am going to pause you there. You were not saying,  
19 were you, in this part of your witness statement, that  
20 your platoon was not involved in arresting detainees?  
21 Have I understood that what you were saying was that you  
22 were not involved at BG Main in taking care of the  
23 arrestees at BG Main itself?

24 A. That's correct. To clarify it, we did detain people.  
25 However, in terms of the facilities at Battlegroup Main,

1 we as a platoon did not take part in looking after  
2 prisoners there.

3 Q. Stick with BG Main. Do you yourself ever personally  
4 remember going into what was a low-rise building which  
5 was used as the temporary detention facility at BG Main?

6 A. I believe at least on one occasion I entered that  
7 building. My reasons for doing so were as per  
8 Colonel Mendonca would often do -- when he came back off  
9 patrol, he would go around all the sentry positions to  
10 make sure people were awake and alert and he would  
11 occasionally go into there to make sure the soldiers  
12 there felt that people were keeping an eye on them for  
13 various different reasons. I occasionally did the same  
14 thing, mostly with the sentry positions, but at least on  
15 one occasion I entered that facility.

16 Q. Did you ever see, in that facility, stress positions  
17 being used?

18 A. No.

19 Q. Did you ever see prisoners actually inside?

20 A. Yes.

21 Q. When you saw prisoners inside, would they have been  
22 hooded?

23 A. I can't remember with any degree of accuracy.

24 Q. Were they being mistreated in any way?

25 A. No.

1 Q. You are sure of that, are you?

2 A. That's something I definitely would have remembered.

3 Q. So far as the practice of how detainees were handled and  
4 treated in theatre, did you learn anything about what  
5 was happening on the ground with prisoner-handling when  
6 you took over from the Black Watch? Did you learn  
7 anything from them?

8 A. Most of the information we got from them was in terms of  
9 getting to know the ground, getting to know the people,  
10 getting to know different areas. In terms of  
11 prisoner-handling, they may have gone through it with  
12 us, but I can't remember to any degree of accuracy.

13 Q. I don't want you to guess -- say if you can't  
14 remember -- but did you see, one way or the other,  
15 whether the Black Watch were using hoods to deprive  
16 prisoners of their sight?

17 A. I am afraid I can't remember.

18 Q. Can you remember whether or not any briefings that you  
19 had from the Black Watch, when you were taking over,  
20 covered the use of hoods or stress positions?

21 A. Again, I can't remember.

22 Q. In terms of what was done by you and your platoon, you  
23 tell us first of all that sandbags were issued. Is that  
24 right?

25 A. That's correct.

1 Q. A standard piece of kit that you and your men would have  
2 had about your person?

3 A. That's correct.

4 Q. Part of the reason for them being issued -- part of the  
5 reason, lots of other reasons, but part of the reason --  
6 was so they could be used for hooding prisoners; is that  
7 right?

8 A. That's correct.

9 Q. Who decided whether a prisoner should be hooded or not?  
10 Can you help us with that?

11 A. Specifically at what level?

12 Q. You were the platoon commander. Was it you or one of  
13 the corporals?

14 A. If it was a multiple operation, it would be my decision.  
15 If it was a platoon decision -- operation, it would  
16 again be my decision. If it was a company position, it  
17 would be whichever part of the company was actually  
18 detaining the prisoners.

19 Q. So the senior commander on the ground, whether that be  
20 at section level or multiple level or platoon level,  
21 would make that call, would they?

22 A. That person would be responsible to make that call.  
23 However, for the early parts of the tour, it was pretty  
24 much an SOP, therefore they would not necessarily need  
25 to specifically say they are going to be hooded.

1           Generally speaking on a lot of occasions they simply  
2           were.  However, it was always down to the authority of  
3           the senior person present.

4   Q.  So it was pretty much an SOP in the early stages for  
5           prisoners to be hooded on arrest, is that right?

6   A.  That's correct.

7   Q.  Would the hoods remain on in transit when they would be  
8           being taken in Land Rovers or Saxons back to the base?

9   A.  Yes, I believe that to be the most dangerous part of the  
10           operation in terms of when a prisoner could try to seize  
11           a weapon, therefore that was the occasion in which hoods  
12           would be most necessary.

13  Q.  In the vehicles on the way to the camp?

14  A.  My greatest concern from a security perspective, judging  
15           by the cramped positions in the back of the vehicles,  
16           was the danger of a detainee grabbing hold of a weapon  
17           and either firing it or forcing another soldier to fire  
18           it.  In the back of a vehicle where the rounds can't  
19           leave and would therefore bounce around the vehicle  
20           until they have hit several people, that is an occasion  
21           whereby I could not allow the detainees to be in  
22           a position to do that.

