THE CHAIRMAN: Good morning, ladies and gentlemen.

MR ELIAS: Good morning, Sir. May I call, please, Simon Sinclair Wilson, Colonel Wilson, please.

THE CHAIRMAN: Yes. Colonel Wilson, would you be kind enough to stand while the oath is administered to you? You wish to affirm, as I understand it.

SIMON WILSON (affirmed)

THE CHAIRMAN: Thank you, Colonel. Please sit down. May I ask you, please, to speak into the microphone because, if you don't, it's quite difficult to hear. But it's not equally, I don't think, terribly comfortable to have to lean into the microphone. But I would be grateful if you would make yourself heard. Thank you.

Yes, Mr Elias.

Questions by MR ELIAS

MR ELIAS: Thank you, Sir. Would you give the Inquiry your full name, please?

A. Simon Sinclair Wilson.

Q. And your current rank, please?

A. Lieutenant colonel.

Q. Colonel Wilson, if you would look in the folder which I hope is alongside you, you should find a copy of your statement there. If you do, would you please look at the last page of it -- it is our BMI03333 -- and confirm
that above the date of 21 July of last year there is
your signature?
A. Yes, that is correct.
Q. And when you signed that statement, your statement to
this Inquiry, were you attesting that the contents of it
were true to the best of your knowledge and belief?
A. Yes, I was, sir.
Q. Thank you very much. We have read that statement and
I am not going to take you to every part of it, Colonel,
but to certain aspects of your evidence which are of
particular relevance to this Inquiry.
A. Yes, sir.
Q. So please put the statement aside for a moment. May we
begin, please, by seeking just to encapsulate your army
career history from the statement. You tell us that you
joined the army in 1981.
A. Yes, sir.
Q. Would it be right to say that you were in different
guises but in the infantry through until 1991?
A. No. I joined the Parachute Regiment initially and then
transferred to the Royal Regiment of Artillery and in
1984 I was commissioned and joined the infantry.
Q. Thank you. It was in 1991, you tell us, that you
completed the RMP training course at Chichester.
A. Yes, sir.
Q. And since then, has your career been on the provost side, if you like, of the army?
A. Predominantly, sir, yes.
Q. The course in 1991, you tell us, was a provost officers' course and the initial investigation course.
A. Yes, sir.
Q. Following completion of your RMP training, you subsequently completed, did you, the intermediate SIB -- Special Investigation Branch -- course?
A. Yes, sir.
Q. Did that training -- that is to say the RMP and the SIB -- involve training in what I might call physical prisoner-handling?
A. Yes, sir.
Q. And what did it teach you in that regard in essence?
A. It was regarding the handling of those persons who had been arrested within a criminal context.
Q. I think subsequent to those courses and to your move across to what I will call the RMP side -- the provost side -- you served in Bosnia, you tell us, in Kosovo. In 2001 and 2002 you worked with the Canadian military assisting drafting their prisoner of war handling doctrine.
A. Yes, sir.
Q. In 2002 you became deputy chief of staff of the land
warfare collective training group based in Germany.

A. Yes, sir.

Q. And in 2003 you deployed to Iraq in February --

A. Yes, sir.

Q. -- for a five-month tour --

A. Yes, sir.

Q. -- although I think that that was interrupted, was it, by some compassionate leave at the very end of March/beginning of April --

A. Yes, sir.

Q. -- when you were away from Iraq, what, for a period of about two weeks?

A. Ten days, I believe, sir.

Q. Thank you. Are you currently still based in Germany --

A. I am, sir.

Q. -- as set out in paragraph 18 of your statement to this Inquiry?

A. I believe so. I am commanding officer 5th Regiment, Royal Military Police based in Guttersloh.

Q. Thank you very much.

Now I want to ask you just a little about your training and your understanding at the time of your deployment to Iraq as to the use of the various techniques with which this Inquiry has had some concern.

A. Yes, sir.
Q. Did you receive training and/or have any particular understanding in relation to the rights and wrongs of the use of sight deprivation on prisoners?

A. With regard to training, we received law of armed conflict training. I seem to recall that basic training disallowed the use of hooding.

Q. Just to deal with the law of armed conflict training since you raised that, many a witness now has told the Inquiry that the core message from that, if you like, was that prisoners should be treated humanely.

A. Yes, sir.

Q. Was that the core message that you received from your LOAC training?

A. Very much, sir, and with dignity also.

Q. But in relation to the deprivation of sight, what was the training or the instruction that you received in relation to that so far as prisoners were concerned?

A. Early on in basic training in the 1980s it was that hooding was permitted and the use of a sandbag was permitted. However, later -- and at a date I cannot recall -- I became aware that hooding was now no longer permitted.

Q. Now, if we try to break that down in relation to your deployment to Iraq in 2003, was it before that that you came to understand that hooding was no longer permitted
or did it postdate that?

A. It was before that, sir.

Q. But going back to the 1980s, you say, you were trained or taught that hooding was an appropriate way of deprivation of sight?

A. Yes, sir.

Q. Under what circumstances were you taught that in the 1980s?

A. It was normally on initial capture, sir, and for security reasons, to make sure that the enemy did not see what your locations were and also prohibited him in escaping.

Q. It is obviously quite a long time ago now, Colonel -- I don't want you to guess or speculate about it if you really don't know -- but were you given any instruction as to the nature of the security issues for which it might be appropriate to hood?

A. As I said, when initially captured to, I think, assist with the shock of capture and also to prohibit the escaping.

Q. Do you remember whether you were given any instruction or training as to the length of time, for example, for which it be would be appropriate to keep a prisoner hooded?

A. I cannot recall that, sir.
Q. Was there any distinction to be drawn between the categories of prisoner -- and you go into that, as you know, in your statement to this Inquiry -- who could or could not be hooded or were they all, as it were, treated in the same way so far as this security issue was concerned?

A. I believe it was all to be treated in the same way, sir.

Q. Thank you. So hooding for security -- I think you said a moment or two ago it was also hooding, what, to maintain -- I think you said to assist with the shock of capture.

A. Yes, sir.

Q. What do you mean, "to assist with the shock of capture"?

A. When a person was initially captured, he would be in a state of shock having been captured and it would depend on his training and experience as to whether that period of time would be maintained for a long or short period.

Q. What part did hooding of the prisoner play in that?

A. It would all be part of the initial -- the initial point of the capture and, I suppose, continuing with shock with it, sir.

Q. Continuing with the shock of capture by, what, disorientating through hooding?

A. Yes, sir.
Q. Were you trained in the 1980s -- taught in the 1980s, if you like -- that that was an appropriate use of hooding to maintain or assist with the shock of capture?

A. I believe that was part of it, yes, sir.

Q. Part of the specific training that you received?

A. More part of the general training, sir.

Q. Forgive me, it's my question, I think. You were told that you could do it for security reasons. Were you also told that it was appropriate to do it to maintain the shock of capture or assist with it?

A. I believe so, sir, yes.

Q. Again in that regard -- that is to say maintaining or assisting with the shock of capture -- were you given any instruction as to how long it might be appropriate to keep a prisoner hooded?

A. I don't believe so, sir, no.

Q. You have told us that your LOAC training gave the core message, if you like, that you were to treat prisoners humanely -- and that's what a lot of witnesses have told this Inquiry -- and that that was something, if you like, that was drummed into soldiers from almost day one.

A. Yes, sir.

Q. Did you consider, when you were being given this instruction in the 1980s, as you say, hooding either for
security reasons or for maintenance of the shock of
capture -- did you consider that hooding in those
circumstances was nonetheless inhumane?
A. No, sir.
Q. Why not?
A. Because it seemed perfectly reasonable at that time,
with what I knew at that time, to hood somebody to
prevent him from escaping or seeing our security
dispositions.
Q. Colonel, that might be a very good reason for it --
there's no criticism in the question that I am putting
to you at this stage -- that might be a very good reason
for hooding, but perhaps you would agree, would you,
that it may nonetheless be inhumane to do it?
A. In the current context it may seem inhumane, sir. At
that time it did not appear to be inhumane to me.
Q. Thank you. Now at some stage you tell the chairman --
you tell the Inquiry -- you came to learn that hooding
was no longer permitted. Is that right?
A. Yes, sir.
Q. Do you think that was before 2003?
A. Yes, sir.
Q. You are certain about that?
A. Yes, sir.
Q. But you can't recall, can you, any detail of how you
came to learn that?

A. No, sir.

Q. Were you, yourself, giving training in the taking of prisoners and matters of that kind -- prisoner-handling?

A. During what time, sir?

Q. Well, let's say in the late 1990s/early 2000.

A. It would have been part of the law of armed conflict and training generally, sir.

Q. So were you giving training in that area?

A. I did give training, yes, sir.

Q. Were you giving training to soldiers at that stage as to the rights and wrongs of the use of hoods?

A. I believe that would have been part of it, sir, yes.

Q. So, what, there would have been a period of time, would there, when you would have been telling soldiers what you've told us today -- that is that hooding was appropriate in these circumstances for the two reasons --

A. Yes, sir.

Q. -- and there would have come a time when you would have told them hoods are no longer to be used?

A. Yes, sir.

Q. And your understanding about the non-use of hoods -- that they were now off the agenda, as it were -- did you understand that to be for all purposes or only for some?
A. All purposes, sir.

Q. So it wasn't a case that hooding for the shock of capture was, as it were, not permitted anymore, but security remained a reason for hooding?

A. The aspect for hooding I understood came about because of medical grounds and people being unable to breathe properly, therefore the use of blindfolds and later goggles came in, sir.

Q. Forgive me pressing you on that point -- hearing what you say -- but could that have been something that came in during your time in Iraq, as opposed to before it?

A. I don't believe so, sir, no.

Q. You don't think so. Can you remember whether you were receiving specific training at the time that this was explained to you, that you could no longer use hoods, or whether it was some order that emanated from somewhere?

A. Is this the timeframe before Iraq, sir?

Q. Yes.

A. I cannot recall. It may well have been in the script we were given to treat the law of armed conflict training.

Q. From the time, whenever it was, that hooding, as you understood it, was banned for all purposes, did you ever see hooding employed by anyone thereafter?

A. No, no, sir.

Q. Did you see the employment of blacked-out goggles or
other forms of blindfold after you learnt that hooding
was not permitted?

A. No, sir, but I've been specifically trained on that
aspect now, sir.

Q. Now I want to ask similar questions, if I may -- still
dealing with that time of your deployment to Iraq in
2003 -- about the use of stress positions. You detail
in your statement your understanding of stress positions
and I don't go into that because it's there for us to
read. Did you understand that stress positions before
2003 were permitted to be used for any purposes?

A. They were not permitted to be used, sir.

Q. And had that always been your understanding through your
army training?

A. Yes, sir.

Q. Stress positions could never be used on enemy soldiers?

A. Yes, sir.

Q. And again, the category of prisoner -- be he detainee,
internee, soldier or civilian -- did that affect that
issue at all?

A. It did not affect that issue, sir.

Q. You tell us in your statement -- I don't think it need
be put up -- that you were nonetheless of the view that
for a limited period of time something that may be
regarded, if viewed, as a stress position might be
permitted, for example, for the purposes of searching?

A. Yes, sir.

Q. And if such a position were used for the purpose of searching, was it your understanding that it would be appropriate if administered, as it were, for a minute or two, for the purpose of physically searching or might it be maintained for longer than that?

A. I would think, sir, considerably less than a minute or two.

Q. So it would be fair, would it, to categorise those positions as not really being stress positions because they wouldn't, in effect, be stressful?

A. Correct, sir, but had they been maintained for longer, then that could be the case.

Q. Can I deal with these categories perhaps together: deprivation of food or water or deprivation of sleep by the introduction of noise or white noise or anything else of that kind to keep a prisoner awake. What was your understanding in 2003 about the employment of any of those techniques?

A. They were not permitted, sir.

Q. Under any circumstances?

A. Under any circumstances.

Q. And had that always been your training?

A. Yes, sir.
Q. What about the use of plasticuffs?
A. The use of plasticuffs was permitted, sir.

Q. Were you actually given -- and again I don't want you to
guess about this, Colonel, if you don't remember. It's
obviously a long time ago now, I would think -- were you
given any specific training or instruction in how they
were to be used, for example, whether they were to be
used to fix the hands in front or behind the body?
A. I have received training since 2003, sir, and they are
to be fixed in front of the body. I can't recall
whether I received training before 2003.

Q. So the current training or at least the training you
have had since is that they should always be cuffed in
front?
A. Always be cuffed in front, with the rule of thumb being
imposed so that circulation is not cut off.

Q. You have heard of the term "conditioning"?
A. Yes, sir.

Q. Was that a term that was in currency in 2003 in the army
and in the circles in which you were operating?
A. No, and I have only a vague understanding of what it
meant, sir.

Q. You never heard of any discussion, particularly in Iraq,
about the use of conditioning or conditioning techniques
for prisoners?
Question: Before 2003, had you received any conduct after capture training?
Answer: No, sir.

Question: Your role in Iraq in 2003 — you were there, you tell us in your statement, from 7 February.
Answer: Yes, sir.

Question: When did you leave Iraq?
Answer: I left Iraq around about 9 July, sir.

Question: Thank you. You tell us in your statement that you went to Iraq believing that you would be getting involved in prisoner of war handling almost immediately.
Answer: Yes, sir.

Question: Did that happen?
Answer: No, it did not.

Question: You spent some time, did you, in Kuwait?
Answer: Yes, sir.

Question: You had the compassionate leave, to which I have referred, and you say in your statement that you returned to Iraq on 8 April.
Answer: I believe around that date, yes, sir.

Question: And was it only after that that you became involved in prisoner-handling issues?
Answer: Yes, sir.
Q. What was your role in that regard -- because I am not very concerned with what happened before you returned on 8 April. What was your role after 8 April?

A. After 8 April, for a short period of time, I continued with my job, which was the combat service support liaison officer from the divisional support group to main headquarters, 1 (UK) Armoured Div, and then I was taken by Lieutenant Colonel Forster-Knight with the assertion that I was going to be the SO2 detention, but first required to assist in the setting up of the regimental headquarters of the 1st Regiment in Basra City.

Q. So did you give that assistance in Basra City before taking up the role as SO2 detention?

A. Yes, I did, sir.

Q. So when would it have been that you took up the role of SO2 detention?

A. I can't recall exactly, but I believe it would have been towards the end of April and possibly after 23 April, sir.

Q. Can you tell us, just in a nutshell, what was the role of SO2 detention to be, as you understood it?

A. The role of SO2 detention was to set out the parameters surrounding criminal detainees who had been taken by HM Forces on operations. These were to be basic -- the
process and the idea behind it was to hand these persons
over to the Iraqi authorities as soon as practicable
with safeguards put in in the interim.

Q. So this was dealing with those prisoners who fell, if
you like, on the criminal side, as opposed to those who
might fall into the internment category?

A. Yes, and it didn't include prisoners of war either, sir.

Q. At that stage, when you took over this role -- again you
tell us this, I think, in your statement in terms --
detainees and internees, that is to say criminals and
those who were seen simply as a threat to the coalition
forces, were all sent, were they, to the detention
facilities at Um Qasr?

A. Yes, sir.

Q. By this stage the US were running that facility?

A. Yes, sir.

Q. But there was the separate compound which you say was
run by the MPS, commanded by Captain Neil Wilson?

A. Yes, sir.

Q. So your role, in just a little more detail please in
dealing with the criminal side of prisoners, what was
it?

A. When I arrived, sir, there was a large amount of
paperwork that needed to be gone through to ascertain
exactly who we had detained at Um Qasr on the criminal
Q. Can I just ask you just to move a tiny bit closer to the microphone if you can.

A. So there was a requirement to go through the paperwork and it was very difficult to get what I consider -- and I believe Colonel Mercer called "ground truth" on who we actually held. This was not helped by separate chains of command, with the joint force logistic command commanding the detention centre within Um Qasr and a slight air gap between us in the divisional headquarters. So as soon as practicable I went down and personally counted all the prisoners. Therefore I had ground truth and could do the audit trail back from there. The second --

Q. Forgive me, but was the position, then, that there was, when you took over, a considerable backlog of cases that had simply not been dealt with? Is that the position?

A. Yes, sir.

Q. You were going on to say ...?

A. Then it was part and parcel with setting up the police element of the Iraqi police, training them. But also, in order to make sure that we had somewhere to put the detainees -- the criminal detainees -- we also needed to set up a prison service and have an initial prison to put these people in, and that was my predominant
interest and where I was working at with the setting up
of the prison.

Q. At this stage, as you understood it -- you have talked
briefly about the two chains of command that may have
left some gap between them, if I paraphrase you
correctly -- but at this stage, who was taking the
decision as to whether a prisoner was indeed a criminal
prisoner or an internment prisoner?

A. There were a number of safeguards, I believe, in place
at this stage. Firstly on the ground if a person was
cought doing -- committing what was believed to be
a criminal act, the RMP would make the assertion as to
whether he was a criminal or otherwise. At that
particular stage I was not aware of any internees being
taken because of the nature of the conflict at that
particular stage. However, with Um Qasr, there was
a series of lawyers who were doing -- conducting reviews
of prisoners to determine whether they were criminals,
prisoners of war or internees.

Q. Could we have a look, please, at paragraph 55 of your
statement to this Inquiry at BMI03319, please? You say
here, Colonel:

"Prior to the establishment of the role of [what we
have been calling the 'BGIRO'] the battlegroup
internment review officer ... I would personally receive

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all of the papers relating to individuals who had been
arrested. Initially my job involved making
recommendations within 48 hours of the arrest of an
individual on the ground, as to that individual's
continued incarceration at Um Qasr. Such decisions were
based on the seriousness of the alleged offence and
a realistic view of successful prosecution. These
factors had to be balanced against available resources
...", you say.

You weren't, were you, ever appointed BGIRO?

A. No, sir.

Q. And were you taking the decision, as it were -- as you
set out there -- only in relation to those prisoners who
had been captured having committed some criminal offence
or did you understand you were reviewing all prisoners
at this stage?

A. I was reviewing all prisoners. I can't recall, however,
seeing anybody who had been interned for security
reasons, sir.

Q. If there had been, you would have dealt with them at
this stage under this system?

A. Yes, and I would probably have linked in with G2 within
the headquarters as well, sir.

Q. I follow. At paragraph 57, if we can move on to that,
please, you refer to the case backlog.
"Once [it] ... had been significantly reduced ...

I was able to begin to concentrate on how the detention
process could be taken forward. I was clear there was
a need to ensure that the troops in general and 1 RMP in
particular were acting in accordance with the UK's
international obligations as an occupying power ..."

This, you say, was reflected in the document
entitled "Detention procedures". Could we just have
a look at that, please, at MOD019141?

We can see it's dated 8 May. If we go to the last
page of it, three pages on, I think it's under the
signature, is it, of Colonel Forster-Knight?

A. I can't see that on that page, but I believe it was sir,
yes -- yes, yes, sir.

Q. But you had significant input into the document, did
you?

A. Yes, sir.

Q. Is it effectively your document?

A. Yes, sir.

Q. If we go back to the first page, please, we can see it's
dated 8 May, so you would now have been doing this
particular job for, what, two or three weeks?

A. Round about that, sir, yes.

Q. And you had assessed the position as you saw it on the
ground?
A. Yes, sir.

Q. Under 1, "General", under the heading "Detention procedures":

"A review of custody and detention procedures has been conducted to ensure compliance with references A and B [the UN declaration and the ECHR]. It has been determined that current procedures are not consistent with UK legislation and accepted 'best practice' in relation to custody and detention. It may also be argued that current procedures are inconsistent with Article 5 [of the ECHR] ... Remedial action is, therefore, required."

Again, I don't ask you to guess or speculate, Colonel, but can you assist the Inquiry as to the ways in which current procedure were thought not to be consistent with UK legislation and accepted best practice and/or the ECHR?

A. I can't recall that detail at the time, sir -- at this time.

Q. Can you recall any aspects of this system that raised those concerns?

A. No, they may not have been my concerns. They may have been Lieutenant Colonel Forster-Knight's concerns at that particular stage. I think we were just trying to do the best we possibly could and -- you know, seeing
that not everything was going 100 per cent perfectly on
the ground.

Q. I understand. We are going to hear from him and no
doubt we can ask him that too. Under "Intent" at 3:
"It is my intent that legally compliant custody and
detention procedures are implemented."

There is a reference to "... Iraqi law will be used
for the prosecution of offences ...", and so on.

If we go over the page, please, to 6 and some of the
procedures to be adopted, there is reference at 6(b) to
a suspect being taken to an RMP custody officer.
I think many of us will be perhaps acquainted with the
custody officer procedures that operate in the UK in
relation to criminals and their apprehension and
detention. Was it a system of that kind which was in
existence in Iraq?

A. It was similar, sir. It would have been to ascertain
whether somebody had committed a crime and that was best
thought of at the sergeant level within the RMP.

Q. So he would make that decision?

A. Yes, sir.

Q. And, what, then determine whether that individual could
or could not be detained in custody?

A. Yes, sir.

Q. I follow.
Then there's reference at 65(c) to a suspect being
"... taken to the detention facility by the battlegroup
concerned, accompanied by an RMP NCO ..."

Over the page, please, the last page of the
document, just to ask you about this too. Below
subparagraph (e) there's this:

"A revised custody record form is enclosed and is to
be used forthwith."

We don't actually have the revised custody record
form that went with this document, but perhaps for our
purposes this is sufficient. There was, was there,
therefore, in existence a custody record form which was
being used in Iraq at the time of these detentions?

A. Yes, sir, there was.

Q. And would that custody record form have recorded the
arrival, departure and any other significant movements
of a detainee or prisoner?

A. Yes, it would have done, sir.

Q. Would it have recorded or would you have expected it to
record, for example, visits to a detainee or a prisoner
by medics?

A. Not necessarily because that custody report would have
gone down to the detention facility at Um Qasr and
that's where the medics would have been brought into --
to obeyance(?).
Q. I follow. So the custody record would have been a record that, if you like, monitored the comings and goings of the prisoner from the detention area?
A. Yes, and I also believe that if such a record was not present when they were sent down to the detention facility, they would be required to get it or the individual would be released.
Q. Under 9, "Conclusion", it is stating perhaps the obvious, but it's just worth noting what is said:
   "The imperative is to ensure that RMP acquits itself lawfully."
A. Yes, sir.
Q. If we just go back -- thank you for that document -- to paragraph 57 of your statement at BMI03320, you say two-thirds of the way through that paragraph:
   "I had a considerable input into the content. I had no concerns as to how detainees were being looked after at Um Qasr; the aim of the document was to ensure RMP procedures were correct. The document was aimed at RMP personnel to clarify procedures."
A. Yes, sir.
Q. You had no concerns, did you, at that stage as to any ill-treatment --
A. No, sir.
Q. -- of prisoners in any area with which you were
involved?

A. Predominantly I was involved with the criminal detainees and certainly at Um Qasr I had no concerns whatsoever.

Q. Now the Inquiry appreciates that you were out of Iraq at the end of March/the first week of April. Were you aware of any debate amongst the lawyers and indeed soldiers as to the rights and wrongs of hooding in Iraq at about that time?

A. No, sir.

Q. You had not heard any of these issues raised before you left Iraq on that occasion?

A. No, sir.

Q. And you weren't aware or were made aware, were you, of the ongoing issue -- the legal issue -- of whether hooding was or was not lawful?

A. No, sir.

Q. Indeed, from your evidence, it must be the case, must it, that you believed that hooding was not on the agenda at all?

A. Correct, sir.

Q. Did you have discussions with Lieutenant Colonel Mercer --

A. Yes, sir.

Q. -- about the handling of prisoners?

A. In the round we would have discussed it almost
certainly, sir.

Q. What were your dealings with him?
A. I would --

Q. How did he fit into your picture, if you like?
A. Well, he wasn't necessarily in my chain of command, but I worked very closely with him and also one of his SO2s, Major Coax, particularly on the detention issues of who should be kept, and on any concerns I had over a document that I was helping to -- or assisting to produce, I would touch base with either him or Major Coax on any legal issues, sir.

Q. But he, Colonel Mercer, at no time brought to your attention what might be described as the "ongoing issue" of hooding for security reasons?
A. Not that I can recall, sir.

Q. Again so that we understand your position in the whole operation, if you like, if there had been an issue being raised about whether prisoners should or should not continue to be hooded or deprived of sight for security reasons, would that have been a matter about which you would have had concerns or views?
A. I would have probably had a view on it, sir, yes.

Q. Would you have expected to have been informed about it?
A. Not necessarily due to my position. I was a staff officer grade 2, a major, and my line was relatively --
my lane was relatively narrow in so far as dealings with detention issues.

Q. Can we have a look, please, at another document, MOD011517? It's a document dated 4 May. If we go over the page we see that Major Wilson is the author. You tell us in your statement that that was a response to concerns that were raised by Colonel Mercer in a paper of 30 April. Can we look at that at tab 2, MOD011503?

Forgive me, I will put this up on the screen for you now. Thank you very much.

It's headed "Memorandum". It's dated 30 April. Perhaps you will take it from me that you will see on the second page that Lieutenant Colonel Mercer's name appears as the author. Is it correct that this was the document you referred to in your statement as being "concerns raised by Colonel Mercer", to which the other document -- which we looked at a moment ago and we will come back to -- was your response, as it were?

A. Yes, sir.

Q. Correct. If we look at it in this order, please. Therefore in Colonel Mercer's document of 30 April, he says under paragraph 3, "Review of detainees/internees":

"... although the legal review is in place, the procedure for detention and collection of evidence can only be described as a shambles. To date, of the 196
detained 40 have been lost, 28 have no corresponding paperwork ... 50 have been released (although it's not clear whether they have been released or also lost) 8 are awaiting release (who also cannot currently be found) ..."

He goes into "no proper evidence has been produced for [offences]", which I don't think the Inquiry is particularly concerned with.

Over the page at paragraph 6, please, he says:

"In my opinion the process needs to be gripped, properly supervised and staffed to ensure that we meet our obligations. The plea of lack of resources is not sufficient when you are dealing with an issue as important as the liberty of the individual. The first reviews by the [general officer commanding] GOC/COS [chief of staff] are due on 13th May which means that written submissions in the first case are required by the 6th May."

Can we go then to a document we do have on the system at MOD011517, your response, I think, of 4 May. Was this indeed a direct response to that paper?

A. It was, sir. The chronology of the events is Colonel Mercer, I believe, had written the response -- had written that criticism after remedial actions had been in place, and that included my visit to go down to
Um Qasr to get what we termed as "ground truth".

Q. I follow.

A. I had also mentioned the mass of paperwork and the insufficient evidence pertaining to a lot of the detainees. That was then gripped. So I think, you know, with my appointment and coming into the headquarters, that greatly assisted in certainly the procedural aspects of his particular complaints.

Q. So your appointment would have been about a week or ten days before he was writing that letter --

A. Yes, sir.

Q. -- in which time you had done certain things --

A. Yes, sir.

Q. -- and were continuing to do certain things --

A. Yes, sir.

Q. -- to change and improve the system?

A. Yes, sir.

Q. We have your response of 4 May at MOD011517. I am not going to take you to many parts of it. Under the heading "Detainee issues", we can see reference to that memo at reference B. At 2 you record the fact that:

"The facility at Um Qasr is a US facility. This presents significant challenges to UK prisoner of war handling organisation in the tracking of UK taken prisoners of war ...", and so on.
Under "Detainee names" at 3:

"The tracking of detainees is neither a simple or easy task."

Over the page, please, at paragraph 4, you say this:

"Following a detailed visit to the MPS at Um Qasr I have to report that your views regarding their conduct appeared without foundation."

To what is that a reference?

A. I would have to refer to the previous letter, but I think there was some concern over the way they were handled at Um Qasr by MPS and what I saw there was a model of how it should be done, sir.

Q. So you saw nothing to cause you any concerns?

A. Not within the detainee compound at all, sir, no.

Q. No hooding?

A. No, sir.

Q. No use of stress positions?

A. No, sir.

Q. You go on to say, after the redacted part:

"The MPS has managed to instil discipline within the detainees in the most humane and fitting manner. Their responsibilities are considerable -- covering detainees, internees and prisoners of war."

Under "Conclusions" at 7, you say this:

"It is firmly believed that the whole detainee
process is back on track."

That was your view at this stage, was it?

A. Yes, sir.

Q. Although it had plainly been off the track before?

A. Yes, sir.

Q. "Changes, which have been made to processes and
procedures, will begin to bear fruit in the short term.
The coming on line of detention sites will ease the
whole process, permitting UK to remove itself from the
US system -- this will add further clarity."

A. Yes, sir.

Q. Thank you. As the Inquiry knows, on 26 June FRAGO 29
was issued.

A. Yes, sir.

Q. You are familiar with FRAGO 29?

A. Yes, sir.

Q. Did you play any part in drawing up FRAGO 29?

A. Yes, sir.

Q. Would you agree that, in certain respects anyway,
FRAGO 29 changed the direction of prisoner-handling?

A. Yes, sir.

Q. Did you have discussions as to the policy, if you like,
behind FRAGO 29 before it was issued?

A. Yes, sir.

Q. With whom did you have discussion? Would you please
bear in mind that in this Inquiry we have to be careful about names. I think you have a cipher list alongside you. Please use ciphers or, if you have any query, please stop and don't give a name. But can you tell us please, using ciphers or names, with whom did you have discussions about the policy behind FRAGO 29?

A. I would have discussed it with Lieutenant Colonel Forster-Knight, who was my commander. I would have discussed it definitely with S002. I would almost certainly have discussed it with an SO2 within the G3 organisation because I was not to be replaced and there was still -- we still had to make sure that certain of the reviews were done in an efficient manner.

Q. The Inquiry has seen -- and I hope I paraphrase it correctly -- from a number of documents and through the evidence of now many witnesses that in the weeks and months prior to FRAGO 29, the amount of time that was permitted to elapse during which a prisoner could be held before delivery ultimately to detention -- that is to say held by battlegroup soldiers -- was a short period of time and indeed a reducing period of time.

A. Yes, sir.

Q. FRAGO 29 altered that, didn't it --

A. Yes, sir.

Q. -- by expanding the time to 14 hours anyway?
A. A maximum of 14 hours, sir, yes.

Q. A consequence of FRAGO 29 was that detainees would be left in the hands of, can I put it generally, battlegroup soldiers for longer than had previously been indicated?

A. If I may, sir, the timings were not realistic given the circumstances and it was purely for a logistical reason that this was increased. The timelines had not been met, for example, with people being transported down from Al Amarah and we were constantly failing to achieve the right timelines.

THE CHAIRMAN: So you mean the timings before FRAGO 29 were not being achieved?

A. Yes, sir, they were consistently being -- we were consistently failing on meeting them, sir.

THE CHAIRMAN: What were they?

MR ELIAS: Six hours?

THE CHAIRMAN: Two hours?

MR ELIAS: It was reduced to six hours, wasn't it, with a hope and expectation that one hour would be the norm?

A. Yes, sir. That could work within units that were close to Um Qasr, but outlying units, it was getting harder and also there was more patrolling in desert areas as well, sir.

Q. Under FRAGO 29 -- can I put it this way and please
develop it if it is necessary -- was the role of the RMP
effectively being written out?

