

PART 3: ALLEGATIONS OF ILL TREATMENT AT CAMP ABU NAJI

CHAPTER 1: THE ARRIVAL OF THE DETAINEES AT CAMP ABU NAJI

1. The arrival of the nine detainees at Camp Abu Naji on 14 May 2004

- 3.1** Formerly an Iraqi Army camp, Camp Abu Naji was taken over by the British Army and became its largest base in Maysan province. It was situated on the west side of Route 6, just south of Al Amarah, and to the north of the Danny Boy vehicle checkpoint (“VCP”). The town of Al Majar al’Kabir was about 20 kilometres south of Camp Abu Naji.
- 3.2** The approach to Camp Abu Naji was immediately recognisable because of the large arches that were situated on the approach road to the camp.³¹⁹⁴
- 3.3** This well-known feature was known as “the Golden Arches” by soldiers based at Camp Abu Naji, because of their resemblance to the familiar logo of a well-known chain of fast-food restaurants.³¹⁹⁵ The arches were actually some distance from the camp’s main entrance, which was approximately another 700 metres further down the approach road to the camp.³¹⁹⁶ The following photograph depicts the view from Route 6 facing towards the arched entrance to Camp Abu Naji:

³¹⁹⁴ Hayder Faisal Manea Al-Salman (witness 144) (ASI008114) [48]

³¹⁹⁵ Captain Turner (ASI017619–20) [155]; Corporal J. Wilson (MOD019088); Private Sugden (ASI010493) [53]

³¹⁹⁶ Ibid.

Figure 77: extract taken from ASI008204 – Video taken by Khuder Karim Ashour Al-Sweady (witness 1)



3.4 The entrance to the camp itself was controlled by two barriers and a guarded sangar tower.³¹⁹⁷ The following image, taken on Private Stuart Taylor’s camera, shows the front gate at Camp Abu Naji and the sangar.

³¹⁹⁷ Majid Ali Hussein Al-Mulla (witness 167) (ASI008607) [22]

Figure 78: MOD037835

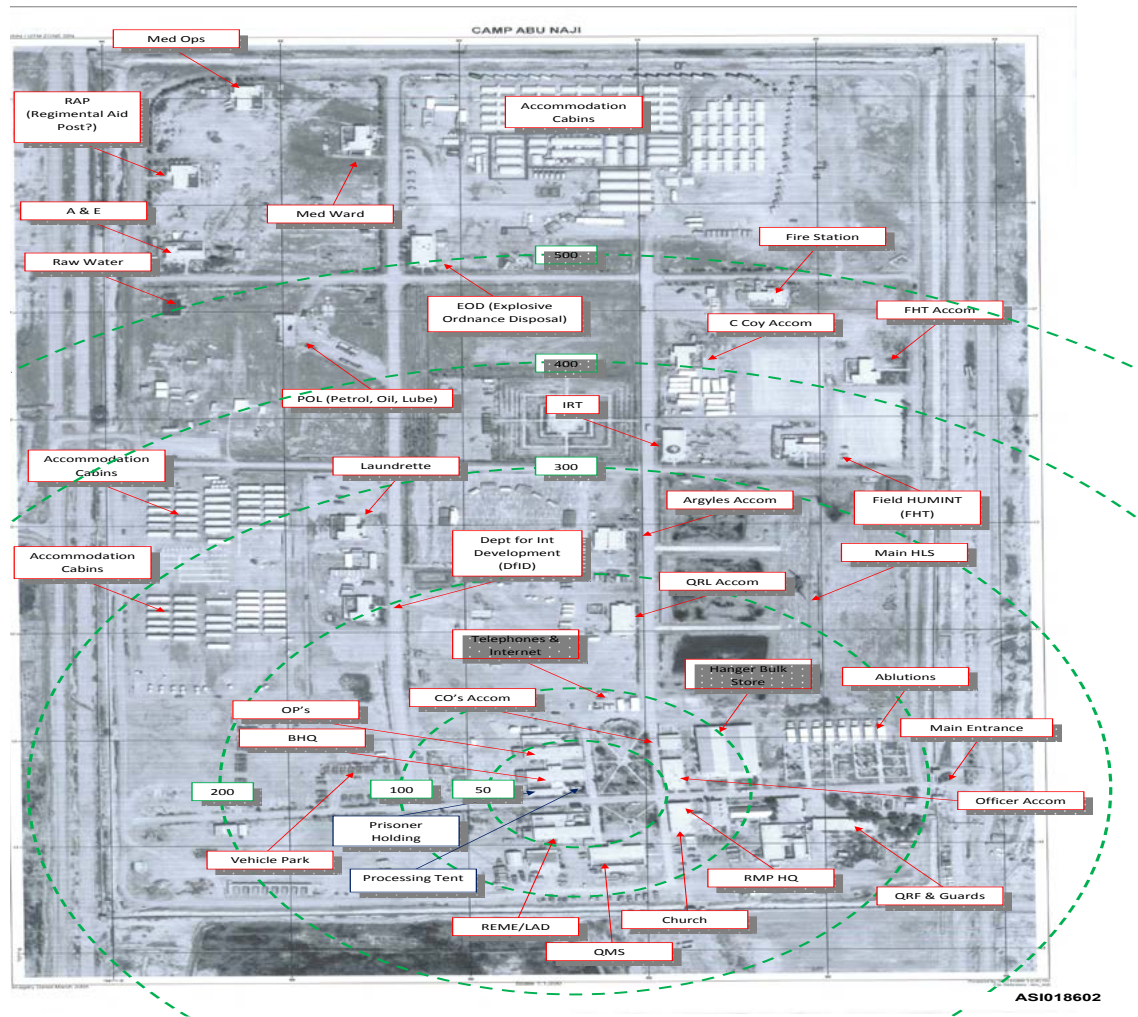


- 3.5** Camp Abu Naji was a large rectangular compound, and at its peak, was home for up to 1500 soldiers.³¹⁹⁸ It had originally been the camp for the Iraqi Army 4th Corps under the Saddam Hussein regime,³¹⁹⁹ before being taken over by the British. The photograph which appears below as figure 79, taken in March 2003, depicts the whole of Camp Abu Naji from the air. The key buildings and areas have been marked for ease of reference in order to represent the layout understood to have existed in May 2004. The main entrance to Camp Abu Naji can be seen at the bottom right of the photograph.