23  Q.  Does that apply even though they might have been  
24           plasticuffed?

25  A.  That's correct.

1 Q. A concern literally that they would, despite being  
2 plasticuffed, pick up a weapon and would fire it with  
3 their hands plasticuffed?

4 A. It is possible that they could get into a position  
5 whereby they could either give the soldier next to them  
6 the impression that they have maybe released themselves  
7 from the plasticuffs and therefore -- I am trying to  
8 find the words -- escalate the situation. In the back  
9 of a dark vehicle, it is difficult for a soldier to make  
10 the assessment as to whether that detainee is trying to  
11 move and trying to grab hold of them in spite of  
12 plasticuffs or not.

13 Q. What you say in your statement is that you don't  
14 remember receiving any orders or instructions about how  
15 sandbags should be used. Does that remain your  
16 evidence?

17 A. I can't remember any specific occasions where the  
18 details of how or how not to use sandbags was mentioned.

19 Q. Again the way you put it in your statement -- correct it  
20 if it is wrong -- is that it was something that you  
21 picked up as you went along. I am looking at  
22 paragraph 32. Is that right?

23 A. I would say that is pretty accurate, yes.

24 Q. You say that you did understand that they "... need to  
25 be used humanely, however". What did you mean by that?

1 A. Putting a sandbag over someone's head could under  
2 certain circumstances, considering the heat, et cetera,  
3 restrict breathing. It was a common sense decision,  
4 therefore, that they would have to be monitored and that  
5 the sandbag would have to be put in a way so it is loose  
6 over their head so they could still breathe whilst it  
7 was on their heads. That is not something that was  
8 specifically told to me, but to me it is something that  
9 is pretty obvious.

10 Q. That was your common sense applying, was it?

11 A. That's correct.

12 Q. You go on to say, still at paragraph 32 -- perhaps we  
13 can have it on the screen. Towards the bottom:

14 "I remember that I only ever used one sandbag at a  
15 time ..."

16 Did you never see two sandbags being used on  
17 a prisoner, one on top of another?

18 A. I don't want to sound obtuse, however it is difficult to  
19 tell whether a person has one or two sandbags on their  
20 head. It looks pretty similar, to be fair. However my  
21 direction to any platoon was only one sandbag was to be  
22 used.

23 Q. Would you have permitted two sandbags to be used by your  
24 soldiers?

25 A. Nobody ever asked me the question.

1 Q. No, that was not the question I asked you. Would you  
2 have permitted your soldiers to use two sandbags?

3 A. No, I didn't -- unnecessary.

4 Q. You say here, "I remember that I only ever used one  
5 sandbag at a time as this was all that was necessary to  
6 obscure vision". Was it not the case that prisoners  
7 could in fact see through the loose weave hessian that  
8 made up a sandbag?

9 A. As I mentioned before, I have had a sandbag put on my  
10 head before. It is possible under certain circumstances  
11 to see small amounts, changes between light and dark,  
12 that sort of thing. However, especially at night or in  
13 low visibility situations, where it is slightly dark,  
14 you can't see anything through it, and I assumed that  
15 that was sufficient to prevent the detainee from  
16 attempting escape or trying to seize a weapon.

17 Q. You have mentioned the climate and the heat. Given the  
18 operational climate, did you not ever think to question  
19 the use of hoods by your men in theatre?

20 A. No.

21 Q. Why was that?

22 A. I didn't think that the Iraqi detainees were suffering  
23 unduly as a result of the heat and having a sandbag over  
24 their head. If you compare that to a soldier wearing  
25 body armour and a helmet, they were probably suffering

1 more.

2 Q. All right, but what was the longest period of time that  
3 you would have been happy, as a platoon commander, to  
4 see one of your prisoners kept with a hood on?

5 A. I can't remember any specifics. However, for various  
6 reasons there was never a reason for my platoon to hold  
7 on to a prisoner for any longer than was absolutely  
8 necessary, therefore I can only give a rough estimate  
9 guess. Do you want me to do that?

10 Q. Well, you were there. Would there have come a time when  
11 you would have been worried about whether hooding was  
12 humane if a hood was kept on for a long time?

13 A. On no occasion during the tour did we hold onto a  
14 detainee long enough for me to be concerned for the  
15 detainee. However we did check the detainees to make  
16 sure they were not suffering unduly.

17 Q. What sort of maximum periods of time are we talking  
18 about that you held prisoners for?

19 A. I can't remember.

20 Q. Half an hour? Two hours?

21 A. I would say between half an hour and a maximum of two  
22 and a half hours.

23 Q. If your platoon was keeping people hooded during that  
24 time, you say they would be checked. What, the hoods  
25 would be lifted up and a physical check would be done on

1           them?