A. RMP were becoming a limited resource in theatre, sir. They were going down from three companies to one company. Because of the custody officer's criminal nature in identifying whether a person had committed a crime, it was felt that he would not necessarily be the best placed to identify whether somebody posed a security risk and, therefore, the BGIRO was seen as the best person because he would have access to security and classified information that would pertain upon a certain individual, sir.

Q. That may be so, Colonel -- three companies to one may be so, resources were scarcer -- but the effect of FRAGO 29 was to write the RMP out of this particular script.

A. To a large extent, yes, sir.

Q. Was your understanding -- and indeed the intention as one of the authors of FRAGO 29 -- that the BGIRO would take over that role?

A. Would take over the role of custody officer in making the decision, which would then be passed up to the SO2/G2X.

Q. Was thought given to the training that might be necessary to give to anyone who was to act as BGIRO in these circumstances with that decision-making power?
A. The training should have been -- well, the person who was the BGIRO should have had G2 training and should have been able to identify whether somebody posed a security risk or not, sir.

Q. And how was it -- again, if you don't remember, please tell us -- proposed that the BGIRO was going to ascertain whether an individual posed a risk or not -- by what mechanisms of questioning, for example?

A. At that time, sir, it was not necessarily questioning that was being considered, it was targeting -- it was an individual being targeted from information being available, sir.

Q. But the system of BGIRO was going to operate across the board with all detainees, wasn't it?

A. There were only going to be security internees from that point, sir.

Q. But there were going to be prisoners of all categories.

A. There were no prisoners of war at that stage, sir.

Q. No.

A. People who committed criminal offences were handed over to the Iraqi police, which only left -- and at that stage the very few people who had been identified as security internees.

Q. So that was the intention, was it, that it would only be security internees who would fall, as it were, under the
purview of the BGIRO?

A. Yes, sir.

Q. And whether, in the case of security internees, an individual fell into that category of individual who needed to be interned or not, was thought given to how that function would be exercised?

A. It would be exercised in a very similar way to the way detainees had been processed, sir. But instead of the custody officer and the SO2 detention, the BGIRO and then the SO2/G2X would make the decision on the continued incarceration of the individual, sir.

Q. So what, if anything, was envisaged as to who might question the individual to ascertain as to whether he was somebody who ought to be interned or no?

A. The intention was that it would only take place -- my understanding of it is that it would only take place at the JFIT and Um Qasr, sir.

Q. Well, that would be -- if I have understood it correctly -- after the BGIRO had made his decision.

A. Yes, sir.

Q. Well, was it envisaged? If it wasn't envisaged, please tell us, but was it envisaged that there would be any aspect of investigation carried out by the BGIRO, any questioning on his behalf or by him of the individual?

A. The intention was that that would not take place -- my
understanding is, sir, anyway.

Q. So, what, there would be no questioning? The BGIRO would make a decision based upon whatever information was available? There would be no questioning of any kind; is that your understanding?

A. The exploitation would take place at the JFIT, sir. That is my understanding.

THE CHAIRMAN: When you say "exploitation", do you mean questioning?

A. Questioning, Sir.

MR ELIAS: So the BGIRO was not to question. You didn't anticipate, did you, in framing FRAGO 29 or being a part of that, that there would be, for example, any tactical questioning before delivery to Um Qasr?

A. No, sir.

Q. FRAGO 29, in its drafting, did not set out those stages, as you have put them, at all, did they? That is to say there should be no questioning until the prisoner has reached Um Qasr and that the BGIRO is to operate without any tactical questioning of the prisoner and matters of that kind.

A. No, it didn't, sir.

Q. Was that with hindsight, do you think, a mistake?

A. I believe, sir, with hindsight, it could have been crafted so it tied down exactly what was meant. At the
time, sir, I don't believe it was required.

Q. Was there any legal input -- advice or input -- into the discussion of policy or the drafting of FRAGO 29 that you recall?

A. I don't recall in detail, sir, but I'm pretty sure there would -- it would have happened.

Q. If you are pretty sure it would have happened -- I don't want you to speculate -- if you did have discussion of a legal nature about FRAGO 29 in its policy or drafting, with whom would you have discussed it?

A. It would have been with one of the legal officers, sir, although I can't recall which one.

THE CHAIRMAN: Sorry, Mr Elias, may I just go back one? Your expression that FRAGO 29 "... could have been crafted so it tied down exactly what it meant", I understand "crafted", but what ought to have been tied down?

A. It could have been a very lengthy document detailing all the previous elements of the handling of detainees, internees, prisoners of war. But it was, I say now, assumed that all the previous procedures and conditions that were set out would be understood, sir.

THE CHAIRMAN: All right.

MR ELIAS: Still dealing with FRAGO 29, Colonel, was it your understanding that, by creating the BGIRO post, the
chain of command for responsibility for guarding the prisoners -- the chain of command which, as I think we all know now, hitherto had gone through the provost side -- that that chain of command was in any way changed?

A. The chain of command, sir, really relates to brigades -- from the division down to brigades and battlegroups. I'm not sure if there was any significant change in that and commanders at all levels still had the responsibility for looking after people who came into their custody.

Q. So did you understand, having drafted FRAGO 29, that the provost staff remained responsible for prisoners, as it were, on the ground?

A. Again, it was who actually had physical contact with those prisoners --

Q. Yes.

A. -- but we were looking towards a stage when provost or Military Police numbers were declining and the same -- the responsibilities would shift to battlegroup personnel rather than to cap badged RMP personnel, sir.

Q. But the provost sergeant, who, for example, at Battlegroup Main, as the Inquiry has heard, retained responsibility for the handling of prisoners who were in the detention facility there, was he to remain
answerable to the RSM?

A. Are we talking about the -- I am not quite sure what you mean by "provost sergeant", then, sir.

Q. Well, the provost staff at Battlegroup Main who were actually, if you like, running the detention facility -- the provost corporal --

A. The provost staff there, sir, were not RMP cap badge personnel.

Q. I understand that. But they had retained through their chain of command -- their normal chain of command, if you like, would have been to the RSM. Was there any change, as you understand it, wrought by FRAGO 29, such that they became answerable, for example, to the BGIRO?

A. I'm not aware of how the battlegroups actually enacted that, sir.

Q. All right.

THE CHAIRMAN: So that was left entirely to the battlegroups to determine how they would function?

A. Yes, sir, and I would suspect that actually there was to be no significant change to the way they operated. Certainly in the FRAGO there was no intent to permit battlegroups to have their own detention facilities. It was purely a holding area until transport could be arranged to move them on to Um Qasr, Sir.

MR ELIAS: Given, Colonel Wilson, that I think we are agreed
that FRAGO 29 was a significant change of policy and
indeed a significant change in practice and procedures
for the handling of prisoners -- would you agree?

A. To some extent, yes, sir.

Q. -- should it not have spelt out in rather greater detail
than it did all the changes that were wrought?

A. With hindsight there is a very good argument for that,
sir. However I believe at the time that it passed
muster at that particular stage, sir.

Q. Was there any issue, do you recall, at the time of the
issue of FRAGO 29 as to whether prisoners could or could
not be hooded?

A. No, sir.

Q. In your mind none?

A. In my mind, none. It was not an issue in the drafting
of FRAGO 29, sir.

Q. Then may I move on, please? During your time in Iraq,
were you ever aware of the issue by General Brims of an
order banning hooping or banning the use of anything
depriving a prisoner of sight?

A. No, sir.

Q. From what you've told us, it would have been very
surprising to you if you had seen or heard of such an
order because you didn't believe it was on the menu
anyway?
A. I believe I was away from theatre when that order was issued, sir.

Q. I understand that.

A. I believe it was a verbal order --

Q. I understand that. It looks as though it may have been about 3 April, which would have been almost in the middle of the time that you were away.

A. Yes, sir.

Q. My question to you really was: you never became aware of that order --

A. No, sir.

Q. -- subsequently?

A. No, sir.

Q. You were not aware in advance of the issues that may have brought it about?

A. No, sir.

Q. But if you had been made aware of it on your return after 8 April, it would, would it, from the evidence you have given us, have rather surprised you since you thought it wasn't an issue in any event?

A. Not necessarily surprised, sir, because it was a fast-moving theatre and lots of things were changing on a daily basis. So "surprise" is not necessarily the word I would have used, sir.

Q. Can we have a look, please, at FRAGO 152 at MOD017061?
I am stepping back in time, Colonel, as you appreciate. This is 20 May 2003, FRAGO 152. It is a document I think you will have seen before in relation to this Inquiry, if nowhere else; is that right?

A. I believe so, yes.

Q. Did you have any part in the drafting or policy considerations which brought this FRAGO about?

A. I may well have done, sir, but I -- without seeing enclosure one, I couldn't be 100 per cent sure -- or other parts of the document, sir.

Q. I am going to take you, if I may, just to each page of it. If you go to the last page of it, we see that it's above the name of "Colonel Mercer", and on the second page at MOD017062, paragraph 4, can we highlight "Minimum force" and down? Does this bring anything back to you?

"Reasonable force may be used to effect the detention and search but this only allows the minimum force necessary to be used. Guidance on search has already been provided (FRAGO 79) but once the person has been detained they should be handed over to the Military Police as quickly as possible. This should occur within six hours of detention. However, this does not mean that a unit can hold for up to six hours but rather the delivery to the RMP should occur as soon as possible."
Do you recall whether you had any input into this?

A. I am sure I would have discussed it or it would have been discussed with Lieutenant Colonel Mercer, but I can't say for sure whether I had any direct input into it, sir.

Q. I follow. What was the reason for requiring delivery to the RMP -- and as we see, it is highlighted in black in the document -- "as soon as possible". The six-hour limit, if you like, was given, but delivery "as soon as possible". Was that, in fact, to reduce the possibility of there being anything untoward happening to detainees while they were in the custody of others before delivery to the RMP?

A. I think basically one of the areas, sir, was that there was nowhere necessarily proper to hold them and you couldn't necessarily give them the appropriate shade or water or food, so it was on a humanitarian basis. At that stage there was -- people were being detained out in the country and it just wasn't practicable to hold them in those sort of conditions.

Q. Accepting that, if I may put it that way, Colonel Wilson, was consideration also given to, for example, the type of situation that may arise where soldiers may be involved in quite a heated, if not violent, arrest situation, where they are then, as it
were, guarding men who may have been attacking or
fighting with them and that the least period of time in
that sort of situation that those prisoners might be
left with the men who had to arrest them may be the
better?

A. That seems a perfectly reasonable consideration, sir,
yes.

Q. Would that have been a consideration for that
requirement in this FRAGO, paragraph 4, that delivery
should be as soon as possible?

A. It may have been one of the considerations, yes, sir.

Q. Thank you. Then it goes on to refer, as you told us, to
the six hours being "... to take account of those units
which might be in remote locations. All other units
should attempt to deliver in under an hour".

There is a reference to "humanity and dignity" in
paragraph 5, which was the core lesson, as you told us.
Then, reading from the foot of paragraph 5:

"They should be provided with water in all cases and
food if they are detained for longer. If they need to
be restrained then this should only be effected where
absolutely necessary and using the minimum force
required."

Then this:

"Under no circumstances should their faces be
covered as this might impair breathing."
You would have seen this FRAGO, would you?
A. I presume so, sir, yes.
Q. You think you may have had some discussion about it
because of its content.
A. Yes, sir.
Q. What does that mean? What was it intended to mean,
Colonel, "Under no circumstances should their faces be
covered as this might impair breathing"?
A. I would take that as an enforcement of not sandbagging,
sir, and also prohibiting gagging.
Q. Prohibiting gagging. I will come back to that. But no
sandbagging?
A. That's what I could -- what I would take it as, sir,
yes.
Q. That's how you would interpret it, is it?
A. Yes, sir.
Q. Were you aware, by this stage -- I am not suggesting you
should have been -- that's to say 20 May, of any
incidents involving prisoners where issues had arisen as
to their breathing being inhibited in any way?
A. No, sir.
Q. So if hooding was, as I have put it to you and you have
agreed, off the agenda and always had been, as it were,
in Iraq, why was this being put into this FRAGO, do you
A. No, sir.

Q. Did you question it or ask why?

A. I can't recall questioning it, sir, no. It was just a reinforcement of policy, by the look of things, sir.

Q. If it meant "no hooding", why didn't it say so?

A. I don't know, sir.

Q. You didn't ever take that up with Colonel Mercer?

A. No, sir.

Q. Did Colonel Mercer, in any discussions that you ever had with him, raise the issue that prisoners had died in custody and maybe a contributory factor was the fact that one or more of them had been hooded?

A. No, sir.

Q. You say in your statement to this Inquiry that you believe it was widely understood that hooding was not to be used.

A. Yes, sir.

Q. You never had reason to doubt that, did you?

A. No, sir.

Q. Prior to the issue of FRAGO 29, did the RMP play a part in questioning prisoners?

A. No, sir, certainly not tactical questioning. They were questioned over criminal aspects, sir, only.

Q. But it was the RMP who were taking decisions as to
whether to release or detain?

Q. Would that process be completed without any questioning?

A. Very often it would have been based on the evidence of the patrol that apprehended the individual conducting the criminal act, sir.

Q. But might there be questioning on occasion?

A. There may have been, sir. I certainly was not on the ground there and did not witness any questioning, but it would be reasonable to say that there was questioning, sir, yes.

Q. Could it be the case, Colonel Wilson, that in your time in Iraq there was indeed hooding which you saw?

A. Yes, sir -- which I saw, no, sir.

Q. But there could have been hooding without your being aware of it, could there?

A. Yes, sir.

Q. And it isn't the position that you did see hooding and, as it were, turned a blind eye to it or indeed accepted it because you believed that it was appropriate for security reasons?

A. No, sir, I did not. I did not witness any hooding and, had I been aware of hooding, I would have raised my concerns with the chain of command. Had I seen it on the ground, I would have made moves to stop it, sir.
Q. If indeed, as this Inquiry has heard, hooding was going on of prisoners for a period of time at least, such that an order was required to be given to put a stop to it -- the order to which I have already referred, General Brims, on or about, it would seem, 3 April, when you were not in Iraq, I appreciate -- would you have expected such an order, if there were a breach of such an important matter, to have been sent out in writing?

A. Orders can be in writing or verbally, sir. I understand this one was verbal. I understand it was to the command group. That should have been sufficient, sir.

Q. So it doesn't surprise you that this was not in writing or reinforced in writing, if you like?

A. It surprises me slightly that it wasn't reinforced in writing, sir.

Q. Why should it have been reinforced in writing, would you say?

A. Just because of the nature it was given by the GOC giving it himself, sir.

Q. Were the changes that were brought about by FRAGO 29 and the writing out of the script -- my shorthand -- of the RMP, to a very large extent anyway, was that essentially resource-driven rather than consideration being given to what was in the best interests of maintaining a proper system?
A. It was two aspects, sir. Firstly there were the resource constraints with RMP leaving the theatre. Secondly, there was a move from it being criminally orientated to intelligence orientated with the security threat.

Q. Finally, I think, from me anyway, can we have a look, please, at paragraph 95 of your statement to this Inquiry at BMI03332? Thank you very much.

You say here:

"The former provost martial ... Brigadier Findlay personally led on detainee issues following his appointment ..."

What is that appointment in 2004?

A. Provost marshal (army), sir.

Q. Thank you.

"Joint defence publication 1-10, parts 1.2.3 (the handling of prisoners of war, internees and detainees) ('JDP 1-10') is now the definitive reference point for all three services in respect of the handling of all three categories of prisoners. It currently forms the foundation of prisoner handling in Iraq."

That is as we speak, is it?

A. I believe that should have been Afghanistan, sir.

Q. Thank you.

"It gives clear guidance that stress positions,
noise and/or sleep deprivation is prohibited."

If we look, please, at MOD028624, that's the publication to which you refer, is it?

A. Yes, sir.

Q. As we understand it, a document issued in 2006.

A. Yes, sir.

Q. I simply record it because the Inquiry is, of course, concerned with what steps may have been taken since 2003. If we go on, please, in the document to page MOD028650, paragraph 209, we can there see clearly set out at paragraph 209:

"Following allegations of inhumane treatment made by individual detained by the police and UK armed forces in Northern Ireland in the early 1970s, the UK Government has proscribed the following techniques which [bold and capitals] MUST NEVER be used as an aid to tactical questioning or interrogation."

There is (a):

"'Stress positions'. Forcing captured or detained persons to adopt a posture that is intended to cause physical pain and exhaustion."

Over the page:

"Hooding. Putting a bag over a captured or detained person's head and keeping it there, whether as part of the TQ&I process or not."
Then the references to noise, deprivation of sleep and deprivation of food and drink.

There is, as we can see under section III and at 210(a), specific reference to search positions and, if you like, putting someone in a spread-eagled position for a limited period of time for the purposes of searching, as you were indicating to us earlier. And under (c), specific reference to restriction of vision in order to maintain what is said here, "operational security".

"... it might in some cases be necessary to obscure the vision of captured or detained persons (eg when transiting through or past militarily sensitive sites or activity)."

That's the document to which you were referring in paragraph 95 of your statement?

A. Yes, sir.

MR ELIAS: Yes, thank you, Sir.

THE CHAIRMAN: Probably, Mr Friedman, if we broke off now for ten minutes, that would avoid any further disruption.

We have a break in the middle of the morning, Colonel, so we will break off now for ten minutes. If you would be kind enough not to speak to anybody about your evidence during the course of the break and be kind
enough to be ready to start again in ten minutes' time.

(11.20 am)

(A short break)

(10.28 am)

THE CHAIRMAN: Colonel, you are still under oath.

A. Yes, Sir.

THE CHAIRMAN: Yes, Mr Friedman.

Questions by MR FRIEDMAN

MR FRIEDMAN: Can I start by asking you about hooding and the time in the 1980s when you were trained that it could be used for a number of purposes? Can you say this? Was that training you received something you experienced when you were with the paras or would it have happened once you went to the Royal Regiment of Artillery?

A. It would have happened once I went to the Royal Regiment of Artillery.

Q. When you subsequently learned that hooding was not to be used -- you, of course, mentioned the health reasons already, but did you gain understanding at any time that hooding as a method was also considered excessive in terms of its sensory deprivation and indeed could be degrading?

A. I think it was mainly on the health reasons, sir.

Q. Did it ever come to you at any time, those other reasons
that I just referenced?

A. It may have done, sir. I can't recall.

Q. Now, moving into your position during Operation Telic 1 as SO2 detention and the responsibility that you had for prisoners, we well understand that you didn't, in fact, deal with internees, but during the time you had responsibility if someone were to be interned, that would have fallen under your brief?

A. It would have fallen under my brief to determine whether they should be interned and in that case I would have spoken to members of the G2 community to confirm that, sir.

Q. We understand that and you said that already in evidence. But just to look at the purpose as to why someone in your position, with provost background, would have taken that oversight custody officer determination role, why was that as far as you understood it?

A. Just because nobody else was largely doing the job, sir, and it needed to be focused on.

Q. Were there positive attributes that RMP training and independence were seen as a reason why someone like you should do it?

A. Yes, sir, and also with the provost grouping -- within the provost grouping we do have responsibility for the Military Corrective Training Centre at Colchester and
have actually carried out operational detention in the past, for example Kosovo.

Q. And you, as it happens -- and we see it from your CV in your statement -- were a specialist on detention in terms of your experience and indeed the work you had done abroad, for instance with the Canadians.

A. I think -- yes, sir, to a degree. Yes, sir.

Q. Now, questioning of detainees. We already have your answers that -- you speculate, but you think it wise to do so -- that there may have been some questioning when people were captured. But in the documents that you received while you were in the custody oversight role, did you ever see any, as it were, notes outlining questioning that had gone on?

A. Not that I can recall, sir.

Q. And did you receive back down from the JFIT, with regard to prisoners that had gone there, as it were, a summary of questioning that the prisoners had been exposed to at the JFIT?

A. No, sir.

Q. Are you clear about that in that answer?

A. Yes, sir.

Q. The time limits and the transformation that happened under FRAGO 29 -- can I split the question into two parts? First of all, time limits in terms of
presentation to whoever was going to be the custody
officer, was there any reason why those time limits
should not be extremely strict?

A. No, sir.

Q. And then the need to work some degree of flexibility
into the time limit for delivery to the TIF -- you
talked about the particular problem of forces in
Al Amarah, but was it not the case that different
brigades, different battlegroups, could have had
different time limits depending on how close they were
to the TIF?

A. Yes, sir.

Q. Turning then to FRAGO 29, the expectation that you
had -- rightly or wrongly -- is that people who read it
and implemented it would have had a working knowledge of
previous orders. First of all this -- I can go to it if
you like, but were you aware that the questioning of
prisoners had been expressly prohibited prior to their
presentation before the JFIT in the previous order?

A. I believe -- yes, I believe that was the case, sir, yes.
Yes.

Q. That was in FRAGO 163.

A. Yes, sir.

Q. Yes. Looking at the context for the change and taking
your answers that there was a twin purpose -- one
resources and one a move from a criminal orientation to
an intelligence orientation, if I summarise your
answer -- firstly this: in the discussions, did people
raise the fact that British forces could be suffering
from a degree of wishful thinking that the Iraqi
criminal justice system was going to be able to properly
process criminal suspects by the summer of 2003?

A. I don't believe it was necessarily wishful thinking,
sir, because we'd already identified judges and I know
Lieutenant Colonel Mercer was aware of that.

Q. Yes.

A. We had the emerging police force, which was mentored by
Royal Military Police personnel and other personnel from
within the battlegroups, and, more importantly, I felt
that we had somewhere to put them safely in an
environment of Al Maqu'al jail, where they could await
summary dealing, and the prison force that we had
assembled was under the monitoring and effectively
leadership of military provost staff personnel.

Q. So, as far as you were concerned, on the criminal side
of things, there was room for optimism by the end of
your tour?

A. Considerable room for optimism, sir.

Q. On the internee side of things, we know the figures were
minimal by the time of the end of the tour in terms of
internees. Was there ever discussions that went the
other way on internees, that the British forces would
have to look forward to a risk of asymmetrical warfare
and all kinds of threats would have to be dealt with
through interning people under occupation?
A. Not that I'm aware of, sir, no.
Q. So at your point there was an expectation that there
would be very few internees?
A. Yes, sir.
Q. Just in terms of questioning people at JFIT -- and you
use the word "exploiting" these prisoners for
information -- had there been complaints that you were
aware of that insufficient information was coming down
from the JFIT to the battlegroups so that they could use
it for their own security?
A. No, sir.
Q. The other way --
THE CHAIRMAN: Sorry, do you mean you had not heard any or
you wouldn't hear about it --
A. I had not heard of them, Sir, and probably would not
hear about it.
THE CHAIRMAN: No, I rather assumed you would not.
MR FRIEDMAN: Just the other way, had you ever heard of
a criticism from the JFIT coming that there had not been
enough information supplied to them by the battlegroup
level or brigade level in order to do their job properly?

A. No, sir, I was not aware of that either.

Q. Following the chairman's question, is that the kind of thing you would not have been made aware of either?

A. I probably would not have been made aware of it, sir.

Q. I want to turn then, if I may, briefly, to the text of FRAGO 29. It's at MOD020042. If I can go to the penultimate page first, at MOD020045. You see it's acknowledged by the then chief of staff, Marriott, and authorised by George Waters. He was the SO2 for G2.

A. Yes, sir.

Q. You say that you had input into this, but you didn't draft it?

A. I drafted it on behalf of the S002 and we exchanged communications over it, sir.

Q. So is the sequence this? You actually do the first draft and George Waters, as it were, takes it over?

A. Yes, sir.

Q. Turning then to the first page, MOD020042, just at the references C, "UN Declaration of Human Rights", did you put that in?

A. I can't recall. I may well have done, sir.

Q. What would have been the purpose of putting that in?

A. As a reminder that we, you know, are intent on upholding
everybody's human rights.

Q. Just then on the following page, MOD020043, in paragraph 1 at (c) there is the use of a word "assessment". Is it your position that assessments made would not include questioning by the BGIRO or anyone else?

A. To be honest, sir, that is a question that should be answered by G2 personnel, sir.

Q. Did you draft the word "assessment" in or did someone else?

A. I cannot recall, sir.

Q. So the only position we know that you can speak about is that your expectation from the past orders is that questioning would not go on?

A. Yes, sir.

Q. All right. Lastly then, just on the text, at page MOD020044, down at the bottom at (c), "Other tasks", the appointment of the battlegroup internment review officer, it says this:

"... responsible to the CO for making the initial decision as to whether an individual is to be interned on the information provided by the patrol. This is likely to be the battalion ops officer or intelligence officer. It may not be a service police officer, as a conflict of interests is likely to arise. However
advice may be sought from the service police if
a suspect's activities have been border lining on the
criminal."

Presumably, as a career RMP soldier, you value the
independence of the RMP within the military structure
highly?
A. Yes, sir.
Q. In fact that must be something of a credo for the RMPs
working within the organisation?
A. Independence and impartiality of investigations are very
important, sir.
Q. Yes. That text, "conflict of interest", is that
a phrase that you would accept to be attributable to the
RMP at a generic level as it's being used here?
A. I believe the conflict of interest here, sir, was
between a security-related matter and a criminal-related
matter.
Q. I understand that. But just the question on that, could
not the RMP have maintained its oversight role that it
had had and effectively taken advice from G2? In other
words, looking back at the text, it would have been the
RMP who simply made that first instance decision about
internee or detainee or release and taken advice from G2
because G2 may have had more of a conflict of interest,
couldn't they?
A. That could have been a workable solution, sir, but I was not being replaced in theatre.

Q. So does that fall us back onto resources?

A. Yes, sir.

Q. Just, then, if we may go to paragraph 85 of the statement. This is the last topic. It's at BMI03328. Down at the bottom you say that you had considerable input into the FRAGO, which you have already described. If I could go over the page, just one sentence in:

"The requirement to identify internees was a G2 intelligence-led requirement rather than an RMP-led issue. Prior to the creation of the BGIRO role, there was no one at battlegroup level who was in charge of making the distinction ..."

You say:

"It was not considered appropriate that the RMP should have this role. RMP dealt with criminal activity and did not play a part in tactical questioning nor targeting of Iraqi persons who posed a security threat -- this was a G2-led activity. This was fully supported by the chief of staff HQ 1 (UK) Armoured Division and the chain of command within HQ 1 (UK) Armoured Division."

First of all this, that is not getting into the resources problem there, is it? It's describing
a capacity problem for the RMP to conduct tactical questioning.

"It was not considered appropriate that the RMP should have this role. RMP dealt with criminal activity and did not play a part in tactical questioning ..."

A. No, we don't play a part in tactical questioning, sir.

Q. No, but, as I understand it, no one was to carry out tactical questioning at the time that it was decided whether they were internee or detainee.

A. Correct, sir.

Q. So why would an intelligence officer or an ops officer do a job that the RMP couldn't do?

A. Because they would be aware of the resources -- sorry, they would be aware of the information or intelligence required to apprehend that person in a lift operation which RMP would not necessarily be -- have or be privy to, sir.

Q. The last question, then, is flowing from the last sentence of that paragraph 85.

"... fully supported by the chief of staff ... and the chain of command ..."

You described who you spoke to and it included General Forster-Knight. Can I just go to his statement, please, which is BMI05900? First of all, paragraph 83, under the heading "FRAGO 29":

64
"This was a Div HQ operational order which was drafted by Major George Waters ... It would have been normal procedure Major Waters to have drawn up this document with support from Lieutenant Colonel Mercer and Major Wilson. I was not directly involved in drawing up this FRAGO."

Well, he may not have been directly involved, but would he have known the full details of what you have been giving evidence about this morning?

A. I would have briefed him then, sir, on what was the move from being the SO2 detention conducting the assessment of people who should be held to a G2 responsibility because we were moving into internees, and that would have been drawn to his attention, probably verbally by me, sir.

THE CHAIRMAN: Mr Friedman, you said that was your last topic and your last question.

MR FRIEDMAN: Just on paragraph 86 of the statement -- and this truly is --

THE CHAIRMAN: One more and that's the most.

MR FRIEDMAN: This truly is the last one, sir.

Paragraph 86, take it from me, he has been asked about -- this is Brigadier Forster-Knight again -- FRAGO 047. That is the formal order that transferred the responsibility to G2. He just says at the end:
"Due to the passage of time I cannot remember why this change was made."

Does that surprise you?

A. No, sir, he was incredibly busy. He was standing up a police force; he was dealing with crime within the division; he was dealing with the issue of detention on a much wider basis; he was dealing with the International Committee of the Red Cross. He was an incredibly busy man. This one FRAGO I am not surprised it slipped his mind, sir.

THE CHAIRMAN: Thank you. Mr Dingemans?

Questions by MR DINGEMANS

MR DINGEMANS: We know from your history that you served in the infantry at the start. Can you just help with this? It's right, isn't it, that infantry soldiers have no training at all in detention procedures?

A. Some infantrymen do, sir, and that's unit custodial staff.

Q. Yes, unless you are a member of the battlegroup or battalion provost staff.

A. That's right, sir.

Q. This is right, isn't it, that the whole fighting capability and prisoner-handling is designed to get prisoners away from the front line up the chain of command and into different units as soon as possible?
A. Yes, sir, and that is where the primary focus on any training that's given is given, on that particular area, sir.

Q. Now we know, as a matter of history, before FRAGO 29 the RMP had been involved in the detention process. You have told us about that. It is right, isn't it, that within the military the RMP are the specialists so far as detention procedures and activities are concerned?

A. The military provost staff, which form part of the provost element of the adjutant general's corps, is the lead on this, sir.

Q. Yes. Do you know why there was a reduction of three RMP companies to one company?

A. No, sir. It was just the draw-down in forces on Telic 2 effectively, sir.

Q. Do you know whether any thought had been given to the fact that it was almost then that more RMP were going to be needed?

A. I don't know why these decisions were made, sir.

Q. Thank you. You told us that FRAGO 29 -- to use shorthand -- effectively involved writing the RMP out of the script. We do know from the documents that the time that people were able to be detained went up. That's right, isn't it?

A. Yes, sir.
Q. We know that the specialists, ie the RMP, were now removed from the process; that is right, isn't it?

A. Well, they had not always been involved in the process before on the handling side of life. What had happened is the use of the custody sergeant position had been transferred to the BGIRO.

Q. That last point, that the decision-making was now within the battlegroup, with the BGIRO?

A. And also at divisional level, with the SO2/G2X being responsible for the same sort of decision that I had made as SO2 detention, sir.

Q. Did anyone take account of the increased risks that those three factors would have when these duties were transferred down to battlegroups?

A. I am not sure what risks you mean, sir.

Q. Well, effectively increasing the time that people were going to be detained at battlegroup.

A. Those times would be -- from the ones previously laid out in orders -- were being exceeded almost on a daily basis because of the lack of transportation to get them back to the detention facility, sir.

THE CHAIRMAN: That's not quite the question, but you have been asked about that before anyway.

