

CHAPTER 2: INVESTIGATIVE WORK

1. Obtaining disclosure of material

- 1.31** Prior to the establishment of the Inquiry, the events to which the terms of reference refer were the subject of two investigations by the Royal Military Police (“RMP”) in 2004 and 2008 as well as the claim for judicial review by the High Court in 2009. An early priority, therefore, was to gain access to all evidence identified and disclosed as part of those investigations and proceedings.
- 1.32** At the outset of the Inquiry, I appealed to any persons or organisations with relevant information, to provide it to the Solicitor to the Inquiry as soon as possible. This included a request to the Ministry of Defence (“MoD”) to provide all material that it had disclosed during the judicial review proceedings. In February 2010, the MoD provided to the Inquiry the scanned contents of the 140 files of material disclosed during those proceedings. The volume of material provided by the MoD comprised in excess of 8,000 documents or approximately 30,000 pages. Amongst those documents were witness statements and exhibits, copies of contemporaneous records and correspondence generated by the RMP investigations.
- 1.33** Regrettably, when provided, the material was not organised in such a way as to enable any meaningful analysis of the evidence to take place. It became clear that there were, in many cases, several copies of the same witness statement or exhibit, whilst in other areas documents or pages appeared to be missing. Furthermore, the documents provided were in the same redacted form as that in which they had been disclosed in the judicial review proceedings and, in some cases, documents had been redacted in their entirety. As a result a large part of the Inquiry’s resources was initially dedicated to de-duplicating and re-organising the material in order to facilitate its use and make meaningful analysis possible.
- 1.34** As a means of ensuring that all RMP investigative material had been provided, the Inquiry also conducted its own physical searches and visited the archive of the RMP at Bulford Barracks in Salisbury in the summer of 2010 to inspect all material which had been identified as relating to the Danny Boy incident. Whilst most material was found to be duplicated amongst the disclosure already provided from the judicial review proceedings, there was some additional relevant material including audio and visual material, which were categories of material previously entirely absent, as well as better copies of documentation and material in its original file format.
- 1.35** As a result of this visit, it became evident that the material received as part of the judicial review proceedings did not represent the totality of documents relevant to the Inquiry’s terms of reference. A process was established in April 2010 whereby further requests for disclosure were made of the MoD. These specific requests sought provision of any material *potentially* relevant to each avenue of investigation. Thereafter, the Inquiry conducted a detailed review of the material thus provided, in order to ascertain if any document actually did contain information that related to a relevant matter. By approaching disclosure in this way, the final assessment of relevance rested with the Inquiry and not with the MoD. Over the course of the Inquiry, in excess of 520 such requests have been made, including requests to ensure that the Inquiry had the most complete picture possible of the intelligence position in Al Amarah and requests relating to the storage and retention of material in 2004.
- 1.36** At the time of writing, 20 of the Inquiry’s disclosure requests have not been answered by the MoD to the Inquiry’s satisfaction. The MoD’s position, however, is that they have exhausted all available avenues of enquiry. Given the late stage of the Inquiry, and that no further avenues

of investigation presently appear to be available, I have decided that these requests should no longer be pursued.

- 1.37** In October 2010, the Inquiry's understanding of the departmental/official policies and procedures governing record-keeping was assisted by a presentation given by the MoD. It was explained that no electronic document management system was available to the MoD or to the Armed forces in 2004, nor did the MoD then have any electronic archiving capability for receiving information returned from operational theatres. As a consequence, when IT systems were returned to the UK, servers were generally cleansed of data and no process existed for saving the information held on them.
- 1.38** In light of this, a temporary archiving capability had been established at Permanent Joint Headquarters ("PJHQ") which had been used to store information returned from Operation Telic¹⁰ in Iraq. Over 400 hard drives used by units deployed to Iraq were sent to PJHQ for processing, so that the information on those hard drives could be extracted and stored on the archiving facility, known as the DJEP Archive System ("DAS"). At the time that the presentation was given, it was estimated that the facility contained in excess of 20 million records.
- 1.39** During the same MoD presentation the Inquiry was also notified of the existence of "Corporate Memory," a central corporate archive owned by the MoD's Departmental Records Officer. This archive was said to provide a dual function, as the MoD's in-house historical research branch and to oversee the storage and archiving of information. It was also explained that Corporate Memory was responsible for receiving, on a monthly basis, the operational records or "war diaries" of the various Army units. Furthermore, paper files containing documents classified up to and including secret were archived in Swadlincote, a facility run by the private contractor TNT and which was utilised by other Government departments and the private sector. It was explained that since 2003 the MoD business areas have increasingly sent boxes of files to TNT, rather than individual files, to be indexed and stored. TNT then catalogues the files and boxes of files received by way of a searchable index, relying on the box title as a key identifier of the individual files contained in each box. At the time of the MoD presentation the TNT facility contained in excess of 19 million files stored in this way.
- 1.40** The MoD presentation generated a comprehensive disclosure request from the Inquiry to Corporate Memory relating to the period 14 May to 23 September 2004, specifying that other possible repositories of information, such as regimental museums, should be included. This resulted in the initial disclosure of more than 500 documents and, following the Inquiry's inspection of material held at the Regimental Headquarters of the 1st Battalion of the Princess of Wales' Royal Regiment ("1PWRR") and the Argyll and Sutherland Highlanders ("A&SH"), yet further documents were disclosed.
- 1.41** The Inquiry also provided the MoD with a list of search terms for the purpose of searching the DAS system. However, given the constraints of the system, in part due to the process by which material had been uploaded, the DAS system did not hold a complete record of the email communications during the relevant period. For these reasons and because by this stage the Inquiry had become aware of the existence of a more comprehensive set of email data held by the Iraq Historic Allegations Team ("IHAT"), it was considered that searches should not continue at DAS but be concentrated elsewhere.
- 1.42** Given the size of the TNT facility at Swadlincote and the manner in which files were stored, it was initially considered that a search of this facility would not constitute a proportionate

¹⁰ Operation Telic ("Op Telic") was the codename under which all of the United Kingdom's military operations in Iraq were conducted between 19 March 2003 and 22 May 2011

use of resources. However, there was cause to revisit this decision in August 2011, when a significant discovery was made by the MoD of nine files which appeared to contain a complete record of all the documentary material generated by the military in respect of each of the nine detainees captured on 14 May and for the period of their detention. These detainee files had been stored at the TNT facility in Swadlincote since 2006 and had not been disclosed during the course of the judicial review proceedings. As a consequence, the Inquiry conducted an electronic search of the TNT facility using 48 search terms, which initially returned 120,000 items. Upon review of those results, it was necessary to conduct a physical examination of over 1,800 items, consisting of archiving boxes and files contained within those boxes. Over 600 items were identified as being of potential relevance and were consequently disclosed to the Inquiry.