2    A.   That's correct.

3    Q.   Thank you.  Now so far as responsibilities for prisoners  
4           is concerned, there is a section in your witness  
5           statement -- we don't perhaps need to turn it up --  
6           where you talk about the various postholders in the  
7           battlegroup from the CO downwards, giving your  
8           explanation of the RSM's role, the CSM, the 2IC, the  
9           adjutant and so on.  I am looking at paragraphs 33 and  
10          following.  Just this, please: that account that you  
11          gave, was that account given from what you understand  
12          the normal chain of command was from normal experience  
13          in the army?

14   A.   Unfortunately, because my memory of the chain of command  
15          in terms of handling detainees is so scant, I think  
16          a lot of that may have come from my knowledge of how  
17          prisoner of war handling is generally conducted as per  
18          army doctrine.

19   Q.   Do you in fact have any specific recollection of  
20          specific arrangements that were made for  
21          responsibilities during this tour within the chain of  
22          command for prisoners?

23   A.   Unfortunately the only thing I can remember -- and again  
24          not with any massive degree of certainty -- are the  
25          things that are in my statement such as the fact that

1 Major Royce had a significant role to play, I believe,  
2 and was, I believe, involved in battlegroup headquarters  
3 in their handling of prisoners. However, again,  
4 I cannot say with any degree of certainty.

5 Q. Just this then, perhaps looking more at your level: if  
6 on occasions your soldiers, having made an arrest, were  
7 tasked to remain at the detention facility to help with  
8 the guarding -- do you follow the scenario I am putting  
9 to you?

10 A. Yes.

11 Q. -- would you, as the platoon commander, retain any  
12 responsibility for them when they were left at the  
13 detention facility doing guarding?

14 A. Unfortunately, due to subsequent tours in Iraq and  
15 subsequent rules, I cannot remember what is the new  
16 doctrine or the old doctrine. I know I can tell you the  
17 new doctrine in explicit detail --

18 THE CHAIRMAN: Don't bother with that. Tell me this: did  
19 you ever, in Op Telic 2, have your soldiers guarding in  
20 the TDF?

21 A. Not that I can remember.

22 THE CHAIRMAN: You simply can't remember that at all?

23 A. No, sir.

24 MR MOSS: Let us move on, then, if we may, to discipline and  
25 a couple of specific examples. You tell us in your

1 witness statement of one occasion where an Iraqi was  
2 suspected of stealing metal. Just without looking at  
3 your statement for the moment, do you recall that  
4 incident?

5 A. Yes, I do.

6 Q. What was the demeanour? How did the Iraqi behave when  
7 your multiple sought to arrest him?

8 A. When we arrived at the person's house, he had been  
9 running away from us. He ran into the house. When we  
10 entered the house he was incredibly irate. He was  
11 throwing things about. He was acting very violently.  
12 We followed him through the house and he ran into the  
13 kitchen and then grabbed a large knife.

14 Q. Can I summarise it in this way? Without going into the  
15 details of that incident, is it your evidence to the  
16 Inquiry that although that person came to be injured,  
17 the force that was used on him was reasonable in the  
18 circumstances?

19 A. That's correct.

20 Q. The two other occasions when you were asked about  
21 violence and discipline and so on, the other two  
22 incidents that you mentioned were shooting incidents.  
23 That's right, isn't it?

24 A. That's correct.

25 Q. One of them you were mentioned in dispatches for; is

1           that right?

2    A.   That's correct.

3    Q.   So far as you are concerned, neither of those involved

4           the inappropriate use of violence; is that correct?

5    A.   That's correct.

6    Q.   I want to turn, then, to a different incident, which is

7           an account that has been given to this Inquiry by

8           a Private Graham Jones. Do you remember Graham Jones?

9    A.   No.

10   Q.   I think it is right, isn't it, that he was not in fact

11           in your platoon?

12   A.   I can't remember him. There is no one who matches this

13           description in my platoon.