MR DINGEMANS: As far as I LJR were concerned, you were in Basra for a period of your time, weren't you?
Q. And you saw the detention facilities at Basra Palace which was, I think, Battlegroup Main for 1-Black Watch and then 1 QLR?
A. No, sir.
Q. You didn't see that?
A. No, sir.
Q. But you knew that on the ground soldiers had no proper facilities to detain people?
A. Yes, sir.
Q. Was any thought -- perhaps I can just ask this -- given to the need to train soldiers in detaining people for any length of time?
A. Well, the timings they had were minimum timings and I don't believe there was any intention given to additional training in that area, sir, no.
Q. Either for the BGIRO you have been asked about, but for the soldiers who were then going to do detention, which they had never been trained for before?
A. It was not intended for them to do detention per se, just maintain the people in a safe environment until they could be transported down to Um Qasr, sir.
Q. Can I just ask a couple more subsidiary questions on that particular point? Soldiers had no idea about authorising custody visits to a particular police area,
did they? I mean, your average soldier in a brick or
platoon or multiple.

A. I can't comment on that. That's a battlegroup area,
sir, I believe.

THE CHAIRMAN: I don't think you need underline that,
Mr Dingemans.

MR DINGEMANS: Thank you very much, Sir.

THE CHAIRMAN: Yes, Ms Edington?

Questions by MS EDINGTON

MS EDINGTON: Thank you, Sir.

Colonel Wilson, you said that you would have
obtained legal advice, but you didn't actually obtain
any legal advice for FRAGO 29 from Colonel Mercer, did
you?

A. I am sure it would have been discussed with a legal
officer, ma'am.

Q. But not with Colonel Mercer?

A. I cannot recall, ma'am.

Q. You weren't aware, were you, of the conflict between
S002 and Colonel Mercer when you were out of theatre at
the end of March/beginning of April, were you?

A. No, ma'am.

Q. Had you been so, do you think you would definitely have
obtained the legal advice from Colonel Mercer rather
than somebody more junior than him?
A. If I had been aware of that, I probably would not have gone to Lieutenant Colonel Mercer; I would have probably gone to another legal officer, ma'am.

Q. Within the headquarters or within another headquarters?
A. Probably within the headquarters to avoid any conflict of interest there, ma'am.

Q. So you would have gone down, what, to one of his SO2s rather than the SO1?
A. Quite possibly or sought other advice, ma'am.

MS EDINGTON: Thank you.

THE CHAIRMAN: Mr Garnham.

Questions by MR GARNHAM

MR GARNHAM: Thank you, Sir.

In response to a question from Mr Elias, you said that it was assumed that previous procedures in regard to prisoner-handling would be understood to continue following FRAGO 29 --

A. Yes, sir.

Q. -- but that with hindsight that could have been stated more clearly.
A. Yes, sir.

Q. What did you have in mind when you said that? The absence of a reference to "no interrogation"?
A. It could have been a reference to a multitude of things that had appeared in other orders.
Q. Your point being that one FRAGO can't repeat everything that has been contained in others?
A. Yes, sir, and also that a FRAGO -- or fragmentary order -- details with changes to the overall operational order.

Q. Which continued to subsist?
A. Correct, sir.

Q. You later suggested that the changes made by the FRAGO could have been spelt out more. To what changes are you referring to there?
A. I believe that would relate to perhaps the changes to a more detailed assessment of timelines to get people into Um Qasr for example, sir.

Q. Because the intent of making this a G2-led task was clear, was it not?
A. Yes, sir.

Q. The appointment of the BGIRU was clear on the face of the FRAGO?
A. Yes, sir.

Q. The change in timescale you have just mentioned, that there was going to be a change to the maximum was set out.
A. Yes, sir.

Q. Was the intent to change the minimum, which is what you said earlier in answer to a question which may have been
a mistake -- there was to have been no minimum time that
battlegroups would hold prisoners, was there?
A. No, there wasn't. I understood the earlier question to
be concerning the BGIRO and he should have -- anybody
should have -- I will start again. The recommendation
should have been got to the BGIRO as soon as
practicable.
Q. Yes. The only change on timing was to increase the
maximum period?
A. Yes, sir.
Q. The intent was still that battlegroups should move
prisoners as soon as possible?
A. Yes, sir.
Q. What role did the RMP have in custody matters prior to
FRAGO 29?
A. They were involved in place of the BGIRO, sir --
Q. Anything else?
A. -- as custody officer and, where available on the
ground, would take custody of an individual.
Q. And that would depend on what resources were available
in individual battlegroups?
A. Correct, sir.
Q. Lastly, can I just ask you about how you were spending
your time? From the date when you assumed the SO2
detention role, how much time would you spend dealing
with the re-establishment of a civilian prison in Basra?

A. Very often it was -- 70 to 80 per cent of my time was spent doing this and ensuring that we had the best and safest facility for the detainees, sir.

MR GARNHAM: Thank you very much.

THE CHAIRMAN: Mr Elias?

Further questions by MR ELIAS

MR ELIAS: Just picking up on one matter that Mr Garnham has referred you to and your answer that, of course, in relation to FRAGO 29, for example, one would have to have reference back to earlier fragmentary orders which may already have made a position clear. That's your evidence, isn't it?

A. Yes, sir.

Q. If we have a look, please -- just by way of example on this point -- at FRAGO 163. We find it at MOD017179. We can see it's dated 30 May of 2003. Under the heading "Internment and detention procedures", you would have been aware of this and consulted about it, would you?

A. Yes, sir.

Q. It is issued, as we see on the third page, MOD017181, under the names of Colonel Marriott and Major Fulford-Talbot. You would have had discussions, would you, about the document?

A. Yes, sir.
Q. If we go back to the first page under the heading "Execution" at 3 and over the page, please, to (b) -- it is perhaps not as clear on the screen as it is in the written document, but halfway through those words in bold type are these:

"Those temporarily held by UK forces must be handed to RMP within one to two hours. Any later delivery can only be in exceptional circumstances. The RMP will then be responsible for initial processing before releasing back to the arresting battlegroup for onward movement ..."

So on 30 May what is being stated in bold black was the role of the RMP in that regard, correct?

A. Yes, sir.

Q. It goes on to say, as we can see:

"All internees are to be delivered to the TIF within six hours of arrest when practicable."

That was perhaps reinforcing what had been said earlier. If we go over the page, please, under (d), do we see the last sentence in paragraph 5:

"Under no circumstances may a suspect be interrogated until he has been processed by the TIF."

What did that mean?

A. That means somebody would be apprehended on the ground, ideally handed over to the RMP where practicable within
two hours and then transported down -- although that
might not be the RMP transporting it down, depending on
resources available -- to the TIF. They would then go
through the process where they would be photographed,
details taken, fully processed by the MPS staff before
being detained. At that stage, then, it was possible to
interrogate them if required.

Q. So concentrating on that word "interrogated", did that
mean questioned in any way?
A. Yes, sir.

Q. Would that have included tactical questioning?
A. Yes, sir.

Q. And so the intent anyway, as you understand it, of
FRAGO 163 was that under no circumstances may a suspect
be questioned in any shape or form until he has been
processed by the TIF. Is that what you tell us?
A. Yes, sir.

Q. That was the intent, was it?
A. Yes, sir.

Q. So tactical questioning prior to the TIF was not on the
menu?
A. No, sir.

Q. Yes, thank you.

Questions by THE CHAIRMAN

THE CHAIRMAN: Arising out of that, there is a question
I want to ask you. I have heard evidence of tactical questioning going on in Op Telic 1 at that time by Black Watch. If the procedures after FRAGO 29 was promulgated were to be exactly the same as before, can you help me at all as to how it was that tactical questioning seems to have crept into the process at battlegroup level?

A. No, sir, I can't see how it could have come in unless there was a misunderstanding at battlegroup level and the passage down of orders to the battlegroups or if there was a misunderstanding at the battlegroups or further down the chain of command, Sir.

THE CHAIRMAN: All right. Thank you.

MR DINGEMANS: May I ask one question arising out of that, Sir? I hope it will be helpful.

THE CHAIRMAN: By all means, Mr Dingemans.

Further questions by MR DINGEMANS

MR DINGEMANS: We have heard that requests went from battlegroup up to brigade for tactical questioners in both Op Telic 1 and Op Telic 2. Can you explain why brigade would have allowed tactical questioners to go down to battlegroups?

A. I am afraid, sir, I have no knowledge of that particular aspect and can't provide an answer, sir.

MR DINGEMANS: Thank you very much. Sorry, Sir.
THE CHAIRMAN: That's all right. Thank you.

Thank you very much for coming, Colonel. You are now free to go. That's all the questions the Inquiry has for you. I am very grateful to you for coming here and giving evidence.

A. Thank you, Sir.

THE CHAIRMAN: Thank you.

MR MOSS: Sir, Colonel George Waters is our next witness.

THE CHAIRMAN: Thank you. Colonel, if you would be kind enough, please, to remain standing, I am going to ask that you be sworn. All right?

If you just listen to the oath as it is read to you and then repeat it.

GEORGE CHARLES CARMICHAEL WATERS (sworn)

THE CHAIRMAN: Thank you very much. Do sit down.

If I could ask you, please, to speak into the microphone, then we will all be able to hear you. Now that simple request has proved to be not always as easy to do as it might be. It may be that you have to move quite close to the microphone to make it work, which I dare say is a little bit uncomfortable. There we are. I would be grateful if you would make yourself heard.

A. Right, Sir.

THE CHAIRMAN: Thank you. Yes.

Questions by MR MOSS
MR MOSS: Colonel, could you just start by giving the Inquiry your full name, please?

A. George Charles Carmichael Waters.

Q. If you would take up the folder on the desk in front of you, I hope you will find hard copies of those statements. While you are turning them up, could we have on the left-hand side of the screen, please, BMI02679 and on the right-hand side BMI04032? Do we there see, on the left-hand side of the screen, that you signed your first witness statement to this Inquiry on 8 July of last year?

A. That's correct.

Q. And then a second statement which we see which you signed on 1 September of last year?

A. That's correct.

Q. In regards to both those statements, when you signed those statements, were you telling the Inquiry that the contents of the statements were true to the best of your knowledge and belief?

A. At that time, yes.

Q. Thank you. Everybody has had a chance to read those statements and the documents connected to them, so I am just going to take you to some issues arising out of them and not to every matter contained in your statement.
May we start, please, just briefly with some matters about your career background? I think you tell us that you joined the army in 1985; is that right?

A. Yes, that is correct.

Q. Initially you were with the Gloucestershire Regiment but then you moved to the Coldstream Guards.

A. That's correct.

Q. You undertook a number of tours in Northern Ireland --

A. Correct.

Q. -- and you served in Bosnia as the ADC to General Rose.

A. Correct.

Q. We are most interested in the period of time that you spent as the SO2 G2 for 1 (UK) Div in Op Telic 1, but subsequent to that, were you appointed as the academy adjutant at Sandhurst --

A. I was.

Q. -- and subsequently promoted to lieutenant colonel in 2006?

A. Correct.

Q. And you spent a period of time as the CO of the First Battalion the Coldstream Guards, including service in Afghanistan.

A. That's correct.

Q. Does your current role involve operational welfare matters at MoD in Whitehall?
A. It does.

Q. And your current rank?

A. Lieutenant colonel.

Q. Thank you. May we turn to some aspects about your training in that career that you have just briefly outlined for us? You tell us that, like other witnesses, you did undertake individual training directives -- is that right?

A. I did.

Q. -- one of which was in the law of armed conflict.

A. Correct.

Q. Do you remember in your annual training whether the deprivation of sight of prisoners was ever covered?

A. I don't recall specifically.

Q. You tell us that you had undertaken training at Staff College, first of all for the junior division of Staff College and then later in the joint services advanced staff course. Had the deprivation of sight of prisoners been covered on either of those two courses?

A. No, not on those courses as far as I'm aware. If it was covered, it would have been covered in other more low-level training, ie practical training as opposed to theoretical.

Q. Had you come across, perhaps, in the context of counter-insurgency training, the Parker Report from 1972
or Prime Minister Heath's ruling, as it's sometimes referred to, about the five techniques?

A. Not the detail of the Parker Report. I was certainly aware, though, having served in Northern Ireland of the overall context of the Heath report.

Q. We will come on to, obviously, your experiences in Op Telic 1 in due course. If we can take matters at this stage just prior to your deployment for Op Telic 1, what would your understanding have been as to whether or not it was legitimate for British soldiers to deprive prisoners of their sight?

A. In as much as I don't think I was thinking about it specifically, but I would have thought that that would have been a legitimate thing to do for security reasons.

Q. Would it have been legitimate for reasons other than security, as you understood it, or did you not have an understanding of that prior to Op Telic?

A. It's difficult at this remove to disassociate what subsequently became the topics of conversation with what I knew prior to the operation, so I can't really answer that question.

Q. In terms of your infantry experience, had you, prior to Op Telic, in fact seen the use of hessian sandbags at all, whether in training or on operations prior to in Iraq?
A. I don't recall having done so.

Q. If we may just have a look, please, at paragraph 10 of your first statement at BMI02664 on the screen, please. You explain there that you never received or gave training in respect of the use of blindfolds or goggles. You were aware that this was a practice the army subsequently adopted after the prohibition of hooding in FRAGO 152. We will come on to that.

You say that the use of blindfolds and goggles was to preserve security as well as keeping the prisoners confused to maintain the shock of capture. You told us that you would go on to deal with that later in your statement. Just on that aspect, keeping the prisoners confused and maintaining the shock of capture, was that something you came to understand in Op Telic 1 or were you aware of it prior to Op Telic?

A. I think my understanding comes from Op Telic 1. As I said a moment ago, though, it's quite hard to differentiate what I definitely knew before and what subsequently became apparent to me as a result of what was going on in Op Telic 1.

Q. You say that from service in Northern Ireland you would have a general understanding -- I paraphrase you perhaps -- of the matters covered by the Parker Report. What had you understood that report to say or the Heath
ruling to say about the use of hoods? Can you help us with that?

A. I do not think I can help you with the specifics on hoods. My understanding from the Heath ruling wasn't perhaps the detail of what I subsequently discovered as the various things that were prohibited. But it was that you needed to treat prisoners in a humane manner and that anything that wasn't done in that way was inconsistent with the society which we serve.

Q. Thank you. You tell us in your statement -- is this right -- that you don't think you had ever had any specific training in relation to stress positions, sleep deprivation or the use of white noise.

A. That's correct.

Q. So you hadn't been taught that they were permitted, but nor had you been told that they were prohibited. Would that be fair?

A. I think that my understanding of the law of armed conflict would tell me that sleep deprivation, white noise and the like were prohibited.

Q. So the general training and your understanding of the need for humane treatment would have led you to conclude, had you been asked, that those matters were prohibited. Would that be fair?

A. That would be fair.
Q. But you had not had specific instruction to that effect?
A. That's correct.
Q. Had you, in fact, had any training as to what was meant by the "shock of capture" prior to Op Telic?
A. I don't recall that.
Q. If we move on then, please, to Op Telic 1. You tell us in your statement your role was as SO2 G2 in 1 (UK) Division. Help us with your general responsibilities. Can you give us an idea of the essence of what that role involved?
A. In very broad terms my responsibility was to collate the information that came in from a whole variety of sources and pull all of that together, cross-check it and corroborate it in order to produce an intelligence picture that could be put out to both the divisional headquarters and also to subordinate formations. That intelligence picture was what they would use for planning their ongoing operations.
Q. Correct me if I'm wrong, would part of that responsibility also include analysing the things that weren't known and generating requests for information, requests for intelligence, where possible, to cover the areas where there was information that you wanted to glean?
A. That is correct, yes.
Q. Your chain of command in that role -- and you will appreciate the need for some care about the use of names -- to whom did you report?

A. I reported to the chief of staff, Colonel Marriott, and ultimately to the general officer commanding, General Brims.

Q. You tell us in your statement that there were four principal planning staff officers of whom you were one. Is that correct?

A. That's correct.

Q. The other was a lieutenant colonel, who was the ISTAR officer, and then Major Maciejewski -- apologies if I get the pronunciation of the name wrong -- what was his role?

A. He was the G3 ops and so he would put into practice the plans that had been produced by the G5, which was Major Chalmers. So he was responsible for implementing the plans that had been come up with that had been derived by the headquarters.

THE CHAIRMAN: How do you pronounce his name?

A. Major Justin Maciejewski.

THE CHAIRMAN: Thank you.

MR MOSS: Now you describe those four principal planning officers, of whom you were one. Would there in fact have been other staff officers reporting more on the G1
and the G4 side as well?

A. There certainly would. You need to generate plans across a whole raft of activity within a headquarters. Clearly the G1 and G4 supporting side needed to be done. It was not always the focus of the sort of G2/G3 shop, as it was known. We were focused on fighting the enemy. The G1 and G4 focused on supporting that fight, if you like.

Q. I would like to ask you some questions briefly, if I may, about an officer who is known to this Inquiry as "S002". I think you know who I mean when I refer to him as "S002". Please do not use the name, but you do know who I mean --

A. I do know who you mean.

Q. At the time did he also have the rank of major?

A. That's correct.

Q. And he was the SO2 in G2X, is that right, in 1 (UK) Div --

A. That's correct.

Q. -- dealing with matters relating to human intelligence?

A. Correct.

Q. Of the two of you, who was the more senior in the chain of command?

A. By appointment, I was.

Q. And in relation to HUMINT matters, did S002 report
through you to the chief of staff or did he go direct to
the chief of staff?

A. In theory he reported through me to the chief of staff
and that's what happened on -- much of the time. I was
extremely busy and there will have been occasions when
he will have gone direct to the chief of staff on some
issues, I suspect.

Q. You mentioned just then how busy you were. Perhaps we
can take this relatively briefly, but you tell us in
your second statement that in your role at divisional
level as the senior staff officer responsible for
intelligence, that you had to deal with a whole range of
what you describe as "intelligence feeds". Is that
correct?

A. That is correct.

Q. You tell us that in peace-time it was very hard to train
in preparation for dealing with that array of
intelligence feeds. Would that be fair?

A. That would be fair.

Q. Did you also have new computer systems to deal with?

A. Yes, we had a selection of new computer systems, so
effectively we found ourselves in a situation where not
only were we receiving information and intelligence from
a variety of new sources with which we hadn't trained --
we knew we would get them for real, but we hadn't
trained with them -- such as satellite imaginary and --
there's a whole variety of sources that I can go into or
not, as required, which you can probably imagine --
Q. It's probably not necessary to go into them.
A. We also found ourselves using at least three or possibly
four new computer systems that we had not been -- we
simply had not had issued prior to deploying. So we
were working our way round those new computer systems --
Q. I am going to pause you there if I may. Without wishing
to cut you off, but taking those in combination, what
was the net effect in terms of your workload?
A. My workload was probably greater than I could really
cope with.
Q. You tell us frankly in your statement that you would
find yourself working 20-hour days over a prolonged
period from January onwards; is that right?
A. That is correct.
Q. Did the pressures build up to such an extent that you
were given a period of leave to recover from the sheer
pressures that had been put upon you?
A. That's true.
Q. Can you remember, if it matters, whenabouts that period
of leave was?
A. It would have been early to mid April. It was just
after the war fighting had finished. We'd got to --
divisional headquarters had set up in Basra. It was
just at about that time. It may have been just as
divisional headquarters was moving to Basra. I can't
remember the date.

Q. Still sticking with responsibilities and role in general
terms, I would like to look at the responsibility for
prisoners. What would your interest and focus have been
so far as prisoners and civilian detainees is concerned?
A. My interests was in what intelligence might be derived
from them, so in whatever reports came up through the
J2X chain as for what had been derived out of them.

Q. In dealing with the intelligence that prisoners could
provide, did that come under your general intelligence
ambit or was that more in S002's side of the house?
A. Definitely S002's. If I can draw a slight analogy.
I was using information from satellites, but I didn't
control the satellites; information from aerial
reconnaissance, I didn't control aerial reconnaissance;
information from mortar-locating radars, I didn't
control mortar-locating radars; and indeed using
information from HUMINT intelligence, I didn't control
that source, just what came from it.

Q. You tell us in your statement -- is this right -- that
as a consequence of the lead and who was dealing with
these matters, that you personally had never been to the
theatre internment facility at Um Qasr at all.

A. That's correct.

Q. Did you nonetheless have any understanding as to the process for how prisoners would be dealt with and in particular whether they might be tactically questioned or interrogated?

A. In generic terms I would certainly have understood that prisoners would be tactically questioned on the battlefield and then passed back -- once they had been questioned -- back to the internment facility. But that's during the war-fighting phase.

Q. Did you understand that, having been tactically questioned on the battlefield, as you put it, they might then be interrogated at the JFIT?

A. Absolutely.

Q. Perhaps we can deal with it in general terms now and then come back to the detail a bit later on. You say that was your understanding for the war-fighting period. Did that change once things moved to what's sometimes referred to as the "peace-keeping or the peace-enforcement stage"?

A. I think there's always going to be a requirement for an element of -- you know, a first very rough cut of who the person is and what they do, sort of thing. And so there's always going to be an element of very early --
of questioning whatever stage you're at.

Q. Put bluntly, was it your understanding that tactical questioning early on in capture continued throughout Op Telic 1?

A. Yes.

Q. The parameters, instructions for tactical questioning and interrogation, did you have anything to do with that?

A. Certainly not during the war-fighting phase, so -- the preparation of the operation order before we went to war, I think the DSG issued something in March, but I certainly wasn't involved in that. Subsequently, clearly, as FRAGO 29 makes clear, I was involved in, you know, post-war fighting.

Q. Yes. In terms, though, of guidance being given to tactical questioners as to approaches and techniques they could use and for similar matters at the JFIT, where did you understand those sort of instructions would be coming from?

A. Well, they would be coming out of Chicksands, who are the people who train the operators, so the tactical questioners and also the more trained interrogators.

Q. When you say that it would be coming from Chicksands, do you mean coming from Chicksands in that general sense that Chicksands would have trained those who were
carrying out TQ'ing and interrogation in theatre or do
you mean that there would have been an active line of
command to Chicksands for those who were operating at
the JFIT or tactically questioning?

A. The former, so they would have provided the guidance on
training. I'm not suggesting that there was a direct
link back to them.

Q. Certainly, though, you don't remember giving any orders
or guidance in relation to tactically questioning or
interrogating prisoners, do you?

A. No.

Q. You tell us in your statement -- if we just look at
paragraph 35 on screen, please, BMI02670 -- that the
manner in which detainees were being looked after was
not part of your direct responsibilities. I just want
to explore that a little bit. The way in which
prisoners were being treated when they were undergoing
tactical questioning or interrogation, that was a G2
responsibility, was it not?

A. Within the broad parameters of responsibility, then
anything that came under G2 into the divisional
headquarters, you know, fitted within my bailiwick,
but -- I sort of touched on this earlier. The delivery
of satellite imagery into divisional HQ was also within
my bailiwick, but actually I didn't control how it was
done. And I think that's pertinent here because there
were specialists who have been trained in how to do
these things. It wasn't for me to tell them how to do
their job. I was interested in what they produced. So
it certainly sat within the G2 bailiwick, of that there
is no doubt, but in terms of direct supervision, that
I didn't see as one of my responsibilities.

Q. So moving things up from the level of, if you like, the
prisoner who is undergoing interrogation at the JFIT,
there were immediate G2 staff present there at the JFIT,
were there not?

A. Yes, there were.

Q. And above the JFIT staff on the G2 side, where did they
report into?

A. They will have reported into S002.

Q. And then you sat above him in the chain of command?

A. Correct.

Q. So a responsibility with that chain of command on the G2
side for what did go on during interrogation and the
lead-up to it in the JFIT, but you say not your
responsibility directly to supervise or interfere in
those aspects. Would that be fair?

A. Yes.

Q. Perhaps we can just deal with one side matter in
relation to tactical questioners. Did you remember
there being any discussion about how many tactical
questioners may be required and a shortage of them?

A. I do. It was an issue before we went -- before the war
fighting started. I remember a vague -- we went round
the issue. I can't remember how we resolved it or
indeed if we did. I suspect that it wasn't adequately
resolved and I suspect that there weren't enough
tactical questioners when we started, but I don't
remember how the situation was resolved.

Q. It may be that that which most directly concerns this
Inquiry is the fact that, come Op Telic 2, the Inquiry
has heard, for example, that 1 QLR still didn't have any
tactical questioners within its own battlegroup. Was
this shortage of TQers something which was flagged up as
being a lesson that needed to be learnt for Op Telic 2?

A. I don't recall. I would hope so.

Q. I don't want you to guess if it's not something you are
familiar with, but were you aware of whether there may
have been a problem in that those who were involved in
training TQers and interrogators at Chicksands or some
of them were in fact deployed on Op Telic 1 on
operations such that courses couldn't be run during
Op Telic 1?

A. I wasn't aware of that. I'm not surprised to hear it.

Q. May we move on now, then, please, to your own
involvement in some of the concerns that arose during Op Telic 1 about prisoner-handling -- hooding, stress positions and the like. So far as hooding is concerned, can I ask you this? Are you able to remember now how you first became aware of concerns about the use of hooding?

A. There was a fairly robust discussion between S002 and Colonel Mercer with regard to the activities in the TIF and the JFIT and I was certainly party to those discussions.

Q. Doing the best that you can -- and again I don't want you to guess -- you mentioned the Red Cross in your statement. Can you remember which came first, the, in your phrase, "robust discussion" between Mercer and S002 or concerns being raised by the Red Cross?

A. I am afraid I am not able to recall that. The whole thing is -- it's sort of circular in my memory, if that makes sense. It all happened at roughly the same time.

THE CHAIRMAN: Events tend to merge one with the other.

A. They do.

MR MOSS: Thank you.

Had you, at any time, yourself witnessed the use of hooding of prisoners?

A. No.

Q. May we just look, then, at paragraph 38 of your
"Hooding served a dual purpose -- primarily it provided a measure of security, to stop prisoners from identifying their interrogators and particularly any locally employed civilians. Secondly, there is no doubt in my mind that hooding was also used, prior to its prohibition, as a technique to maximise the shock of capture. This was achieved by keeping prisoners in a state of uncertainty and confusion so that the prisoner was not aware of his surroundings and what would happen next."

Just dealing with that, you say there in your statement that there is no doubt in your mind that hooding was used as a technique to maximise the shock of capture. How did you come to understand that that was the position?

A. Out of the conversations between S002 and Colonel Mercer, which were pretty robust and explored all the rationales and, within that, the primary purpose of security was also expanded upon with the issue of extending the shock of capture or maintaining the shock of capture.

Q. Was it, therefore, S002 who was saying that one of the purposes of the use of hoods was to maintain or maximise the shock of capture?
Q. Is there any doubt in your mind that that was being
expressed as a reason for hooding during the course of
these robust discussions?
A. No, it wasn't the prime reason, but it was certainly
a reason and it was expressed as such.
Q. So far as Colonel Mercer is concerned, what do you
recall his position was in these discussions?
A. It was unequivocal and it was against hooding.
Q. In any circumstances?
A. As far as I recall it. The general tenet was that he
was absolutely against it. I'm not sure that we went
into every circumstances, but he was pretty clear that
this was not something that he saw as something we ought
to be doing.
Q. In written evidence to the Inquiry -- and evidence we
will turn to orally in due course -- there is some
suggestion that there may have been earlier meetings in
February and earlier in March of 2003 involving
Colonel Mercer and S002 and the suggestion is that the
hooding of prisoners had been raised at an earlier stage
and that at that stage Colonel Mercer didn't object to
its use. First of all, were you present at any of those
sort of meetings where prisoner-handling and hooding
were discussed?
Q. Did you ever become aware, prior to this Inquiry, of the suggestion that Colonel Mercer had initially not had a problem -- if I can put it in that way -- with the use of hoods at least as a security precaution?

A. No, I didn't.

Q. Your impression was that he was dead against it effectively?

A. Correct.

Q. You tell us in your statement that you expressed your own reservations during the course of these discussions. Is that right?

A. That is correct.

Q. Why did you have reservations about the use of hoods?

A. We had gone to Iraq to liberate the country and I didn't think that hooding was necessarily commensurate with the overall broader objective. So while I understood that there might be some small tactical advantage to it, I thought that it was going to play against us in the longer run.

Q. And play against you in the longer run because ...?

A. Well, we had gone there to liberate a country and that sort of activity, if portrayed to the wider population, was clearly not going to imply to them that they had been particularly well liberated.
Q. The phrase you used in your statement was that it might "antagonise the local population". Would that be right?

A. Yes.

Q. Apart from how the matter might be portrayed and be counter-productive from an image point of view, did you yourself have any concerns that hooding might simply be an inhumane practice, in particular in the heat of Iraq?

A. I'm not sure just how hot it was in April when all this was going on. Clearly it got a lot hotter subsequently. I can't recall my specific reservations and whether there were any concerns about the humanity of it or not at that stage. With hindsight it would be easy to say that there was. I don't genuinely recall.

Q. Did it occur to you at that stage that, insofar as it was necessary to deprive prisoners of their sight at all, it could be achieved by other means such as, for example, the use of blindfolds or strips of cloth just to go across the eyes rather than to hood the individuals?

A. I think -- not really. If you're going to deprive people of sight, then you need to do it effectively and I think blindfolding or strips of cloth probably don't achieve that.

Q. You see, there has been evidence to the Inquiry that perhaps might be said to go to the opposite effect, that
putting a loose weave hessian sandbag over somebody's head is not a very effective means to deprive them of their sight because you can see through the loose weave.

A. I don't disagree with that. I think that's probably true. I think you probably can see a certain amount through a loose weave.

Q. Were you aware, at this stage, that some prisoners were having two bags put on their heads?

A. No, I wasn't. I mean, from my perspective, there was a clear security rationale, which was, you know, espoused to me by S002, which made sense to me, and so there was a prolonged discussion between S002 and Colonel Mercer, and I put in my tuppence worth, saying that I didn't think it was necessarily very constructive. But -- so I understood the security imperative and that's the, you know --

Q. One follows that. I am just seeking to clarify with you whether, at that stage, S002 had made you aware that some of these prisoners were having more than one bag put over their heads.

A. No, I wasn't aware of that.

Q. If you had been aware of that, would it have been a matter that concerned you?

A. With the benefit of hindsight, it's hard to say. Having read other evidence about plastic hessian -- or plastic
sandbags and so on and so forth, then, yes that would
have been a matter of grave concern. It is quite hard
to say now, having read lots of evidence and so on and
so forth, what I would have thought about two hessian
sacks.

Q. I follow. You perhaps correctly predict what my next
question was going to be about the use of
man-made sandbags, sometimes referred to as "plastic
sacks". I don't think one means the Tesco type of
plastic bag, but plastic weave sandbags. Were you aware
that those were being used at the JFIT?

A. I wasn't.

Q. On that issue, if you had been aware of that, do you
think that would have caused you a concern?

A. I think it probably would. As I say, that's with
hindsight. I can't say for sure.

Q. Now, in terms of those who were, if I may summarise it
in this way, seeking to defend the use of hoods, you
tell us in your statement that those that you recall
being involved were S002, but also Captain Galbraith; is
that right?

A. That's correct.

Q. Both of whom you understood had been trained at
Chicksands in relation to interrogation matters?

A. That was my understanding. Subsequent to my writing my
statement, I have had the opportunity to see elements of S002's statement. I gather that he was not trained at Chicksands. But that was my understanding when I wrote my statement, yes.

Q. I don't want you to guess -- tell us if you can't remember -- but were they defending the use of hoods specifically or simply defending the need for prisoners to be deprived of their sight?