2. The electronic search of the FDHC at IHAT

Background

- 1.43** Following a meeting in April 2011 with the Directorate of Judicial Engagement Policy (“DJEP”) at the Ministry of Defence (“MoD”), the Inquiry was made aware of the existence of a complex computer system held by the Iraq Historic Allegations Team (“IHAT”) and its potential to be searched. IHAT had been established in March 2010,¹¹ by the then Minister of State for Armed forces, to investigate allegations of abuse made by Iraqi civilians following the British military involvement in Iraq from 2003 to 2009. At the time of the meeting, it was anticipated that the system would be operational by August 2011.
- 1.44** IHAT reported¹² that it had obtained a Forensic Data Handling Capability (“FDHC”) computer system, which would allow the searching of vast quantities of recovered electronic data. The report explained how the data was recovered, by extracting and creating images of exhibits recovered from military units, and then processed in accordance with Association of Chief Police Officers (“ACPO”) Good Practice Guidelines¹³ by the FDHC to enable the data to be searched. So far as the Inquiry was concerned, the FDHC’s potential for carrying out more extensive and efficient searching than had hitherto been possible, including for example at the DJEP Archive System (“DAS”), of material relevant to its terms of reference was therefore significant.
- 1.45** In September 2011, the Inquiry attended a meeting at the IHAT premises in Wiltshire to discuss the potential searching of the FDHC and to watch a demonstration of the system.¹⁴ It was agreed in principle that Inquiry personnel would have unrestricted access to the data held on the FDHC in order to be able to conduct searches uninfluenced by IHAT personnel.
- 1.46** The electronic information being processed by IHAT was divided into the following three principal “Cases” or data sets.

¹¹ IHAT’s written terms of reference provide that it is to investigate within a reasonable time allegations of ill-treatment of individuals by British forces in Iraq during the period March 2003 to July 2009, in order to ensure that those allegations are, or have been, investigated appropriately. The role, conduct, and independence of IHAT has been considered by the courts in *R (Ali Zaki Mousa) v Secretary of State for Defence* [2010] EWHC 1823 (Admin) (Sir Anthony May (PQBD) and Silber J); *R (Ali Zaki Mousa) v Secretary of State for Defence* [2010] EWHC 3304 (Richards LJ and Silber J); *R (Ali Zaki Mousa) v Secretary of State for Defence* [2011] EWCA (Civ) 1134 (Maurice Kay, Sullivan and Pitchford LJ); and *R (Ali Zaki Mousa and others) v Secretary of State for Defence* (No 2) [2013] EWHC 1412 (Admin) (Judge LCJ and Silber J).

¹² May 2011 in its first quarterly report submitted to the Provost Marshal Army.

¹³ ACPO Good Practice Guide for Digital Evidence: (<http://www.acpo.police.uk/documents/crime/2011/201110-cba-digital-evidence-v5.pdf>)

¹⁴ Appendix 2, paragraphs 1-8

- a. "The Sensitive Case," which was comprised of material recovered from military intelligence units;
- b. "The Live Case," which was comprised of material taken from Permanent Joint Headquarters ("PJHQ"); and
- c. "The Forensic Case," the largest of the cases, which consisted of material recovered from over 1,700 hard drives and other types of storage media held by PJHQ.

1.47 At the September meeting, IHAT personnel explained that the FDHC was still processing data and that none of the three principal cases was currently available for searching. It was envisaged that this would be the position for some time. In order to enable the Inquiry to commence searching the FDHC prior to the completion of processing of data, it was agreed that Inquiry staff would be given access to the FDHC material as it became available. This would allow the Inquiry to commence searching across smaller data sets (or cases), derived from the three principal cases without having to wait for the completion of processing of all data.

1.48 A tripartite protocol signed by representatives of the MoD, IHAT and the Inquiry in February 2012, established a working framework for the examination of material through to the final disclosure of documents discovered on the FDHC (and considered to be relevant to the Inquiry's terms of reference), via the MoD's main disclosure body DJEP. The Inquiry compiled a list of search terms to be applied across the FDHC data sets, with the assistance of an independent computer forensic analyst, in order to maximise potential returns.

1.49 By February 2012, the recovery of additional exhibits by IHAT along with the effects of the processing on the data by the FDHC (ie. opening of "zip" or archive files and extraction of emails from "pst" files) meant that the FDHC was still processing what, by this stage, was a much larger data set than had originally been reported in May 2011. The used capacity of the FDHC to date is 112TB (Terabyte).

1.50 In late February 2012, Inquiry staff were able to begin searching the FDHC. The first data set to be examined was created specifically for the Inquiry, from material processed from the Forensic Case, and was referred to as "the Liverpool Case."¹⁵

The Liverpool Case

1.51 In May 2004, the computer server providing email (exchange services) and storage facilities (file/print) to Camp Abu Naji had been known as "the Liverpool Server" and was then comprised of ten individual hard drives. During the wider process of imaging the exhibits seized by the Iraq Historic Allegations Team ("IHAT"), the hard drives that constituted several computer servers including the Liverpool Server were identified and documented. The IHAT forensic analyst at that time, having identified the hard drives that constituted the Liverpool server, was able to reconstruct it in order to enable the Forensic Data Handling Capability ("FDHC") to process the data and construct this separate case for the Inquiry.

1.52 The examination and searching of the Liverpool Case commenced on 29 February 2012 and concluded on 16 March 2012. It contained 2.4 million files in 401GB (Gigabyte) of data. These files consisted of a mixture of Microsoft type documents, graphical images, operating systems and unknown file types.