14   Q.   I am sure that you have had an opportunity to look at

15           his statement because your second statement addresses

16           it. Is that right that you have had a look at what

17           Jones has to say?

18   A.   That's correct.

19   Q.   In brief terms, then, you know that he gives an account

20           of being seconded to another platoon -- not his

21           platoon -- which he says was a B Company platoon. He

22           says that a man was arrested, that he was put into the

23           Land Rover in front of his own vehicle -- Jones was in

24           a Saxon and this Iraqi was put into the Land Rover in

25           front -- and he, Jones, could see that the prisoner was

1           being beaten up. He says that the prisoner was driven  
2           to the old university, taken out, given a real beating  
3           and dumped there at the old university, instead of being  
4           taken back to the army base. He says that the platoon  
5           commander on that occasion not only didn't stop what was  
6           going on, but seemed to find it amusing. Then Jones  
7           says -- and I quote from his statement:

8                        "I am pretty sure his name was Peel, although the  
9           names are getting mixed up."

10                   Did that happen? Did you in fact stand by while  
11           a prisoner was beaten up?

12   A.   No.

13   Q.   Did you know the incident of which Jones seems to be  
14           speaking?

15   A.   No.

16   Q.   You didn't see anything like that at all, whether or not  
17           you found it amusing?

18   A.   The incident as described did not happen, not in my  
19           platoon.

20   Q.   Certainly not in your presence?

21   A.   No.

22   Q.   Did you hear any rumour or talk to the effect that there  
23           had been such an incident?

24   A.   No.

25   Q.   Do you remember Mr Riley, one of the other platoon

1 commanders?

2 A. I can remember him, yes.

3 Q. Did he ever raise that matter with you, those events  
4 that Jones speaks of --

5 A. No.

6 Q. -- and ask you what had happened, what had gone on?

7 A. No.

8 Q. Did Riley ever speak to you about concerns about how  
9 soldiers in your platoon had been seen to be behaving  
10 when someone had been seconded from his platoon into  
11 yours?

12 A. No.

13 Q. If any of those things had happened, would you tell the  
14 Inquiry about them honestly?

15 A. Yes.

16 Q. Mr Jones has also given the Inquiry an account of an  
17 occasion when detainees had been brought back to  
18 B Company's location and were kneeling in the vehicle  
19 parking area. Do you remember that there was a vehicle  
20 parking area pretty much bang in the middle of your  
21 company location?

22 A. There was.

23 Q. What he says is that while kneeling up in there, close  
24 to the B Company office building, those prisoners on  
25 that occasion were roughed up with punches and with

1           kicks and this was done right outside the B Company  
2           office where the CSM, Warrant Officer Leigh, amongst  
3           others, was based. Did you see such a thing happen at  
4           B Company's location?

5    A.   No.

6    Q.   Did you hear rumours about it happening?

7    A.   No.

8    Q.   Was there, from time to time, casual violence used by  
9           any soldier in your presence?

10   A.   No.

11   Q.   Jones also says more generally that he found there to be  
12           a very unpleasant culture and attitude, with low morale  
13           and a lack of control from senior officers. Is that how  
14           things were in B Company from your experience?

15   A.   From my platoon and from what I saw, the rest of  
16           B Company morale for the majority of the tour was high.  
17           People were in very stressful conditions. However, as  
18           I say, morale was high and discipline was also high.

19   Q.   Do you know who I am talking about -- please do not use  
20           the name -- if I use the cipher "S038"?

21   A.   No.

22   Q.   I wonder if the cipher list could just be given to the  
23           witness, please.

24           Please don't use the name, but just so you know --

25   A.   Unfortunately I can't remember who that person is.

1 Q. That doesn't mean anything to you?

2 A. No, I am afraid not.

3 Q. He gave evidence to the Inquiry this morning. He was in  
4 fact a warrant officer in Support Company, a unit search  
5 adviser.

6 He tells the Inquiry that there was an occasion  
7 where B Company were involved in a operation where there  
8 was a very large weapons haul and the weapons and indeed  
9 some detainees -- three detainees -- were brought back  
10 to the B Company location. Does that ring any bells  
11 with you at all?

12 A. We conducted a number of operations as a company and  
13 there were a number of operations whereby we seized  
14 a number of weapons, so that -- rings like that could  
15 have happened, so far.

16 Q. This one was, I think, evidence that it was  
17 a particularly large weapons haul and it was quite  
18 prestigious because it was a big find. Does that mean  
19 anything to you?

20 A. I can remember a large weapons find towards the end of  
21 the tour that my platoon found. It must have been  
22 50-odd weapons.

23 Q. Whether or not it's the same incident, S038 goes on to  
24 say that at the B Company location, a B Company clerk,  
25 he thinks, was involved in assaulting the detainees and

1           that the commanding officer, Colonel Mendonca, who had  
2           turned up himself struck a detainee. First of all, did  
3           you see anything like that?

4    A.   No.

5    Q.   Did you hear anybody talking about that or rumours to  
6           that effect?

7    A.   No.

8    Q.   Did you hear talk of a female member of the RMP --  
9           perhaps a full corporal -- who was attached to  
10           B Company, that she may have assaulted detainees?

