

Witness Name: Rupert Patrick Hollins

Statement No.: [ONE]

Dated: 30 July 2010

THE BAHA MOUSA PUBLIC INQUIRY

Witness Statement of Rupert Patrick Hollins

I, Rupert Patrick Hollins, will say as follows: -

1. I am Captain Rupert Patrick Hollins, RN, currently serving as Assistant Head Legal at the MOD Development, Concepts and Doctrine Centre (DCDC), Shrivenham, Swindon, Wiltshire SN6 8RF.
2. The legal section in DCDC comprises 3 Service lawyers, one from each Service. I have headed up the section since December 2008.
3. DCDC publishes joint operational level doctrine for the MOD. Within DCDC the legal section leads on JDP 1-10, 'Prisoners of War, Internees and Detainees', which, together with its supporting publications JDP 1-10.1 'Prisoners of War', JDP 1-10.2 'Detainees', and JDP 1-10.3 'Internees', form the UK's joint doctrine in this area.
4. JDP 1-10 was last published in May 2006 with an amendment in April 2008. This was Change 1 [MOD 028624]. The publication is unclassified and posted on the DCDC website (<http://www.mod.uk/DefenceInternet/MicroSite/DCDC/>). The amendments are marked up within JDP 1-10 Change 1 with a marginal line on the left side of the page. We are currently working on a new edition which should be published later this year, and which will take account of recent developments in the area of detention.

5. I have been asked to assist in answering 2 of the questions mentioned in the Inquiry's letter to Jeremy Williams of 21st December 2009 namely, questions 3 and 7. My answers are detailed below.
6. Question 3 asks 'To what extent is a prohibition on the use of these 5 techniques now entrenched in military doctrine? The Inquiry will for example wish to consider why the possible use of hoods was revisited in 2004.'
7. The prohibition on the use of the '5 techniques' is now fully entrenched in military doctrine and policy. The current doctrine, JDP 1-10 Change 1 (April 2008), unequivocally prohibits the use of the 5 techniques and addresses them fully in the body of the publication at paragraph 209 on page 2-4. The section in context is re-produced at [MIV002547].
8. As mentioned above, JDP 1-10 (and its supporting publications) is currently being re-drafted. The new edition will be available in the summer and will be made available to the Inquiry if or when called for. The current draft (dated 1st June 2010) is at [MIV004146].

The major change in the new edition of JDP 1-10 has been to stress throughout the document the need for humane treatment at all times of all classes of captured persons (CPERS), with the prohibited techniques clearly set out. The current MOD Strategic Detention Policy signed by Secretary of State in March 2010 is reprinted in full. Detailed guidance is included to cover treatment at all stages of the process, from initial capture through to eventual transfer or release. In the case of transfer, the need for post-transfer tracking and visits is also stressed where appropriate.

9. I have no knowledge of the matter raised in the second limb of the question (the re-visiting of use of hoods in 2004), but understand that this will be addressed in a separate statement.

10. Question 7 asks 'What provision is made for the review of the doctrine on the handling of CPERS?'
11. DCDC has a 1* Head Doctrine, Air and Space, an Assistant Head Joint Functional Doctrine and an Assistant Head Joint Thematic Doctrine. They are responsible to ACDS (DC&D) for the delivery of the Doctrine work of DCDC. There is a whole publication dedicated to the development of joint doctrine: JDP 0-00, 'Joint Doctrine Development Handbook' [MIV002553]. I summarise the process for reviewing existing doctrine below.
12. Paragraphs 335 and 336 of JDP 0-00 explain the process for reviewing existing doctrine. I set them out in full:

"335. **Changes to Publications** There may be occasions when new or revised doctrine can be promulgated by means of a simple editorial change (many JDPs are produced in a loose-leaf, ring binder format which simplifies this process). The procedure for making an editorial change to a publication is the same as that described above [at paragraphs 319-334], with the exception that DCDC may decide that the issue of a full Project Proposal is not required. The Project Officer should handle the change proposal in the same manner as if he/she were writing a JDP from scratch [see again paragraphs 310-334], calling Working Group meetings and collating comments as appropriate. Upon ratification of a change, the relevant pages should be distributed for incorporation in the JDP binder by holders, with the Record of Amendments page completed as a record of insertion. In many cases, development of a change may affect several parts of a JDP, in which case the issue of a new Edition may be the chosen course of action. Changes to publications issued previously as Joint Warfare Publications (JWPs) should not routinely involve the renaming of the publication to a JDP.