¹⁵ Appendix 2, paragraphs 11-20

- 1.53** Upon first searching the Liverpool Case (using the pre-determined search terms) it became apparent that the data the Inquiry had anticipated finding was not present. This was evident from the fact that the Inquiry already had documents in its possession (composed by members of 1st Battalion of the Princess of Wales' Royal Regiment ("1PWRR") while deployed to Camp Abu Naji in 2004 and it was therefore expected that a search would locate these documents in the Liverpool Case. It did not. There was similarly an apparent lack of email traffic on the Liverpool Server. For example, between 14 April and 21 May 2004 no emails were replied to and from 25 April to 15 September 2004, only 41 emails were forwarded from one recipient to another.
- 1.54** These unexpected results from the initial searches of the Liverpool Case led the Inquiry to conclude that a separate review should be conducted by an independent consultant to establish if any abnormal overwriting or deleting of data had occurred to the exhibits prior to their arrival at IHAT. As a result the services of Professor Peter Sommer¹⁶ were obtained. He provided his report¹⁷ to the Inquiry in June 2013. His main conclusion was that, based on the available evidence, he could find *"no obvious indication of deliberate deleting of key documents, emails and other files originated in May 2004, either at the time or subsequently."* He also made eight recommendations aimed at seeking additional information regarding the handling of the Liverpool Server in Iraq and its subsequent return to the UK. Six of his recommendations were accepted and implemented by the Inquiry. The remaining two were not adopted because they were considered to be too remote from the Inquiry's terms of reference.
- 1.55** Whilst conducting searches at IHAT, Inquiry staff applied a low level threshold for relevance, thereby ensuring that all potentially relevant material was obtained for examination. A preliminary search was carried out to eliminate duplicate items which were already in the possession of the Inquiry. Upon receipt of the material at Inquiry premises, a second review was overseen by Counsel to the Inquiry, ultimately resulting in the disclosure to Core Participants of documents deemed relevant to the Inquiry's terms of reference.
- 1.56** During the search of the Liverpool Case, over 780,000 items (documents, images, placeholders etc) were reviewed. From these items 487 documents were identified as potentially relevant and were supplied to the Inquiry by 30 April 2012. The examination conducted at Inquiry premises identified that there was some duplication in the material but that there were 203 items not previously seen by the Inquiry. Of these "new" items, 18 documents were ultimately deemed relevant to the terms of reference.

The Sensitive Case

- 1.57** By the time the Inquiry had completed searching the Liverpool Case, the processing of "the Sensitive Case"¹⁸ had concluded and the Inquiry team was able to commence searching it on 19 March 2012. This was completed by 28 March 2012.
- 1.58** The Sensitive Case was constructed from 40 separate exhibits seized from military intelligence units. The processed data amounted to 10.1 million items contained in approximately 4.8TB (Terabyte) of data. As the Sensitive Case had been constructed from separate exhibits, each of them could be examined individually or collectively with an indexed search.

¹⁶ Professor Sommer is a Visiting Professor in the Information Systems Integrity Group at the London School of Economics and a Visiting Reader of the Faculty of Mathematics, Computing and Technology at the Open University

¹⁷ Professor Sommer (ASI022094). The report is included as Appendix 10.

¹⁸ Appendix 2, paragraphs 21-25

- 1.59** The Sensitive Case primarily contained intelligence material with limited operational documents applicable to Operation Telic IV. As a result of searching the Sensitive Case, 771 documents were identified as potentially relevant to the Inquiry. These documents were received by the Inquiry on 20 April 2012 and following further examination, resulted in 34 documents being deemed relevant to the Inquiry's terms of reference. As such they were disclosed to Core Participants.

The Live Case

- 1.60** The next data set made available to the Inquiry for searching was "the Live Case".¹⁹ This was supplied to the Iraq Historic Allegations Team ("IHAT") by technicians from Permanent Joint Headquarters ("PJHQ") Northwood and consisted of the Defence Archive System's ("DAS") collection of electronic material recovered from Iraq following the Telic Operations. The search of the Live Case commenced on 2 July 2012 and was temporarily halted on 3 August because of the impact the Inquiry's searches were having on IHAT's efforts to process the remaining data on the Forensic Data Handling Capability ("FDHC").
- 1.61** The Live Case consisted of 5.3 million items, also a combination of documents, folders and system files. The Inquiry reviewed 76,000 documents, from which 2775 were deemed potentially relevant to the Inquiry. The further review, overseen by Counsel to the Inquiry, resulted in 110 documents being deemed relevant and disclosed to Core Participants. Between 10 and 21 December 2012, the Inquiry team was able to return to IHAT to resume their searches and completed their review of all 745,000 images on the Live Case. No further files were identified as being of relevance to the Inquiry.

The Email Case

- 1.62** In early 2013, the Iraq Historic Allegations Team ("IHAT") was still processing the data set that would eventually become "the Forensic Case" and were unable to provide a timeframe for completion of this task. However, IHAT suggested to the Inquiry that it was possible to create a smaller data set, containing email related material, which could be made available for examination by the Inquiry. IHAT had already created one data set which consisted of all currently available email related files, extracted from all the available exhibits held by IHAT at the time. The dataset was 796GB (Gigabyte) in size and contained 14 million items. A list of the pre-determined search terms (used for searching the Liverpool, Sensitive and Live Cases) was sent to IHAT to be applied to the email data set in order to construct a new case for the Inquiry. The result was the creation of "the Email Case".²⁰
- 1.63** The searching of the Email Case commenced on 21 February 2013 and continued until 4 July 2013, when the Forensic Data Handling Capability ("FDHC") was shut down for essential maintenance. The case consisted of 2.8 million items contained in 213GB (Gigabyte) of data. Due to the size of the data set, documents deemed potentially relevant from the searches of the FDHC were sent in batches to the Inquiry for review so as to speed up the process of disclosure, as follows:
- a. A first batch of 293 documents was reviewed and gave rise to 18 documents deemed relevant for disclosure and subsequently disclosed to Core Participants;
 - b. A second batch of 310 documents was reviewed and gave rise to 35 documents deemed relevant for disclosure and subsequently disclosed to Core Participants;

¹⁹ Appendix 2, paragraphs 26-28

²⁰ Appendix 2, paragraphs 29-32

- c. A third batch of 45 documents was reviewed and none were deemed relevant for disclosure;
- d. A fourth batch of 75 documents was reviewed and four documents were deemed relevant for disclosure and subsequently disclosed to Core Participants; and
- e. A fifth and final batch of 102 items was reviewed and four documents were deemed relevant for disclosure and subsequently disclosed to Core Participants.
- f. In total, as a result of searching the Email Case 825 items were received by the Inquiry of which 61 were subsequently disclosed to Core Participants.