11   A.   No.

12   Q.   You didn't see that yourself?

13   A.   No.

14   Q.   You yourself, Captain Peel -- do I have this right --  
15           you were on rest and rehabilitation, R&R, at the time of  
16           Operation Salerno and the hotels, is that right?

17   A.   I believe from the dates I have been given, yes, I was  
18           on R&R.

19   Q.   From 12 September, when you left, and you returned to  
20           Iraq on the 19th?

21   A.   Yes, I arrived home on 12 September.

22   Q.   Do you remember discussions after Baha Mousa's death  
23           about what had in fact happened?

24   A.   No.

25   Q.   It wasn't talked about, was it?

1 A. Absolutely not.

2 Q. Not even chitchat in the mess?

3 A. No.

4 Q. Not mentioned at all?

5 A. No, not to me.

6 Q. Did you come to understand anything about a connection  
7 or a potential connection between the murder of  
8 Captain Dai Jones and the way that Baha Mousa and those  
9 detained with him had been treated?

10 A. The only times I have heard mention of that is post  
11 the -- or during the court martial.

12 Q. And that was just reporting, was it, from what was going  
13 on at the court martial?

14 A. That was what I read in the newspapers.

15 Q. If we look at paragraph 68 of your statement -- can we  
16 have it on the screen, please? BMI03126 -- when you  
17 said in your statement, as you did, "I have subsequently  
18 heard that there was a question as to whether  
19 Captain Jones' death was in some way related to the  
20 treatment later received by Baha Mousa and the other  
21 detainees, but I am unable to comment on this. It was  
22 not something I knew about whilst in Basra", you say, do  
23 you, that that was a reference to what you had heard  
24 arising out of the court martial?

25 A. I can't remember the newspaper, but in one newspaper it

1 mentioned that the people conducting the arrest had been  
2 told that they were likely to be the people who killed  
3 Dai Jones and that is what I am referring to.

4 MR MOSS: Thank you, Captain. If you wait there, there will  
5 be some more questions for you.

6 THE CHAIRMAN: Mr Friedman?

7 Questions by MR FRIEDMAN

8 MR FRIEDMAN: Yes, Captain, just a few brief questions.  
9 First of all, the use of hooding.

10 A. Yes.

11 Q. Without asking you to recall details, I just want to  
12 look at the types of places where you and your platoon  
13 would have had detainees hooded.

14 A. Certainly.

15 Q. Can we take it in stages? Would one place be the  
16 location where they were arrested in situ, you would  
17 keep them there --

18 A. Yes.

19 Q. Would the other place that you have already explained  
20 why be the vehicle in which you were moving them to  
21 a destination?

22 A. That's correct.

23 Q. Dealing with destinations, where were the places where  
24 you would have taken people to and remained with them  
25 while they were hooded?

1 A. Generally speaking, when we detained someone, we would  
2 return to B Company's lines and then hand them over, if  
3 that helps.

4 Q. So you might keep them waiting in B Company's lines?

5 A. It is possible, dependent on the organisation, when  
6 people could come to hand them over, et cetera.

7 Q. If you were going to hand them over to battlegroup  
8 headquarters --

9 A. Yes.

10 Q. -- would you drive them over to whoever you were handing  
11 them over to in the vehicle or would you walk them over?

12 A. Unfortunately, I can't remember the specifics. Because  
13 we had to take things like photographs of the detainees,  
14 sometimes that would take place on the ground. If we  
15 didn't have the time to do it on the ground, then on  
16 occasions perhaps we would take them back to our company  
17 lines, take the pictures, details we needed, and then  
18 take them down to Battlegroup Main. So it was  
19 a combination of the two.

20 Q. That specific question about movement to  
21 Battlegroup Main from B Company lines, by vehicle or by  
22 walking?

23 A. I honestly can't remember.

24 Q. When they were waiting around, what was the protocol for  
25 checking them when they had hoods on?

1 A. I cannot remember.

2 Q. Just in terms of decisions to hood, I want to take that  
3 knife incident, not to investigate it in detail, but  
4 just as an incident which is obviously reasonably clear  
5 in your memory. Was that man, described by you as  
6 posing a danger -- after that struggle, was he hooded?

7 A. I believe he was.

8 Q. Yes. Do you remember where he was taken?

9 A. On the initial occasion I took him back to battlegroup  
10 headquarters and then he was taken down to the  
11 internment centre -- sorry, company headquarters, not  
12 battlegroup headquarters.