336. **New Editions.** There is no hard and fast timeline for conducting a review of a JDP. DCDC should conduct an assessment of the JDP by its Custodian at the 18-month point as a preliminary to an internal review at the 2-year point and a more formal review at the 3-4 year point. Clearly lessons from operations and training, as well as specific project proposals or changes in policy, may result in a new edition being necessary at any stage. Edition changes are handled in the same fashion as a new JDP, leading to a whole publication being re-printed after ratification. Any review of an extant JWP should entail it being renamed a JDP.”

13. I would like to add three comments to the above excerpt by way of clarification. First, just as there is no hard and fast timeline, so there is no hard and fast manner for conducting “a [preliminary] assessment” or a “internal review”. The key point is that the publication is kept under regular review of sorts and that the 3 to 4-year point is something of a trigger to make sure that DCDC checks that published doctrine remains up to date and relevant. Second, “formal review” is best understood as the “doctrine development process” that is used for both new JDPs and the revision of existing ones, and I summarize this process below. Third, doctrine can be seen to have a life cycle that goes from publication to preliminary assessment to internal review to formal review to publication, and round again.
14. The “doctrine development process” is set at out at paragraphs 314-334 of JDP 0-00. In summary, the process starts with a Project Proposal which identifies the need for new or revised doctrine. This proposal undergoes a Project Analysis within DCDC to determine whether the new or revised doctrine is actually required or appropriate. If it is, then the Proposal is forwarded to the Joint Doctrine Steering Committee (see paragraph 311 for composition and role) to provide the Project Validation. Following validation, DCDC issues a Project Directive which formally incorporates the project into DCDC’s rolling work plan and sets out the framework for the completion of the project. A Working Group (WG)

under the lead of the Project Officer, is formed and the document goes through various iterations from Working Draft, Study Draft, Ratification Draft to Publication.

15. The draft new edition of JDP 1-10 and the supporting publications JDPs 1-10.1, 1-10.2 and 1-10.3 went through the above review process of existing doctrine. A project proposal was drafted by my legal team (as the DCDC custodian of JDP 1-10) around September 2009 [MIV004812] and the draft proposal was assessed at the 15 October meeting of the Joint Doctrine Working Committee. The project proposal was then submitted to the JDSC which, at its meeting in November 2009, endorsed the proposal to begin the revision process. This began in earnest by the Working Group straightaway and, as I have explained above, a new edition should be ready this summer.

16. Troops under training for deployment and those already deployed contribute to Post Training Reports (PTR) and Post Operations Reports (POR), both of which can prompt re-examination and amendment of doctrine. Such reports are distributed to DCDC and then distributed internally. DCDC also maintains a library of recent reports of these kinds. As a result project officers/authors are able to incorporate any relevant lessons into the JDP review process.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed _____

Dated _____

30 July 2010

Documents referred to in the Witness Statement of RUPERT PATRICK HOLLINS, dated 30/07/2010:

Paragraph #	URN	Title
3, 4	MOD028624	Joint Doctrine Publication 1-10 (JDP-1.10) Prisoners of War, Internees and Detainees (April 2006)
3	MOD042410	Joint Doctrine Publication 1-10.1 (JDP 1-10.1), Prisoners of War (July 2006)
3	MOD028709	Joint Doctrine Publication 1-10.2 (JDP 1-10.2), Internees (July 2006)
3	MOD028787	Joint Doctrine Publication 1-10.3 (JDP 1-10.3), Detainees (July 2006)
7	MIV002547	JDP 1-10 Change 1– Chapter 2: Standards of Treatment (April 2008)
8	MIV004146	Draft Joint Doctrine Publication 1-10 (JDP 1-10, 2nd Edition), Prisoners of War, Internees and Detainees (June 2010)
11	MIV002553	Joint Doctrine Development Handbook (Third Edition)
15	MIV004812	Project Proposal - JDP 1-10 Prisoners of War, Internees and Detainees