Creation of the Email Address Case

- 1.64** During its searches of the Email Case, the Inquiry identified the potential for relevant material to have been missed. The Email Case had been constructed using specific search terms supplied by the Inquiry, including the names of specific personnel. Whilst examining the results of these searches, it became apparent that the surname of a person sometimes differed from that used in their email address. For example, the email address of Major Adam Griffiths would start “*griffa@xxxx*” so a search for “*griffiths*” would not locate his emails, unless the name “*griffiths*” was located somewhere else within the structure of the email. The same problem applied to Major James Coote, whose email address began “*cootj@xxxx*”.
- 1.65** As a result, a list of all potentially relevant email addresses was compiled and supplied to the Iraq Historic Allegations Team (“IHAT”) on 3 May 2013, together with a request to run this list of email names over the 796GB (Gigabyte) comprising the initial email data set, in order to create an additional case for the Inquiry to review. The resulting data set was known as the “Email Address Case”.²¹
- 1.66** Inquiry staff returned to IHAT on 22 July 2013 to commence searching this new case. However, on 29 July 2013, the Forensic Data Handling Capability (“FDHC”) was shut down due to severe overheating problems and did not, in the event, become operational again until December 2013. The Inquiry was only able to return to IHAT on 14 January 2014 to complete its searches of the Email Address Case, which it concluded on 13 February 2014.
- 1.67** These searches gave rise to the identification of 602 items of potential relevance to the Inquiry of which 26 were deemed relevant to the Inquiry’s terms of reference and disclosed to Core Participants.

Search for additional hard drives

- 1.68** By mid 2013, due to the continued processing of the Forensic Case and the absence of a completion date for this task, the Inquiry decided that a concerted effort would be made to trace hard drives fitted to computers used at key locations in Iraq in 2004 in order to be able to make productive use of time whilst the Forensic Data Handling Capability (“FDHC”) was still processing data. The key locations were Camp Abu Naji and the Joint Force Intelligence Team (“JFIT”) based at Shaibah Logistics Base.²² The examination of specific hard drives fitted to identifiable computers, if held as exhibits by the Iraq Historic Allegations Team (“IHAT”), was felt to be a productive and proportionate way of proceeding whilst awaiting completion of the processing of the Forensic Case.

²¹ Appendix 2, paragraphs 29 to 32

²² Appendix 2, paragraphs 34 to 43

- 1.69** The result of these searches was that, of the numerous hard drives fitted to work stations and servers at these locations between 2004 and 2006, only 17 could be traced, remained intact and were held as exhibits by IHAT. One of these (JRY-39-A) was made available for inspection at IHAT as a separate case. Searching commenced on 20 June 2013 and concluded on 5 July 2013. No documents of relevance to the Inquiry were found.

Searches at the Service Police Crime Bureau (SPCB)

- 1.70** Following the shut-down of the Forensic Data Handling Capability ("FDHC") on 29 July 2013 due (initially) to overheating problems, the Inquiry sought alternative arrangements in order to be able to continue with its searches of available electronic material. Enquiries established that the Service Police Crime Bureau ("SPCB") at Southwick Park, Hampshire, had an Access Data Lab environment but as their workflow was different from that of the Iraq Historic Allegations Team ("IHAT") they did not utilise at that time the review function of Lab. In addition, the SPCB's facility had the capability to undertake repairs of damaged drives, potentially enabling data to be extracted from previously inoperable hard drives. A request was made in late September 2013 to the Provost Marshal (Army) for the Inquiry to use this facility and permission was immediately given.
- 1.71** Following this, an agreement was reached with IHAT that allowed the 16 hard drives (identified above) to be transferred to the SPCB where, following repair (where necessary) and processing, it was anticipated that Inquiry staff would be able to proceed with their searches. Whilst SPCB conducted the work IHAT retained operational control of all retrieved data including handling instructions. This was in order to protect the integrity of IHAT data.
- 1.72** The examination of exhibits at the SPCB commenced on 7 October 2013 and finished on 20 December 2013. Drives not requiring repair were processed and made available for examination first. The search across undamaged drives resulted in three drives being fully examined.²³ Although documents were returned to the Inquiry for relevance review, no new material was deemed relevant for disclosure. Of the remaining 13 drives, the SPCB established that three were very badly damaged to the extent that no data was recoverable. The other ten had recoverable data but portions of the storage area on each drive were damaged so not all data was recoverable.
- 1.73** A decision was made to process the ten hard drives to recover what data was available and to place it into a single case, where each drive could still be identified. The resulting data set was identified as the "Partial Images Case".²⁴ During the processing, two additional drives were included that had not actually been requested by the Inquiry, so the complete case contained the recoverable data from twelve separate drives. Although documents were returned to the Inquiry for relevance review, no new material was deemed relevant to the Inquiry's terms of reference.
- 1.74** Whilst at the SPCB, the Inquiry became aware of nine additional hard disk drives held by IHAT that had been seized during the course of their inquiries and the description of which, suggested that they might hold material potentially relevant to the Inquiry. These disks were located at the SPCB awaiting repair to enable processing by the IHAT FDHC and had not previously been searched by the Inquiry as part of any of the earlier cases. Three of these disks²⁵ were fully examined and the remaining six were damaged. Two of these were so badly

²³ Appendix 2, paragraphs 55 to 61

²⁴ Appendix 2, paragraphs 64 to 66

²⁵ Appendix 2, paragraphs 44 to 54

damaged that no data was recoverable. The four remaining drives²⁶ were processed by the SPCB into a single case. No new documents were identified as relevant from these searches.

- 1.75** In late October 2013, the Inquiry was made aware of the recent discovery by the Royal Military Police (“RMP”) of a laptop computer located at the Special Investigation Branch (“SIB”) headquarters in Bulford, which contained material of potential relevance to the Inquiry. Arrangements were made for the laptop to be sent to the SPCB, in order that it could be made available for the Inquiry to search.²⁷ Although documents were returned to the Inquiry for relevance review, no new documents were identified as relevant.

The Forensic Case

- 1.76** Data on the Forensic Case continues to be processed as hard drives and other storage media relating to the Telic operations are still being found. This may continue indefinitely. By the end of June 2014 the most complete data set existing at that time had been processed and was made available in the Forensic Case to be searched. By then the Inquiry had completed its oral hearings and the Chairman was writing his report. Therefore, due to the limited amount of remaining time in which the Inquiry could conduct its searches, a list of more targeted search terms, based on a combination of specific names, locations, roles and reference numbers, was compiled and submitted to the Iraq Historic Allegations Team (“IHAT”) in order to create a searchable case from the material not yet seen by the Inquiry from the Forensic Case.²⁸
- 1.77** This gave rise to a new searchable case comprising just over 1 million items, contained in 379GB of data. The Inquiry team returned to IHAT on 1 July 2014 to resume its searches and continued these until 28 August 2014. While previously unseen material was found no new documents of potential relevance to the Inquiry were discovered.