³¹⁹⁸ Lieutenant Colonel Maer (MOD022378) [4]

³¹⁹⁹ See, for example, Ahmed Abbas Makhfe Al-Fartoosi (witness 91) (ASI008447) [59]; Ghazi Talib Janjooon Algham (witness 145) (ASI008490) [39]; Salim Adday Mohaisen Al-Baidhani (ASI008837) (witness 157) [71]

Figure 79: ASI018602



The prisoner handling compound at Camp Abu Naji

3.6 Detainees taken to Camp Abu Naji were held in a small compound (“the prisoner handling compound”). In May 2004 this was located next to the Battalion Headquarters Building (“BHQ Building”). Lance Corporal Kirk Williamson explained that the prisoner handling compound was intended to provide a short term holding area for detainees brought to Camp Abu Naji as prisoners of the Coalition forces. The compound was created around a defunct shower block, located at the south end of the BHQ Building³²⁰⁰ adjacent to the Battle Group Administration Office.³²⁰¹ The facilities were very basic and intended only as temporary accommodation for a small number of prisoners for a very limited period of time, before they were appropriately relocated.³²⁰² For this reason, the compound was not suitable or used for any prolonged period of detention. Nor was it intended to accommodate large numbers of prisoners. The basic nature of the arrangements, as detailed in the paragraphs that follow, reflected those limitations.

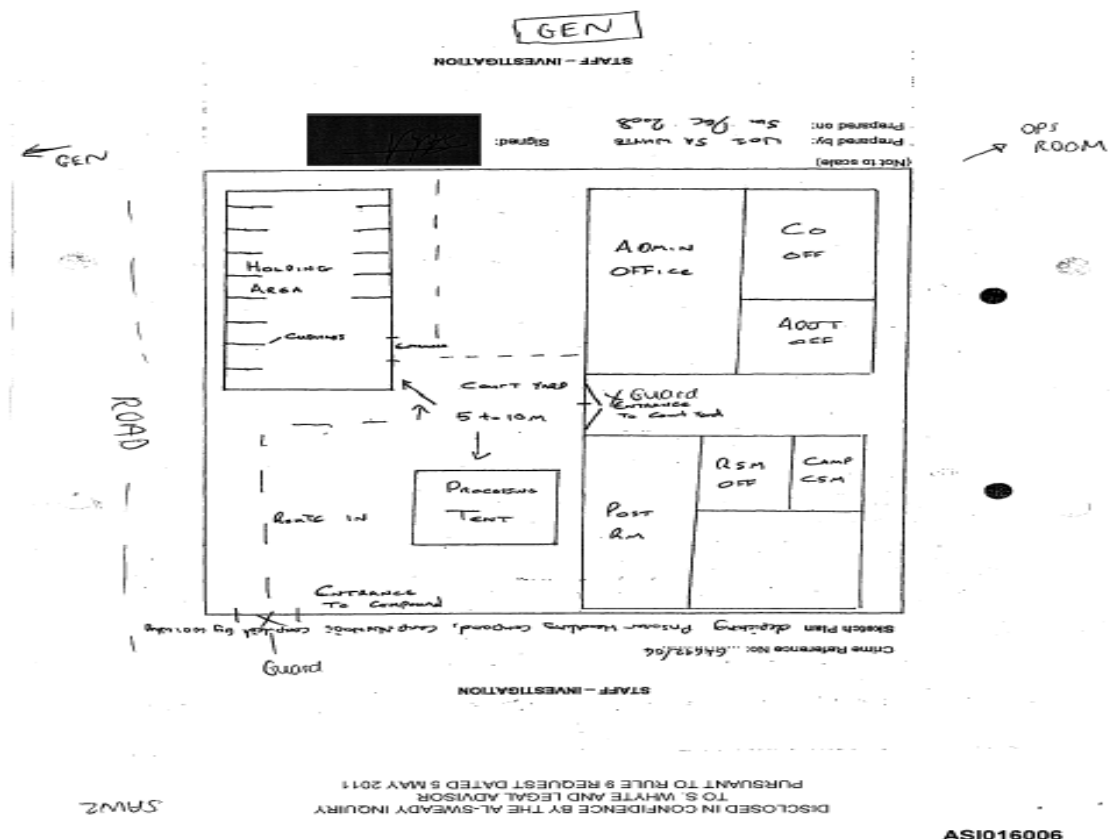
³²⁰⁰ Sergeant McKee (MOD004526)

³²⁰¹ Lieutenant Colonel Maer (MOD022539) [54]

³²⁰² Lance Corporal Williamson (ASI024862-64) [20]–[27]

- 3.7** Entry to the prisoner handling compound was by one of two entrances. Often the compound was empty and, when that was the case, soldiers could and did pass freely through it on foot. However, when detainees were present in the compound, both of the entrances were secured by armed guards and passage into or through the compound was controlled as a result.³²⁰³ The first entrance into the compound was from the BHQ building itself (“entrance 1”).³²⁰⁴ The second entrance was off the main road into Camp Abu Naji (“entrance 2”). Entrance 2 gave access to the prisoner holding compound along a path into an open air courtyard.³²⁰⁵
- 3.8** The area immediately inside the overall compound was divided by a hessian sheet on a wire. On one side of the hessian sheet was a courtyard area, in which there was a tent³²⁰⁶ used for both processing and tactical questioning of detainees (“the processing tent”) and an old disused shower block that was used to accommodate the detainees (“the prisoner holding area”: see below). On the other side of the hessian sheet was an area in which off-duty guards could relax. The compound was surrounded by an eight foot high wall on three sides, the other side consisting of the BHQ building. There were also a number of portaloos lavatories for the detainees to use.³²⁰⁷ These were situated just outside entrance 2 to the compound. The following sketch plan, drawn by WO1 Shaun Whyte, shows the general layout of the prisoner handling compound on 14 May 2004:

Figure 80: ASI016006



³²⁰³ Corporal Everett (MOD020169); Corporal Marshall (ASI011083) [40]

³²⁰⁴ M004 (ASI02263) [33]