A. I can't recall the specifics of the conversations.

Q. Did either of them, so far as you remember, say anything about what Chicksands training had included on this issue?

A. Again, I can't remember the detail of the conversations. What I do remember is that I was given a categoric reassurance by S002 that this practice was in line with NATO doctrine, and once he gave me that categoric assurance, I said -- you know, I took that as a reasonable rationale on which we could proceed.

Q. Can we just have a look at paragraph 39 of your statement? What you were telling the Inquiry last year was that -- after the section where you say that you expressed your reservations, you say that:

"Captain Galbraith and S002 had both received training at Chicksands and they expressed the unequivocal view that hooding was acceptable practice
and that they had been told this during training."

I mean, is that right?

A. That's my recollection. That's how I recall it, that we had these discussions and they said, you know, "This is valid practice.". It may be -- you know, it may be that I have conflated two things, so where S002 refers to doctrine, that may have been his source of justification rather than his training, for instance. But the overall tenet of my interaction with both S002 and Captain Galbraith was that this was an authorised procedure.

Q. When you say "this was an authorised procedure", from your statement it may be taken that the authorised procedure was hooding --

A. Yes.

Q. -- and not just the deprivation of sight by whatever means.

A. Yes.

Q. So having been party to the robust discussions and the differences of view, what was your own reaction in terms of how the matter should be taken forward?

A. Again, this is another of those instances where it's quite difficult to differentiate what my memory is from what I've subsequently read in various bits of evidence. It was elevated as an issue to the headquarters above us
and so, at that stage, I would have been focusing on any
number of other pressing issues knowing that, you know,
this was effectively somebody else's problem to deal
with.

Q. Do you recall yourself having any particular role in the
way that it was taken forwards thereafter?

A. I don't.

Q. If we could just have a look briefly at paragraph 41 of
your statement at BMI02672. You do tell us there,
towards the end of the paragraph, that you indicated,
arising out of these discussions, that:

   "... even if the practice was acceptable within NATO
document, it would be preferable to put a screen around
the facility so that practices which might alienate the
local population were not publicly exposed."

   Do you see that?

A. I do.

Q. Now that would have prevented, potentially, would it
not, the image problems arising?

A. It would.

Q. But it would not have done anything to ameliorate the
position for those prisoners who were hooded, would it?

A. No.

Q. If that was your suggestion, might it be fair to say
that your focus was, at this stage, on the
presentational aspects and not on concerns about whether
the practice was actually inhumane?

A. Absolutely. My focus at this stage was on achieving the
mission and the humanity or otherwise of what was going
on was not my prime concern. There were specialists who
had been trained to do a job. I was going to let them
get on with it. And where there was a difference of
opinion, that was being referred onwards and upwards and
was not my particular remit. So, if you like, I am
focused very much on the practical results in terms of
delivering our mission.

Q. Another aspect that you address in your statement is the
fact that you do have a recollection of seeing a report.
I wonder if we might just have a look to see if we can
identify that at MOD019799. If you take it from me for
the moment that the signature which has been redacted at
the bottom is that of Colonel Mercer and, as you see
dated, 29 March 2003. One sees paragraph 6, which is
the material part for the moment -- if we can just have
paragraph 6 expanded please -- we see there that
Colonel Mercer was saying:

"... I visited the JFIT and witnessed a number of PW
who were hooded and in various stress positions. I am
informed that this is in accordance with British Army
doctrine on tactical questioning. Whereas it may be in
accordance with British Army doctrine, in my opinion, it violates international law. Prisoners of war must at all times be protected against acts of violence or intimidation and must have respect for their persons and their honour ...", and so on.

Is that the report that you think that you saw?

A. I honestly can't remember at this distance.

Q. In case it helps and in case you can help us, could we just look briefly at another report at MOD022122? This is addressed to "Sirs" and to SO34. Please don't use her name, but I think you know who that is.

If we look at the second page, we see that this was a report coming from Major Davies, the SO2 legal at the national contingent headquarters.

If we go back on to the first page, we see there references, for example in the third paragraph, "The length of time spent hooded depends on the numbers to be vetted and their place in the order ..." and later on in that paragraph the reference to the duration for which hooding had been going on. A little bit further down:

"Throughout these periods all PW are fed and watered and provided with shelter from the sun. No stress positions are implemented while prisoners of war are waiting to be interviewed. The decision on which physical positions they adopt and how often they change
... is a matter for them. The only restriction is that they may not sleep."

I am just trying to give you a flavour of that document. Does that bring back any recollections as to the report that you might have seen?

A. I'm sorry, I really can't help you. I don't know which report it was.

Q. Just this, then: when these matters were being discussed, did you have an understanding as to the duration of the hooding that was actually taking place?

A. I am afraid I can't remember the detail. We may well have discussed it, but I don't remember that detail.

Q. You would agree, would you not, that if hooding for a short duration might not be inhumane, there would come a time when it went on for so long that it might be an inhumane practice?

A. Yes, I would.

Q. Were you not concerned to know for how long it had been going on at the --

THE CHAIRMAN: Well, he says he can't remember. I don't think there's any purpose in asking him any more.

MR MOSS: Thank you. May I ask then about stress positions? Do you remember whether or not that was an issue that was raised with you at all?

A. It's very difficult to try to separate things. It may
have been part of the discussion between Colonel Mercer
and S002 with a view to how people were when they were
waiting to be interrogated. But that's not a firm
recollection. I just suspect it was probably part of
those discussions.

Q. Apart from positions that prisoners may have been
adopting, the concept of them being sat out in the sun,
do you have any recollection of that being raised?
A. Yes, I do. That was an issue and I do remember that --
I remember that -- you know, I think the tenet -- the
general tenet of the line was, "You know, they are just
sitting there, they've got no better or worse conditions
than our soldiers just sitting in the sun", and then
subsequently some reflection and a thought that
actually, with the heat increasing, perhaps, you know,
some shade would be appropriate. It's a general memory
as opposed to a specific one though.

Q. Are you able to help as to whether that was part and
parcel of those discussions between Colonel Mercer and
S002 or was that a matter that came under the umbrella
of the Red Cross' concerns, prisoners being sat out in
the sun?
A. I'm sorry, I -- all of these -- all of these issues
are -- you know, they are all as one in my memory.

Q. Just look then at paragraph 42 of your statement at
BMI02672. You are speaking here about a subsequent visit by the Red Cross visiting the TIF and stating that the practice of having hooded prisoners sitting in the midday sun was unacceptable. You say that the TIF changed their practices, but you can't remember exactly what the changes were. You go on to say this:

"I remember that the issue was still live in divisional HQ because after the ICRC visit there was a consideration of how to address their concerns but still maintain the shock of capture. The general consensus was that we would use blacked-out goggles wherever we had previously used hoods, both to preserve the shock of capture and for security purposes."

Just pausing there, does it follow from that that it was your understanding that, even after hoods had been prohibited, that the other means of depriving sight -- goggles and so on -- were being used, at least in part, to preserve the shock of capture?

A. Yes, but I would caveat that by saying that the primary concern was a security one and, you know, as I understand it, the security was the lead and clearly, if there's a subsidiary benefit to it, then, you know, that's also being considered.

Q. Thank you. I think that takes us on, then, to the question of the prohibition on the use of hoods. As you
sit there now, how do you recall that a prohibition on
the use of hoods was communicated? Who did it come from
and how was it communicated?

A. Having had the benefit of seeing some other witness' statements, I do now recall that the prohibition was
issued by the general officer commanding, General Brims. It was promulgated at a divisional bird table update,
which is to say that it was promulgated to all the divisional staff and it would have been promulgated to all the people who were on the other end of the divisional net, so the brigade headquarters and the like, via a verbal order.

Q. If we just break that down. The meeting that you describe with General Brims is some members of the divisional staff, what, would have been physically present in the same room?

A. Yes, a significant number of the divisional staff are -- I don't know if you know how a divisional bird table works, but essentially all the representatives of the divisional headquarters are there around the table and all chip in as is appropriate. In this case it would have been promulgated, you know, to the whole divisional staff and to subordinate formations.

Q. So to get the flavour of it, what, the senior staff officers for each of the branches within the divisional
headquarters are present?

A. Correct or their representatives, if they are away on other business.

Q. All right. You mentioned the radio net. Would that meeting also include some who would be in other locations and would be chipping in by telephone or by radio link?

A. Yes, absolutely.

Q. Would that have included what I think at that time would have been three brigade commanders?

A. Yes, it should have -- them or their chiefs of staff. It's probably worth adding the caveat that the communication systems were pretty unreliable at times.

Q. Now, it's right, isn't it -- and I don't mean it as a criticism -- that that's not a matter that you referred to in your statement to the Inquiry last year?

A. No, that's correct.

Q. You say that it's something that has come back to you having read other witnesses' statements. How confident are you that that verbal order was actually given at a divisional bird table meeting, as you have described it?

A. I'm pretty confident that that happened.

Q. That sort of an order given in that way, would you have expected it to be followed up by something in writing?

A. In an ideal world that's what would happen.
Q. And are you able to help us to why that may not have happened on this occasion or is that not part of your role and responsibilities?

A. I mean, I can help in as much as we are busy fighting a war at this stage. People are extremely busy. And while the issue of hooding is, you know, a very pertinent matter for this Inquiry, it was but one very small issue, and I do mean it was a very small issue at the time compared to, you know, the substantive issues of, you know, how we were going to go about winning the war and how we were going to try and, you know, do our best to achieve the missions that we had been set. So while it would have been in an ideal world issued as a written order subsequent to the verbal order, I can understand how that might not have happened.

Q. I follow. Thank you.

THE CHAIRMAN: Pure curiosity, why a bird table? Is everybody feeding in on it or what?

A. I don't know. There's a large central table with a map on it and on that map there are stickers which depict where our forces are, where the enemy forces are and the like. It's a bit like the film "The Battle of Britain", where you see the RAF people pushing stickers around.

THE CHAIRMAN: A bird's eye view.

A. It's a little bit like that. I can't give you the
provenance in detail.

THE CHAIRMAN: Thank you very much.

MR MOSS: Are you able to help us even approximately as to timings as to when this order from the GOC was in relation to the discussions that you had been a party to between Colonel Mercer and S002?

A. Early April is the best I can do.

Q. Prior to the order from the GOC, as you now remember it, it must have been apparent to you, mustn't it, that there was a significant disagreement between two of the senior specialists in division, between the HUMINT specialist and the senior lawyer in division?

A. Yes, that was manifestly apparent.

Q. Did you yourself turn to any of the written doctrine or instructions in this area to see whether the use of hoods was in fact authorised?

A. No, not at all. I've got to be honest and say that I was focused on other things.

Q. Do you think that that is something that ought to have been done by somebody in the light of the dispute that had arisen?

A. Yes, I think that's probably fair. But given that it was referred up, you'd hope that where it was referred up to would produce a definitive solution.

Q. When you say "referred up", referred up to where?
A. This -- again, having seen some other people's statements, so I'm not sure it's a firm recollection, but I just knew that there was a dispute and it had gone off for resolution. So that's, if you like, as much as I can recall. I now know that it was referred up to the NCC.

Q. It may be said that it was a relatively significant dispute on a matter that -- hooding of prisoners had the potential to arise again and that it would have been desirable to get definitive guidance on it from PJHQ or from MoD. In general terms would you agree with that?

A. Yes. But if you refer something up, you do it through the headquarters above you. So if you refer it to the NCC and if, as you postulate, it's of the significance that you say, then the NCC perhaps should be charged with that responsibility.

Q. So in terms of your role in all of that, would it have been unusual for you to take a matter from G2 at 1 (UK) Div to the G2 chain of command at PJHQ and missing out the NCC?

A. There were all sorts of linkages going on in a whole variety of ways. In this particular instance S002 would have been referring up his direct J2X chain of command as well as going up to seek legal clarification I think up to the national contingent command.
Q. Did anybody make you aware at this stage that insofar as written instruction was concerned the doctrine referred to blindfolding prisoners rather than to hooding them?

A. No.

MR MOSS: Would that be a convenient moment?

THE CHAIRMAN: Yes.

We break off now for one hour for lunch, Colonel.

If you would be kind enough not to speak to anybody about your evidence in the course of the interval and we will start again promptly at 2 o'clock.

Thank you.

(1.03 pm)

(The short adjournment)

(2.00 pm)

THE CHAIRMAN: Yes. You are, Colonel, still under oath.

A. Yes.

MR MOSS: Colonel, we were looking before the luncheon adjournment at the prohibition on hooding and how it was communicated.

A. Yes.

Q. You are familiar, I think, with FRAGO 152, an order from 20 May 2003.

A. I am.

Q. Can you remember now what led to FRAGO 152?

A. I don't recall the precise circumstances, but I am aware
that there were some fatalities in custody and some
concerns about how those had come about. The detail of
those was not something that I was particularly privy
to.

Q. We don't perhaps need to turn it up for present
purposes, but reading your witness statement, one
perhaps got the impression that you were saying that
FRAGO 152 was the order that was generated at the time
that the hooding concerns were first raised. Bearing in
mind your evidence this morning about the order from the
GOC, do you think now that that might be wrong?

A. Yes. As I said this morning, I think the GOC's verbal
order addressed the immediate concerns and FRAGO 152,
I think, was more subsequent concerns.

Q. If we just have a look at the order itself, please. We
have it at MOD019145. Use the alternative on the
screen, MOD017061. Thank you.

The phrase -- if we go to the final page, please --
that's used there at the top of the page:
"Under no circumstances should their faces be
covered as this might impair breathing."

We know that that comes under Colonel Mercer's
signature. Were you consulted at all about the phrasing
of that aspect of the order?

A. Not as far as I recall.
Q. Would you have seen it at the time?
A. I don't preclude that possibility. I don't remember seeing it.
Q. What, to you, does that phrase mean, "Under no circumstances should their face be covered as this might impair breathing"? How would you have interpreted it at the time?
A. Don't hood people.
Q. You mention a number of fatalities and, indeed, in your statement, you mention in that context the 1st Battalion the Black Watch. Were you aware that one of those who had died in the custody of the Black Watch was reported to have been hooded when he first arrived at one of the Black Watch's company's locations?
A. I have to say that I don't remember any of the detail of this. It wasn't something I was directly involved in.
Q. I would like to move on to a different matter now, which is the lead-up to a different divisional order, FRAGO 29, which you have already mentioned during the course of your evidence. It is FRAGO 29 of 26 June.
Before we come to that order itself, were you aware in general terms that there had been a number of divisional orders which had progressively shortened the length of time that battlegroups could hold prisoners for?
A. It is hard to say at this distance. A huge amount of paperwork I was looking at on a daily basis and not just divisional paperwork, but paperwork to do with producing intelligence, and I really can't remember which bits I saw at any given time.

Q. How frequently would you have been in contact with Colonel Mercer?

A. We would see each other on a daily basis and we'd see each other at the GOC's updates at least twice a day around the bird table if we were both present in the headquarters. So, yes, I would have seen plenty of him.

Q. Do you recall one way or the other whether Colonel Mercer expressed concerns to you about the fatalities or his determination to lower the amount of time that prisoners would spend in the custody of battlegroups?

A. Whether it was Colonel Mercer specifically -- although in all likelihood it may well have been -- or somebody else, I am aware that, you know, there was concern about fatalities. What I'm -- the second part of your question I don't know the answer to.

Q. Just look at paragraph 51 of your statement at BMI02674 please. You seem to be suggesting -- it may be what you were intimating a moment ago -- there that you did recall that there were reports from people who had
visited the TIF that some detainees were arriving at the TIF somewhat battered and bruised, but you couldn't remember any details. Is that right?

A. Yes. I think that's fair.

Q. You told us earlier on in your evidence that so far as you were aware -- I paraphrase -- tactical questioning continued at battlegroup level throughout Op Telic 1. Is that right?

A. Yes. I think so.

Q. May we just take a look, please, at a divisional order FRAGO 163? It's the order of 30 May. We have it at MOD017179.

You will see that it's dated 30 May. If we go on to the second page, please, at MOD017180, you see under (b) at the top of the page -- if that could just be expanded please -- the section in bold:

"Those temporarily held by UK forces must be handed to RMP within one to two hours. Any later delivery can only be in exceptional circumstances."

Pausing there, that seems to be the last in the series of shortenings of the timescales that I was asking you about a moment ago.

"The RMP will then be responsible for initial processing before releasing back to the arresting battlegroup for onward movement to the TIF. All
internees are to be delivered to the TIF within six
hours of arrest when practicable."

Is this an order that you think you would have seen?

A. I probably would have seen it. I don't remember the
detail of when I saw it.

Q. If we go over the page, you will see that it was being
said:

"Informing the [Red Cross] ... is the responsibility
of the UK element in the TIF. Where it cannot be shown
that it is absolutely necessary to intern then the
internee will be released."

Then this:

"Under no circumstances may a suspect be
interrogated until he has been processed by the TIF."

If you did see this order at the time, what would
you have understood that final sentence to mean?

A. Well, the way it's written is reasonably clear, but
I would put a qualification on that, which is that
clearly there is a requirement to talk to people when
you arrest them. You need to identify, at the very
least, their name, but, you know, there are other things
that you would wish to know, I suspect.

So this isn't something that I was involved in on
the ground, but in my view one must be careful how one
interprets an instruction that is very difficult for
those on the ground to actually implement.

Q. You say that it's perfectly clear. Were you yourself aware that there was a distinction between tactical questioning and interrogation?

A. Yes, I think if you go back to the start of the war-fighting phase, when you take a prisoner of war you tactically question them very quickly to work out if they have anything of substance that can be passed on and, if you deem that there may be something more, you would mark them up for interrogation.

Q. And at this stage, the end of May, might there have been a risk in relation to this order that those at battlegroup level would understand this to prohibit interrogation before the TIF, but not to prohibit tactical questioning?

A. That is perfectly fair.

Q. Did you have any involvement in drafting this part of the order?

A. Not to my recollection.

Q. Do you know one way or the other whether the intention was in fact to prohibit tactical questioning as well as interrogation or do you simply not know?

A. I simply don't know.

Q. Are you able to recall what concerns, if any, lay behind this prohibition, whatever it meant?
A. I'm surmising rather than recalling that it was to do with the death in custody.

Q. Thank you.

That takes us on then to FRAGO 29. May we have a look at that please at MOD016186? This is a divisional order at midday on 26 June 2003, a FRAGO order to the operation order number 5 of 2003. If we go, please, to page MOD016189 within the document, we see there, in the signature blocks, the "acknowledge" to Colonel Marriott and "authenticate", your name. Can you just help the Inquiry with what, in this context, "acknowledge" and "authenticate" actually mean when one sees them on an order such as this?

A. "Authenticate" is the person under whose auspices the order has been drawn together and the acknowledgment is the senior officer under whose name it is going out. So the chief of staff is endorsing what he sees as written down here.

Q. So we should read this, if not as actually having been drafted by you, then having been drafted under your auspices; is that right?

A. It came out of the G2 shop and therefore, as such, it certainly fell under my responsibility, yes.

Q. Are you able to help with who in fact did draft it?

A. I don't have a clear recollection of the drafting
Q. I don't know whether you heard -- there is no reason why you shouldn't have been listening -- the previous witness, Colonel Wilson, then Major Wilson, who said that he thought he was involved in a first draft with S002. Might he be right about that?

A. That would make sense to me. If I could put a little bit of context on a timeline here, this order was issued on 26 June. On 24 June six Royal Military Policemen were killed in Majar Al Kabir. My focus over the period of late 24, 25, 26, 27 June was on intelligence analysis as for who had carried out those murders and what were the intentions behind them. So although it absolutely goes out under my signature and I take nothing away from that or the responsibility that that engenders, at the particular time that this order went out, my focus was probably elsewhere.

Q. If it had been drafted by the then Major Wilson and by S002, bearing in mind what you just told us about your focus at the time, would you in fact have given it a check-through afterwards to check that you were content or might you simply have endorsed it, relying on the others who had been involved in drafting it or can you not say?

A. I think an order like this would have had a gestation
of, you know, a period of several days and I have some recollection of discussing some of the elements of it. I just can't remember the detail of that discussion.

Q. Thank you. If we go back, then, to the first page under "Scope of the order", we see -- is this right -- that:

"The FRAGO announces the intention for G2 branch to assume overall control of the internment process in MND(SE) ... it confirms the procedures ... to be used in all cases where internment may or does result."

I want to ask you about that aspect of it, about the G2 assuming overall control of the internment process. Can we deal first of all with the reasons for that change? You tell us in your witness statement -- is this right -- that after the brigades had been capturing individuals, some prisoners appeared to get lost in the system. Is that right?

A. Yes, that's correct.

Q. And the brigades had complained that they had passed important people up the line, but there was no feedback in respect of the detainees who appeared to get lost in the system. Do you recall that being a factor?

A. I think that that was probably part of it, yes.

Q. Just dealing with that aspect then, a concern from brigades that they were not getting feedback in respect of detainees who had gone to the JFIT, that didn't, in
itself, require the battlegroup or brigade to be more involved in getting information at ground level from the prisoners, did it?

A. No.

Q. That aspect could have been dealt with, could it not, by improvements in the system, whereby intelligence gleaned at the JFIT was cascaded back down to brigade and ultimately to battlegroup level?

A. That's correct.

Q. A different matter next, please, of the reasoning behind FRAGO 29. It may be that this is something that you can answer "yes" or "no". Was there, in terms of preplanned arrest operations, a need to ensure that such operations did not conflict with what other areas of intelligence and other agencies were doing on the ground?

A. Yes.

Q. If we go over the page at MOD016187 under (1) and then (ii), we see a provision in FRAGO 29 which dealt with target packs. In (ii):

"The [target] pack should be submitted through the chain of command to Div G2. Div G2 are to conduct the necessary deconfliction with J2X and other agencies prior to submitting the operation for G3 approval by the chief of staff."

Just pausing there, does that reflect the need to
ensure that preplanned arrest operations didn't conflict
with other aspects of what was going on on the
intelligence side?

A. It does.

Q. Still looking at the various factors, was there any
sense in which you had had concerns or complaints raised
up to you by those who were working in the JFIT about
the type of prisoners that they were receiving?

A. It's hard at this distance to clarify whether this is
a recollection from the time or from something I have
read subsequently. There were concerns that there were
inappropriate personnel being passed back -- not of
sufficient importance to warrant, you know, the JFIT's
attention. But I can't remember whether that was
a concern at the time or from what I have subsequently
read.

Q. Thank you. We looked a moment ago, if you remember, at
FRAGO 163 and at timescales for handing over to the RMP.
It's right, isn't it, that under the system introduced
by FRAGO 29, the RMP were to have a much-reduced
involvement?

A. That's correct.

Q. Do you know why the RMP were to have a lesser
involvement after FRAGO 29 was introduced?

A. I am mindful of the previous witness' evidence this
morning, which I heard, and I think that that clearly
was a driving factor, particularly since he drafted much
of the initial part of the FRAGO. So resource issues
are certainly there. But more broadly, as far as
internment is concerned as opposed to detainees, it
needs to be sort of intelligence-based.

So the intention, I think, was to make sure that
those people who were being interned were being interned
on a sensible basis, not just people who had been picked
up for sort of minor criminal activity or for
aggravation. So the intention was to ensure that there
was a correct sort of audit trail and that those people
making decisions had sufficient background knowledge to
make those decisions, and it was felt that the RMP
perhaps didn't have that knowledge.

Q. Do you say, then, that that links in with an aspect that
you were raising at paragraph 53 of your statement --
can we have that on the screen at BMI02675 -- where you
told us that it was hoped in FRAGO 29 that "... the
process would make sure that detainees were held for
proper reasons, ie that there was a good rationale for
their detention, and to make it easier to track
detainees". Is that part and parcel of the same
rationale?

A. Yes, I think so. I think that there were a lot of
difficult situations on the ground, to which I wasn't
party personally, but where -- you know, with a bit of
aggro and a bit of stone-throwing, a soldier might be
inclined to arrest somebody. If you put him in front of
an officer who has a remit to look at all those things,
he'll go, "Come on, that's just a bit of chucking
stones, let him go", as opposed to somebody being
detained and passed all the way through the system, down
to the JFIT, for subsequent exploitation, and they get
there and then the JFIT says, "What's this chap doing
here? He should not be here. He should be let go". So
that, I guess, is part of the sort of audit trail.

Q. Just on that, it may be said that the previous system
achieved the same thing in this sense, that those who
had only been involved in a bit of aggro and
stone-throwing could be passed initially to the RMP,
subsequently to the Iraqi authorities, for treatment as
a criminal -- it would be a criminal offence -- whereas
those who were thought to be involved in insurgency and
activities along those lines could be passed to the RMP
for onward transmission to the JFIT, so that the
previous system did allow for those distinctions to be
drawn.

A. Yes, I think that's probably fair.

Q. While we have it on the screen, you tell us at
paragraph 52 that another reason in favour of FRAGO 29 was that there was a specific person within brigade who was responsible for reviewing the internment of detainees and that whoever was responsible for arrest would ensure that they followed the proper process. Just pausing there, when you said that there was a specific person within brigade, did you mean in fact at battlegroup level?

A. I did.

Q. Was that, in fact, a concern that under the previous system there wasn't an identifiable individual who carried these sorts of responsibilities?

A. Yes. I think that there was a -- chains of command work such that -- you know, as a commanding officer, everything that happens under your remit is your responsibility. But within that, it was quite hard to tie down, you know, who was responsible for giving the direction within a battlegroup, who was responsible for making sure that procedures were happening correctly. Clearly it belonged to each member of the chain of command as he went further down, but nevertheless it was felt that giving one individual responsibility for oversight was going to enhance that process.

Q. Now, I have taken you through a number of the factors both within your statement and mentioned by other
witnesses in favour of the changes for FRAGO 29. Were there any other factors, as you remember it, that militated in favour of its introduction?

A. I think we have covered all of them.

Q. May I turn, then, to what might be said to be some of the potential drawbacks to the changes in FRAGO 29. First of all, you are aware, are you not, that the time during which battlegroups might keep prisoners was extended quite significantly in FRAGO 29, such that instead of an obligation to pass them on to the RMP within one to two hours other than in exceptional circumstances, battlegroups were permitted to hold prisoners for up to 14 hours. Are you aware of that?

A. Yes.

Q. That was a reversal, was it not, of the previous changes, whereby the timescales had been reduced in a series of previous divisional orders?

A. Yes. I think to expand upon that, the previous instructions had been an ideal, certainly, and something that we would probably have continued to aspire to. But it's no good issuing orders and direction that simply can't be carried out. The area of ground covered by the divisional troops was very significant and the reality was that many battlegroups simply couldn't get people down to the TIF within six hours.
Q. Was that something that you were aware of at the time?
A. Absolutely. I mean, I had been up to Al Amarah myself, I had driven up there, which was, if you like, the far end of the divisional area. It took three or four hours just to drive, you know, from divisional headquarters at Basra Airport up to Al Amarah. The TIF was a good -- I don't know how many, because I never visited it, but down by Um Qasr, so certainly an hour's drive south in the other direction.

So in an ideal world you might just arrest somebody and, if you have nothing else on your plate, you might just get him to the TIF in six hours, but the reality was impossible. So this, I think, was a pragmatic time-frame which was felt to be achievable. The trouble with issuing orders that can't be achieved is people then just dismiss them and go "I can't do that".
Q. I follow. It is nevertheless right, is it not, that that reduction in timescales that had previously been ordered was part and parcel of the attempts by Colonel Mercer to reduce the risk that was perceived to be carried by holding prisoners for a long time at battlegroup level -- fatalities that had occurred and so on?
A. I think that's fair, yes.
Q. Did that not, for you and others involved in FRAGO 29,
underline the particular need for clear guidance to
battlegroup level about how they should actually carry
out the detention if they were going to be permitted to
hold prisoners for a longer period of time?
A. It didn't -- it clearly wasn't something that grabbed
our focus at the time because, if it had, we would have
done something about it. With the benefit of hindsight,
I agree, it's something that we could easily have spent
more time on and, you know, in an ideal world we would
have.
Q. Thank you. A different aspect then, if I may. We saw
how in the previous FRAGO -- FRAGO 163 -- there had been
that provision indicating that there was to be no
interrogation prior to the TIF. What was your
understanding of what tactical questioning or
interrogation might be permitted in FRAGO 29?
A. Well, I touched on this earlier. I think you've got to
ask some basic questions before you pass anybody back.
So, you know, we are not talking about in-depth
interrogation here, but we are, you know, finding out
essential details of who they are, where they live,
where they come from and who their associates perhaps
are -- something like that.
Q. Bearing in mind that the previous order had said "no
interrogation", would it not have been preferable for
FRAGO 29 to be clear about what questioning -- tactical questioning, call it what you like -- was expected and to be permitted?

A. Yes, it would have been preferable.

Q. As a corollary to that, may we look again, please, at MOD016187? Do you see that under (1), now (iii), that what was being asked of the battlegroup internment review officer was as follows:

"Immediately following the lift operation the suspect(s) is/are taken to the [BGIRO] ... who, having heard the circumstances of detention, shall determine whether:

(a) There is a case to answer ...

"(b) If the information shows that there is a threat to coalition forces, internment at the TIF for further exploitation by the JFIT is to be authorised."

Just pausing there, that provision, "If the information shows that there is a threat to coalition forces ...", what information did your understand the BGIRO would be considering at that stage?

A. There's potentially a whole raft of different sorts of information. If I take you to a lift operation, you might receive information on an individual and decide that, you know, you needed to investigate further. So you go and plan a lift operation and you would be told
that he was an insurgent of some sort and you'd find an arms cache or something like that. So you go looking for the arms cache, no arms, no nothing, that sort of operation.

So if the basis of the lift operation was, "This man holds an arms cache" and he clearly doesn't, then, you know, no case to answer, as it were. So there were many different circumstances and the BGIRO is going to have to take a view on what's presented to him in whatever form it comes and, you know, make a judgment. You know, life is like that when you're dealing with all sorts of different problems and, you know, he will have had loads of other things on his plate, and it's, "Okay, well, this is not what's available to us, best case I judge this to be no case to answer" or "I judge you should go on to the TIF".

Q. So a wide variety of factors, depending on what had been thrown up by the particular operation on the ground. Would that be fair?

A. Absolutely.

Q. Now, as part of that, would you be expecting the battlegroup internment review officer to take into account such information as had been obtained by that initial-level questioning?

A. Yes.
Q. What did you understand tactical questioning to be aiming to achieve? What was the purpose of tactical questioning?

A. I'm not sure we laid it out for them and perhaps we should have. In my view tactical questioning is, you know, "Who are you? Where do you live? Who do you hang out with? What have you been up to in the last 24/36 hours?", that sort of stuff.

Q. The sort of definitions that the Inquiry has seen of tactical questioning may tend to suggest that it's questioning in the early stages of capture to obtain information of immediate tactical value: how many people were in the person's unit; are there mines in the area; how many of you have escaped capture -- that sort of information that might be of immediate tactical value in the operation going on on the ground. Do you follow?

A. I do. I would expand slightly and say that what sort of immediate tactical value when you are fighting a war, in war fighting, is exactly the sort of information you have said, so minefields and units. Once you come into an insurgency situation, clearly the sorts of information that are of tactical value changed.