13 Q. And then detention centre being in BG Main?

14 A. Yes.

15 Q. Just in terms of having people hooded in the vehicles,  
16 these are the Saxon vehicles or some other vehicles?

17 A. It depended. For the vast majority -- and I can only  
18 remember occasions on which I put prisoners in the back  
19 of the Saxon, the reason being I didn't want prisoners  
20 in the back of the Land Rover for reasons of safety,  
21 both to the prisoner and to the soldiers guarding them.

22 Q. When the Saxons travelled, where did you ride?

23 A. Generally speaking I would be in the Land Rover, unless  
24 it was only Saxons and then I would be in another Saxon.  
25 The types of vehicles we used varied depending on the

1           availability of vehicles and drivers.

2    Q.   Did you hear rumours during the course of the tour that

3           in transit, in the Saxons, detainees could be roughed up

4           a bit?

5    A.   No.

6    Q.   Just on another matter about general culture, did you

7           hear yourself or did you hear from others that racist

8           language could be used by members of the company and the

9           regiment?

10   A.   No.

11   Q.   Just on the Jones allegation, if I can call it that, do

12           you ever recall taking a detainee into the university

13           grounds of some kind?

14   A.   I took detainees from the university grounds, not into

15           it.

16   Q.   So did that happen on a number of occasions?

17   A.   I collected a lot of looters -- ie detainees -- from the

18           university.  There was an area I would go to quite often

19           due to the number of looters there on a regular basis.

20   Q.   Do you recall -- it may be this was regular as well --

21           detaining someone in the Shia flats?

22   A.   There may have been occasions where I detained people in

23           the Shia flats.

24   Q.   Lastly on the Jones allegation, this incident, the knife

25           incident, did that incident have anything to do with

1           either someone from the Shia flats or the university  
2           grounds?

3    A.   That was Al Quibla.

4    Q.   The platoon commanders in B Company were three people,  
5           if I understand correctly. Riley was one, you were  
6           another and the third person was Lamb.

7    A.   Was ...?

8    Q.   Lamb, Colour Sergeant Lamb.

9    A.   I can't remember that, I am afraid.

10   Q.   We can check that. Just the final question is this --  
11           and I ask it for an unrelated reason, but it's  
12           important.

13   THE CHAIRMAN: Just ask it, Mr Friedman.

14   MR FRIEDMAN: On the knife incident you say that it was  
15           investigated and no further action was taken. But it  
16           was investigated by Major Royce and you say "an RMP".  
17           That is what you say in your statement.

18   A.   Yes.

19   Q.   If I can just ask you this about the RMP. Do you recall  
20           whether the RMP was one of the embedded RMPs in the  
21           company or someone from a separate provost company?

22   A.   He was certainly not from the company -- oh, I can't  
23           really -- I don't know is the honest answer.

24   Q.   You understand the distinction in the question?

25   A.   I understand the question. Unfortunately, I can't

1 answer, although those witness statements from that  
2 incident should be available, I presume.

3 MR FRIEDMAN: Thank you, Sir.

4 THE CHAIRMAN: Thank you. Mr Dingemans?

5 Questions by MR DINGEMANS

6 MR DINGEMANS: Just in relation to Graham Jones, is this  
7 right that on occasions other members of the battlegroup  
8 would be attached to your multiple to make up numbers  
9 for specific operations?

10 A. Yes.

11 Q. Is this also right, that you would not then be able to  
12 recall their names as you did not necessarily know them  
13 as you did your own platoon members?

14 A. Not under every circumstance, no.

15 Q. No. Did you travel in a Land Rover on occasions?

16 A. Yes.

17 Q. Then turning to the interview with Major Royce, his  
18 recollection is that that related to a time when you had  
19 shot a person who was about to ambush you.

20 A. That's correct -- sorry, I am getting confused. Are you  
21 referring to the Major Royce incident that has just been  
22 mentioned?

23 Q. Yes. You refer to Major Royce interviewing you with  
24 an RMP officer --

25 A. Yes.

1 Q. -- after a scuffle involving an Iraqi and a knife.

2 A. Yes.

3 Q. His recollection is that he only interviewed you when it  
4 was in relation to a shooting incident as you were  
5 passing past the Shia flats.

6 A. To be honest, from my recollection, he interviewed me  
7 with reference to the knife incident. I can only  
8 remember speaking to the commanding officer with  
9 reference to the shooting incident.

10 Q. Major Suss-Francksen describes interviewing you in  
11 relation to another shooting incident. Does that help  
12 at all?

13 A. Could I go back to the previous question about  
14 Major Royce? Just remembering it now, he may have also  
15 interviewed me about the shooting, just to clarify.