³²⁰⁵ See, for example, Figure 80 ASI016006

³²⁰⁶ The tent is estimated to have been around 12 square feet; NB – see paragraph 3.13

³²⁰⁷ Lance Corporal Williamson [166/91-95]; (ASI024863) [23]

The Prisoner Holding Area

- 3.9** Within the prisoner handling compound was a disused shower block. The shower block was used to accommodate detainees whilst they were being held in the prisoner handling compound.³²⁰⁸ It consisted of a brick building with a roof and measured approximately 20 metres by 10 metres.³²⁰⁹ Corporal John Everett confirmed that there were approximately 14 former shower cubicles in the facility,³²¹⁰ each of which had tiled walls and a concrete floor and measured about two metres by two metres. These were utilised as single person cells. Entry to each cubicle was by means of a doorway, although the doors themselves were no longer attached. Corporal Everett said that there were three such cubicles to the left of the shower block entrance and 11 cubicles on the wall opposite the entrance, spread along the length of the wall. To the right of the doorway was an open area with a bench.³²¹¹
- 3.10** According to Corporal James Randall and Private Adam Gray, not all the cubicles in the shower block were necessarily permanent. They remembered that temporary cubicles were sometimes constructed in the shower block when needed, by standing six foot by three foot tables on end, so that they formed six foot high temporary cubicles.³²¹²
- 3.11** Within each cubicle was a chair that was positioned facing the wall. There were no shower heads or taps in the shower block and no running water. There was however a supply of bottled water by the entrance.³²¹³
- 3.12** The following sketch plan drawn by Corporal Everett, gives a general idea of the layout of prisoner holding area in the old shower block:³²¹⁴

³²⁰⁸ WO2 Cornhill (ASI013358) [59]

³²⁰⁹ Sergeant McKee (MOD004526)

³²¹⁰ Corporal Everett (MOD020169); NB – WO1 Whyte estimated 15 cubicles (ASI015977) [80] and WO2 Cornhill said there were about 10 (ASI013358) [59]

³²¹¹ Corporal Everett (ASI009391) [97]; Lance Corporal Bond (ASI011522) [26]; NB – the layout and number of cells broadly agreed with the recollection of other witnesses. See, for example, Sergeant J. King (ASI010322) [47] who recalled up to 10 cells and Lance Corporal Williamson who recalled that the cells were partitioned by sheets of hessian [166/93/2-6]

³²¹² Corporal Randall (ASI009752) [34]; Private Gray (ASI011371) [27]–[29]

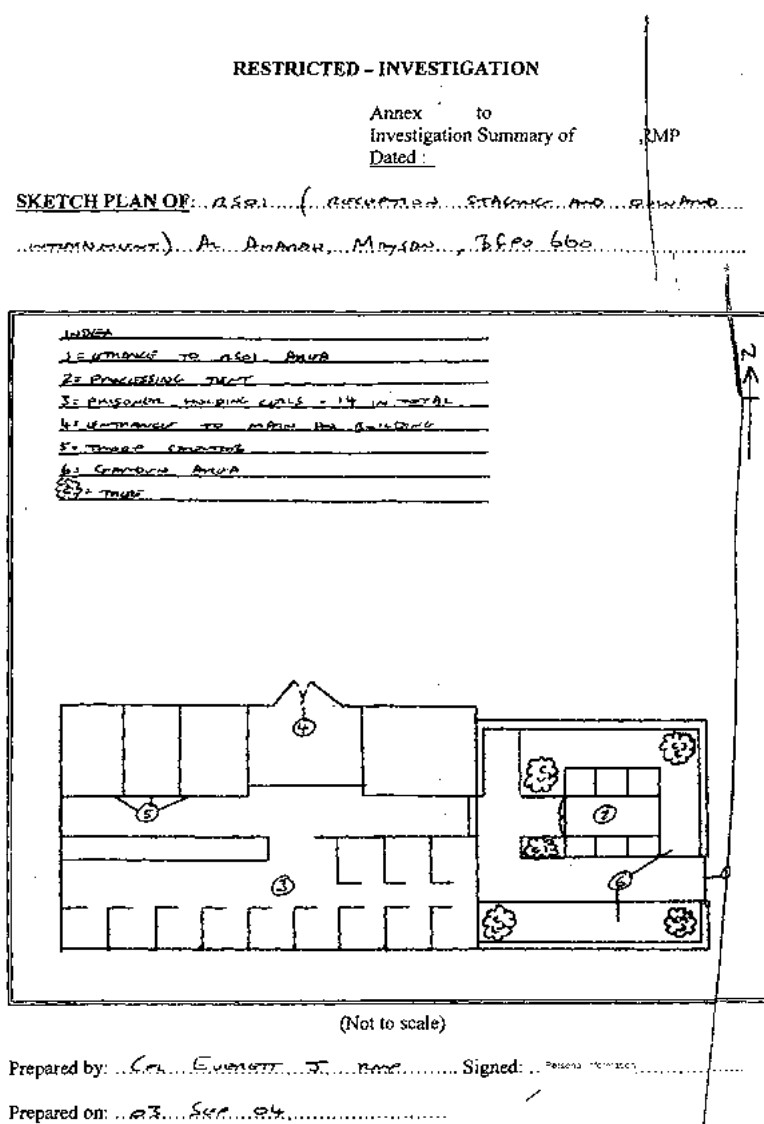
³²¹³ Lance Corporal Bond (ASI011522-23) [26]; Staff Sergeant Gutcher [122/55]; [122/45]

³²¹⁴ See also, Corporal Everett (MOD022812)

Figure 81: MOD016077

inner_view [https://v5.lextranet.net/lcs/customDB/omni/inner_view.lcs?session_key=a8cc-546685b3-17e4430-bfce-b580-b31c-b886-55e49831objectID=2003Page 1 of 1]

ASI SUBJECT TO CONFIDENTIALITY UNDERTAKING



RESTRICTED - INVESTIGATION

MOD016077

The Processing Tent

3.13 The processing and tactical questioning of the detainees took place in an army tent, which measured 12 square feet.³²¹⁵ The tent was positioned about three to 10 metres from the entrance to the old shower block where the detainees were held.³²¹⁶ The tent was sealed