Q. Might there have been a risk, looking at this provision, that in asking the battlegroup internment review officer to decide whether there was information showing that
there is a threat to the coalition, that questioning
might go beyond the scope of immediate tactical
information and go more to full-scale interrogation to
get to the bottom of exactly what the person being
questioned had actually been involved in?
A. I guess that's fair. There probably was a risk of that.
Q. And it's right, isn't it, that the order didn't set out
in any way at all what the limits of questioning should
be?
A. That's correct.
Q. FRAGO 152, Colonel, which we looked at earlier on with
the reference to not allowing faces to be covered under
any circumstances, would that have still been extant at
the time -- and after indeed -- this FRAGO was issued?
A. Yes, it should have been.
Q. Might that prohibition on the use of hooding have been
included within FRAGO 29?
A. Yes, with the benefit of hindsight it probably should
have been.
THE CHAIRMAN: Why?
A. If we've had a GOC's direction that hooding is something
that shouldn't be going on, so the GOC has issued
a direction and we have put further direction out and
there are still concerns that hooding perhaps is still
going on, but also when we've got a handover/takeover
from one division to another, while all the previous
direction remains extant -- clearly a handover/takeover
period is a busy period and anything you can do to
facilitate it by making it easier for those who are
taking over from you just to pick up one document and it
tells them everything they need to know would be a good
thing to do. So, with the benefit of hindsight, there's
quite a lot we could have done differently and that's
one of the things.

THE CHAIRMAN: Yes, thank you.

MR MOSS: Thank you. That's very fair.

If not that -- if we just look again at the front
page of the order at MOD016186 -- would another way of
doing and achieving the same result to have had
a cross-reference in the referencing section of the
order to previous FRAGO 152?

A. That could have done it, although realistically the best
way to do it would have been to include it all, so you
only have to look at one thing. It's fine when you have
time to cross-reference and find documents. That's not
always a luxury you have when you're on the ground.

Q. Perhaps one final consideration -- and in effect you
have touched on it already -- is the timing of this.
26th June was the date of the order and the flag day, if
that's the correct terminology, for the divisional
handover -- is this right -- was 11 July?

A. Around then. I wasn't there at that time, but yes.

Q. It's right, isn't it, that at this time battlegroups, at the lower formation level, would already have been in the course of handing over, one to the other?

A. Yes, yes.

Q. So in fact, on the ground, this new system was going to be something that was going to have to be introduced by Op Telic 2 battlegroups, wasn't it?

A. It was.

Q. Just this then: are you able to help us with the extent to which divisional lawyers may have been consulted on this FRAGO?

A. I would be very surprised if they weren't consulted on it because we had been operating together as a division for a long time. We understood the staffing procedures and how you cross-reference things before you put them out. So I'd be surprised if they weren't consulted. I couldn't put my hand on my heart and promise that they were.

Q. Are you aware that Colonel Mercer has told this Inquiry that he was only aware of the changes in this FRAGO after the FRAGO had been drafted and released?

A. I am aware that he said that, yes.

Q. If he's right about that, are you able to help us as to
1 how that came about?
2 A. I don't think I can verify that he is right about that, so the short answer to your question is "No, I can't".
3 Q. Just finally this on FRAGO 29: the Inquiry has heard some evidence from 1 QLR that the order was not in fact received until 7 July. Are you aware of that being the case, first of all?
4 A. Again, I have seen some evidence that's been put to me as a result of this Inquiry, but I wasn't aware of it before then, no.
5 Q. There was no particular reason why the actual dissemination of this order would have been held back, is there?
6 A. Not as far as I'm aware, no. But I think it's probably worth just adding that you've got a handover between divisions, you have got a lot of handover between brigades and between battlegroups on the ground. There is an awful lot of moving parts in this, and, you know, detention and internment would have been but one part of a vast number of things that were being handed over. Things get delayed. It happens.
7 Q. Just two matters to sweep up, if I may. Insofar as the Red Cross is concerned -- it's my fault, I should have asked you -- were you aware of concerns being raised by the Red Cross about matters other than hooding and
sitting in the sun -- forms of harsh treatment, kicking, that sort of thing? Does any of that ring a bell to you?

A. No.

Q. Were you aware of an interrogator being sent home from the JFIT?

A. No.

Q. One matter about training that I perhaps should have clarified with you. Can you just help with this? You told us that Lord Parker's report and the Heath ruling were things that you had a general awareness about. Did that awareness come from pre-deployment training for your Northern Ireland tours or was it part of your general infantry training or staff courses; can you remember?

A. I am afraid I can't tell you where the knowledge comes from. It's just there.

MR MOSS: If you wait there, there will be some more questions for you. Thank you very much.

THE CHAIRMAN: Yes, other members of the bar will probably have some questions for your. Mr Friedman?

Questions by MR FRIEDMAN

MR FRIEDMAN: Colonel, can I start with your general awareness about the Heath ban in relation to Northern Ireland and ask you this: did that general awareness
include an understanding that a variety of techniques had been used in the context of interrogating terrorist suspects?

A. Yes.

Q. And, in effect, the ban included two limbs: one that it was unlawful to have done that; secondly, it was counter-productive in terms of the counter-insurgency aims?

A. I guess my understanding was more about the second than the first, although -- so I think we were probably taught it generically, that it was a counter-productive way of doing business.

Q. Did you, in addition, understand that there had been a declaration that what had gone on had been unlawful?

A. I think so. You know, this is at some remove.

THE CHAIRMAN: Is that right, that it was unlawful? Was it not the ban that declared it unlawful?

MR FRIEDMAN: Pardon me, Sir, I didn't hear that.

THE CHAIRMAN: Was it not the ban that declared it unlawful?

MR FRIEDMAN: If one goes to the detail, it would be the declaration in accordance with Article 3 of the ECHR.

THE CHAIRMAN: Yes. You put it slightly differently, but it's not a major point.

MR FRIEDMAN: Just turning to Telic 1 then, please, and following on from your answers already given about chain
of command, I just want to clarify something more about
S002. You said that in theory and by appointment he was
effectively under you and you gave examples of why, in
practice, for perfectly understandable logistical
reasons, from time to time he would go above you when
you weren't able to deal with it. Was there an element
about the way in which S002 conducted himself that
indicated a problematic or negative tendency not to
consult you and go around you?

A. No, absolutely not. I was operating at absolutely
maximum capacity. S002 was doing his utmost to assist
me and make my life as easy as he could by taking some
of the pressure off my shoulders.

Q. In terms of the JFIT unit of personnel trained by
Chicksands, was there a sense, during the debate that
arose around the technique of hooding, that they
resented interference, as it were, by echelon people in
division who weren't trained and didn't appreciate the
importance of what they were up to?

A. I think that's probably fair, yes.

Q. Did S002 --

THE CHAIRMAN: I thought you wanted to add something, did
you?

A. No, sir. I mean I think that's probably a fair
supposition or proposition.
MR FRIEDMAN: In his robust defense of what they were doing, to use your words, did S002 effectively seek to champion the expertise of the Chicksands trained people and, as it were, ask for deference to be given to their training?

A. I think you are asking for specifics that I can't really remember. He was robust about how he presented the case, but ...

Q. Just in terms of you having no doubt that aside from the security rationale there was a shock of capture rationale, I just want to show you one document which you weren't shown, which is a note from S002 to the commander legal. It's at MOD011451. Just go to MOD011452 and you will see S002 has authored it. If you go to the beginning again, please. Did you look at this document before giving evidence?

A. Yes, I think I did.

Q. Do you remember seeing this document at the time you were in theatre in Telic 1?

A. No, but that doesn't mean I didn't see it.

Q. No. I understand. Just with regard to the section under paragraph 3 at (a), "The hooding of prisoners", the second sentence:

"This is not done to intimidate or cause distress but as a security precaution, so they do not observe the
route, layout, support functions and staff within the JFIT area."

The last sentence:

"It is not a procedure that is designed to remove or damage their sensory capability and is practised only when at war in order to protect operational security ..."

Do you accept that that's only a fractional -- or that is an incomplete explanation of why this was going on?

A. I think it covers the primary reason why it was going on. I would agree that there was another element to it, as I said this morning.

Q. And insofar as S002 was acting under you, in putting this written document to command legal, ought he to have shown it to you, given the temperature that had arisen over this debate?

A. If you look at the date on the document, which I think was 30 March --

Q. 30 March, yes.

A. -- we were in the middle of war fighting.

Q. Understood.

A. I am trying to work out, at this stage, where enemy formations are and all those sorts of things.

Q. Yes.
A. This is absolutely not on my agenda at all. If he put it in front of me, it would have merely distracted. What I am trying to do is provide intelligence from division about -- you know, that they can use to make decisions on where they are going next and how they are going to fight.

Q. Just moving beyond, as it were, focusing on you and focusing more on the system, you answered some questions on how you would have expected the matter to be referred up and we understand why the next stage would be the NCC. It's just, in your expectation, would you also have wanted that shock of capture element of the debate to have been referred up to the NCC?

A. I didn't give it thought at the time. With the benefit of hindsight, yes, I think that's perfectly fair.

Q. Just moving then to FRAGO 29 -- and again we understand where your focus was and the reason why it was elsewhere -- but in terms of the job to make sure that Colonel Mercer reviewed these changes, whose job in G2 would that have been?

A. You could say it was a number of people's if you wished to. You could start with a person under whose signature it went out, say mine. Alternatively, you could say the chief of staff should have ensured that he was happy with it and perhaps had just said "Has this gone past
"Legal?" or you can say that the people who did the initial drafting, knowing just how busy both he and I were, should have made sure it had been through all of the hoops before it reached us. So depending how you want to cut the cake, you can cut it any which way you will. I will put my hand up and say "My job".

Q. Just in terms of S002's influence on this chain -- and we have heard the evidence of the witness this morning which you don't disassociate yourself from -- would he have wanted, for understandable professional reasons, in terms of what his HUMINT mission was, to secure a greater control over internees than had previously been the case?

A. I think so.

Q. In terms of misplaced optimism or otherwise, coming to the end of your tour, would you have regarded it as misplaced optimism that, regardless of the enormous work that had gone in, the Iraqi criminal justice system was not going to be effectively up and running by the summer of 2003?

A. I think that's probably fair.

Q. On the other side of the coin, becoming an occupying power, moving away from prisoners of war to a situation of insurgency, do you think it would have been misplaced optimism that we were not going to have many internees?
A. Yes.

Q. Just finally, then, on the shift in overall control from the SO2 detention to G2, in training or doctrine have you ever encountered a theory that G2 would be best placed to have overall control over an internee system as opposed to heavily advising into it?

A. Not in training, no.

Q. And do you see a serious problem in taking the RMP, with their specialist training and more independent orientation, out of this key oversight role where they would be in overall control, having obvious G2 advice to hand?

A. With the benefit of hindsight, I think I'd agree with that.

MR FRIEDMAN: Thank you, Sir.

THE CHAIRMAN: Thank you.

Mr Dingemans?

Questions by MR DINGEMANS

MR DINGEMANS: You told us about how FRAGOs are to be read with past FRAGOs. Perhaps you can just help on one point of detail. If you follow through the FRAGOs, they went up in number, 152, 163 with the chronology and then we go back to FRAGO 29. Is there any reason for that?

A. Absolutely no idea, sorry.

Q. Do you know why the number of RMP companies were reduced
from three to one?

A. For the same reason that the number of troops in theatre generally were drawn down. There was a large number of troops there for the invasion itself and no expectation that -- you know, that a significant number of troops was going to be required for the long term. So we had 3 Commando Brigade, 16 Air Assault Brigade and 7 Armoured Brigade during the invasion, and that fairly quickly came down to just 7 Armoured Brigade, who were replaced by 19 Brigade, the other two brigades having been withdrawn; a similar situation with the RMP, I assume.

Q. You don't know about any of the reasoning or any perception that the RMPs might be more required in the peace-keeping phase?

A. No.

Q. Finally this. In relation to structure of FRAGO 29, you have been asked a lot. Just one specific question: was any thought given to the fact that FRAGO 29 effectively set up a competing system of command that was or might be considered counter-intuitive in most battalions, whereby the RSM is no longer in charge of prisoners of war?

A. No, I don't think that that's a reasonable proposition. The idea was to have somebody who had a quite specific
remit to look after the process on behalf of the commanding officer, and, you know, that's not to denigrate the regimental sergeant major in any way, but you need somebody who has a broad picture of what's going on and someone capable of making the decisions about whether they should be detained or not. The regimental sergeant major would not necessarily be in a position to make those calls with his other responsibilities.

MR DINGEMANS: Thank you very much.

THE CHAIRMAN: Thank you. Ms Edington?

MS EDINGTON: No thank you, Sir.

THE CHAIRMAN: Mr Evans.

Questions by MR EVANS

MR EVANS: Thank you, Sir.

You were asked about people's responsibility for reviewing FRAGO 29. Had Colonel Mercer not reviewed it before it was published -- and you said you could not give us a view one way or the other about that -- would you have expected him to have done so after he became aware of the FRAGO?

A. Once he became aware of it, I would certainly expect him to look at it, yes.

Q. Finally this: in respect of your pace of work, you have told us that you had to return to the United Kingdom
because you were exhausted in mid-April and came back at
the end of April. When you returned to theatre at the
end of April, did the pace of work diminish at all?
A. No.

MR EVANS: Thank you very much.

MR MOSS: Sir, I have no questions arising out of those
matters.

Questions by THE CHAIRMAN

THE CHAIRMAN: Just perhaps two. I have heard some
evidence -- I may as well say, from Colonel Mercer --
that prisoner-handling was always put at a low priority
amongst the many, many tasks and duties that all of you
had to perform. Do you think that's fair? Before you
answer that, did he ever mention that to you?
A. Yes, he mentioned it on more than one occasion to lots
of the staff. I mean, you know, he had concerns
about it.

THE CHAIRMAN: Yes. Do you think that was fair?
A. It wasn't the general perception of the staff who were
having to make decisions about prioritisation of scarce
resource across a vast array of competing requirements,
and so -- in terms of allocating those resources, you
know, the individual who had specific responsibility for
overseeing it was almost certain to say "Give me more
resource in this direction", but in every other area

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where there were people with other specific responsibilities, they too would have been saying, "I need some more help with this" or "I need some more resource to go and do that".

So I am not surprised by what he says. I think that it was given the priority that was judged to be appropriate. Clearly, in an ideal world, with more resource available, things would have been done differently.

THE CHAIRMAN: You have said "in an ideal world" for a number of things and you have said "with the benefit of hindsight" over a number of things that something would have been better. Throughout the tour I suppose there must have been a tremendous amount of determination as to what was the correct priority for each individual department -- "department" is probably not the right name. Is that so or not?

A. Yes, absolutely. All day, every day, people making decisions, prioritising what goes where.

THE CHAIRMAN: And essentially that comes down, presumably, to the judgment of those who have to make those decisions?

A. Correct. So the commanders received advice and then they decide.

THE CHAIRMAN: Did you ever find yourself with what I might
call "thinking time" to reflect on the sort of decisions
that you had to make?

A. I had no time to think about anything from the moment
I arrived in theatre in January to the moment that
I left in July, which is an unfortunate circumstance to
be in as an intelligence officer because, clearly, you
need to be thinking about your assessments, but I am
afraid that's just not the way it was.

THE CHAIRMAN: No, I see. Perhaps it's too general
a question. If you can't answer it, just say: what do
you think could have cured that? Presumably you weren't
alone in having a huge amount of work to do.

A. No, no, I wasn't alone. I think it's a common
circumstance of war.

THE CHAIRMAN: Thank you. Thank you very much, Colonel, for
coming to the Inquiry. Those are all the questions you
are going to be asked. You may now leave the Inquiry.
If you ever want to come back again, of course you are
welcome, but you don't have to answer any more
questions. Thank you very much.

A. Sir.

MR MOSS: Sir, Mr Elias will take on the next witness, who
is Mr Bannister.

THE CHAIRMAN: Mr Elias, I don't know how long it will all
take. Do we want to take a break now or at 3.30?
Perhaps it will be better to go until 3.30.

MARC JOHN BANNISTER (called)

THE CHAIRMAN: Are you still in the army, Mr Bannister?
A. Yes I am, Sir.

THE CHAIRMAN: And your rank?
A. Captain.

THE CHAIRMAN: Captain, I am going to ask that you be sworn now. Please remain standing for that.

MARC JOHN BANNISTER (sworn)

THE CHAIRMAN: Thank you. If you would be kind enough to sit down. Place yourself so that you can easily speak into the microphone, which is it not all that easy. I think it's probably a bit cramped. But if you could, I would be grateful and then we will all be able to hear you. Thank you.

Yes.

Questions by MR ELIAS

MR ELIAS: Would you give the Inquiry your full name, please?
A. Mark John Bannister.

Q. Captain Bannister, would you look to a folder which I think is on your right-hand side? In it you should find a copy of your statement to this Inquiry. If you go to the last page of it at BMI05447, do we find your signature there?
A. Yes, sir.

Q. Is it in fact dated today's date?

A. Correct.

Q. I don't want you to give any detail at all, but is the fact that this statement had been submitted to the Inquiry some little time ago, but you have not been in a position to sign it because of your whereabouts and you have signed it today? Is that the position?

A. That's correct, yes.

Q. Thank you very much. When you signed that statement today, were you confirming the truth of its content to the best of your knowledge and belief?

A. Yes.

Q. Thank you. I am going to ask you about certain parts of the evidence that that statement covers, but by no means will I go to all parts of it.

Can we deal very briefly, please, with your army career and history? Did you join the army in September 1985?

A. Yes.

Q. You then joined the Royal Tank Regiment in August of 1986 as a trooper, you tell the Inquiry.

A. Correct.

Q. You served in Northern Ireland, is that right, on one occasion?
A. On several occasions.
Q. On several occasions, thank you.
   In 1992, you were in Germany?
A. That's correct.
Q. You deployed to Kosovo.
A. Yes.
Q. And you were in Iraq in February of 2003 --
A. Yes.
Q. -- having roles in Iraq for both Op Telic 1 and
   Op Telic 2.
A. Correct.
Q. Again, without giving any detail, are you currently
   working in the United Kingdom?
A. I am at the moment, yes.
Q. In your statement you refer in some detail and at some
   length to elements of training which you have received.
   I want to ask you about those two matters, the first of
   which you refer to as "conduct after capture training".
A. Yes.
Q. You tell the Inquiry of how, over a period of three
   weeks, you completed conduct after capture training in
   1992, a training course held abroad.
A. Correct.
Q. I want to ask you a little about that. Were you told
   over that period of training -- conduct after capture
training -- anything about whether the techniques you
were then learning about were techniques that you could
employ if you were responsible for prisoners taken by
the British Army?

A. No. It was clearly stated that the techniques would
probably be used by other forces, those that probably
hadn't signed up to the Geneva Convention.

Q. So it was clearly stated that these were techniques that
might be used against you by countries who did not
recognise those Conventions.

A. Yes.

Q. Were you told specifically -- you and others on the
course -- that these were techniques that you were not
to use?

A. I can't remember.

Q. You say in your statement to the Inquiry that the
techniques that you were shown on this conduct after
capture course included you being blindfolded, having
your hands tied in front of you and you being walked
around an area with loud noises next to you.

A. Correct.

Q. I don't want to go into a lot of the detail beyond that.
But you say that you can remember being hooded with
a pillow case and later with a single sandbag.

A. Correct.
Q. You were also put, you say, into stress positions.
A. Yes.
Q. Were you told what the purpose of these conditioning techniques might be?
A. Maintaining the shock of capture.
Q. And you understood then, did you, at the time of the course, what "shock of capture" was?
A. Yes, I did.
Q. And what was the purpose of maintaining the shock of capture? Were you told that?
A. To make the person that you're talking to more likely to tell you the truth.
Q. If you will forgive me for saying so, already you have reversed the role that you were being taught, haven't you? It was you who were being put in these positions in order to resist them on the course; is that right?
A. Yes, but it wasn't quite like as you portray. It wasn't as bad as that.
Q. It wasn't as bad as that?
A. No. It was just showing you what the likelihood was if you were captured and what you would go through.
Q. I understand. But you learned from the course that maintaining the shock of capture was likely to make anyone to whom this was applied more amenable to answering questions?
A. That's correct. You don't have to use those means I have just described, though.

Q. You refer to attending another conduct after capture training in 2001 before your deployment to Kosovo.

A. That is correct.

Q. That was -- I don't mean this in any derogatory or any bad sense -- much of the same, was it?

A. No, it was completely different. It was done in a large auditorium and it was a briefing that lasted no more than half an hour.

Q. A half-an-hour briefing?

A. Correct.

Q. Were you told at that, do you remember, the difference between what might happen to you and what you were permitted to do to prisoners that you may capture?

A. We were told that it might happen to us, but not to what we were allowed to do to other soldiers or people that we captured.

Q. Now I want to ask you in just a little detail about the other course that you particularly refer to in your statement and about which you give quite a lot of detail -- it need not be put up, but running from paragraph 21 of your statement on -- and that's the prisoner-handling and tactical questioning course. You were a tactical questioner in Iraq, weren't you?
A. Correct.

Q. We will come back to that, if we may, in a few moments. Just looking at this particular course, you say it was a January 2003 course at Chicksands --

A. Yes.

Q. -- so, therefore, within a month or so of your deployment to Iraq.

A. That's correct.

Q. You say in paragraph 21 that the prisoner-handling part of the course was very short and it dealt with the need for holding cells, rations and things of that kind.

A. Yes, it did.

Q. So the bulk of this course was about tactical questioning, was it?

A. Most of the course was, yes. I'd say it was probably an afternoon of prisoner handling.

Q. Was the course specific training for Iraq?

A. It was -- I went on the course to be deployed to Iraq, but could be employed anywhere in the world.

Q. I understand that, but this was a course which you were given because you were to be deployed to Iraq shortly --

A. Yes.

Q. Thank you. How many were on this particular course, do you recall?

A. I think about 30.
Q. What was your rank at the time?
A. I was a staff sergeant.

Q. Who attended this course? What ranks?
A. From captains through to sergeants.

Q. Were all those on the course from 7 Armoured Brigade?
A. I don’t know.

Q. In paragraph 23 of your statement to this Inquiry, that's what you say.
A. The majority would have been from 7 Armoured Brigade. Whether actually every single person was 7 Armoured Brigade, I wouldn't be able to tell you.

Q. In your statement you tell the Inquiry that you can't remember the names of the staff who provided the training or you couldn't when you made your statement. Would that still be the position?
A. That's still correct.

Q. So far as TQ training is concerned, may I just ask you a little about that? Were you given any training as to, for example, the presentation of prisoners before you, the tactical questioner; for example, whether they should come deprived of sight or not?
A. They should be moved from one place to the other and if it was in a secure area or where they could give away the -- they might be able to find out, you know, locations, et cetera, which if they were then
subsequently released, they could then pass on to somebody else, then, when they were moved through that area, they should have their sight deprived.

Q. You were told that, are you saying, on this course or you knew that in any event or what?

A. I was told that on the course.

Q. Were you told how they were to be deprived of sight?

A. I can't recollect, to be perfectly honest with you, but it was -- I am sure sandbagging was mentioned on the course -- well, I am not so sure whether sandbags was mentioned on the course --

Q. You are just dropping your voice a little. I wonder if you could sit a little closer to the microphone.

A. I am not convinced that they said sandbagging was allowed, but they just said that sight should be deprived.

Q. At that time, anyway, if you had been told that sight should be deprived, would the use of a sandbag perhaps have been the first or amongst the first things that one would have thought about, as a soldier, to use for that purpose?

A. Probably not -- as a soldier, yes, but for myself, no.

Q. What would you have thought of as the first thing to use?

A. Probably goggles, blackened out.
Q. Was anything said to you on this course in that regard, using sandbags, hoods or goggles to deprive sight, as to how long it was appropriate for sight to be deprived?

A. Only during transportation in secure areas. So, for instance, in the back of a Land Rover, from one position to the next, where they have sight of the radio and could pick up the frequency and therefore, if they are released, later pass on that frequency, for instance.

Q. Does it follow -- I don't want you to accept it because I'm saying it -- that if the security consideration went on for hours, that there would be justification in depriving sight for that period of time?

A. No, because the security situation probably would not go on for a period of hours.

Q. You wouldn't expect that?

A. No.

Q. Still on the same course, 2003, before going to Iraq, were you taught anything about the use of stress positions on prisoners?

A. No. We weren't taught about stress positions. We were taught about controlling positions for difficult prisoners.

Q. Can I break that down into two then? You were told nothing about the use of stress positions?

A. No, not about the use of stress positions.
Q. Were you --
A. It was implied on the course that if you place somebody into a sitting position, for instance, that it could become uncomfortable.
Q. If you place someone in a sitting position?
A. If you sit somebody on the ground for ten minutes with their legs out in front of them, it is uncomfortable.
Q. What was said about that?
A. Nothing. It was just implied -- it is a fact that it happens, and therefore I deducted that sitting on the floor with your legs out in front of you for more than ten minutes is uncomfortable.
Q. Perhaps we can all imagine that it might be. Was it being said that you could require a prisoner to sit in that position on the floor for ten minutes or you could not or are you suggesting that it was being hinted at or implied that perhaps that's something you should do?
A. Not something that you should do. It was just a consequence of putting somebody on the floor for that period of time. It's a fact. It happens.
Q. So you weren't being told you couldn't do it. It was being pointed out to you that it might become uncomfortable, and, what, the suggestion was you might use it?
A. No, I think I said that I thought myself that that's
what the outcome would be.

Q. I just want to understand it. Forgive me. It's no
doubt my fault. Are you saying that you were being told
that you could require a prisoner to do that for that
ten minutes or whatever?

A. We were shown how to put somebody into a sitting
position if he was difficult and a risk to your
security.

Q. What you are saying is putting him in that position and
leaving him in that position for perhaps ten minutes
might become something that was pretty uncomfortable?

A. That's correct.

Q. If it became pretty uncomfortable, would you then
describe it as a "stress position"?

A. Only if you -- only if the person that was guarding him
told him to maintain that position.

Q. So what did you refer to that position as? Not
a "stress position"?

A. I think it's a "controlling position".

Q. A "controlling position". What were you told about the
use of controlling positions, do you recall?

A. It could be used -- I think they said they could be used
to control difficult detainees.

Q. Just so there is no doubt about it, "a difficult
detainee" ...?
A. Somebody that is likely to try and escape or harm
   a member of the guard force.
Q. Not someone who wasn't simply cooperating?
A. It depends what you mean by "cooperating".
Q. Not somebody who had indicated, for example, that he
   wasn't prepared to speak?
A. Er, no.
THE CHAIRMAN: If I may say so, Captain, your "er no" was
   not spoken with, as it seemed, great authority perhaps.
   Was there any hint by those who were teaching you that
   this might have been a way of making people more
   amenable to questioning?
A. On the course, no. I said this before, Sir. It wasn't
   like that. It's just it is implied. It's just a fact.
THE CHAIRMAN: I'm sorry, what do you mean by "It is
   implied"?
A. What I mean is it wasn't implied by the person teaching
   the course. I mean by "implied" is that it is a fact
   that if you put somebody in that position, it becomes
   uncomfortable and will probably make them more amenable
   to being questioned.
THE CHAIRMAN: Yes, I see.
MR ELIAS: You see -- forgive me -- if I may, I want to go
   through with you paragraphs 33 and 34 of your statement
   to this Inquiry. Could we have those, please, at
EMI05424? Thank you very much.

You say this -- and you are referring to the Chicksands course in 2003:

"As well as being taught specific conditioning techniques, I also realised how we could use the normal prisoner handling procedures as part of the conditioning process even if that was not their primary purpose."

A. Correct. That's what I mean by "implied".

Q. I understand.

"Unless stated otherwise below, this was not something that I was explicitly taught during the training but more a common sense conclusion that I drew from the general discussion of the importance of keeping the prisoner unsettled and establishing control."

A. Correct.

Q. So conditioning techniques -- it may have been a secondary purpose -- but they were, as you gathered it to be from your own common sense, a means of keeping the prisoner unsettled, disorientated and under your control?

A. That's correct.

Q. At 34:

"For example, at the training we were told to keep prisoners blindfolded and/or hooded with a sandbag when being transported through sensitive areas. There was no
preference indicated as to whether to use a sandbag or other blindfold. No one was actually hooded or blindfolded whilst on the course but eyes were closed to replicate this effect. The primary purpose of depriving the prisoners of sight [you go on in paragraph 34 to say] was to ensure they did not view sensitive information but having been made aware of the value of conditioning, I considered it common sense that this would have the secondary effect of keeping the prisoner unsettled. However, I wish to make it clear that during the training it was never suggested that this was the reason for depriving the prisoner of sight; nor was it ever suggested that you could obscure a prisoner's vision if there was no security reason to do so."

A. That is correct.

Q. So was the position, so far as you, a TQer, were concerned, that whilst you recognised, because you had been told it on the course, that a sandbag might be used for security reasons, there was another powerful and important reason for keeping someone hooded?

A. That's correct. But I would also like to say that hooping with sandbag is ineffective as, you know, sensory deprivation because the loose weave on it is --

Q. You can see through it?

A. You can see through, breathe through it, et cetera.
Q. Well, the Inquiry has heard some evidence about that and no doubt in certain circumstances that would be so.

You go on in paragraph 35 -- still dealing with the same course:

"We were told that the guards should check on the prisoners' physical condition every 10 to 15 minutes or so whilst they were kept in the holding area."

Was that an instruction that you had?

A. Yes.

Q. Were you told what the purpose was of checking on the individuals' physical condition every 10 or 15 minutes?

A. It says so in my statement.

Q. Well, you go on to say:

"The primary purpose was to ensure the prisoners were safe and healthy."

A. That's correct.

Q. No doubt a guard observing men in a detention room, who were not hooded, not in stress positions and presumably not being assaulted, for example -- one would hardly need to ascertain every 10 to 15 minutes that those individuals were physically all right, would one?

A. Who's to say that he's constantly looking at that person for that 10- to 15-minute period? You often find that a door is closed and they are on the outside because they present more of a threat -- if they are there with
their weapon on the inside, the detainee or prisoner could get hold of that weapon.

Q. I follow. You go on in the paragraph to say:

"... it was pointed out to us that if the prisoners were physically and mentally tired they were more likely to give up the information that was of use to us."

A. That's correct.

Q. You weren't told, were you, that checking on them every 10 to 15 minutes, making sure they were awake, was part of conditioning?

A. I can't honestly remember.

Q. Because, of course, if they were kept awake, as it were, by being checked every ten minutes, that would produce the physically and mentally tired individual that was more likely to give up information, wouldn't it?

A. Correct.

Q. But you can't remember whether that's what you were told was the purpose --

A. I can't on the course, no.

Q. You do go on in the paragraph -- it must have occurred to you, must it?

"... I wish to make clear that we were not being taught to deprive prisoners of sleep, it was simply noted that tiredness was a secondary effect of the process to be followed and that if we were aware of this
We could exploit it in our TQ'ing."

A. That's correct.

Q. Can we understand this, Captain? Are you really saying there, in paragraph 35, that what your trainers or instructors were doing was giving you the potential TQers -- or those responsible for prisoners -- the nod and the wink that, although there was a reason that could be put forward for examining detainees every 10 or 15 minutes, one of the real purposes was to keep them awake so that they would be tired? That's what you appear to be saying in this paragraph; do you see?