16 Q. Right. He has no recollection of interviewing you about  
17 the incident with the knife --

18 A. Okay.

19 Q. -- and indeed with an RMP officer. Do you know where  
20 that interview took place?

21 A. In battlegroup headquarters in a conference room.

22 MR DINGEMANS: Thank you very much.

23 THE CHAIRMAN: Mr Langdale?

24 MR LANGDALE: No, thank you.

25 THE CHAIRMAN: Thank you. Mr Evans?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Questions by MR EVANS

MR EVANS: Just briefly, thank you, Sir.

Just dealing first of all with the Jones allegation, what was your reaction to that allegation when you first heard it?

A. To be honest I was quite offended and I found it ridiculous, the statement that he gave.

Q. He describes being attached to your platoon and driving a Saxon --

A. Yes.

Q. -- and driving behind a Land Rover in which you were present as the commander of the vehicle; yes?

A. Yes.

Q. Was that standard operating procedure for you?

A. From my platoon, like I say, it varied the type of vehicles. But if I had a Saxon and a Land Rover, I would travel in the front in the Land Rover.

Q. If you had a prisoner and were travelling with a Saxon in your vehicle patrol, where, on detaining a prisoner, would you place that prisoner?

A. For my multiple SOPs, we always put them in the Saxon for reasons of safety and security.

Q. What were those reasons of safety and security?

A. The people in the back of my vehicle, their primary role was to look out and give protection. As per the

1 incident where we were ambushed and had to shoot  
2 someone, it was the top cover that initially saw the  
3 ambush and that is their purpose. Therefore any  
4 detainees would need to go in the Saxon because the  
5 people in the back could therefore concentrate on  
6 guarding the prisoners.

7 Q. So this is an occasion on which Mr Jones describes  
8 seeing a prisoner in the back of a Land Rover being  
9 beaten by soldiers while he drove the Saxon behind. Is  
10 that something that you are confident in rejecting?

11 A. I find it ridiculous to assume there would be (a)  
12 a prisoner in the back of a Land Rover and that we would  
13 be driving down the road in the back of an open-top  
14 Land Rover and beating a prisoner. It is just -- I find  
15 it offensive.

16 Q. When you went to Iraq, how old were you?

17 A. I was 22. I had my 23rd birthday on my R&R during the  
18 tour.

19 Q. How long had it been since you passed out at Sandhurst?

20 A. I commissioned from Sandhurst in December 2001.

21 Q. So you had been commissioned 18 months when you went to  
22 Iraq?

23 A. That's correct.

24 Q. Did you have any military experience of peace support  
25 operations at that stage?

1 A. No.

2 Q. To what extent did you rely upon your platoon sergeant,  
3 Sergeant Potter, while you were out in Iraq?

4 A. To a great extent. He knew a lot. He was an old and  
5 bold soldier, knew quite a lot, had a lot of experience,  
6 so I relied on him heavily for SOPs and how to operate.

7 Q. All right. You have been asked a number of questions  
8 about the knife incident and the subsequent two shooting  
9 incidents. Whoever it was that interviewed you after  
10 each of those incidents, was the upshot that on each of  
11 them you were cleared of any wrongdoing at all?

12 A. That's correct.

13 Q. In fact it was the case, was it not, that you were put  
14 forward by the commanding officer to be mentioned in  
15 dispatches and were in fact mentioned in dispatches in  
16 respect of your conduct during the ambush?

17 A. That's correct.

18 MR EVANS: Thank you very much.

19 Further questions by MR MOSS

20 MR MOSS: Just this, I think: you say that you find the  
21 allegation or the accounts of Jones to be offensive. At  
22 a lower level not involving prisoners being beaten up in  
23 front of your eyes, is it your evidence to this Inquiry  
24 that there was not a single occasion when  
25 prisoner-handling that you witnessed gave you any cause

1 for concern?

2 A. I can't remember any specific incidents, no.

3 MR MOSS: Sir, those were my questions.

4 MR EVANS: Sorry, Sir, just one question arising out of  
5 that --

6 THE CHAIRMAN: Hang on. Just a minute. You rush straight  
7 in. You do not have my permission to do so. You have  
8 it now.

9 Further questions by MR EVANS

10 MR EVANS: I am grateful. One question, please: if you had  
11 witnessed prisoners being treated in the way that  
12 Mr Moss is suggesting to you or any episode of prisoner  
13 mistreatment, what would you have done about it?