³²¹⁵ WO2 Cornhill [115/29/21-23]

³²¹⁶ Sergeant McKee (ASI014659) [39]; M004 (ASI022263) [35]; WO1 Whyte (ASI015978) [84];

at one end and the windows were closed. Light was provided from battery operated strip lights.³²¹⁷

Command structure and procedure for detainee handling at Camp Abu Naji³²¹⁸

3.14 The Regimental Sergeant Major (“RSM”) for 1st Battalion, Princess of Wales’ Royal Regiment (“1PWRR”) was WO1 Shaun Whyte. One of his roles in May 2004 was to oversee prisoner handling at Camp Abu Naji. In that capacity, his main responsibilities were to ensure that security was properly maintained while detainees were present in the prisoner handling compound and to decide who was to perform the various tasks that needed to be carried out during the entire prisoner handling process.³²¹⁹ As it happens, WO1 Whyte was not on duty on 14 May 2004, although it appears that he was present at Camp Abu Naji and that he did have some limited involvement with the detainees that evening. It was WO2 Darran Cornhill, the “Camp” Sergeant Major (“CSM”) who assumed overall responsibility for prisoner handling on this occasion. WO2 Cornhill explained that, although he was in overall charge of the holding compound on 14 May 2004, he had delegated the task of guarding the detainees to Staff Sergeant David Gutcher, the commander of the guards in the prisoner holding compound that evening, because WO2 Cornhill regarded his specific role to be to that of processing the detainees.³²²⁰

The Rover Group Guards

3.15 The Provost Sergeant³²²¹ was Sergeant Julian King. He was present and on duty on 14 May 2004. During his oral evidence to the Inquiry, Sergeant King confirmed that he was in charge of the Rover Group soldiers³²²² who were primarily responsible for providing the guards who controlled the entrances to the prisoner handling compound. On occasion, the Rover Group soldiers would also assist in actual prisoner handling duties. However, when more man power was needed, the Light Aid Detachment (“LAD”), which formed part of the Royal Electrical and Mechanical Engineers (“REME”) attached to 1PWRR, provided the soldiers required to act as guards/escorts and to deal generally with specific prisoner handling duties in and around the prisoner handling compound (“the LAD guards”).³²²³

3.16 On 14 May 2004, a team of soldiers from the Rover Group, under the command of Sergeant King, were assembled for duty as usual. However, it appears that they did not assist directly in prisoner handling duties on this particular occasion.

3.17 Sergeant King believed that the LAD guards assisted with the unloading, escorting and guarding of the nine detainees on 14 May 2004.³²²⁴ This recollection was echoed by the Rover Group personnel who acted as the guards of the entrances to the prisoner handling compound on

³²¹⁷ Corporal Everett (MOD020169)

³²¹⁸ This section briefly outlines the relevant 1PWRR command structure in order to make clear that there was essentially a dual guard force on duty on 14 May 2004. There were many submissions (in particular in the ICP written Closing Submissions (553) [1784] onwards) concerning the relevant command structure and thus who had responsibility for the detainees at what stage, in particular with regard to the requirements of “SOI 390”, which is not explored at this stage, but will be dealt with later in this Report

³²¹⁹ WO1 Whyte (ASI015955) [13]

³²²⁰ WO2 Cornhill (ASI013354) [7]–[9]; (ASI013364) [81]

³²²¹ The Provost Sergeant’s role is the non-commissioned officer in charge of the regimental police, responsible to the Regimental Sergeant Major for the maintenance of good order and military discipline

³²²² Part of the Commanding Officer’s Rover Group

³²²³ Sergeant King [113/66/16-20]; (ASI010329) [68]

³²²⁴ Sergeant King (ASI010326) [60]; [113/130/4-8]

14/15 May 2004.³²²⁵ They also recalled that they had guarded the entrances and that it had been the LAD guards who had escorted the detainees into the compound and who had dealt with them while they were held there overnight.³²²⁶

The “LAD” guards

- 3.18** Staff Sergeant David Gutcher was the senior non-commissioned officer (“SNCO”) of the Light Aid Detachment (“LAD”) guards who were on duty on 14 May 2004. One of Staff Sergeant Gutcher’s overall responsibilities was that of prisoner handler,³²²⁷ which required him to oversee the treatment and welfare of any detainees held in the prisoner handling compound after they had been brought back to Camp Abu Naji.³²²⁸ He explained that, in addition to the Rover Group team, there were three prisoner handling teams at Camp Abu Naji who all came from different units within the LAD. Staff Sergeant Gutcher confirmed that one of these teams had been called on to carry out the prisoner handling duties in respect of the nine detainees on 14 May 2004.³²²⁹
- 3.19** When his Rover Group personnel were acting as the escorts, Sergeant Julian King would generally oversee the unloading of detainees from their transport, but when this task was carried out by the LAD guards, they would normally be supervised by Staff Sergeant Gutcher.³²³⁰ However, although the LAD guards were responsible for the unloading and subsequent prisoner handling of the nine detainees on 14 May 2004, it appears that it was actually Sergeant King who supervised the unloading of the detainees on this occasion.³²³¹ Staff Sergeant Gutcher had not been involved in the actual unloading of the nine detainees from the Warriors, because he had been stationed inside the prisoner handling compound at the time.³²³² On 14 May 2004, it appears that Staff Sergeant Gutcher took over responsibility for the nine detainees once they were inside the prisoner handling compound, where he had direct responsibility for the LAD guards.³²³³ WO2 Darran Cornhill confirmed that he had delegated the job of guarding/escorting the nine detainees to Staff Sergeant Gutcher, and that he did not deal with this aspect of prisoner handling himself on 14 May 2004.³²³⁴
- 3.20** In his written Inquiry statement, Staff Sergeant Gutcher explained the procedure that was followed when the arrival of detainees at Camp Abu Naji was expected. A prisoner handling pack would be obtained that contained a prisoner handling file and various items of equipment that could be issued to the prisoner handling team.³²³⁵ Once the detainees had arrived at the entrance to the prisoner handling compound, two members of the prisoner handling team would take custody of each detainee and then escort that detainee to one of the cubicles in the prisoner holding area, where he would then be seated on the chair provided in the cubicle.³²³⁶