A. Yes, but I have also said that it was never at any point on the course that we were told that. It was a deduction that I have made from that course.

Q. And these deductions that you made, nothing on the course was said to disabuse you, to tell you that your deductions as to the use to which these positions could be put or these situations could be put was improper?

A. Can you just repeat the question, please?

Q. Yes, it was a bit long and convoluted. You have told us, for example, that you were noting that tiredness was something that might be used by you, a TQer, but you were never told, were you, specifically on the course, that keeping a prisoner tired by, for example, keeping him awake and examining him every ten minutes was not
something that should be done?
A. Not that I can remember.
Q. You say in paragraph 36, if we just have that on the screen:
   "We were also taught there was no longer any to need to place them in positions once TQ'ing had been concluded."
A. That's correct.
Q. Why was there a need to place prisoners in positions before TQ'ing but not a need to place them in positions after TQ'ing if dealing with a difficult prisoner was the only reason for doing it?
A. It's also to maintain the shock of capture, as you alluded to in the beginning of your questions.
Q. So that was a positive consideration, was it?
A. Yes.
THE CHAIRMAN: What, do you mean sort of hint that life would be easier for them after the TQ'ing? Is that what you mean?
A. No. It's part of the conditioning process to make them more affable when they are answering questions.
THE CHAIRMAN: When they are answering ...?
A. Sorry?
THE CHAIRMAN: When they are answering questions?
A. No, no, not when they are answering questions, but
beforehand.

Q. Just so there's no doubt about it, unless you want to have second thoughts about it, Captain, at paragraph 36, you say this, don't you?

"We were also taught that there was no longer any need to place them in positions once TQ'ing had been concluded."

Did you mean that, that that is what you were taught?

A. Reasonably sure, yes, that they said once the TQ process had been finished and our initial -- the initial interview had been done, then once you had identified whether they were then of further interest or not, they could be placed back into the holding area and allowed to mingle.

Q. If that's right, Captain, it does follow, doesn't it -- it would seem to me, anyway, fairly logically -- that you must have been being taught that the shock of capture was something to be maintained by whatever means until the TQ'ing process was over.

A. Yes.

Q. I think that's what you're saying, isn't it, at paragraph 39 of your statement?

"At Chicksands we were taught to maintain uncertainty and to keep people off guard. We were told
that shock of capture needed to be maintained because
people were more likely to speak if they were unfamiliar
with the procedures and their surroundings."

A. That is correct.

Q. That's putting in another way what you have already
agreed to, isn't it?

A. Yes.

THE CHAIRMAN: Is that a convenient moment to break or not?

MR ELIAS: Sir, it is, thank you.

We have a break at this time in the afternoon,
Captain, a ten-minute break. Please do not speak to
anybody about your evidence during the course of it and
we will start again promptly in ten minutes' time.
Thank you.

(3.26 pm)

(A short break)

(3.36 pm)

THE CHAIRMAN: Yes, Mr Elias.

MR ELIAS: Captain Bannister, I am going to move on, please,
to your role during Op Telic 2. You began this, didn't
you, when you returned to Iraq in 2003?

A. Yes.

Q. You say in your statement to the Inquiry that you were
a squadron sergeant major with Badger Squadron of
1 King's Regiment; is that right?

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A. I was in 2nd Royal Tank Regiment, but we were attached to 1 King's Battlegroup.

Q. Thank you. During that phase and, therefore, from June 2003 on, you tell us that you were a TQer for people detained by 1 King's and you were, from time to time, were you, also asked to undertake TQ'ing by 1 QLR?

A. That's correct. That was not my primary role, though.

Q. What was your primary role?

A. Squadron sergeant major. I had responsibility for the discipline and morale and the maintenance of ammunition, et cetera, within my squadron and my area of operations.

Q. So should we understand this, you would be called in to act, if you like, as a TQer, because you were trained --

A. Yes.

Q. -- from time to time --

A. Yes.

Q. -- as and when needed?

A. Yes.

Q. And TQers were a relatively scarce resource, we were told. Is that right?

A. I don't know is the honest answer to that, but I was used quite a lot.

Q. We are now in June 2003 in Iraq. At this time what was your understanding about the use of hoods on prisoners?

A. I believe they were still being used by British troops,
but at that time I didn't know whether there was
a policy on the use of hoods or not.
Q. Did you see them used on prisoners?
A. I can't really remember.
Q. It would seem, as a TQer, that you almost must have seen
them used if they were being used then.
A. Probably not because most operations that I went on
I took blackened-out goggles and made them use goggles.
Q. So, what, you provided goggles to the guard force, did
you?
A. Yes.
Q. Really? Each time?
A. Not to the guard force, to the arresting guys. I had an
arrest pack.
Q. You say -- perhaps we ought to have it on the screen,
please -- BMI05433 -- at paragraph 72 and on:
"Prior to and at 14th September ... [and remember
you started this job in June] my understanding of the
legality of conditioning techniques was as follows:
"Hooding -- I understood that this was permitted for
transporting prisoners through sensitive areas only."
A. That's what I thought.
Q. So that remained your belief, did it?
A. Yes, it did.
Q. It was never brought to your attention that there had
been any order issued banning hooding?

A. Not that I can remember.

Q. What is your position now? You can't remember whether you did see prisoners with hoods?

A. I can't with any certainty say that I saw prisoners with hoods.

Q. Forgive me, but "can't with any certainty" means what? You think you might have done?

A. I honestly can't remember whether I did or not.

Q. All right. At paragraph 74, as we can see, you say about stress positions at this time:

"I did not believe that stress positions were permitted ..."

A. That's correct.

Q. You go on to say:

"However, it was my understanding that prisoners could be placed in uncomfortable positions for brief periods, for example less than 20 minutes, as this had been demonstrated during the PHTQ course."

A. Correct, and that links back to the training I had before, that to control difficult prisoners you could place them into, say, for instance, a sitting or kneeling position.

Q. For periods of 20 minutes or less?

A. Correct.
Q. As a sort of conditioning?
A. Yes.
Q. But only prior to questioning?
A. Correct.
Q. When you carried out TQ'ing in Iraq during this period from June on, were prisoners brought, as it were, into you hooded or blindfolded?
A. Blindfolded. I don't remember them being hooded.
Q. Blindfolded with what?
A. With rag from -- because on the tanks -- I was a squadron sergeant major for -- you have a lot of rag on there because you get a lot of oil -- diesel, et cetera -- and the crews used to use the rag.
Q. Did you TQ for 1 QLR from time to time?
A. I might have TQ'd -- well, I definitely TQ'd once. I might have TQ'd twice, but I can't remember how many times.
Q. And when you TQ'd for 1 QLR, was that at Battlegroup Main?
A. No.
Q. Where was it?
A. It was a subsidiary of what was the police station. In 2003, when we initially did the raid into Basra, we took the police station and I was there for that part of the raid. I don't know what it's called now, but I do
understand at that time it was Battlegroup Main for
1 QLR. I was off on to a position some way off by --
about 150 metres from that position where I did my
TQ'ing.
Q. So are we talking about TQ'ing in that period from June
onwards or some period earlier time?
A. It was after the death of Baha Mousa.
Q. After the death of Baha Mousa?
A. Yes.
THE CHAIRMAN: Sorry, and it wasn't in Battlegroup Main
where they were based?
A. No. It was a subsidiary company that was part of 1 QLR,
but they weren't actually based in Main, which was
actually the former police station.
THE CHAIRMAN: All right. And it was at their company base?
A. Yes.
THE CHAIRMAN: Thank you.
MR ELIAS: Can we have on the screen paragraph 112? We find
it at BMI05442.
A. I've got that wrong as in I TQ'd at Battlegroup Main.
It wasn't at Battlegroup Main. I didn't TQ there.
Q. What you said in paragraph 112 is:
"I TQ'd at Battlegroup Main a few times during the
tour, but there is only one occasion that I can
specifically recall. I am not sure of the date but
I know that it was before Baha Mousa died."

A. Okay. Which Battlegroup Main is that referring to --
because I also TQ'd at 1 King's Battlegroup Main, which
is a different location.

Q. So in that paragraph you would seem to be indicating
that you TQ'd before the death of Baha Mousa. If we go
back to the previous paragraph, please, 111, you are
specifically referring to your experiences of TQ'ing for
1 QLR --

A. I think that part of the statement is incorrect -- not
so much in hindsight, but I definitely didn't TQ in
Battlegroup Main for the QLR.

Q. Do you know why that went into the statement?

A. I was probably getting the two battlegroups mixed up
between 1 King's and 1 QLR.

Q. I follow.

A. Can I also add to that another piece as well, that the
detention facility that I have seen a picture of is not
the place where I placed -- where I had detainees come
from, so the 1 QLR detention facility I never saw. It
was -- the place that I was using was a bombed-out
building which had barbed wire round it, no roofing and
one room with pitted floors, where it had been struck by
rockets.

Q. At all events, Captain, whenever and wherever you TQ'd
for 1 QLR, were prisoners presented to you hooded?

A. No, because on that strike operation we used blackened goggles that I brought.

THE CHAIRMAN: When you say "strike operation", that was the 1 QLR operation?

A. Yes, there were several strike operations happening the same night, hence the reason we used a different location, I would suggest, to the rest of the detainees that were taken in subsequent strike operations by other companies.

MR ELIAS: May I ask you just a little, please, about your practice as TQer in respect of briefing those who had to guard --

A. Yes.

Q. -- the individuals that you were to question.

A. Yes.

Q. Did you routinely brief the guard?

A. Yes, I did.

Q. Would you brief them about such things as conditioning?

A. No.

Q. Why not?

A. It wasn't part of the brief. It was just to tell them that if they had awkward or difficult prisoners, that they were to be placed in a sitting or kneeling position, and I also briefed them on how to manoeuvre
the prisoner once he had been -- the goggles had been
placed on, how to manoeuvre him safely through the areas
of security concern.

Q. So you would brief the guard, as a TQer, would you, that
if they had a difficult individual, they were entitled
to place him into these controlling positions --
A. Correct.

Q. -- for up to 20 minutes?
A. I actually said about 10 to 15 minutes.

Q. You also told them how they were to be transported from
point A to point B?
A. That's correct, to ensure that they didn't injure
themselves or injure the guards.

Q. Did you also tell them about deprivation of sight if
they were being brought from point A to point B through
sensitive areas?
A. I did tell them that they were to place the goggles on
them when they were removing them from one point to the
next because of security concerns.

Q. Did you always brief the guard if you were to be the
TQer?
A. As far as I can remember, sometimes I wasn't the primary
TQer and somebody else would have briefed them.

Q. But somebody would? One of the TQers would brief the
guard, would they?
A. As far as I can remember, yes.

Q. I think you tell us in this statement, don't you, that you would have TQ'd on this tour up to 60 times?

A. That's correct, but bearing in mind on one strike operation, for instance, you might take 23 detainees.

Q. I understand.

You also say at paragraph 92 of your statement -- it needn't be put up -- that in your briefing you also made it clear that they should be given food and water frequently.

A. That's correct. I also placed a placard that we'd made up or I'd made up around their neck, saying the date, time, group of -- they had been were captured, where they had been captured, when they were last fed and watered.

Q. What, as a sort of running record?

A. That's correct, yes.

Q. So each time they were fed and watered, that would be recorded, would it, on the placard?

A. No, water and food was placed down next to them and they could have the water and food whenever they liked, and it was recorded by the guard on the placard when they had taken it.

Q. You say in paragraph 92:

"I would also make it clear that they should be
treated firmly but fairly ..."

A. Correct.

Q. "... and not abused or beaten."

A. That is correct.

Q. Was that something that you felt obliged to tell each group of guards?

A. Yes.

Q. Why?

A. To make it very clear, because it would be counter-productive to carry out any of the former that you have just said.

Q. Did you ever see any detainees treated in that fashion; that is to say abused or beaten?

A. I make one reference to a strike operation with the QLR where I saw one soldier being thrown into the back of a Land Rover, to which point I then spoke to the soldier and then had a look at the detainee and realised there was actually nothing wrong with him. There was no marks, et cetera, on him.

Q. So no marks, but he had been, as you believed from what you had seen, manhandled in an inappropriate way?

A. Correct.

Q. Would that be a fair way of putting it?

A. Yes.

Q. Responsibility for the prisoners, for the detainees,
whilst they were in detention, whose responsibility were they as far as you, the TQer, were concerned?

A. They were my responsibility if I was the primary lead as the TQer.

Q. Were they your responsibility throughout their detention?

A. No.

Q. So what do you mean by they were your responsibility?

A. So when they come to me to be tactically questioned, they are my responsibility. At the point that the tactical questioning has been -- has finished and I have passed on any information that I think is relevant, they then become the responsibility of that battlegroup.

Q. Just a question or two about the tactical questioning itself. Was it appropriate to issue any threat to anyone you were questioning?

A. I think this relates into the harsh technique and I think I should explain it. It's used extremely rarely and you have to have the right type of -- a Pavlov type -- and you have probably already heard on this -- you have a primary and a secondary Pavlov type, and when you get an extrovert, both his primary and his secondary -- if you realise this whilst you are carrying out the initial interview, which lasts for about ten minutes or so, and there is -- and you believe
that there is some tactical information, you come back
and you use what is known as the "harsh technique", at
which point you would shout at them reasonably close to
them and it unsettles them.

Normally, nine times out of ten, they will give you
the information and the one time that I did this, we had
information that led to the arrest of a colonel that was
still active from the Iraqi Army and also a sniper that
had shot British Army soldiers both during the war and,
subsequent to that, during the peace-keeping phase on
Op Telic 2.

Q. So you can tell us that the use of the harsh technique
produces results?
A. It does, but it's done in a controlled manner and it is
very, very rare.

Q. I understand and I don't want to go into any more detail
than we have gone into on that. But my question really
was to ask whether specifically, as you understood it
from your training in TQ'ing, it was appropriate to
issue threats from time to time to the person being
questioned?

A. Correct.

Q. It would be?

A. Yes, but only -- could I just elaborate on that? It
happens extremely -- I have done it once in 60 TQs --
extremely rarely and it's done on consultation. So you come out, you speak to the other TQer and then go back in again if you think it would produce results.

Q. So you decide it between you, but then you would issue a threat?

A. Correct.

Q. Which might be along the lines of, "You won't see your family again" or something --

A. No, nothing like that at all. It's not so much a threat. You just shout obscenities and nonsense at them for about two minutes or so. You don't actually issue threats.

Q. In order to shout obscenities and nonsense, you would have to get that cleared by your fellow TQer?

A. Not so much cleared -- just that you are both using the right process to produce the results to get the information that will lead to an arrest.

Q. Are you quite certain, Captain, that you didn't see hooding in inappropriate circumstances, either when you were TQ'ing or on other occasions in Iraq?

A. Not when I was TQ'ing. I cannot genuinely remember whether I saw hooding going on.

Q. If you had seen it, do I understand your evidence correctly that you wouldn't anyway have regarded it as being improper?
A. No, I wouldn't.

Q. The positions that you speak of as "controlling positions", is it the case that you did, from time to time, see them used in conjunction with questioning such that they were really conditioning techniques for questioning, a softening-up process?

A. Yes, conditioning but not stress.

Q. Could I just ask you about a paragraph from the statement given to this Inquiry by a witness by the name of Graham Jones?

A. Yes.

Q. Can we have a look, please --

A. Can you bring it on the screen?

Q. Yes, I will. It is paragraph 61 his statement, please, at BMI05355. It is referring to going to a detention facility at BG Main. Do you see?

A. Which paragraph, 10 or 11?

Q. 11, if we can go to that please:

"... saw that there were probably about seven or eight detainees kneeling on the floor with sandbags over their heads and hands plasticuffed behind their backs. I don't know who they were or what they had done. I was spoken to by a soldier who I think was from the Regimental Police ... and a soldier from the intelligence cell, although I did not know who they were
or what their names were. The RP guy was a stocky, fair-haired guy, about 5 foot 9, and I would estimate that he was in his late 30s or early 40s. The intelligence soldier was shorter and slimmer, and had dark hair. He was an officer and although I do not know his rank, I would assume he was a captain. I do not think I would be able to recognise him now. The other guards in the detention facility were a handful of random privates who I didn't know and still do not know.

"The intelligence soldier and the man from the RP told us that the detainees were going to be questioned individually and that someone would come and collect each detainee in turn. They told us that we should be silent at all times so that the detainees could not hear how many of us were there or where we were in the room. They also told us that prior to being questioned they wanted the detainees to be 'roughed up' or 'loosened up' so that they were ready for questioning."

Was that instruction of that kind, that detainees were to be "roughed up" or "loosened up", ever given by you --

A. No, it wasn't.

Q. -- in respect of any detainees or any prisoners?

A. No.

Q. Would you understand what such an instruction meant?
A. Yes, and it would be counter-productive to TQ'ing.

Q. So you wouldn't have adopted, would you, such a tactic?

A. No.

Q. Would you have a look with me, please, at MOD005231? It seems to be addressed to you, if one looks at the handwriting in the right-hand column.

A. That's correct.

Q. Under the message:

"Please find attached a list of questions that we would like answered in a written format. Could you please fax this back ..." and so on.

If we go over the page, please, we see the questions on tactical questioning that were sent to you, in fact on 24 May 2005, as the previous page indicated. Do you recall whether you responded to this?

A. Yes, I did. I spoke to Army Legal Service in Germany and then I spoke to -- you will probably come on to it in a minute -- WO1 back in the UK. I said to him that I wasn't going to write a response to this unless I had a legal representation of some sort, to which he then replied, "Okay, we can do an interview over the telephone", to which I then said to him again, "I am perfectly willing to give a witness statement, but not without legal representation of some sort", at which point the WO1 got extremely angry at me, swore at me
down the telephone and slammed the telephone down.

Q. So does it follow that you didn't answer these questions?
A. I didn't answer the questions because --

Q. It is not a criticism of you. You have given the explanation and I certainly don't want to take it any further, but I just want to establish the fact. You did not answer these questions, did you --
A. No.

Q. -- in any shape or form?
A. No.

Q. You see the 14th question there, could you answer if for me now?
A. No, I don't know Staff Sergeant Davies or Smulski. I have never heard of them.

Q. You don't recall working with them as TQers at any time, do you?
A. No, I don't.

MR ELIAS: Thank you very much.

THE CHAIRMAN: Yes, you will be asked some questions by other counsel, Captain.

    Yes, Ms Hetherington.

MS HETHERINGTON:

    Questions by MS HETHERINGTON

MS HETHERINGTON: Thank you, Sir.
Captain Bannister, can you recall that there was
another TQer from the Royal Tank Regiment based at
King's, called Joshua King?

A. Correct. He wasn't based with at 1 King's, he was part
of, and he was based in two separate locations over the
period of the tour. One was in our half, the power
station, which was 25 to 35 kilometres north of Basra,
where I was, and also for part of his tour he was also
located in a place called Hacienda, which is another 30
kilometres on again from that place, north.

Q. Can you recall whether he was on the same TQ course as
you?

A. I cannot recall whether he was on the same course.
However I do know that he did complete the course.

Q. When you were taught during that course about the
uncomfortable controlling positions that you have talked
about, was that as part of a general lesson or was that
in a role-play session involving a smaller group?

A. I can't remember.

Q. In terms of the process of physically checking
prisoners, you have accepted, I think, that guards would
go in and wake them up to check them of every 10 to
15 minutes; is that right?

A. I don't think that was the idea. We didn't say wake
them up, did we? We said that they should go in and
check that they were physically okay.

Q. Would that entail waking them up?
A. No.

Q. Just go and look at them?
A. Yes.

Q. So if that was the case, why was it noted by you that tiredness is a secondary effect of that process?
A. Because I have been through the process on my course and I knew that it was.

Q. Well, why, if they weren't being woken up --
A. Sorry, not on that course, on the conduct after capture course I carried out abroad.

Q. Were you woken every 10 to 15 minutes on that course?
A. Yes.

Q. But why, in the context of the PHTQ course, did you note that tiredness was a secondary effect of the physical checks?
A. It was just -- you know, if you had a difficult prisoner that was difficult to control, ie he was always trying to fight the guards and so therefore you sat him down and every ten minutes come back in again to stand him back up again, then I knew that that would have a degrading effect on that person.

Q. Can we look at paragraph 124 of your statement? There you say in the first sentence:
"Once I had finished the questioning phase I briefed
the guards that they could leave the detainees to
sleep."

Does that imply that they would no longer have these
physical checks done every 10 to 15 minutes?

A. No, they still would have the checks done to make sure
they were okay.

Q. You have mentioned that you were taught different
personality types and different techniques to deal with
them and you say in your statement that one of the
techniques to deal with a extrovert was to leave them
alone in their cell for a long period of time. How long
are we talking about there?

A. Where have I said that?

Q. It is paragraph 40 of your statement, page BMI05426.

A. Can I just have a look? A long period of time when
you -- it could be anything from 20 minutes up to
two hours, I suppose.

Q. I see. And that was taught as a means of conditioning
the prisoner and softening them up, leaving them in
essentially solitary confinement for a few hours?

A. Not softening them up. It's part of the conditioning
process.

Q. What is the conditioning process if it is not designed
to soften them up?
A. What do you mean by "soften"?

THE CHAIRMAN: It is not terribly difficult, is it, Captain?

If I said, "I would like to soften you up before questioning you before you came in here", what would you understand by that?

A. You were probably going to ask me a set of questions before I came in.

THE CHAIRMAN: You try, Ms Hetherington.

MS HETHERINGTON: Perhaps you could explain in your own words what you believed "conditioning" was.

A. "Conditioning" is a process where you formally -- it is difficult to explain. "Softening" to me would mean that you take them into a room and beat them up. "Softening" to you may mean something completely different.

THE CHAIRMAN: That, I accept, might be a definition of "softening up". Now you try "conditioning", which was the question you were just asked. What do you mean by that?

A. Well, "conditioning" is a process of getting the person to respond to your questions.

MS HETHERINGTON: So going back to my original question, if I remove the "softening up" from the question, you were taught that it was acceptable to leave someone in solitary confinement for two hours in order to get them to answer questions?
A. Yes, we were.

Q. You say in your statement that on your course the Geneva Conventions were covered briefly, but nothing really beyond what was in your normal annual training. Is that right?

A. That's correct.

Q. Were you given any assurance that the techniques that you had been taught were compliant with the Geneva Conventions?

A. Not on the course, no.

Q. Did you understand that they were?

A. I just presumed that they were because it was part of the course.

Q. At any point in your training had you been taught about the Geneva Conventions having a bar on the physical coercion of prisoners, ie applying any sort of physical pressure on them to get them to answer questions?

A. Not on the course, no.

Q. And you had not been taught anything about a bar on the moral coercion of prisoners?

A. The what ...? Sorry.

Q. Moral coercion, applying any mental pressure on them?

A. Not on the course.

Q. Other than on the course?

A. Not that I can remember.
Q. You said that your course took place shortly before the
invasion of Iraq and that you were put on the course
because you were going to Iraq. Was there any
discussion during the course about the type of people
you might be questioning on your tour?

A. Which tour? I know -- I know it's difficult. I am not
trying to be difficult. Are you talking about the war
or are you talking about Op Telic 2?

Q. I am talking about any discussions on your course.

A. Yes, they did say that the likelihood is there will be
a lot of army prisoners of war or military prisoners of
war.

Q. Was there any discussion about, for example, what they
might have experienced under Saddam or what techniques
they might have used on British soldiers during the
First Gulf War?

A. Not that I can remember.

Q. You said in your statement that you would tell the
guards to deprive prisoners of sight for movement
between the holding area and the TQ area, but you're not
sure whether you would have expressly briefed them to
remove those means of sight deprivation in the holding
area; is that right?

A. I'm not sure that's correct but I am reasonably certain
that whilst they were in the holding area the goggles
Q. When you say you were "reasonably certain", you say that you would brief the guards at the holding area and would go back to check on the conditions --

A. It is over, but it was over seven years ago and a lot has happened between now and then.

Q. Is it possible that on occasions you did see prisoners deprived of their sight in the holding area?

A. No I didn't say that. I don't know is the honest truth.

Q. If you had seen that, what would you have done?

A. I would have probably told the guards to remove the goggles.

Q. You would probably have told them to?

A. I would probably have done, yes.

Q. Why is there any doubt about that?

A. Because it was seven years ago and -- I honestly can't remember.

Q. There's no doubt that because actually you knew that keeping them hooded in the holding area would actually be beneficial to your tactical questioning and so you were happy for it to carry on?

A. No.

Q. When you were TQ'ing, did you wear any indication of your rank?

A. During the TQ'ing process, no, but prior to that, when
I was briefing the guards, yes.

Q. I see. I hope you don't mind me asking, what height are you?

A. I am 5 foot 9.

Q. And your build on tour was roughly as it is now or different?

A. Probably a little bit slimmer, to be honest. It was seven years ago. In fact a lot slimmer.

Q. We have seen in your witness statement -- you were taken to the paragraph by Mr Elias -- that you said there that you had TQ'd at BG Main a few times and that the time that you describe in your statement was before the death of Baha Mousa.

A. No, in hindsight -- or not so much in hindsight -- I think since I have given that statement that actually it was after the death of Baha Mousa.

Q. You think (A) it was after the death of Baha Mousa --

A. It wasn't in BG Main. I saw a picture of the area this morning -- not so much an area, a map -- and it definitely wasn't Battlegroup Main. It was off to one side.

Q. It is not the case, having been shown the evidence of Private Jones that we have seen today, that you are now trying to distance yourself from both the location and the point in the tour in order to avoid being fixed with
the account of having instructed --

A. No, it's not. Firstly, I wasn't an RP, as in a
regimental policeman. I was a sergeant major and he
would have identified me as a sergeant major definitely.
As for the officer piece, he would have referred to me
as a sergeant major in the information, if that was so.

Q. I understand.

   Just the final topic. You give this account in your
statement which you touched upon about seeing a QLR
guard throw a prisoner into a Land Rover.

A. It wasn't a guard, it was a soldier, and that was at the
strike -- point of the strike operation.

Q. I apologise. A soldier -- and then lift his head and
hit it on the floor of the vehicle.

A. Correct.

Q. You didn't report that to anyone, did you?

A. No. As I have previously said, the role of the sergeant
major is discipline and morale and if I thought there
was -- what happens if you see an infraction or
a problem, the sergeant major will go across to the
soldier and speak to him. If he feels there is
a further problem, then he will report it up the chain
of command. In my personal opinion and my experience at
that point, there wasn't an issue. The soldier did as
he was told. There were no marks, visible marks,
et cetera, and the detainee was in a good physical
condition. So, therefore, I determined that matters
should not be taken further.

Q. Is it really relevant whether or not there are marks or
whether he was in a physical condition, given that you
have seen a gratuitous act of violence against the
prisoner?

THE CHAIRMAN: I don't know if that will help me very much.
That is for me.

MS HETHERINGTON: In that case, no further questions.

THE CHAIRMAN: Mr Evans?

Questions by MR EVANS

MR EVANS: Yes, thank you, Sir.

I want to ask you a little bit about your training,
please, Mr Bannister.

A. Yes.

Q. On the PHTQ course you were taught about the Geneva
Convention and is it fair to say this, that the
overarching message that you received as a result of
your training was that prisoners should be treated
humanely and as you would want to be treated yourself?

A. Correct.

Q. In terms of conditioning taught on the PH and TQ course,
you have told us already that you were taught that
people should be kept off their guard and that would
make them more likely to talk as part of a conditioning process; is that fair?

A. Yes.

Q. All right. You were also taught, weren't you -- do you remember this -- that it was legitimate to attempt to preserve the shock of capture through firm but fair treatment of prisoners in the handling chain.

A. That's correct.

Q. And indeed you briefed the guard to that effect, didn't you?

A. Yes.

Q. Do you recall also, on the course, advice to the effect that prisoners shouldn't be offered comforts and should be treated without emotion?

A. That's correct.

Q. And, similarly, advice to the effect that the prisoners should feel, as a result of the conditioning process, that he is being managed by a bureaucratic emotionless organisation. Does that ring a bell?

A. That's correct.

Q. Does this also ring a bell with you? On the course you were also taught that the aim of conditioning was to exploit, if I can put it that way, self-induced pressures within the prisoner himself and external system-induced pressures?
A. That's correct.

Q. Turning to CAC training, if I may. You were briefed before the course, you told us, that the techniques going to be used on you were techniques that would be used by a country that was not Geneva-Convention-compliant.

A. That's correct.

Q. You were clear in your own mind, is this fair, from this brief, that what you were to experience on the CAC course was not something that you should, as a TQer, used on prisoners taken by British troops?

A. That's correct.

Q. I just want to investigate the controlling positions for a moment with you, if I may. You were taught on the PHTQ course, as I understand it, that you could place difficult or violent prisoners into controlling positions such as kneeling or sitting on the floor in order to control them --

A. Yes.

Q. -- but that those positions should not last very long, under 20 minutes, and that they should not become painful.

A. That's correct.

Q. Is this right? You were taught that the primary purpose of that -- of putting prisoners into those positions --
was to control them and not to soften them up for questioning?

A. That's correct.

Q. Is it the case, however, that you yourself realised that an incidental effect of putting prisoners into those positions might be to make them easier to question later?

A. That's correct, and I think everyone on the course would have taken that away as well.

Q. So control positions as you have described them -- or controlling positions -- were normal handling techniques, as you understood them?

A. Yes, they are.

Q. Just finally this on segregation: is this fair, that the PH and TQ course which you attended taught that prisoners should be segregated, separated, in order to stop them communicating with one another to concoct stories?

A. That's correct, sir. Do you want me to elaborate on that one?

Q. No, unless you want to. I just wanted a confirmation that that's what you were taught; is that right?

A. That's correct, yes.

MR EVANS: Thank you very much. Thank you, Sir.

THE CHAIRMAN: Yes.
Mr Ashley?

Questions by MR ASHLEY

MR ASHLEY: Mr Bannister, I think it's right that you were
the squadron sergeant major for 1 King's; is that right?
A. No, for Badger Squadron of -- I know it is difficult for
people to make the distinction. We were attached to
1 King's Battlegroup and I was the squadron sergeant
major for a squadron of blokes of about 122 men plus
their tanks.
Q. So far as the times that you did tactical questioning
for 1 King's, were you effectively working with people
who you knew well and worked with?
A. In the main, no.
Q. So, so far as training that you gave, you speak about in
your statement that I think you decided to give some
informal training on your own initiative. Presumably
that was to people you had access to that you worked
with.
A. Both within my squadron -- and then the briefing I would
give my guards if I went to a different sub-unit or unit
to work.
Q. So if you were sent off on an operation and you were
sent off, let's say, before the operation commenced and
you had time to talk to the personnel that were going to
carry out the guarding role, you would then give some
instruction; is that right?

A. That's correct.

Q. Were you ever on operations where you were, for want of a better word, parachuted in at a point where the operation had already commenced, arrests already made?

A. On several occasions, but I cannot remember exactly when.

Q. All right. But on those occasions you would presumably not have the opportunity to, on your own initiative, brief the guard, if I can put it that way?

A. No, but I would then -- once I knew which detainees I would be questioning, I would then brief those guards.

Q. In your statement you said that in Iraq you didn't give any training on prisoner-handling, save, I think, to the personnel doing a little bit of the guarding.