Summary of IHAT searches

- 1.78** Following the Inquiry’s electronic search of the Forensic Data Handling Capability (“FDHC”) of the Iraq Historic Allegations Team (“IHAT”) and Service Police Crime Bureau (“SPCB”), over 38 million documents or files have been searched and/or reviewed, as a result of which 249 documents have been disclosed to Core Participants as relevant to the Inquiry’s terms of reference. This search although not continuous took place over a period of 2 ½ years. During this period all data that was available on the FDHC at that time has either been physically examined by a member of the Inquiry or has been subject of a targeted electronic search as part of the process of creating the various individual cases that have been made available for searching by IHAT.
- 1.79** For a more detailed and technical account of the Inquiry’s searches of the FDHC, see Appendix 2 to this Report.

3. Redaction of information

- 1.80** All material received by the Inquiry was initially assessed for relevance. Any relevant material provided by the Ministry of Defence (“MoD”) was then subject to a sensitivity review by the MoD during which it sought to identify any information which might cause real harm if disclosed. Where such information was identified, the MoD applied to me for a restriction

²⁶ Appendix 2, paragraph 67

²⁷ Appendix 2, paragraphs 62-63

²⁸ Appendix 2, paragraph 68-72

order pursuant to s19 of the Inquiries Act 2005 and the Inquiry's protocols, preventing its disclosure and/or publication.

1.81 In each case, the legitimate public interest in an Inquiry such as this one being conducted in an open and transparent manner was weighed against the risk of harm as set out by the MoD in its application and I considered each application personally before, on a number of occasions, agreeing to the redaction of some information.

1.82 Where a document was subject to redaction for this reason, a visible overlay was used, specifying one of eight numbered codes. Those codes identify, in outline, the reason why disclosure of the information in question had been withheld. The reasons to which those codes relate are:

- a. Code 1 – information which if disclosed would harm national security;
- b. Code 2 – information which if disclosed would harm operational security;
- c. Code 3 – information which if disclosed would jeopardise the personal security of individuals;
- d. Code 4 – information relating to equipment capability;
- e. Code 5 – information which if disclosed would damage this country's international relations;
- f. Code 6 – information relating to tactics, techniques and procedures;
- g. Code 7 – information which is confidential or sensitive and irrelevant; and
- h. Code 8 – information covered by legal privilege.

1.83 The Inquiry asked the MoD to review for sensitivity approximately 2950 of the documents provided. As described above, the investigation and disclosure process undertaken by the Inquiry has inspected, reviewed and discounted many more documents as not being relevant to its terms of reference. In addition, further redactions have been made to some documents in order to limit the disclosure of personal information of witnesses and others whose identities have been revealed as a result of the investigation and disclosure process. Redactions made for this reason contain the visible overlay "*personal information*".

4. The Media

1.84 During the initial phase of the investigation, research was carried out to identify potential sources of information and potential witnesses for the Inquiry. This research identified that, although there had been a great deal of media coverage of the Battle of Danny Boy and its aftermath, very few articles gave any indication of firsthand knowledge of the events by the reporter or journalist concerned. A number of potential sources were, however, identified who had information of use to the Inquiry and from whom statements were obtained.

1.85 Mark Nicol was an investigative journalist and the author of *Condor Blues*, which describes the exploits of soldiers who were part of the 1st Battalion of the Princess of Wales' Royal Regiment ("1PWRR") battle group, but detached from the main force based at Camp Abu Naji. The soldiers were based at Camp Condor and primarily tasked with training members of the Iraqi defence and security forces. The book is based on apparently first-hand accounts related to Mr Nicol by members of 1PWRR based at Camp Condor and, amongst others, featured Sergeant Paul Kelly of 6 Platoon, 1PWRR.

- 1.86** *Dusty Warriors*, written by the late Richard Holmes, sought to portray a realistic view of modern military life by drawing on the accounts of 1PWRR troops during their deployment on Operation Telic 4. It was of interest because of the background in the book about weapons carried (pistols), which appeared contradictory to some military accounts (which suggested that pistols were not routinely available). Richard Holmes also gave details of aerial support available to 1PWRR during 2004.
- 1.87** Lee Gordon was a freelance journalist who was working in Iraq in 2004, who had been made aware of the Battle of Danny Boy by a contact in Iraq and had travelled to Al Majar al’Kabir within a day or two of the incident. He attended the hospital and interviewed a number of people allegedly connected to the incident. On his return, he took material to Leigh Day solicitors, and to a TV journalist Michael Buerke, who in turn passed him onto David Monaghan. The material he gathered was subsequently licensed to David Monaghan and obtained for the Inquiry through Mr Monaghan.
- 1.88** This material included video footage of deceased Iraqis arriving at a local hospital on 15 May 2004, having been handed over to the Iraqi authorities by British forces (the “*ambulance footage*”). It also included interviews with a number of Iraqi witnesses, conducted by David Monaghan in the summer of 2005. Through his involvement in the production of the BBC Panorama programme “*On whose orders?*” David Monaghan also had unused video footage, taken during the making of that programme, of interviews with seven of the nine Iraqi men who were detained at Camp Abu Naji. He also had footage of the battlefield area and Camp Abu Naji which had been supplied by Khuder Karim Ashour Al-Sweady (witness 1).
- 1.89** Michael Howard was a journalist who had been reporting for The Guardian from Iraq since 2002. He published two articles in June 2004 concerning the events of 14 and 15 May 2004, reporting that allegations of abuse had been made to the International Committee of the Red Cross (“ICRC”) and also allegations of mutilation. He travelled to the area and took photographs of the areas where the battles took place. He supplied those photographs to the Inquiry and they have proved particularly useful in helping to identify and define the battle areas.