³²²⁵ See, for example, Private Grist (ASI009471) [73]; Private Jacobs (ASI018299) [20]

³²²⁶ See, for example, Lance Corporal Rider (ASI009825) [31]; Private Gray (ASI011373) [34] [36] [38]

³²²⁷ Staff Sergeant Gutcher (ASI012948) [10]

³²²⁸ Staff Sergeant Gutcher [122/8-9]

³²²⁹ The responsibility for heading the Prisoner Handling Teams was shared between Staff Sergeant Gutcher, Staff Sergeant Hill and Lance Corporal Edwards, although it was Staff Sergeant Gutcher who was on duty on 14 May 2004 (ASI012959) [56]-[57]

³²³⁰ Sergeant King [113/66/16-20]; (ASI010329) [68]

³²³¹ Sergeant King (ASI010326) [60]; [113/69-70]; [113/128/19-25]

³²³² Staff Sergeant Gutcher (ASI012960) [63]

³²³³ Staff Sergeant Gutcher [122/10/3-6]

³²³⁴ WO2 Cornhill (ASI013364) [81]

³²³⁵ Staff Sergeant Gutcher (ASI012957) [48]-[49]; NB – including plasticuffs, blacked out goggles, latex gloves and wooden batons

³²³⁶ Staff Sergeant Gutcher (ASI012960) [63]

2. Summary of the military evidence regarding the detainees' arrival at Camp Abu Naji

Arrival of Hamzah Joudah Faraj Almalje (detainee 772)

As explained earlier in this Report, Hamzah Joudah Faraj Almalje (detainee 772) travelled back to Camp Abu Naji in the Warrior W33. The following message from W33, as recorded in the 1PWRR radio log, indicates that W33 arrived at Camp Abu Naji at approximately 20:50 hours on 14 May 2004:

*"My c/s outside front gate completely broken down & RPG lodged in side. Request ATO My POW & cas both taken into camp."*³²³⁷

- 3.21** Sergeant David Perfect, the vehicle commander of W33, accepted in oral evidence that he was responsible for Hamzah Almalje's welfare whilst he was in the rear of his Warrior.³²³⁸ Sergeant Perfect recalled that, when they stopped at the main gate to Camp Abu Naji that evening, he had moved Hamzah Almalje out of the back of the Warrior, by holding onto his arm and leading him out. He remembered that Hamzah Almalje had appeared tired but unharmed. According to Sergeant Perfect, Hamzah Almalje was passive and compliant at all times and did not resist being moved out of the Warrior, although he had wriggled a bit as he got down from the vehicle.³²³⁹ Sergeant Perfect said that he had checked that Hamzah Almalje was alright and that he sought both to reassure him and to get him to calm down.³²⁴⁰
- 3.22** Private Scott Hoolin recalled that Sergeant Perfect had put his hand under Hamzah Almalje's armpit in order to raise him from where he had been seated on the floor of the vehicle. According to Private Hoolin, Hamzah Almalje's legs were wobbly as he stood up and he assumed that this was because they had "*gone to sleep*."³²⁴¹
- 3.23** There was some confusion about who had actually taken Hamzah Almalje to the prisoner handling compound, after he had dismounted from the Warrior AIFV, although nothing of consequence turns on this issue. According to Sergeant Perfect, he escorted Hamzah Almalje over to the main gate where he handed Hamzah Almalje over to a sentry guard and a female captain.³²⁴² Private Hoolin also remembered that Sergeant Perfect had taken charge of Hamzah Almalje as he was moved from the vehicle, whilst he had remained with Private Eric Danquah in order to remove the soldiers' day sacks from the Warrior.³²⁴³
- 3.24** However, Private Danquah stated that he helped Sergeant Perfect escort Hamzah Almalje to the Camp Abu Naji main entrance.³²⁴⁴ According to Private Danquah, from there he escorted Hamzah Almalje with another soldier to the prisoner handling compound itself. Private Danquah remembered that Hamzah Almalje had been cooperative and had walked voluntarily,

³²³⁷ (MOD018958); NB – the final sentence of this entry means "*Request Ammunition Technical Officer (i.e. bomb disposal) My Prisoner of War and casualty both taken into camp.*" The timing of the entry accorded with Sergeant Perfect's recollection of the time of W33's arrival at Camp Abu Naji that evening (ASI015741) [97]

³²³⁸ Sergeant Perfect [76/35/11-16]

³²³⁹ Sergeant Perfect (ASI015739) [91]

³²⁴⁰ Sergeant Perfect (ASI015740) [93]

³²⁴¹ Private Hoolin (ASI009568) [81]

³²⁴² Private Hoolin (ASI015740) [94]

³²⁴³ Private Hoolin (ASI009568-69) [82]-[84]; NB – Private Hoolin had recalled in his statement to the RMP that Sergeant Perfect and Lance Corporal M. Scott had taken control of the detainee on arrival at Camp Abu Naji (MOD019414). Lance Corporal M. Scott stated in both his RMP witness statement (MOD015629) and his statement to the Inquiry that he had not personally escorted the detainee (ASI016214) [91]-[92]

³²⁴⁴ Private Danquah (ASI023485) [63]; NB – he had also recalled this in his statement to the RMP (MOD011888)

whilst he (Private Danquah) held him under one of his arms. According to Private Danquah, the other soldier walked in front of them and did not provide any direct physical assistance. In his written Inquiry statement, Private Danquah said that Hamzah Almalje repeatedly asked for water but, because there was none immediately available, he had told him that he would be able to have some water when they arrived at their destination. However, Private Danquah did not think that Hamzah Almalje had understood him, because he had spoken in English.³²⁴⁵ Private Danquah was unable to recall this particular detail when he came to give his oral evidence to the Inquiry.³²⁴⁶

3.25 At the prisoner handling compound, it is likely that Hamzah Almalje was actually handed over directly to Sergeant Julian King, the Provost Sergeant,³²⁴⁷ although Sergeant King could not specifically remember this having happened.