A. That's correct.

Q. What instructions were you able to give them?

A. Um, on the movement of the detainees from one place to the other and the controlling positions to be used on difficult detainees.

Q. Just so we can be clear: of the instructions you gave, the movement from point A to point B, that was taught to you on the course; is that correct?

A. That's correct.

Q. So far as the controlling positions -- some people call
them stress positions, you say they are controlling position -- you say that was also taught on the PHTQ course?

A. Yes, it was, but we were talking about sitting and kneeling; we are not talking about arms stretched out in front of you with your back against a wall, et cetera.

Q. So far as, again, the instruction that is given, would you tailor your instruction depending on the experience of the men you are talking to? For instance, if you know because, let's say, you have done a lot of operations with them, that they have been there and done that and seen it, would you still give them the same amount of instruction or would you tailor your instruction?

A. No, it would probably be still the same amount of instruction.

Q. So no tailoring whatsoever?

A. Not that I can remember.

Q. So far as responsibility for the prisoners and their handling is concerned, can I summarise the position so far as the TQer is concerned, that he is busy carrying out the tactical questioning, so he is not spending long periods of time in the detention facility; is that fair?

A. No, he would go to the area where they have been detained for a very short period of time just to, one,
make sure that things are still running smoothly and,
two, to select the next guy to be questioned.

Q. So on each occasion your practice was to go and select
the next one or was it to send a message?
A. Yes, or your number 2 would go.

Q. So it could be one or the other?
A. Correct.

Q. So far as the TQer's responsibility is concerned,
I think you made it clear that you were responsible for
the detainees whilst they were in your presence, for
instance while you were tactically questioning them; is
that correct?
A. That's correct.

Q. And in the time before they arrive and in the time after
they leave the tactical questioning room, what was the
position then?
A. I believe they still come under my remit if I was the
lead TQer.

Q. So far as the ending, then, of your responsibility, when
do you say that was?
A. When I handed over the paperwork of the initial
interview to the sub-unit or unit concerned.

MR ASHLEY: Thank you very much.

THE CHAIRMAN: Thank you.

Ms Dobbin?
Questions by MS DOBBIN

MS DOBBIN: Just this, Captain Bannister: is it right that you were only able to finalise your witness statement over the telephone for reasons that the Inquiry are aware of?

A. That's correct.

Q. And would it also be fair to say -- and, again, please don't say any reason why -- that you would have been under fairly significant pressures at that time?

A. Yes.

MS DOBBIN: Thank you. That is all, Sir.

Further questions by MR ELIAS

MR ELIAS: Just two matters if I may, Captain.

The first is this: does it follow from your answers to Mr Ashley -- the gentleman behind me -- a moment or two ago that when you were TQ'ing, either you or your TQ'ing colleague would visit the prisoners in order to select the next one for questioning?

A. That's correct.

Q. And that, therefore, you or your colleague would know the condition of the detainees and the conditions in which they were being held?

A. Yes.

THE CHAIRMAN: May I just ask: one of the things I think you said is that you felt yourself responsible at that time
for the prisoners; is that right?

A. That's correct.

MR ELIAS: The second quite unconnected matter is simply
this: you have been asked, now, quite a lot of questions
by me and others about the training that you had as
a TQer. You answered Mr Evans in some quite detailed
questions very recently. I think what we haven't asked
you or indeed any other TQer as of yet is how one became
a TQer. Did you simply volunteer to take the course?
Were you chosen for it? What happened?

A. I was part of a reconnaissance troop for the 2nd Royal
Tank Regiment during the invasion and therefore I would
be at the spearhead of the battlegroup. So the
likelihood of me picking up -- coming to the point of
prisoners of war is more likely than most other people
within the battlegroup within that area and therefore
I was then selected to go on to the course. It may be
of relevance to me to tactically question any prisoners
of war that I come across.

Q. Putting it straightforwardly, because you were likely to
be an early and frequent point of contact with the
prisoners, it was thought wise that you should be
trained as a tactical questioner?

A. Yes.

MR ELIAS: Thank you very much.
Questions by THE CHAIRMAN

THE CHAIRMAN: Captain, I am sorry to return to this, but I want to know precisely what your evidence is. When you first arrived at the place where the prisoners were for the purposes of carrying out a TQ'ing exercise, guards would be there, presumably?

A. Sorry, are we talking about the course or actually tactical questioning, Sir?

THE CHAIRMAN: I am talking about you, the tactical questioner. You arrive at a place where you are going to carry out some tactical questioning --

A. Yes.

THE CHAIRMAN: -- the guards would presumably already be there?

A. It is dependent on whether -- if you are going to go out on a strike operation then you would brief on the guards before you go and if you went on that strike operation. However, if I was then, as you say parachuted into a situation where they have already arrested them then the guards more than likely would be already be at the detention where they were detained --

THE CHAIRMAN: It's that position that I want to ask you about, when the guards are at the place where you are going to carry out TQ'ing and you arrive at that place. All right?
THE CHAIRMAN: You brief the guards then, do you?
A. Yes.

THE CHAIRMAN: Do you say to them, "if there's a problem, put them in the controlling position"? Is that a word you would use?
A. Yes.

THE CHAIRMAN: Actually say "the controlling position"?
A. No, I would show them either the sitting or kneeling position.

THE CHAIRMAN: And you would say "That is the controlling position" or not?
A. Yes.

THE CHAIRMAN: Would you ever say to them, "Now I want you to start conditioning"?
A. No.

THE CHAIRMAN: Not at all?
A. No. I don't think private soldiers, lance corporals and corporals would understand the full implication or the full meaning of conditioning.

THE CHAIRMAN: If I may say so, you may very well be right about that. But when you talk about conditioning, as I understand it it is some form of process of getting a person to respond to your subsequent questions; is that right?
THE CHAIRMAN: So by "process" it means something that you are going to do or have done to the prisoners.

A. That's correct.

THE CHAIRMAN: What is it that you are expecting to be done to the prisoners in order that they respond to your questions?

A. Well, for instance, when they are moving between point A and point B for security reasons you also know that when they are being moved by a person -- or, I'm wrong, by two people -- then they know that they have to -- they have to respond in a positive manner for them to be moved safely.

THE CHAIRMAN: Does that have any real effect on them responding to questions?

A. It does, because they then know that you are in control, or the procedures that are going on around them are in control.

THE CHAIRMAN: All right. That's moving them from one place.

What else while they are actually in the holding area?

A. Well, there isn't anything really other than that to be honest.

THE CHAIRMAN: Just that?
A. Yes.

THE CHAIRMAN: All right.

A. They will be segregated as already alluded to and that's part of the conditioning process as well.

THE CHAIRMAN: They should be segregated one from the other?

A. That's correct, yes.

THE CHAIRMAN: How do you do that, if you only have one area?

A. If you have one area, for instance, you would move them so they were facing a wall away from each other.

THE CHAIRMAN: I see. All right, thank you.

Thank you very much. You are now free to go.

That's all the questions that the Inquiry has for you.

I am very grateful to you for coming here to give your evidence.

A. Thank you, Sir.

THE CHAIRMAN: Now we have one other piece of business to deal with now.

MR ELIAS: Two witnesses whose statements are to be read, Sir.

THE CHAIRMAN: Yes.

MR ELIAS: Thank you.

Summary of witness statement of JAMES FULFORD-TALBOT

MR HALLIDAY: The first is James Fulford-Talbot who was an army major at the time of Op Telic 1. He was posted to
1 (UK) Division where he initially held the post of
Staff Officer Grade 3 Organisation and Deployment, which
is part of the G3 branch.

During the course of the tour, he thinks in about
mid-March 2003, he became Staff Officer Grade 2,
Operations Coordination which is also a G3 role. His
name appears at the bottom of FRAGO 163 next to the word
"auth". He says that this means he authenticated the
FRAGO as coming from the headquarters of
1 (UK) Division, although other witnesses have said that
'auth' it is in fact an abbreviation for authorise and
not authenticate.

In any event he says he may have been involved in
the drafting of FRAGO 163 but cannot recall whether that
was in fact the case.

He does not recall FRAGO 152. He does not remember
being aware of any ban on hooding during the tour. He
says that arrangements for the handover to
3 (UK) Division at the end of the tour were headed up by
the Organisation and Deployment team. The only officers
he can recall from this team are Major Maciejewski, who
will be giving evidence to the Inquiry next week, and
Captain Mark Hewitt. He does not remember the
arrangements made for the handing over of fragmentary
orders to his own successor.
I, JAMES LEWIS FULFORD TALBOT, will say as follows:-

1. I make this statement in response to the Inquiry's Rule 9 Request dated 22 May 2009. I have read this Request, and I seek here to cover everything that it raises to the best of my ability and recollection.

I have also been shown and read copies of the following documents:

(a) FRAGO 70: Internment and detention procedures [MOD017101] (FRAGO 70).

(b) FRAGO 163: Internment and detention procedures [MOD016174] (FRAGO 163).

(c) FRAGO 152: 1 (UK) ARMD Div Daily Miscellaneous FRAGO [MOD019145] (FRAGO 152).

2. My name appears on FRAGO 163 only.

ARMY CAREER


4. From Sandhurst I was commissioned in the 1st Battalion of the Royal Regiment of Fusiliers (1RRF) as a Second Lieutenant. I served as a Platoon Commander
with that Battalion in Catterick, Warminster, Bosnia and Gibraltar.

5. I attended the Platoon Commanders Battle Course in mid to late 1994.


7. In 1998 I went on the Junior Command and Staff course in the UK before taking up the post of Adjutant with the 2nd Battalion of the Royal Regiment of Fusiliers (2RRF) in April 1999. I served as Adjutant in Germany and Kosovo.

8. I left that post in 2001 and was posted to Headquarters (HQ) 1 (UK) Armoured Division (1 (UK) Armd Div) as Staff Officer Grade 3 (SO3), Organisation and Deployment. I was responsible for the operational manning of the Division, non-routine equipment allocation and movement of the headquarters staff and Divisional units. I served in Germany, Oman and Iraq in this capacity. The Iraq tour was from mid February 2003 until approximately 4 June 2003.

9. Whilst in Iraq I became Staff Officer Grade 2 (SO2), Operations Co-ordination. I think that it was around mid-March 2003.
10. On return to Iraq I was placed with 2RRF as a Company Commander in Belfast. I stayed in that role until September 2004.

11. Over the period 2004 to 2006, I was posted to undertake the Advanced Command and Staff Course at the Defence Academy in Shrivenham. In 2006 I was posted to the Ministry of Defence (MOD) as SO2 Soldier Systems in the Equipment Capability Area.

12. In November 2008, I left the army and became a civilian. After a period travelling, I started work at the end of May 2009 for the Thales Group. I am now a project manager in the Thales Group's Australian defence division.

TRAINING ON PRISONER HANDLING

The Law of Armed Conflict

13. Every year in the army it was mandatory to watch a standard video and attend a lecture on the Law of Armed Conflict as part of the annual training directives. The video provided guidance on soldiers' duties under the Geneva Convention, which included prisoner handling.

14. In general I attended these sessions, but at times - especially during the later part of my career - I judged that my priorities lay elsewhere, for example in managing the staff pressures associated with
deployment to Iraq. At the lower ranks, attendance at this training is more closely scrutinised and there is a signature sheet to be completed at the end of the session. However, once you reach the rank of Major there is no monitoring by signature sheet, as you are expected to be able to manage your own workload and training commitments. It is my view that this self-management includes making an assessment of whether my workload allows for attendance at these sessions in a particular year, especially given that I already have many years of experience of this training.

15. I remember the Law of Armed Conflict video being quite old fashioned: the same thing had been shown for years. The video explains what a soldier can and cannot do in terms of compliance with the Geneva Convention. I cannot recall whether or not the Geneva Convention is specifically referred to but it is made clear that the principles of the video are underpinned by international law.

16. The scenarios shown in the video all relate to general war. I remember that one section of the video teaches the difference between a ruse of war and deception. A ruse of war is pretending to do something to achieve an effect, for example to trick the enemy into thinking you are going one direction when in fact
you are going in the opposite direction. Deception is using a white flag or other protected symbol (such as the Red Cross flag) without a legitimate basis for doing so, which is illegal and means that the enemy loses the protection of the symbol. For example, if enemy troops come forward waving a white flag but later begin to fire, British troops are allowed to return fire because the enemy are no longer protected by the symbol of the white flag. This example is given in the video.

17. There are also examples of incorrect behaviour like attempting to molest a woman, stealing from civilians, or altering your weapons, for example changing your bullets so that they fragment and cause more trauma. I remember that there is a scene in the video where a soldier tries to molest a woman and his commander makes him stop and also checks that the woman is okay. There is also a scene where a soldier tries to stop a medic treating an enemy combatant and to get him to treat his friend instead; the medic explains that enemy troops are entitled to treatment, just the same as British troops.

18. The video was shown to a group of us at a time. An officer would come in and give an introduction explaining what the video was about, play the video, and then sum up the relevant points at the end. In the
sessions that I attended, the introduction and summing up for the officer leading the session were all read out from a prepared script that came with the video. I have not been involved in any free discussion and I am not sure whether the lesson plan includes such discussion. I cannot recall any specific details of the introduction and summing up except that they reinforced the points made in the video.

19. I do not recall having been given an aide memoire on the Law of Armed Conflict at any stage.

Training prior to deployment to Northern Ireland

20. Prior to deployment to Northern Ireland in 1996 and 2003, I attended training run by the Northern Ireland Training and Advice and Team (NITAT), based in Hythe and Lydd.

21. On each occasion we were taught the procedures for carrying out an arrest and how to conduct a search of a member of the public. I think that this training was led by a senior Non-Commissioned Officer (NCO) or officer from NITAT. As the Royal Ulster Constabulary (RUC) would normally be on hand during any arrest, the training was focused towards handing suspects over to the police as quickly as possible.

22. On each occasion we were also taught how to apply plasticuffs. I think that the NITAT officer/NCO
demonstrated this for us in a training session. We were taught that you normally pin the person's hands behind their back, keeping their thumbs together. The aim was to ensure that the cuffs were tight enough to stop them wriggling free but loose enough to allow proper blood circulation.

23. In the pre-deployment training prior to my first tour of Northern Ireland in 1996, a junior NCO Physical Training Instructor (PTI) demonstrated arrest and restraint procedures. I do not remember this being covered during the 2003 pre-deployment training.

24. The only restraint that I remember from the 1996 session is being taught how to put your thumb on someone's wrist and then, by pulling the wrist joint back, to cause discomfort. This is known as a "goose neck" and the immediate shock effect of the pain is used to deter an aggressor from an aggressive stance.

Bosnia

25. Prior to deployment to Bosnia in 1996 we were taught how to behave if we were taken hostage by one of the warring factions and the UK Special Forces tried to stage a rescue operation. At the time there had been a number of British Forces hostages taken in Gorazde, which is where the Battalion was due to be deployed. This training took place in Catterick and was led by an
officer; I cannot recall his name or the organisation that he was from.

26. The aim of the training was to try to minimise the risk of soldiers being killed or injured during the ensuing chaos, for example by teaching us that we should not move. The training did not touch upon hooding, blindfolds, blacked out goggles, deprivation of food, water or sleep, subjecting prisoners to noise, abuse of prisoners, stress positions, plasticuffs, conditioning or shock of capture.

Hooding

27. At some point during the training that I received in my early years of service I took part in exercises in the field on how to handle prisoners of war. By the early years of service, I mean whilst I was in the TA or at Sandhurst or when I first started as a Platoon Commander. I recall that I was based in the UK at the relevant time but I cannot remember now who led these exercises or any other details about the circumstances in which they took place. During the exercises, I remember being told that we could use a sandbag over an enemy combatant's head as a way of limiting their senses, so that they would be easier to handle. I cannot remember whether we were told that we should do this when capturing prisoners or whether it
28. As far as I remember, it was only ever suggested that one sandbag be used. If the prisoner was wearing a woolly hat or headover, (a tube of wool worn around the neck to keep it warm) then alternatively these could be used, by pulling them over the eyes.

I do not remember ever having received any training on the use of blindfolds and I am certain that the use of goggles was never mentioned.

29. I do not recall ever being told anything about the risk to breathing by covering the face during my training and this risk was not mentioned in connection with the training on the use of sandbags as part of the prisoner handling exercises during my early years of service.

30. I cannot remember whether the use of sandbags was just discussed during the prisoner handling exercises or whether there was also a demonstration. I cannot recall ever using sandbags as hoods myself during training exercises.

31. I have never hooded a real life prisoner using a sandbag or anything else as I have not been involved in capturing or detaining prisoners during my time in the army. The only contact I have had with prisoners in
a real life context is mentioned in this statement at paragraphs 115 to 125 below. I have never seen sandbags being used during operations.

32. The training that I have received in the army has focused on handling prisoners in a traditional general war scenario in order to get them off the battlefield and allow our own forces to continue with combat operations.

Plasticuffs/tying of hands

33. The use of plasticuffs was covered in the pre-deployment training for my Northern Ireland tour, as mentioned at paragraphs 20 to 24 above.

34. I also recall that during my early years in the army - as part of the field exercises mentioned at paragraph 27 above - I was taught that you could tie a prisoner's hands behind their back using a rifle sling, which is a piece of fabric. We were also taught how to pull the prisoner's combat jacket down in a manner that could be used to restrain them. I cannot remember now who taught me these techniques, or any other details of the circumstances in which this training took place. I do not recall ever being told whether hands should be tied to the back or to the front but in the exercises we always tied a prisoner's hands to the back.
35. I do not remember ever being told that one particular method of tying a prisoner should be used over another.

Stress positions

36. I know what stress positions are but I do not remember ever having been taught about them during my time in the army. On that basis I assume that I must have learnt about them from informal conversations with military colleagues, but I have no actual memory of any such conversations. A stress position is putting someone in an uncomfortable position, for example so that their legs go numb. This means that they will find it more difficult to escape.

37. I have never been taught about or trained in the use of stress positions. When we captured prisoners during exercises we would ask them to kneel as a way of trying to stop them escaping. However, they would not be asked to kneel in any particular position.

Noise

38. I have never received any training on subjecting prisoners to noise. All the training that I received during my time in the army was related to general war situations. We were being taught how to stop the prisoners escaping while you strengthen your position as opposed to skills needed for long term
detention at an army base.

Deprivation of food, water or sleep

39. I remember being told at some point during my training, possibly as part of the Law of Armed Conflict session, that enemy troops must be fed, watered and allowed to keep personal protective equipment.

40. Sleep deprivation or the circumstances in which prisoners are allowed to sleep was not covered in training.

Use of force

41. I am very clear that you must only use force against prisoners where necessary and that only minimum force should be used to restrain a prisoner. However, I cannot remember ever receiving specific training on this.

Shock of capture

42. I understand the term "shock of capture" to refer to the period immediately after capture, when you have not had sufficient time to collect your thoughts. I have heard it used as a slang term. For example when you start a new job and there are lots of things going on, someone might say as a joke: "you look like you have shock of capture". I have never been taught about this as part of my army training and, more specifically, I have never been taught how to exploit this. I am not
sure how I first became aware of this term; it may be
from general slang use as already mentioned.

Conditioning

43. I am not familiar with the term conditioning
and I do not know what it refers to. I did not come
across this term during my training.

DEPLOYMENT TO IRAQ

44. I departed for Iraq with 1 (UK) Armd Div in mid
February 2003.

45. I assume that I was given some training prior
to deployment but I cannot actually remember receiving
any such training. More specifically, I do not remember
receiving training or receiving information about
prisoner handling or more particularly: hooding,
blindfolding, the use of blacked out goggles,
prohibition on covering the face lest it impair
breathing, stress positions, noise, provision of food or
water, when and whether prisoners are permitted to
sleep, use of force against prisoners, use of
plasticuffs, shock of capture or conditioning.

RANK AND ROLE IN OF TELIC 1

46. On arrival in Kuwait in February 2003, I was
Staff Officer Grade 3 (SO3), Organisation and Deployment
HQ 1 (UK) Armd Div, rank of Major. My role was to
ensure that people, vehicles and equipment were
transported from the home base into the theatre.

47. I was part of the G3 Operations cell. The other G cells were as follows: G1 - personnel, G2 - Intelligence, G3 - Operations, G3 - Plans, G4 - Logistics, G5 - reconstruction tasks and aid to the community, G6 - communications.

48. The G3 cell was split into two main functions: plans and operations. G3 Plans were responsible for looking at least 48hrs ahead and planning for the future. G3 Operations were more concerned with the current battle situation. The main overlap between these two functions was when a planned situation became current and was handed over from G3 Plans to G3 Operations.

49. 1 (UK) Armd Div were initially based in multiple locations outside Iraq. On or around 19 March 2003 we went over the border into Iraq but continued to stay in a mobile headquarters. Eventually, once we had secured enough of Basra, HQ 1 (UK) Armd Div moved from the tented mobile positions to a base at Basra International Airport. All of the Divisional Main HQ was based at the Basra Airport through the GOC's Tactical HQ would deploy to forward locations when required.

50. Shortly before or after we went over the border
into Iraq, I changed staff position to Staff Officer Grade 2 (SO2), Operations Co-ordinator. My rank remained that of Major.

51. As SO2, I was in charge of the Operations Team that dealt with the day to day management of assets at a Divisional level. I was responsible for ensuring that we had a common understanding of the operational situation and that critical information was passed on to commanders. For example, if we received information that the Black Watch (Royal Highland Regiment) were heading into Basra, the Operations Team would make sure that other neighbouring Brigades around Basra knew their position in order to prevent 'blue on blue' engagements, which is where friendly forces engage friendly forces by accident.

52. 1 (UK) Armd Div was made up of 16 Air Assault Brigade, 7 Armoured Brigade (7 Armd Bde), 3 Commando Brigade and the Joint Helicopter Force (JHF). I think 102 Logistics Brigade formed the Joint Forces Logistics Component but I am not sure of this.

53. The Brigades within 1 (UK) Armd Div had different command relationships with the Divisional HQ at different times. The details of those relationships can be found in orders issued at the time but I cannot now recall the precise arrangements.
54. The G cells - known as the functional cells - had analogous functional cells at Brigade level.

CHAIN OF COMMAND

My reporting lines

55. Whilst in Iraq I reported to the Chief of Staff, Colonel Patrick Marriott, who headed the HQ 1 (UK) Div functional cells. I also deferred to the SO2 G3 Operations, Organisation and Deployment, Major Justin Maciejewski. Although we were the same rank, he was the more experienced SO2 and the senior SO2 in Main Headquarters.

56. I had approximately 5 or 6 Watchkeepers and SO3 officers who reported to me during the tour, but not at the same time. Only 2 or 3 officers were under my command at any one time. These personnel assisted me in ensuring that information had been recorded and passed on. The only names that I can remember are those of Captain Karl Jeeves and Captain Crispian Cuss, although I do not now remember when they first came under my command, or whether they were present throughout my time in Iraq. There was also a Second Lieutenant from Royal Artillery whose name I cannot recall.

Responsibility for prisoner handling issues

57. The functional cells ensured that the Chief of Staff was kept abreast of key issues which included
prisoner handling issues, however I cannot recall the
exact nature or extent of his involvement. He reported
to the GOC; this was General Brims at first and then
General Wall.

58. The Provost Marshall, as Commanding Officer of
the 1st Regiment of the Royal Military Police (1RMP) had
some responsibilities regarding prisoner handling in
that I think he may have been a source of expert advice
for any orders on the subject. However, aside from
giving advice to be used in the drawing up of orders,
I have no knowledge of the nature or extent of his
involvement in prisoner handling issues.

59. 1(UK) Armd Div Legal Officers had input into
orders relating to prisoner handling as they gave legal
advice on all relevant issues. For example, I believe
that their advice may have been sought in relation to
FRAGO 163 (referred to in more detail at paragraphs 97
to 109 below).

60. The Legal Officers were headed by Lieutenant
Colonel Nick Mercer, Commander Legal, Staff Officer
Grade 1 (SO1), HQ 1 (UK) Armd Div. I think that
Lieutenant Colonel Mercer fell within the G1 cell and
reported to the Chief of Staff. The Legal Officers were
otherwise SO2 grade; I cannot remember any of their
names. They may have been located in the headquarters
of the Divisional Support Group, which I believe was based a Shaibah Log Base and Basra International Airport.

61. I cannot remember the names or ranks of any other post holders within the Divisional Staff that had input or responsibility for prisoner handling issues during Op TELIC 1.

Communication of orders

62. An order could have its origin in any one of the Divisional HQ functional cells, the GOC himself, or higher command. Orders were communicated from Division to Brigade level via several means. Firstly, there was verbal communication of orders using the radio network, to HQ of each Brigade or subordinate formation or unit. The Watchkeepers would log each specific order in the log book, as given by the officer from whom the order originated.

63. The only names of Watchkeepers that I can recall are Captains Jeeves and Cuss. There was also usually a Junior Non-Commissioned Officer from the 1 Armoured Division Signals Regiment (1ADSR) who assisted in the keeping of the log. Various soldiers from 1ADSR occupied this role but I cannot recall any individual names.

64. Orders could also be sent in paper format. The
main orders were known as "OP Orders" and orders
referring to a previous OP order were known as
"fragmentary orders" or "FRAGOs". These orders were
distributed via the Divisional HQ Registry and
Distribution Centre (RDC).

65. The RDC was a tent with clerks, photocopiers
and radio equipment. I think that there were also
couriers and dispatch riders that the RDC could call
upon. The RDC ensured that information was dispatched
and would record receipt of any information passed on.
I was not directly involved in the work of the RDC and
so I cannot comment in any detail on how it carried out
its functions.

66. The Superintending Clerk of HQ 1 (UK) Armd Div
was responsible for the management of the RDC and would
oversee its work. I cannot recall the name of the
Superintending Clerk or the names or ranks of the other
soldiers involved in the work of the RDC.

67. We also used email to disseminate information.
For example, I would email the RDC with an order,
specifying in the email to whom the information should
go.

68. I am aware that the Signals Regiment also had
a role in relaying information in the military signals
format. However, I am not sure of the details of how
this was done or whether they were based at the RDC.

69. I am not sure how information was passed from
the Brigade to the Battlegroup as I was not involved in
that process.

70. There were difficulties with communication in
theatre. The secure radio network, which I think was
called PTARMIGAN, was old and unreliable. We were
continually losing a signal mid conversation which we
referred to as "dropping out". The "Clansmen" combat
net radio was also unreliable in that it was difficult
to hear what was being broadcast or to be heard
yourself.

71. Another problem was the multiple and
unconnected email systems operating across theatre. The
emails from superior HQs used a different network to
that which the Div HQ used to pass on orders to
subordinate units and formations. There was also
another separate system for American emails coming into
HQ. These were received at a computer covered by an
American officer who would then pass on the information
via a memory stick. I cannot recall the name of the
American officers who fulfilled this role but I think
they were Lieutenant Colonels and a Colonel.

72. All these different email systems meant that it
was difficult to keep on top of all the information
coming in from multiple sources. It was also very time
consuming. For example, often you could not simply
forward an email that you received; instead you had to
take it off of one system and then put it onto the other
system before you could pass it on.

73. However, we did ensure that we could relay all
necessary information eventually through a combination
of the systems.

74. We had had practised our dissemination
procedures on exercises in Germany and Oman and then put
them into practice immediately on arrival into Kuwait.
This meant that we had already been able to put right
some of the early problems we had encountered prior to
Iraq. Most of the same soldiers who had been deployed
to Oman and Germany with HQ 1 (UK) Div also went to
Iraq.

PRISONER HANDLING DURING OP TELIC 1

Training, guidance and orders regarding the
detention of prisoners

75. The only training, guidance, orders or
instruction that I can now remember giving regarding the
treatment of prisoners of any category is FRAGO 163,
referred to in more detail at paragraphs 97 to 109
below.

76. I only remembered this FRAGO after a copy was
provided to me as part of my involvement in the Inquiry. I do not actually remember writing this specific document, but I recall writing orders of this type whilst in Iraq.

77. I cannot recall giving any other training, guidance, orders or instructions on treatment of prisoners of any category or in regard to the matters already referred to in paragraph 45 above.

78. I cannot now, 6 years later, remember receiving any training, guidance, orders or instructions for detention and treatment of prisoners or in regard to the matters already referred to in paragraph 45 above. However, I am aware that I would have received copies of all significant orders at the time in my role as SO2, Operations Co-ordinator.

79. The relevant orders would have been contained in what was referred to as the "first sight" file, which was a file circulated amongst key staff containing important orders and instructions. We would each sign the file to say that we had seen the orders and read them. I cannot recall any particular examples of documents circulated.

80. I think that the other staff on the distribution list would have been the GOC, Chief of Staff, SO2 G3 Plans, SO2 G3 Operations, Organisation and
Development, SO2 G1/4 Plans, SO2 G1/G4 Operations, Brigade Major, Royal Artillery (BMRA), and SO2 G3 Royal Engineers. The GOC had his own first sight file and I think (although I am not sure) that the Chief of Staff also had his own copy. In respect of all other staff, a single first sight file was passed around to all staff named on the distribution list. Once each person had reviewed the file they would pass it on to the next person indicated on the list.

81. There was a tick box next to the distribution list to indicate who would need to see the order as not everyone on the list would need to see everything. For example, the GOC would not need to be provided with every single order. In Germany, it was my role to prepare the G3 first sight file and indicate using the tick box system who needed to see the order. However, I am not sure who had this role in Iraq.

82. During the time that I was in Iraq Major Doug Chalmers was SO2 G3 Plans, Major Martin Gamble was BMRA, Major Chris Wilman was SO2 G3 Royal Engineers, and Major Nigel Astley was SO2 G1/G4 Plans. I cannot remember who was SO2 G1/G4 Operations. As I have already mentioned above, SO2 G3 Operations, Organisation and Development was Major Justin Maciejewski.

83. FRAGO 70, referred to at paragraph 110 to 114
below, would probably not have been in the first sight file as it was a Brigade FRAGO and as such downward-looking.

The Internment Process

84. With the exception of FRAGO 163, I do not remember being involved in any orders concerning the internment process or the approach to prisoner handling. However, I may well have seen such orders as part of the first sight file already mentioned.

85. My current knowledge of the internment process used in Iraq only extends so far as is set out in FRAGO 163. If I had not had the order in front of me at the time of writing this statement and given that 6 years has passed, I doubt that I would have remembered any of the details of the procedure as contained in that FRAGO.

86. As I do not remember any other orders or guidance relating to the internment process, I am unable to give an explanation of how the internment process and the approach to prisoner handling and treatment developed during Op TELIC 1.

87. I have been asked to comment on whether I or G3 would have had input into any other orders (outside of FRAGOs 163 and 70) relating to the internment process and the approach to prisoner handling and treatment.
For my own part, although I cannot recall involvement in any FRAGO other than 163, it is possible that I may have been asked to assist in the drafting of similar orders. However, this would normally have been the extent of my involvement in the process and the details for any orders that I drafted would probably have come from the Legal Officers or RMP.

88. Aside from my own role in drafting and issuing relevant orders, I am not aware of any other role played by the G3 cell in the development of the internment process and the approach to prisoner handling.

FRAGO 152

89. I do not remember coming across FRAGO 152 during my time in Iraq but I probably did so given that it is dated 20 May 2003, which is prior to my leaving theatre.