5. Iraqi witnesses

The identification of Iraqi witnesses

- 1.90** There were five main groups of Iraqi witnesses to the Inquiry:
- The nine detainees;
 - Medical and ambulance personnel who handled the dead after they were returned from Camp Abu Naji on 15 May 2004;
 - Family members of the deceased;
 - Miscellaneous witnesses to the events of 14 May 2004 and its aftermath; and
 - Locally employed civilians working with the British Army.
- 1.91** It was apparent at the outset of the Inquiry’s investigation that it would be important to identify Iraqi witnesses who might be expected to be in a position to provide corroboration or partial corroboration of the allegations already made. In particular, the Inquiry sought to obtain accounts from all nine of those detained at Camp Abu Naji and the Divisional

Temporary Detention Facility (“DTDF”), as well as anyone able to provide evidence relevant to the allegations of unlawful killing of Iraqis at Camp Abu Naji.

- 1.92** The Inquiry considered that medical personnel and others who had dealings with the dead before burial were likely to have evidence relevant to the allegations of unlawful killing. The names of relevant medical personnel were initially found within the death certificates and statements of other witnesses made during the judicial review proceedings.
- 1.93** The Inquiry also considered other sources of information available to it in this regard, notably photographs of the dead (before and after death), and the “*ambulance footage*” which appeared to show the transfer of the deceased by ambulance from Camp Abu Naji to what was believed to be the main hospital at Al Sadr, within Al Amarah. The footage clearly shows faces of individuals believed to be medical staff, ambulance drivers or doctors at the hospital. Khuder Al-Sweady (witness 1) was shown in this film footage, so the investigation initially sought to identify the people shown in the footage with his assistance, and latterly with the assistance of others identified as shown in the footage, as they were themselves interviewed.
- 1.94** It was also apparent that family members of the deceased were not only in a position to identify the deceased shown in the photographs available to the Inquiry, but were likely to have been involved in the ritual washing of the bodies and their preparation for burial in accordance with Islamic customs, and so would have seen the bodies after death. Many of the families of the deceased had recorded complaints to the local authorities; these included reports to local police stations such as that at Al Sekkar, and in witness statements provided to the Royal Military Police (“RMP”). From these documents family members of the deceased were identified by name and, where possible, were traced by the Inquiry for interview.
- 1.95** At an early stage of the Inquiry process, it was anticipated that further useful evidence about the events of 14 and 15 May 2004 might be available from witnesses involved in the events in official roles, such as police officers and local officials. The Inquiry discovered that a local judge had opened an investigation into the events of 14 and 15 May 2004. He was believed to have been responsible for commissioning the obtaining of accounts from the relatives of the deceased, by appointing investigating police officers in Iraq, more specifically from Al Sekkar police station, to carry out this task. Judge Mizher Al-Bahadly, together with two colleagues, were seen by the Inquiry in February 2011, and provided information about the nature of local enquiries and records of those enquiries which proved to be of use to the Inquiry’s investigation.
- 1.96** Once the Inquiry had exhausted the material in its possession as a means of establishing the identities of potential Iraqi witnesses, it relied on the following three further sources of information:
- a. Individuals named by others in witness statements, as they were received by the Inquiry, were added to the Inquiry’s list of witnesses;
 - b. The names of some witnesses were provided to the Inquiry directly by the solicitors for the Iraqi Core Participants in the Inquiry, along with a short summary of what it was believed the individual could say about relevant events; and
 - c. The Inquiry employed its own agent in Iraq who approached potential witnesses to establish whether they had any relevant evidence to give. In some instances this was achieved by the agent himself attending, for example, hospitals and ambulance stations in an effort to locate individuals of relevance. The agent also performed the task of approaching those named to the Inquiry as potential witnesses. He was provided with

a simple questionnaire consisting of a small number of questions designed, initially, to elicit whether the witness would be a suitable candidate for interview. Using the questionnaire the Inquiry agent took a set of notes from each individual which were forwarded to the Inquiry investigation team for consideration. All of the witness notes obtained in this way were retained, and provided to witnesses when they gave their Inquiry witness statement.

Interviewing Iraqi witnesses

- 1.97** Due to security considerations and logistical difficulties, it was clear from an early stage that it was not feasible for the Inquiry to interview the Iraqi witnesses in the area where they resided, or even within Iraq. Enquiries by the Secretary to the Inquiry established that there were a limited number of countries to which Iraqis could travel easily. Both the Foreign and Commonwealth Office (“FCO”) and Phil Shiner of Public Interest Lawyers (“PIL”) were consulted on the most appropriate location for interviews with Iraqi witnesses and as a result it was agreed that Beirut would be the best option.
- 1.98** During the early stages of the Inquiry, before a local agent had been identified and engaged, arrangements were put in hand to organise the interviews of the first group of Iraqi witnesses in Beirut using PIL’s existing arrangements with an Iraq-based contact. Difficulties arose, in part because it was established that any Iraqi citizen arriving in Beirut had to be in possession of US \$2000 or entry would be refused by the Lebanese authorities. It was therefore necessary to have Inquiry staff in Iraq who could not only make travel arrangements for witnesses but also receive, distribute and re-collect this money from the Iraqi witnesses.
- 1.99** With the assistance of British Consulate staff in Basra, the Inquiry identified a former Iraqi police officer, who had worked with British police officers in Iraq on police improvement projects and who spoke English at a good level, to provide assistance.
- 1.100** It was decided that interviews, conducted by the Inquiry, with all these witnesses would be video recorded. In instances where an interview subject declined video recording, audio recording would be used. Notes were also taken during the interview to facilitate the preparation of a witness statement. It was decided that video/audio tapes would not be transcribed but a statement of evidence was to be prepared and agreed with the witness to reflect the content of the interview.
- 1.101** A first interview trip was arranged for July 2010 in Beirut. I also attended Beirut for a short time during this first round of interviews to satisfy myself that the conditions for the interviews and the conduct of the interviews were satisfactory.
- 1.102** A total of four such interview trips took place to Beirut. However increased tension in the Lebanon and other factors made it very difficult to continue to use Beirut for interviewing the Iraqi witnesses. Accordingly Istanbul was identified as an alternative venue which Iraqi citizens could readily access. Four further interview trips then took place in Istanbul.
- 1.103** In July 2012, PIL withdrew their support for the process of interviewing by the Inquiry and began to interview witnesses and provide witness statements in response to requests without the involvement of Inquiry staff. Those interviews were not video or audio recorded, but draft statements were submitted for review by the Inquiry and the issuing of any supplemental questions, in accordance with the Inquiry’s witness evidence protocol.