Arrival of W21: Mahdi Jasim Abdullah Al-Behadili (detainee 773), Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774), Kadhim Abbas Lafta Al-Behadili (detainee 775) and Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776)

3.26 As I have already mentioned,³²⁴⁸ four of the nine detainees travelled back to Camp Abu Naji in the back of the Warrior AIFV, W21, commanded by Corporal Jokatama Tagica. These four detainees were: Mahdi Jasim Abdullah Al-Behadili (detainee 773), Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774), Kadhim Abbas Lafta Al-Behadili (detainee 775) and Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776). The Prisoner Information Sheets for each of these detainees record that they all arrived at the prisoner handling compound at about 20:55 hours.³²⁴⁹ According to the Prisoner Information Sheet for Hamzah Joudah Faraj Almalje, it appears that he also arrived at the compound at this time.³²⁵⁰ Although Hamzah Almalje actually arrived at the compound on foot, it is clear from the relevant radio log entries that W21 and W33 (the Warrior in which Hamzah Almalje had been transported) had travelled back to Camp Abu Naji together.³²⁵¹

3.27 The soldiers who travelled with the four detainees in W21 recalled that they handed over the detainees outside the prisoner handling compound. However, there were differing recollections as to whom the detainees were actually handed over. According to Corporal Tagica, the prisoners had been handed over to Sergeant Julian King, the Provost Sergeant, and his team.³²⁵² Private Navitalai Ratawake also remembered that it had been Sergeant King's team who received the detainees.³²⁵³ However, Lance Corporal Kevin Wright recalled that it had been WO1 Shaun Whyte and Lance Corporal Mark Rider who received the four detainees.³²⁵⁴

3.28 In the statement that he provided to the Royal Military Police ("RMP") in July 2004, Private Kevin Campbell, the driver of W21, said that there had been about seven or eight detainees in the rear of his Warrior and that, after they had arrived, they were lined up outside the

³²⁴⁵ Private Danquah (ASI023486) [63]–[64]; [90/259/20-25]

³²⁴⁶ Private Danquah [90/229/20]–[230/8]

³²⁴⁷ Private Danquah [90/229/12-14]

³²⁴⁸ See paragraph 2.975

³²⁴⁹ (MOD024469–76)

³²⁵⁰ (MOD024467)

³²⁵¹ (ASI022149)

³²⁵² Corporal Tagica (ASI019575) [90]–[94]

³²⁵³ Private Ratawake (ASI014526) [45]

³²⁵⁴ Lance Corporal Wright [94/164–169]; (ASI011611) [139-140]

Warrior under the supervision of Lance Corporal Wright.³²⁵⁵ Private Campbell repeated this detail in his written Inquiry statement,³²⁵⁶ but was unable to remember it when he came to give his oral evidence to the Inquiry.³²⁵⁷ In fact, I have no doubt that he was mistaken in this particular recollection. There were never more than five detainees present outside the prisoner handling compound at any one time during the evening of 14 May 2004; i.e. Hamzah Almalje (detainee 772) and the four detainees from W21, who had arrived at about 20:55 hours. In fact the four other detainees, who travelled back to Camp Abu Naji in W32 that evening, did not arrive at the prisoner handling compound until about an hour later, as detailed below.³²⁵⁸

3.29 I am satisfied that, once they arrived outside the entrance to the prisoner handling compound, the four detainees were helped out of W21 by soldiers from the vehicle, who then handed them over to the Light Aid Detachment (“LAD”) guards. Corporal Tagica recalled that the detainees were guided out by the arm. He stated that they were treated fairly and not pushed or dragged.³²⁵⁹ In his written Inquiry statement, Corporal Tagica described what happened, in the following terms:

“I got out of the Warrior and opened the door at the rear of the Warrior. Pte. Tatawaaqa then got out and we helped the detainees out of the Warrior one by one and handed them over to Sgt King and his team. The detainees were just guided out by holding their arm as before. There was no pushing, dragging or striking of the detainees. They were treated fairly. ...

We would take the detainees over one by one and hand them to Sgt King. He and his team took them into a small compound about 10 to 15m from the Ops Room, which had a doorway covered with a hessian material. Once the detainees went through this doorway we could not see them any more and this was the last I had to do with them.”³²⁶⁰

3.30 When giving his oral evidence to the Inquiry, Corporal Tagica said that he had moved the detainees out of W21 with the assistance of Private Ratawake, who was W21’s gunner. He said that they had led the detainees to the rear door of the vehicle and had then passed them out to the waiting guards.³²⁶¹ For his part, Private Ratawake did not recall having helped Corporal Tagica with that particular task. He recalled having remained in W21’s turret, while the detainees were being unloaded from his vehicle.³²⁶² However, by the time Private Ratawake came to give his oral evidence to the Inquiry, his memory of what had actually happened had faded and he was no longer able to remember having seen the three or four detainees to whom he had referred in his earlier written Inquiry statement.³²⁶³ In fact, I think it likely that Corporal Tagica was actually assisted by Private Tatawaaqa, who had travelled back to Camp Abu Naji as a dismount in W21³²⁶⁴ and to whom Corporal Tagica had originally referred in his written Inquiry statement, as quoted in the previous paragraph. It seems to me likely that Corporal Tagica had confused the two.

³²⁵⁵ Private Campbell (MOD019450)

³²⁵⁶ Private Campbell (ASI013116) [63]

³²⁵⁷ Private Campbell [89/31-32]

³²⁵⁸ See para 3.32

³²⁵⁹ Corporal Tagica (ASI019575) [90]-[95]

³²⁶⁰ Ibid.

³²⁶¹ Corporal Tagica [88/49-50]

³²⁶² Private Ratawake (ASI014525-26) [45]

³²⁶³ Private Ratawake [89/80-82]; (ASI014526) [45]

³²⁶⁴ See paras 2.973 to 2.976 above

3.31 Lance Corporal Wright also recalled that he had helped to unload one of the detainees from W21, by helping him to manage the step down from the rear of the vehicle, after which he had handed the detainee over to the waiting guards. He described the unloading as having been carried out in a “controlled” manner.³²⁶⁵

The arrival of W32: Ahmed Jabbar Hammood Al-Furaiji (detainee 777), Hussein Fadhil Abbas Al-Behadili (detainee 778), Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) and Hussein Gubari Ali Al-Lami (detainee 780)

3.32 W32 was the second Warrior AIFV to arrive at the prisoner handling compound at Camp Abu Naji during the late evening of 14 May 2004. W32 was commanded by Sergeant Craig Brodie and it arrived at about 21:55 hours, approximately one hour after W21.³²⁶⁶ In the rear of W32 were the remaining four detainees: namely Ahmed Jabbar Hammood Al-Furaiji (detainee 777), Hussein Fadhil Abbas Al-Behadili (detainee 778), Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) and Hussein Gubari Ali Al-Lami (detainee 780).