90. As I do not remember it, I cannot comment on the circumstances surrounding its drafting.

91. FRAGO 152 is an order from HQ 1 (UK) Armd Div to the G3 Plans standard distribution list, which is shorthand for a list of named recipients. The distribution centre would have the full list and would know who to send the order to.

92. Lieutenant Colonel Mercer is the author of the legal guidance attached to FRAGO 152 but the FRAGO is
distributed on behalf of SO3 G3 Plans (Captain Ben Ryan)
and authenticated by SO2 G3 Operations (Major
Maciejewski).

93. It was not unusual to have an order with legal
advice attached. This was especially if the security
classification of the guidance was different to the
covering letter, as you would separate the two so that
one could be disseminated more widely.

94. As this order seems to have originated from G3
Plans, I would not have had any involvement in the
order, other than reviewing it as part of the contents
in the first sight file.

95. In the circumstances, I am not able to provide
an explanation of the origin or purpose of the phrase
"Under no circumstances should their faces be covered as
this might impair breathing" [MOD019147].

96. I do not recall risks to breathing being an
area of concern whilst I was in Iraq and I do not now
remember being informed that covering the faces of
prisoners was prohibited at any time whilst I was in
Iraq, although as mentioned I would have reviewed
FRAGO 152 as part of the "first sight" file. Similarly,
I do not remember being made aware of any ban on
hooding. I would like to make it clear that although
I was involved in the issuing of orders on some aspects
of prisoner handling, my role did not require me to be familiar with all of the details of the process.

FRAGO 163

97. I note that FRAGO 163 is dated 30 May 2003. This is shortly before I left theatre on or around 4 June 2003. I cannot recall the circumstances in which FRAGO 163 came to be written.

98. FRAGO 163 is addressed to HQ 7 Armd Bde, the Joint Force Logistic Component (JFLogC), the Joint Helicopter Force (JHF), 1st Battalion, Parachute Regiment (1PARA), and 63 Squadron RAF (63 Swn RAF).

99. Next to the heading of "INFO" is a list of anyone who received a copy of the order but was not required to take any action as a result. From that list I can tell that FRAGO 163 was copied to the following:

(a). The Permanent Joint HQ (PJHQ). I am not sure what MEOT stands for but I think this refers to a PJHQ team based in Iraq to provide command control liaison function from outside UK.

(b). 1 Marine Expeditionary Force (1MEF). This is the American force to which, operationally, 1 (UK) Armd Div was subordinate.

(c). HQ 3rd Mechanised Division (HQ 3 Div). As HQ 3 Div were due to take over in Iraq, they were copied into orders to allow them to build up a picture of what
was happening in theatre. I cannot recall when the practice of copying in HQ 3 Div to orders first started or who initiated it.

100. The words "INTERNAL: All LAN users" refers to the fact that anyone within HQ 1 (UK) Armd Div who was on its email system would get a copy of the order.

101. My name appears at the end of the FRAGO next to the words "auth". This means that I authenticated the FRAGO as coming from HQ 1 (UK) Armd Div. I may also have drafted the FRAGO as well but I cannot actually recall this.

102. Even if someone else drafted FRAGO 163, I would still have read it and ensured that I was happy with its content before it went out. As previously stated, in this instance I cannot recall whether I both drafted and authenticated FRAGO 163 or whether I simply authenticated it.

103. Whether reviewing an order or drafting it myself, I would not automatically refer to the first sight file to review previous orders in every instance. Having read the orders on file as they were circulated, I had an understanding of whether there was a previous order pertinent to the order that I was working that I needed to check. It was only in those circumstances that I would go to the first sight file.
104. I note that FRAGO 152 prohibits the covering of a detainee's face but there is no mention of any such prohibition in FRAGO 163. Whilst I cannot comment from memory on the reasons for this, I would make the observation that FRAGO 163 is intended to set out the procedures involved in processing detainees whereas Nick Mercer's legal advice gives more specific guidance on how a detainee should and should not be handled. These are separate issues requiring different levels of detail.

105. With regard to FRAGO 163, the level of detail concerning detention procedures and the timeframe for processing detainees/internees is more than I would be expected to have myself as a generalist Staff Officer. On that basis, I think that if I did draft FRAGO 163 myself, I probably sought advice from experts in doing so.

106. The experts available to assist in this regard were the Legal Officers and the Royal Military Police (RMP) staff. I cannot remember now whether I did in fact consult either the Legal Officers or the RMP in the drafting of FRAGO 163, (assuming for the moment that I did draft it myself).

107. The name of Colonel Marriott, Chief of Staff, appears at the end of the FRAGO to show that it is being
sent out on his behalf. He might not have seen the
FRAGO prior to its being sent out. The words "Ack" are
shorthand for Acknowledge and are a prompt for the
receiver to acknowledge repeat of the order.

108. At paragraph 1 of FRAGO 163 it is stated that
"all soldiers must understand the procedures to
temporarily detain detainees or internees to prevent
violations of International law" [MOD016174]. On my
reading, this is a reference to the procedures set out
within FRAGO 163 and summarised in the flowchart which
is an annex to that order. I am not aware of any other
procedures for internment or detention of prisoners. My
recollection of these matters is limited to FRAGO 163,
having been provided with that document.

109. The flowchart which is an annex to FRAGO 163
refers to the RMP completing an "Internment record".
I cannot remember the nature or form of that document
now but I would probably have seen it at the time. The
drawing up of that sort of record was not something that
I would have had input into. That sort of document
would have been put together by the RMP and legal team,
or it may have been a standard format.

FRAGO 70

110. I do not remember having seen FRAGO 70 prior
to being provided with a copy as part of my involvement
in this Inquiry. I would not expect to have seen this
order before as it is a 7 Armd Bde FRAGO (which used
FRAGO 163 as a reference). It is therefore downward
looking, and I was not involved in the filtering down of
information from Brigade level.

111. I note that the Brigade HQ have used the
flowchart annex of FRAGO 163 as part of their FRAGO.
This is consistent with page 2, paragraph 5b of FRAGO
163 it states: "This flowchart is to be issued down to
Team level" [MOD016175].

112. The recipients of FRAGO 70 are listed on
page 2 [MOD017102] under the headings "EXTERNAL ACTION;
INFO; INTERNAL ACTION; INFO". The recipients listed
show that the information was to be filtered down to the
Battalions and sub units within the Brigade.

113. The order is issued on behalf of the
Commander, Brigadier A J Bradshaw, the 7 Armd Bde
Commander although, as with Colonel Marriott, he may not
have actually seen FRAGO 70 prior to it being issued on
his behalf.

114. The FRAGO has been authenticated by Chief of
Staff, Major C J Parker. This does not mean that Major
Parker drafted the FRAGO; rather that he is confirming
that it is an order from 7Bde. It is not clear who
drafted FRAGO 70 from the document.
My own experiences of prisoner handling

115. My day to day role in Iraq did not involve any contact with prisoners or prisoner handling. However, I do recall two occasions (both on the same day) during which I came into contact with prisoners.

116. I remember that at some point in the middle of my tour I accompanied the Commander Royal Artillery, Brigadier Gregory, on a visit to one or more of the HQ's of the Brigades which made up the Division and this included a visit to a theatre internment facility. I cannot recall the date of the visit but I know that it was the same day that members of the Royal Marines were killed in on an assault boat in the Shat Al Arab.

117. I was accompanying Brigadier Gregory in my capacity as SO2 G3 Ops Coord. Most of my dealings with key Brigade Staff officers were by radio and so it was important to meet face to face when possible so that a more personal relationship could be maintained.

118. The theatre internment facility (TIF) we visited was at Umm Qasr. I am not sure who was in charge of the facility. I think it may have been American run and that UK forces were responsible for the detainees that they brought in. I think that the British soldiers that assisted in the administration and guarding of the TIF were taken from the Royal
Artillery's Air Defence Regiment.

119. The detainees were being kept in a large open area of desert which had been split up into wire fenced compounds. I cannot recall how many were in each compound but I think that there were certainly more than 10 people, though how many more I cannot now say.

120. I do not remember seeing anyone hooded or cuffed and the prisoners were not placed in positions. My memory is that they looked healthy and looked after, but dejected. I did not see any visible injuries.

121. I seem to recall that the detainees as group were disciplined and polite. I remember one man acted as a spokesperson and everyone else remained quiet around him to let him speak.

122. The spokesman asked the Brigadier some questions, which he answered. I cannot remember now what the questions were or the general subject matter of what was discussed. I also cannot recall whether the conversation was through an interpreter or if the man spoke English. I cannot recall how long we spent at the TIF but would estimate that it was likely to have been approximately 1-2 hours.

123. I think on the same trip (although I am not sure if it was before or after the trip to Umm Qasr) the helicopter was diverted to evacuate 2 Iraqi prisoners
who had been wounded somewhere in the desert, in the Al Faw Peninsula. I remember that we had to strip out seats from the helicopter in order to get the casualties inside. We then flew them to the field hospital at Shaibah.

124. The prisoners were definitely not hooded or cuffed and they had received some medical attention prior to our arrival. I remember that they were treated with sympathy by everyone on board in terms of reassuring gestures and smiles. We tried to convey warmth and that we would not harm them.

125. These were my only experiences of prisoners in Iraq and in fact my only real life experience of prisoners during my army career.

TACTICAL QUESTIONING

126. I was not involved in the Tactical Questioning process and I do not recall ever having come across this term prior to my involvement in this Inquiry. I can surmise that it relates to questioning of prisoners to try to gain information of tactical significance i.e. information that will become 'time expired' very quickly. I do not know of anyone in HQ 1 (UK) Div being involved in tactical questioning. As I did not come across the position of Tactical Questioner during my time in Iraq, I am not able to say whether Battlegroups
had or were able to train qualified Tactical Questioners from their own resources.

HANDOVER TO 3 (UK) DIV

127. I was not in Iraq for the handover of 1 (UK) Armd Div to 3 Div as I left in early June and as far as I am aware the handover took place later. However, I do recall that arrangements were being made for the handover at the time of my departure. For example, as already mentioned we started sending HQ 3 Div key information that we thought would help them when they arrived in Iraq. I cannot recall who made that decision or when it was put into effect – I only now remember that this happened at all because I noticed HQ 3 Div was on the distribution list for FRAGO 163.

128. The arrangements for the handover were headed up by the Organisation and Deployment team, G3. The only officers I can recall from this team are Major Maciejewski and Captain Mark Hewitt. I was not involved in this team's work at all.

129. I cannot recall the name of my successor as SO2. I think that he was there for a number of days and shadowed me in meetings with key staff members. I believe that I would have briefed him on the information that I thought was critical at that time but I do not now recall any details of what we discussed.
130. I do not remember the arrangements made for
handing over FRAGOs to my successor. However, in
general by the end of my time in Iraq FRAGOs and
important orders were being copied to HQ 3 Div. With
specific regard to FRAGO 152, I am not sure whether HQ 3
Div was part of the G3 Plans Standard Distribution list.
However, this should be available from the archives.

MEDIA / PRESS

131. I have never made a previous statement or
given an account to the media or press.

Statement of Truth

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

Signed: James Lewis Fulford-Talbot. 17th July 2009
Summary of witness statement of BENEDICT RYAN

MR HALLIDAY: The second witness is Benedict Ryan.

Major Ryan, as he now is, was a captain during Op Telic 1. He too was based at the headquarters of 1 UK Division. He held the post of Staff Officer Grade 3 Plans. As such his role involved helping with the preparation of FRAGOs.

However, whilst he was responsible for collating the information necessary to draft these orders, he says that he had no role in the formation of policy underlying them. He says he would expect any policy on detainee handling to have been provided to G3 by the legal branch and that any practical information on detainee handling would have been provided either by the military provost staff or by the intelligence corps.

His name appears at the bottom of FRAGO 152, next to the word "ack" which is short for "acknowledge". However, he says that he does not now recall FRAGO 152.

He does not remember any ban on hooding prior to FRAGO 152. However, his recollection is that later in the tour there was television news footage of hooded prisoners which prompted a verbal direction to be issued during a divisional O Group meeting that hooding should not take place.
He says that his handover to his successor in 3 (UK) Division would not have covered prisoner-handling as this was not part of his responsibility.

Witness statement of BENEDICT DENNIS CASPAR RYAN

Witness Name: Major BDC Ryan

Statement No: 1
Exhibits: None

Dated: 6 July 2009

THE BAHÁ'Í MÁJSA'Í PUBLIC INQUIRY

Witness Statement of Major Benedict Dennis Caspar Ryan
I, Benedict Dennis Caspar Ryan will say as follows:-

1. I make this statement in response to the Inquiry's Rule 9 Request dated 18 May 2009. I have read this request and I seek here to cover everything it raises to the best of my ability and recollection.

2. I have also been shown and have read copies of various fragmentary orders (FRAGOs) referred to me by the Inquiry as follows: FRAGO 71 dated 31.03.03 (ref. MOD030977); FRAGO 79 dated 03.04.03 (ref. MOD019133); FRAGO 143 dated 14.05.06 (ref. MOD030974); FRAGO 152 dated 20.0520.05.03 (ref. MOD0177061); FRAGO 163 dated 30.05.03) ref. MOD011506); FRAGO 169 dated 01.06.03 (ref.MOD017065); FRAGO 047 dated 05.07.03) ref: yet to be assigned) and FRAGO 029 dated 26.06.03 (ref. MOD016186).

Career to date.

3. In 1994 I joined the army and attended the officer's commissioning course at Sandhurst, where I graduated as a second lieutenant in August 1995. I joined the Royal Dragoon Guards Regiment (RDG) undertook a tour to Belfast in Northern Ireland in 1996. Later that year I was promoted to lieutenant.

4. In early 1997 I went to Canada on exercise and in November 1997 I was promoted to captain. I undertook
a further six month tour in Bosnia as a civil affairs
officer with the RDG.

5. In June or July 1998 I returned to Northern
Ireland for a short tour in south Omagh, after which
I returned to the UK for routine exercises based at
Tidworth, Salisbury Plain. Towards the end of 1999
I was posted to Londonderry in Northern Ireland as
a watchkeeper at Brigade headquarters.

6. In the middle of 2000 I undertook a staff course
tat Shrivenham. Thereafter I worked in Upavon in
Wiltshire for 2 years development of doctrine for the
army, which involved generic full structure issues such
as how many tanks or infantry the military should have.
Towards the end of 2002 I was posted to Germany with 1
(UK) Armoured Divisional headquarters. I remember
becoming involved in the planning for Iraq from November
2002 onwards as part of this role.

7. In January 2003, I was deployed to Kuwait
initially before we invaded Iraq in March 2003 on
Operation TELIC 1, as discussed below.

8. I left Iraq in mid-June 2003, as I had been
posted to work on routine planning for a year in
Germany. However, I returned to Iraq briefly for
a couple of weeks in July 2003 after the six RMP members
had been killed at Majar-Al-Kabir (26 June 2003); this
was a particularly hectic time for the British forces in
Basra. I then resumed my post in Germany in late
July 2003.

9. In the summer of 2004 I returned to the UK and
undertook a further staff course at Shrivenham. At the
start of my staff course in 2004, I was promoted to
major.

10. From 2005 to 2007 I was based at the Ministry
of Defence in Whitehall carrying out operational
planning, and then I returned to my Regiment to carry
out my current role which is officer commanding in
charge of a tank squadron. I commenced this role in

11. I returned for a further tour to Iraq in
Since then I have carried out routine training with my
squadron.

Training.

Law of Armed Conflict.

12. Some of my training on my commissioning course
at Sandhurst alluded to the Law of Armed Conflict, but
I do not now remember any detail of this, and I think
that any such training was very limited in any event.
I do not recall receiving any training on the
differences between Prisoners of War, internees and
13. Like all serving soldiers I then undertook annual training tests, which were formerly called Individual Training Directives (ITDs) but are now called MATTs (Mandatory Annual Training Tests).

14. This annual training provides basic training on issues such as handling Prisoners of War, the Geneva Convention and the Law of Armed Conflict and we were all given this one or two times a year, as well as just prior to deployment on operations. The Law of Armed Conflict training basically consisted of a video and some lectures. I recall that in the video actors dressed up going through the Law of Armed Conflict and there being a section on the treatment of prisoners but I cannot remember the detail. I believe that the videos would have been improved since 2003. Other than very generic lectures and these videos on practical scenarios, I do not remember much other training being provided on prisoner handling.

15. My training in Northern Ireland in 1995/1996 also covered detaining individuals as part of public order training, but a Northern Ireland specific scenario was given. I cannot now recall much detail about this training.

16. I recall that my staff courses at Shrivenham
briefly covered the Law of Armed Conflict but did not contain any practical exercises and was more classroom-based. Again I recall that what we learned was very generic.

17. Part of my pre-deployment training for Bosnia in 1997 touched briefly on the Law of Armed Conflict but it was specific to Bosnia. I remember a practical demonstration being given with somebody dressing up as a prisoner and us going through the 'do's and don'ts'. The demonstrations showed us the potential situations that we may have encountered in theatre. However, I cannot now remember any of these specific 'do's and don'ts'. The training was carried out by the Operational Training and Advisory Group (OPTAG), but I don't remember who gave it.

18. Similarly, prior to Operation Telic 1, the training on Prisoners of War was very generic and really focused on us passing them back through the system to be processed as quickly as possible. I did not receive specific Iraq-related prisoner of war training as my post involved planning in a HQ and not being deployed on the ground, and would not therefore have been relevant for me to receive it.

Treatment of prisoners.

19. I do not remember any mention of sandbags or
hooding ever being made as part of the training I have received. I have never personally sandbagged anybody. I recall receiving some training on the use of blindfolds as a security measure to prevent prisoners from seeing our equipment and locations, but I cannot now remember any more information than this, or where or when I received this training. I have never blindfolded anyone.

20. I have received training in relation to use of plasti-cuffs. I cannot recall whether this fell within the annual ITDs but it was certainly covered in the demonstrations given in Northern Ireland and Bosnia as we carried plasti-cuffs with us on those tours. We were told that they should be applied in a way that is not too tight and they should not be put on so as to cut off blood supply. I do not recall being given guidance on whether plasti-cuffs should be tied on the front of the body or the back of the body, and I think we just used whichever was most practical at the time. Nor can I remember who provided this training or these instructions. I have never actually applied plasti-cuffs myself as I have always personally had somebody else, ie a subordinate in my team, do the plasticuffing for me.

21. I have also been instructed in training that
prisoners must be kept comfortable and that stress positions are not permitted. I believe I received this training as a demonstration as part of the training for Northern Ireland or possibly for Bosnia. I cannot remember who provided this training but I think that it would have been the Northern Ireland training advisory team (NITAT) and the Operational Training and Advisory Group) "OPTAG") respectively.

22. I recall that during this demonstration we were shown an example of a stress position and it involved an individual standing with their feet apart about one or two feet back from a wall leaning forwards with their fingertips on the wall. The further back their feet are, the more uncomfortable the position is for them and the more difficult it is to maintain. This is the only stress position I believe I have ever seen demonstrated or used (although I may also have seen stress positions being used between soldiers during physical training). I recall that this demonstration of the stress position was only provided to us in order to emphasise the direction that it was not to be used, and this has always been my understanding subsequently. Once or twice a month, we also practised restraint techniques as part of our physical exercises to use in public order situations. Some of these positions may be considered
stress positions, though they were not termed as such.

For example, we were taught to place somebody in that 'goose neck' hold, which is holding an individual's arms up their back to restrain them. We were taught to use this position for as long as necessary to pacify them. It was taught solely for use in restraining those resisting arrest; it was never taught as an appropriate way to hold detainees for a prolonged period or as a way of preparing them for questioning.

23. I cannot remember ever receiving training or direction on subjecting prisoners to discomforting levels of noise or sleep deprivation.

24. I think that the only direction or training that I have received in relation to the provision of food and/or water to prisoners is the general direction that food and water should be given to prisoners.

25. I have been asked what I understand to be the meaning of the term 'conditioning'. It has not formed part of any training I have received, and I have only ever heard the material being used in the press. I am therefore not confident that I know what it means.

26. As regards the meaning of the term 'shock of capture', I understand it to refer to the period immediately after someone has been captured in which they are still feeling disorientated and unsure what is
happening to them. In this state, they are more likely to provide you with information. I have not myself received training on any aspect of shock of capture. I am aware, having picked it up over the years as part of my military general knowledge, that training of some sort relevant to this issue is given to those involved in interrogations and tactical questioning, although I do not know the detail of this. As stated above, I have been directed that it is important to process an individual as soon as possible to allow them to be questioned as soon as possible.

27. I have never received any conduct after capture rank and day to day role during Op TELIC 1.

28. During Op TELIC 1 my role was SO3 of G3 plans, within divisional HQ. My rank throughout Op TELIC 1 was captain. Divisional HQ was based at the Basra airport.

29. The key function of G3 plans was to deal with future operational planning during Op TELIC 1. This role generally fell in the middle of intelligence from the ground in Basra and the strategy which came from London. We would fuse together the information and turn it into a plan. G3 plans worked closely with G3 operation branch, headed by minor Maciejewski, which was generally responsible for the implementation of our plan. Major Maciejewski's name is therefore inserted on
all FRAGOs to fuse the future plan with current
operations.

30. My role within the cell as the junior officer
involved liaising with the various branches who might
have input into or involvement with the formation of
future plans (such as the intelligence branch, RMP
branch and legal branch), collating any information that
came in from these branches, checking for the accuracy
of plans and ensuring there were no conflicts in the
information I was being provided, attending planning
meetings in order to scribe and produce minutes,
carrying out any necessary research and marking up maps,
drafting and distributing. I received direction on
tasks to be carried out at all times and was not
directly involved in any decision-making as part of my
role.

31. In terms of my position in the chain of
command, I reported to the SO2 and head of G3 plans,
major Douglas Chalmers. He reported to the chief of
staff of 1 (UK) Div, Colonel Marriott, and above Colonel
Marriott was the commanding officer of 1) UK) Div,
General Brims. Reporting to me within G3 plans were two
administrative clerks, one was a sergeant and the other
was a corporal, but I cannot now remember their names.
They were involved in filing and running errands and did
not get involved in any policy or the detail of orders and planning. There was also another man who helped out every now and then but I cannot recall his name either.

Communication of orders.

32. I have been asked about how orders were communicated down the chain of command.

33. Orders, including FRAGOs, were communicated from division to Brigade level by radio if it was within a fluid battle situation and it was important to have that information disseminated immediately. In such cases, I think only a part of the order would be read out, although I do not specifically recall this.

34. If, however, there was a pre-planned operation and there was no particular urgency, the orders might be communicated by email or by courier to the Brigade commanders. In addition, the information would be communicated in person as the Brigade commanders would attend HQ to receive them, and then communicate that information down to their Brigade. As FRAGOs usually contained policy information, it was not necessarily urgent enough to disseminate within the hour. Consequently they would usually be communicated in this less urgent way.

35. Orders from Brigade level to battlegroup would be communicated in a similar way. If it related to
preplanned information, the commanders would come to HQ
but if it was information of an immediate nature,
I would expect the radio system to be used. We also
used couriers occasionally.

36. I cannot now recall any of the names of the
specific individuals involved in the communication
process, but at divisional level we had a chief of staff
responsible for communications the information down.
Also at Brigade level, the communication process would
be overseen by the chief of staff and then each Brigade
had watch keepers at the 'front of house', whose role it
was to sit by the computer and phones to receive and
pass on any messages.

37. I recall there being some occasional
difficulties in using the radio, as reception was
sometimes poor in the area. However, as stated, the
radio was generally only used for more urgent
situations. I would not have expected there to have
been any difficulties in communicating FRAGOs because of
this issue with the radio reception.

38. Directions may also have been conveyed
verbally. Such verbal orders might be given at the
'commanders update' meetings (which we colloquially
called "commanders prayers") held twice a day, which
I usually attended as a representative from my branch.
In some cases everybody would gather round a table and the subordinate Brigades would be called in. Otherwise, the verbal directions were given by speaker phone over the radio as part of a conference call. Also, every few weeks and whenever necessary, there were 'O group' meetings in which formal orders were given. These meetings were attended by the head of branch representative. I attended most of these meetings but played an administrative role by, for example, making sure all of the necessary paperwork was in place.

Development of internal process/prisoner handling during Op TELIC 1.

39. As requested by the Inquiry, I have read the FRAGOs referred to in paragraph 1 of this statement.

40. Although I prepared most of these FRAGOs and my name is therefore noted at the bottom of them, I do not now specifically recall any of these FRAGOs, as I was involved in producing so many of them at that time.

41. Where a reference is made on the FRAGOs to 'Ack', this is an abbreviation for 'acknowledge', and where reference is made to 'Auth', this is an abbreviation for 'authorise'. The person signing as the authoriser was the" owner" of the document and could answers questions on the policy, even if he was relaying information on behalf of the commander of a branch. He
also had direct access to the chief of staff or general.

The acknowledger acted more as an administrative first point of contact for queries and was heavily involved in the creating of the document.

42. Furthermore, as discussed above, my role within G3 plans was to assist major Chalmers in the preparation of FRAGOs, and centred on the collation of information necessary to draft the orders followed by the drafting and dissemination of the FRAGOs under direction. I did not, however, have any role in the actual formation of the policy or order that would be contained within the FRAGOs. I would expect any official policy on detainee handling generally to have come into G3 from the legal branch, who would have received direction from London. I know this came either directly from the MoD or from the permanent joint headquarters (PJHQ). For the more importantly policy issues, ministerial approval was needed. Any practical information on detainee handling I am certain would have come from either the provost staff or the Intelligence Corps, who were responsible for the actual physical handling and detention of detainees. Also, prior to the detention, the troops on the frontline involved in the capture itself were responsible for the detainees.

43. As such, although I have no memory of any of
the particular FRAGOs listed above, I would not be able to comment on the precise reason or motive behind them being developed even if I could remember them. Having said that, I will address to the best of my ability each FRAGO as follows.

FRAGO 71. 44. I do not recall this FRAGO but I think that, at the time this FRAGO was issued, the first troops had just gone over the Iraqi border. I do not recall why it was issued.

FRAGO 79.

45. I do not recall FRAGO 79 but as with FRAGO 71, I think that at this time the first troops had just gone over the Iraqi border. Again I do not recall why it was issued.

FRAGO 143.

46. I do not recall FRAGO 143. I note the section on 'treatment of detainees' comes under the heading "G3" and am unsure why it falls under this heading rather than, say, "legal". It may be because it refers to the locations of detainees and locations came within the responsibility of the G3 branch as we knew the locations of everybody.

FRAGO 152.

47. I do not recall FRAGO 152. I do not know why it was issued at that time. I note that the author of
the main document is stated to be JCW Maciejewski, and
that the guidance on detention attached at enclosure 1
appears to have been written by Lt col Mercer. I am
unable to comment on thinking behind the phrase "under
no circumstances should their face be covered as they
may impair breathing". And have no recollection of that
phrase being used.

48. I do not remember any written order or guidance
prohibiting the use of hooding prior to the issuing of
FRAGO 152. I do however recall one occasion when I saw
footage of detainees on a news programme on the
television, shortly after we crossed the border into
Iraq, with their heads fully or partially covered with
some form of material. I remember watching this footage
with a colleague from the legal branch and that he or
she reacted to the footage, saying words to the effect
of 'that shouldn't be happening'. I cannot recall who
in the legal branch it was specifically, although I am
sure it was somebody in the legal branch (there were
about five or six of them in headquarters) as I remember
thinking that he or she would know the legal position.
I cannot remember any further details about him or her.
I am however fairly sure that a verbal direction was
later communicated down in response to this confirming
that hooding should not be done. I vaguely recall that
at a divisional O Group meeting following this television footage the legal branch made it clear that the soldiers on the ground were not allowed to do this.

FRAGO 163.

49. I do not recall FRAGO 163 and note that it does not, in any event, bear my name.

FRAGO 169.

50. I do not recall FRAGO 169.

FRAGO 47.

51. I have been asked to explain the background behind the decision behind the G2 branch assuming control of the internee process. However, I was not involved in this decision and do in the know why this happened and cannot remember any information in respect of this.

FRAGO 29.

52. I do not recall FRAGO 29 and cannot explain the changes introduced by it, including the introduction of the post of Battle Group Internment Review Officer. I note the FRAGO does not bear my name and I don't think I was even this Iraq at the time of this FRAGO (26 June 2003).

Approach to prisoner handling during Op TELIC 1.


54. I remember seeing detainees plasticuffed on two
occasions. On one occasion I recall seeing a group that were plasticuffed as they were exiting a US're row plain at Basra Airport. However these detainees were under the control of the US army. I cannot recall if they were plasticuffed at the front or the back. I cannot recall the date that I saw these detainees. I think I also saw British detainees plasticuffed in Basra on one occasion and they were cuffed to the front. Again I cannot now recall the precise date that I saw this.

55. I never saw any stress positions being used, nor any evidence of any detainees being subjected to loud noise, or being deprived of sleep or food or water.

Tactical questioning.

56. I have not received any training on tactical questioning but I understand it to be the process used by those working in the Intelligence Corps to obtain information from a detainee or prisoner. I do not know the extent to which tactical questioners had any responsibility for issuing orders and nor do I know whether the relevant battle groups in 2003 had qualified tactical questioners within their own resources.

Handover.

57. In June 2003 there was a formal handover process which involved the new division (3) UK) Div, coming in. They arrived in a staggered way and so the...
handover process took place over a period of time. I personally handed over to a Canadian officer, who was name I cannot recall, in June 2003. I cannot recall whether I went into Basra City with him, but I think the process took place over a period of approximately one week and consisted of me taking him through all of the paperwork, the evolution of the planning phase and the invasion itself. I also gave him the 'headline' issues of the time from each of the branches that I regularly dealt with.

58. My handover process as part of G3 plans would not have covered prisoner handling and treatment as this was not something we were responsible for. I would expect the legal branch or other branches to have covered that kind of information as part of their respective handovers.

Subsequent events.

59. I recall that pre-deployment training I received for Op TELIC XI in 2007 was much better than the pre-deployment training for Op TELIC 1. We received much more detailed training on how to deal with all kinds of scenarios from handling a bona fide member of the enemy military to dealing with refugees. We were taught most was responsible in the chain of command and it was made clear to us what could and could not be
done.

Oaf. I think the training has improved as a result of recent experiences and we for have a greater quantity of training and lectures on detainee handling covering the Geneva Convention to the specifics of how to handle individuals. I understand, for example, hooding is prohibited but we are still able to use plasti-cuffs, but again I am unable to recall the exact policy. I know that stress positions are still prohibited.

Accounts to press.

62. I have not given an account of matters relevant to the Inquiry to the press or other media.

Statement of Truth.

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

Signed: Ben dict Dennis Caspar Ryan.

Dated 6 July 2009)

THE CHAIRMAN: Yes, thank you very much.

MR ELIAS: Of course, sir, next week has come.

That was to have been delivered last week and there was an indication that we would call Major Maciejewski next week --

THE CHAIRMAN: Yes, it should have been read on Thursday.

MR ELIAS: We will actually call him tomorrow along with the witness S034. S034 will come first.
THE CHAIRMAN: Very well, thank you very much.

Thank you all very much. 10 o'clock tomorrow morning.

(4.28 pm)

(The Inquiry adjourned until 10.00 am, Tuesday, 23 March 2010)

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