14 A. Depending on the severity of the incident, I would have  
15 had to push it up the chain of command.

16 Questions by THE CHAIRMAN

17 THE CHAIRMAN: Two things I want to ask you, please,  
18 Mr Peel. One I should know the answer, but you can tell  
19 me if I'm right or wrong. When you made your Rule 9  
20 statement to the Inquiry, is that the first time you  
21 made a witness statement about events in Iraq?

22 A. To clarify, I had to make statements after the  
23 shootings.

24 THE CHAIRMAN: Yes. I assume that must be right. I had  
25 forgotten that. But, generally speaking, about what

1           happened in Iraq and the sort of things you have been  
2           asked about by the Inquiry, had you made any witness  
3           statements before that --

4   A.   Upon returning from the tour, I made no more statements  
5           as a result of that tour.

6   THE CHAIRMAN:   I see.

7           May I just ask you one other matter, and it is this:  
8           Sergeant Potter, who was your platoon sergeant, was no  
9           doubt a good deal older than you, was he?

10  A.   That's correct.

11  THE CHAIRMAN:   What was the position generally with a young  
12           officer and a senior NCO in the platoon?

13  A.   It is a matter of platoon commanders should always be in  
14           command, clearly, however we do -- it is a matter of  
15           getting to know each other and working together in an  
16           amicable manner.  And in terms of his experience I would  
17           often let him take the lead in certain elements of  
18           training purely on the basis that he was in a better  
19           position to give it and he would be respected more by  
20           the soldiers due to his experience.

21  THE CHAIRMAN:   I see.  So although he was junior to you in  
22           rank, was the position that he occupied a position of  
23           very considerable influence on the way in which the  
24           platoon was run?

25  A.   I would describe it as a partnership.

1 THE CHAIRMAN: Who was the senior partner --

2 A. Me.

3 THE CHAIRMAN: -- never mind the rank.

4 A. Me, sir.

5 THE CHAIRMAN: All right. Thank you.

6 Yes, well, thank you very much for coming to the

7 Inquiry. I am sorry, as I said earlier, that you have

8 been delayed in giving your evidence but at least it is

9 over and you are now free to go. Thank you.

10 A. Thank you, Sir.

11 THE CHAIRMAN: Yes. And I equally would like to thank all

12 the staff here for sitting later -- and everybody

13 else -- for cooperating and getting through the evidence

14 today.

15 MR ELIAS: Sir, we are grateful.

16 May I indicate tomorrow --

17 THE CHAIRMAN: Yes.

18 MR ELIAS: I think we had given an indication that Mr Riley

19 would give evidence tomorrow. We have had conflicting

20 messages today but we are now hopeful that he will give

21 evidence at 10 o'clock tomorrow by videolink -- tomorrow

22 Wednesday -- and he will be followed by the Mr Jones who

23 has been referred to in the evidence today and by S037.

24 THE CHAIRMAN: Thank you very much. 10 o'clock tomorrow

25 then. Thank you.

1 (4.55 pm)

2 (The Inquiry adjourned until 10.00 am, Wednesday 20 January

3 2010)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

1  
2 Opening remarks by THE CHAIRMAN .....1  
3 (Proceedings in camera) .....1  
4 S038 (called) .....2  
5 S038 (sworn) .....2  
6       Questions by MR ELIAS .....3  
7       Questions by MR FRIEDMAN .....43  
8       Questions by MS EDINGTON .....53  
9       Further questions by MR ELIAS .....55  
10       Questions by MR GARNHAM .....58  
11       Questions by MR LANGDALE .....69  
12       Questions by MR DINGEMANS .....94  
13       Further further questions by MR ELIAS .....95  
14 NEILL TILLOTSON (sworn) .....97  
15       Questions by MR ELIAS .....97  
16       Questions by MR FRIEDMAN .....115  
17       Questions by MR GARNHAM .....120  
18       Questions by MR DINGEMANS .....124  
19       Further questions by MR ELIAS .....127  
20       Questions by THE CHAIRMAN .....128  
21 S047 (sworn) .....130  
22       Questions by MR MOSS .....130  
23       Questions by MR FRIEDMAN .....176  
24       Questions by MR EVANS .....185  
25       Questions by MS SIMCOCK .....187

1		
	Questions by MR DINGEMANS .....	190
2		
	Questions by THE CHAIRMAN .....	190
3		
	MICHAEL PEEL (sworn) .....	193
4		
	Questions by MR MOSS .....	194
5		
	Questions by MR FRIEDMAN .....	226
6		
	Questions by MR DINGEMANS .....	231
7		
	Questions by MR EVANS .....	233
8		
	Further questions by MR MOSS .....	235
9		
	Further questions by MR EVANS .....	236
10		
	Questions by THE CHAIRMAN .....	236
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