- 1.104** The Inquiry also conducted two further trips to Istanbul to interview Iraqi witnesses who had not engaged PIL.
- 1.105** Once interviewing of Iraqi witnesses had already begun it came to the attention of the Inquiry that individuals employed by the Ministry of Interior (“MOI”) in Iraq, which included some of those identified as Inquiry witnesses, required the permission of the Minister of the Interior to leave Iraq, and that to do so without such permission was an offence under Iraqi Law. Permission was therefore sought by the Inquiry on behalf of those witnesses known to be employed by the MOI. Despite the best efforts of the Inquiry, Consulate staff and the British Ambassador and the submission of a Note Verbale, it took over a year before the necessary permissions were granted.
- 1.106** In total, the Inquiry obtained statements from 103 Iraqi witnesses. As a result of the transliteration of the names of Iraqi individuals from Arabic script into Roman script, the written evidence to this Inquiry reveals a wide variety of spellings of their names. In order to reduce the uncertainty generated by these variations, each Iraqi witness was given a unique numerical identifier by the Inquiry. In this Report, save where quoting directly from the documentary evidence, I will use a consistent form of each Iraqi person’s name. For clarity, I will also include the numerical identifier for that person. At Appendix 3 to this Report, I have listed each of the Iraqi witnesses to whom I will refer in this Report, along with variations of their names found in the passages of evidence which I will quote.

The “Locally Employed Civilian” (LEC) Line of Enquiry

- 1.107** Early investigations by the Inquiry revealed that civilian workers, including Iraqis from the local area, had been employed by the British Army in Iraq in a variety of roles including at Camp Abu Naji and the Divisional Temporary Detention Facility (“DTDF”). There was no indication that civilians had been canvassed as potential witnesses prior to the commencement of the Inquiry. The Inquiry therefore sought to locate relevant individuals.
- 1.108** Mark Nicol the author of *Condor Blues*, to whom I referred above, had obtained employment as a security guard for Hart Security at Camp Abu Naji shortly after May 2004. Enquiries with Hart Security to identify other civilian workers employed by them resulted in a list of names and email addresses being supplied. Emails were sent to all working email addresses, but no potential witnesses were identified.
- 1.109** There appeared to be nothing in the original judicial review material nor in any of the other material provided to the Inquiry which included details of any Locally Employed Civilians (“LECs”). However, through its searches of the Ministry of Defence (“MoD”) TNT archive, the Inquiry identified a number of documents confirming the employment of LECs, and giving some details of LECs who appeared to have worked at Camp Abu Naji. In most cases the records were incomplete and contained insufficient detail to enable contact to be made.
- 1.110** Further enquiries identified the Army Labour Support Unit (“LSU”) as the most likely repository of LEC records. The LSU forwarded to the Inquiry the material it possessed and the information was eventually received on 21 August 2012 on three CDs. The information was stored in a series of apparently disorganised files and folders and it was therefore necessary for every folder and every file to be opened and examined on an individual basis in order to establish whether a particular individual was of potential relevance to the Inquiry, and if so, to locate contact details. The MoD also provided four further CDs of relevant information. Data relating to about 16,000 LECs was examined by the Inquiry’s investigators in order to identify individuals who might have relevant evidence.

- 1.111** The criteria used to identify individuals with whom the Inquiry wished to establish contact were as follows:
- a. That he/she was employed at Camp Abu Naji on 14-15 May 2004; and/or
 - b. That he/she was an interpreter; and
 - c. That there existed a point of contact such as a mobile phone number, home address or email address.
- 1.112** Research clearly showed that historically there had been a very serious and real threat to the safety and security of LECs working for the British. It was therefore decided that Iraq-based LECs should be approached remotely (i.e. by telephone rather than through the Inquiry agent) to establish whether they were likely to have relevant evidence.
- 1.113** In July 2012 the first 34 (non-UK-based) individuals identified as potential witnesses were telephoned with the assistance of an Arabic-speaking interpreter. Following further work to identify LECs from the material provided to the Inquiry, the telephone exercise continued through September, October and November 2012, until around 540 calls had been made.
- 1.114** The Inquiry made contact with 137 LECs of whom ten individuals were selected for and agreed to be interviewed. Nine were eventually interviewed and provided statements.
- 1.115** It was agreed that those LECs who provided a statement would not be named on any document or statement provided to the Inquiry. All indicated an intention to apply for protective measures and with that in mind all were allocated a provisional cipher.
- 1.116** Some of the individuals whose details were found had been re-settled in the United Kingdom at the conclusion of their employment. The Inquiry therefore requested last known contact details from the UK Border Agency (“UKBA”) for those Iraqis who had been admitted in this manner, and later from the Department for Work and Pensions (“DWP”) and Her Majesty’s Revenue and Customs (“HMRC”).
- 1.117** For those LECs who were believed to have re-located to the UK, letters were sent to the addresses obtained, outlining the Inquiry’s role and requesting the individual to make contact. However, no responses were received. The next step was to visit the addresses. In November and December 2012 Inquiry investigators managed to speak with a number of former LECs now based in the UK, only one of whom was able to provide any relevant information.

6. Military witnesses

The identification of military witnesses

- 1.118** The Inquiry sought to identify all military personnel who might have evidence relevant to the Inquiry’s terms of reference. If the Inquiry considered that the individual *would* have such evidence, the individual was sent a Rule 9 request for a statement and if the Inquiry considered that the individual *might* have such evidence, the individual was sent a questionnaire.²⁹
- 1.119** The categorisation of individuals in this way has been kept under review throughout the Inquiry, in particular with respect to those who were initially identified as not to be contacted.

²⁹ The questionnaires were also issued pursuant to Rule 9. However, in this section of the Report, “Rule 9 requests” refer to those who were sent questions with a view to them providing evidence of relevance to the Inquiry, rather than those who were sent questions with a view ascertaining whether they actually did have any evidence of relevance to the Inquiry