3.33 As was the case of the dismounts who had travelled in W21, the soldiers who had travelled in the rear of W32³²⁶⁷ remembered that Sergeant Julian King and his team had taken charge of the four detainees, after they had been unloaded from W32 outside the prisoner handling compound that evening. Lance Corporal Brian Wood confirmed that they had handed over the four detainees to Sergeant King. He described how they had helped the detainees out of the Warrior by holding their elbows in order to help them step down from the rear of the vehicle.³²⁶⁸ Although Privates Alipate Korovou and Jayme Bishop were unable to recall the precise details of how the detainees were unloaded, they did remember that the detainees were received by Sergeant King and his team.³²⁶⁹ For his part, Corporal Mark Byles remembered that it had been the Provost Staff who had unloaded the detainees.³²⁷⁰

Military evidence concerning the movement of the nine detainees from the Warriors into the prisoner handling compound at Camp Abu Naji

3.34 Although the nine detainees arrived in two distinct batches, about an hour apart, it seems likely that at least some of the soldiers who escorted them into the prisoner handling compound were the same on both occasions. The soldiers who gave evidence to the Inquiry that they had done so on 14 May 2004 were, for the most part, unable to identify which detainees they had actually escorted into the prisoner handling compound that evening. What follows is therefore a summary of the evidence of the guards who remembered having escorted detainees on the evening of 14 May 2004, indicating where it has been possible to identify which guards escorted which detainees.

3.35 Sergeant Julian King explained that he opened the rear door of the Warrior AIFV and that each detainee was then unloaded by a pair of Light Aid Detachment (“LAD”) guards. Although Sergeant King did not actually follow the guards and the detainees into the compound, he confirmed that it was standard practice for each detainee to be taken straight to the prisoner holding area, where he would be seated on the chair in one of the cubicles.³²⁷¹

³²⁶⁵ Lance Corporal Wright [94/167-169]; (ASI011611) [139]-[140]

³²⁶⁶ (MOD024477-84)

³²⁶⁷ Lance Corporal Wood, Private Korovou and Private Bishop: see paras 2.973 to 2.976 above

³²⁶⁸ Lance Corporal Wood (ASI020748) [107]

³²⁶⁹ Private Korovou (ASI011419) [90]; Private Bishop (ASI017549) [60]

³²⁷⁰ Corporal Byles [84/41/4-10]

³²⁷¹ Sergeant King (ASI010327-28) [63]-[66]

- 3.36** As summarised in the preceding paragraphs of this Report, the Warrior dismounts helped most, if not all, of the detainees to get out of the rear of the vehicle. The detainees were cuffed and blindfolded at the time and therefore needed help in order to dismount safely from the vehicle. Corporal Stuart Bowden remembered that the dismount soldiers from the Warriors had helped the detainees to get out of the vehicles. According to Corporal Bowden, the soldiers had had done so firmly, but had not pushed or shoved the detainees in the process. He said that the detainees in question were submissive and that therefore no force had been necessary.³²⁷²
- 3.37** Craftsman Matthew Morris recalled that the detainees he had seen that evening had been very tense and that it had therefore been difficult to get them out of the Warriors. According to Craftsman Morris, it had been necessary for one detainee to be lifted out of the vehicle by one of the dismount soldiers, although he said that the detainee had not been “*flung out or kicked out.*”³²⁷³
- 3.38** It seems likely that the LAD guards helped the dismount soldiers get the detainees out of the back of the Warriors. Sergeant King recalled that the detainees were guided out, with one guard holding their hands and the other with his hands resting on their shoulders.³²⁷⁴ Sergeant Samuel McKee said that he had got into one of the Warriors in order to help unload the detainees. He described how he had taken hold of a detainee by the arms and had then lifted him out of the vehicle. As he explained, this was not done as an act of gratuitous violence, but in order to help the detainee get out of the Warrior safely and to manage the step at the rear of the vehicle while doing so.³²⁷⁵ Corporal Andrew Nicholls also remembered that there was a two foot drop from the rear of the Warrior to the ground and that the detainee he was escorting therefore had to be lifted under the arms in order to get him out of the vehicle.³²⁷⁶
- 3.39** Corporal Bowden also recalled that the detainees were guided out of Warrior by the arms and lifted to their feet, but no force was used. He did not recall any of the detainees resisting in any way.³²⁷⁷
- 3.40** Corporal Nicholls remembered how a detainee, in the rear of one of the Warrior AIFVs, had been pushed and pulled to the rear door of the vehicle by the dismount soldiers. According to Corporal Nicholls the soldiers had then pulled the detainee up onto his feet, in order to get him to leave the vehicle. Corporal Nicholls went on to explain that the reason for this was that the detainees were unable to see what was happening and thus needed to be pushed towards the rear of the Warrior and pulled to their feet if necessary.³²⁷⁸

Military evidence with regard to the manner of escorting the detainees into the prisoner handling compound

- 3.41** Once a detainee had been unloaded from the Warrior, a pair of Light Aid Detachment (“LAD”) guards then escorted him into the prisoner handling compound and over to the prisoner holding area (i.e. the disused shower block), where he was then seated on a chair in one of the cubicles. The military witnesses described that during this process there would be a soldier on each side of the detainee who would guide the detainee into the compound

³²⁷² Corporal Bowden (ASI010607) [26]

³²⁷³ Craftsman Morris (ASI010883) [41]

³²⁷⁴ Sergeant J. King (ASI010326) [59]; (ASI010327) [63]

³²⁷⁵ Sergeant McKee [124/157-159]; [124/61]; [121/171]

³²⁷⁶ Corporal Nicholls [124/34/6-10]

³²⁷⁷ Corporal Bowden [120/169-171]

³²⁷⁸ Corporal Nicholls (ASI011451) [37]; [124/28]

and over to the holding area by his arms.³²⁷⁹ As Lance Corporal Richard Garner described in his oral evidence to the Inquiry, the detainees were “*pushed*” in the direction of travel, but without undue force. What he said was this:

“Q. What sort of force would you use to get them to walk?”