- 1.120** Once a witness was identified, either as a Rule 9 witness or as a questionnaire witness, the Inquiry requested contact details from the Ministry of Defence (“MoD”). If a witness was still serving, the MoD provided the witness’ service address. If a witness was no longer serving, the MoD provided the witness’ last known civilian address. The Inquiry required the assistance of a tracing agent to locate many of those civilians who had moved from their last known address.
- 1.121** Rule 9 witnesses were identified in one of two ways, which reflects the way in which their identities came to the attention of the Inquiry:
- a. Those who provided a witness statement during the course of the Royal Military Police (“RMP”) investigations in 2004 and/or 2008 or the related judicial review proceedings (“RMP witnesses”); and
 - b. Those named in statements or material disclosed to the Inquiry, but who did not provide an RMP or judicial review statement (“new Inquiry witnesses”).
- 1.122** The approach taken in respect of each group differed. The MoD provided the Inquiry with witness statements from around 500 individuals taken during the course of the RMP investigations in 2004 and/or 2008 or for the purposes of the judicial review proceedings.³⁰ The Inquiry reviewed statements from these individuals, and on the basis of these statements alone, was able to identify 242 witnesses who would have evidence relevant to its terms of reference. This represents just under half of all the Inquiry’s Rule 9 witnesses.
- 1.123** The statements of the remaining 250 or so individuals who provided a statement in the course of the 2004 and/or 2008 investigations or in the judicial review proceedings were not contacted since their statements indicated they would not have information relevant to the Inquiry’s terms of reference. Typically, individuals in this group were involved with procedural or administrative matters during the 2008 investigation. For example, their statements related to recording instances of exhibit handling or searches for material.
- 1.124** The Inquiry also identified a significant number of new witnesses. These witnesses were identified via one of two main routes:
- a. They were named in statements or material disclosed to the Inquiry, but had not previously provided a statement; or
 - b. They were named in the Personnel Report (“Persrep”) disclosed to the Inquiry by the MoD.
- 1.125** A different approach was taken to individuals in each of these two groups, reflecting the fact that those named in material and statements relating to events at Danny Boy, Camp Abu Naji, or the Divisional Temporary Detention Facility (“DTDF”) etc were more likely than those simply named in a list of personnel to have relevant evidence. This is explained in more detail below.
- 1.126** In respect of the first group, once the correct contact details had been acquired from the MoD or through the tracing agent, the Inquiry sent the individual either a Rule 9 request (where the witness *would* have relevant evidence), or a questionnaire (where the witness *might* have relevant evidence).
- 1.127** The Persrep sets out, by regiment and unit, the military personnel based in Al Amarah (primarily at Camp Abu Naji) on 25 April 2004 (the date closest to 14 May 2004 for which a

³⁰ This figure excludes Iraqi witnesses

Persrep was available). There are 1069 individuals named on the Persrep. Of these, 254 were already on the Inquiry witness list, either as an RMP witness, or as a new Inquiry witness named in statements or material disclosed. As to the remaining 815 individuals on the Persrep, the Inquiry adopted a unit by unit approach.

1.128 The primary consideration whether to contact the unit was informed by what was known about the involvement of the unit in the events of 14 and 15 May 2004: the more involved the unit, the more likely the additional members of the unit would have evidence (whether direct or indirect) of relevance to the Inquiry. In this way, the Inquiry identified an additional 391 potential witnesses. Save for a limited number of exceptions, these individuals were from the following units:

- a. HQ Company, 1st Battalion, Princess of Wales' Royal Regiment ("1PWRR")
- b. C Company, 1PWRR
- c. A Squadron, Queens Royal Lancers ("QRL")
- d. B Company, 1st Battalion, Argyll & Sutherland Highlanders ("1A&SH")
- e. Light Aid Detachment ("LAD") Royal Electrical and Mechanical Engineers ("REME")
- f. 158 Provost Company, Royal Military Police ("RMP")
- g. Field HUMINT Team ("FHT")
- h. Joint Service Explosive Ordnance Disposal ("JSEOD")

1.129 The Officer Commanding and Second-in-Command (or the highest ranking individuals) of each of the units were contacted in order to clarify the accuracy of this initial assessment. Material supplied by the MoD, the witness statements and questionnaire responses also informed the assessment.

1.130 The 391 potential witnesses were sent a "short questionnaire". The short questionnaire consisted of five "Yes" or "No" questions to ascertain whether the individual saw or heard anything of relevance to the Inquiry on 14 and 15 May 2004. It was thought that a short and simple questionnaire would be the most effective way to ensure a prompt response. Based on their responses, around 26% of all Persrep witnesses contacted had information of relevance to the terms of reference.

Interviewing military witnesses

1.131 As a result of these efforts, the Inquiry identified over 900 military witnesses and potential witnesses. That number is comprised of all those identified from the Judicial Review proceedings and the Royal Military Police ("RMP") investigations, in addition to individuals identified through other disclosure, including the Personnel Report ("Persrep") list. The likely involvement and knowledge of the witness was assessed by reference to where the individual's name appeared and what was known from the evidence gathered to date about the location of the military units over the relevant period. As described, following that assessment, the witness would be sent a short questionnaire, a longer questionnaire, or a full Rule 9 request. On receipt of both short and long questionnaires, the Inquiry reviewed the response to determine if that witness should subsequently be sent a full Rule 9 request. Out of 360 short questionnaire responses, 99 witnesses were asked to provide a full written statement, and from a total of 213 long questionnaire responses, 75 witnesses were asked for a statement. In total, 507 witnesses were sent a request for a full statement and the Inquiry has received a statement from 493 of those witnesses; a response rate of 97%. Around half the number of

witnesses who provided a written statement also went on to attend the Inquiry to give oral evidence, the remaining statements were read. I set out the rationale for calling witnesses in my ruling of 15 July 2013 which is available on the Al-Sweady Inquiry website and is included in Appendix 6. Broadly I wished to hear oral evidence from those directly involved in events within my terms of reference, where appropriate, those in supervisory roles, and others where their written statement identified direct observations of importance concerning the Iraqi detainees and those killed on the battlefield.

- 1.132** In order to contact the witnesses identified, in the first instance the Inquiry sought contact details held on record by the Ministry of Defence (“MoD”). Out of the total number of full statement witnesses identified, however, just under 30% were still serving. For the remainder, the Inquiry sought civilian addresses held on the MoD files. Upon contact, the vast majority (89%) of witnesses asked to provide a statement to the Inquiry took up the legal assistance put in place by the MoD and provided by Treasury Solicitors (“TSol”) or in the event of any conflict, by Kennedys Solicitors. The remainder declined the offer of legal assistance and provided their statements directly to the Inquiry through meetings with Inquiry staff and, where appropriate, through correspondence.
- 1.133** In the years which have elapsed between the events with which this Inquiry is concerned and the writing of this Report, many of the military witnesses to the events have changed rank. Some have changed surname. Those witnesses generally, and understandably, gave written and oral evidence under their new rank and surname. To reduce uncertainty, in this Report I will refer to all military witnesses according to their name and rank in May 2004. At Appendix 3 to this Report, I have listed all the military witnesses who gave evidence along with their rank in 2004 and their rank at the time they gave evidence.