A. It would more or less be the force of me walking forward while they weren’t, if that makes sense. So while you are holding them, if you wanted them to walk forward you would start walking forward and therefore push them, and then they would generally start walking.

Q. When you say “push”, your hands would in fact remain in the same place that you have already described?

A. Yes.

Q. Armpit and forearm?

A. Yes.”³²⁸⁰

3.42 According to Sergeant McKee, the detainees were moved fairly and firmly.³²⁸¹ He described how the detainees were moved “*with a sense of urgency*” and at “*military pace*”, because the intention was to move them in an efficient manner in order to get the job done.³²⁸² Most of the military witnesses, who recalled having escorting the detainees, agreed that they had been escorted in this way – at a pace quicker than a walk,³²⁸³ but not at running speed.³²⁸⁴

3.43 In the statement that he made to the Royal Military Police (“RMP”) in December 2008, Lance Corporal Mark Rider gave a general description of how detainees were escorted, as follows:

“We literally force marched them to where we wanted to go and by this I mean we moved quickly by keeping hold of them firmly and pushed and forced the direction we needed them to go. By pushing I do not mean that they were freestanding with no support and were pushed over by one of the team and allowed to fall, this never happened ... but purely to get them from A-B quickly and with some urgency.”³²⁸⁵

3.44 In his oral evidence to the Inquiry, Lance Corporal Rider explained that the methods used to escort the detainees on 14 May 2004 were likely to have been as described in the passage quoted in the preceding paragraph. He went on to say that the manner in which detainees were moved resulted in “*quite forced, rigid movements*” and explained that the detainees were “*forced*”, in that they had no choice in the manner in which they were moved or to where.³²⁸⁶

3.45 According to Lance Corporal Garner, the detainees were mostly compliant. However, he recalled that, on one occasion, it had been necessary for a detainee to be dragged along, because he refused to walk. Lance Corporal Garner was unsure if this incident actually occurred

³²⁷⁹ Sergeant McKee (ASI014657–58) [34]–[37]; Lance Corporal Edwards (ASI011779-80) [42]; [129/118/14-21]; Corporal Bowden (ASI010608) [30]; Corporal Nicholls (ASI011452) [38]; [124/35]

³²⁸⁰ Lance Corporal Garner [131/125/2-12]

³²⁸¹ Sergeant McKee [124/157-159]; [124/61]; [121/171]

³²⁸² Sergeant McKee [124/135]

³²⁸³ Corporal Nicholls [124/35]

³²⁸⁴ Corporal M. Taylor [129/37-38]; Lance Corporal Edwards [129/123-124]

³²⁸⁵ Lance Corporal Rider (MOD002307)

³²⁸⁶ Lance Corporal Rider [100/131-133]

on 14 May 2004. In his oral evidence to the Inquiry, Lance Corporal Garner described how the detainee in question had not supported his own weight, so that his feet had dragged behind his body with his toes on the ground.³²⁸⁷ He later said this incident might have occurred on the way from the shower block to the processing tent, but that he could not be certain when it had actually happened.³²⁸⁸

3.46 According to Craftsman Matthew Morris, some of the detainees were too scared to walk properly. He said that, in effect, a detainee in that condition had to be carried into the prisoner handling compound and then into the holding area by himself and another guard.³²⁸⁹ In the course of his oral evidence to the Inquiry, Craftsman Morris described the scene in the following terms:

*"I was hoping he'd walk. We sort of tried to get him to put his feet on the ground, but if you can imagine someone riding a bike, they are sort of – he was sort of like in the – in that kind of position and just frightened and just wouldn't walk as a normal person would walk."*³²⁹⁰

3.47 Corporal John Everett recalled having been present at an oral briefing, possibly given by WO2 Darran Cornhill (although he could not be sure) to approximately eight to 10 soldiers, while they were waiting for the detainees to arrive on 14 May 2004. Corporal Everett said that the briefing had included a reference to need to maintain the "shock of capture".³²⁹¹ Corporal Everett explained to me his understanding of the term "shock of capture", in the following terms:

*"I believe I had heard it in the context of when enemy troops come in off the field. Having been detained at the point of capture, they are in a state of shock, naturally, and it was a case of moving the prisoners in a robust manner to maintain that state of shock that they would have."*³²⁹²

3.48 In the course of his oral evidence to the Inquiry, Corporal Everett explained what he believed to be the purpose of maintaining the "shock of capture", as follows:

"Q. What was the purpose of maintaining the prisoners' state of shock?"

A. That I don't know.

Q. What did you understand the purpose to be? Why was it necessary to keep the prisoners shocked?"

A. I would only assume it was to keep some confusion.

Q. For what end?"

A. For the purposes of tactical questioning at a later date.

Q. Was that generally understood to be the case?"

³²⁸⁷ Lance Corporal Garner (ASI009442-43) [28]-[30]; [131/125/17]-[126/13]

³²⁸⁸ Lance Corporal Garner [131/144/8-16]

³²⁸⁹ Craftsman Morris (ASI010883) [41]-[42]

³²⁹⁰ Craftsman Morris [133/176/22]-[177/2]

³²⁹¹ Corporal Everett (ASI009385-86) [74]-[75]

³²⁹² Corporal Everett [117/93/9-14]

A. *That was my understanding, yes.*³²⁹³

- 3.49** Corporal Everett explained that, in practical terms, “*maintaining the shock of capture*” meant moving the detainees in a robust way, in order to keep them in a state of shock. He explained that he understood this to mean that the guards could grip the detainees fairly tightly, so as to limit their ability to struggle, but not so as to harm them physically in any way. He described such treatment as being more physical than simply guiding the detainees, but not as rough as pushing or pulling them.³²⁹⁴
- 3.50** For his part, WO2 Cornhill neither recalled having given such a briefing nor of having seen any such instructions carried into effect. According to WO2 Cornhill, detainees would be moved with the minimum amount of force necessary.³²⁹⁵ Lance Corporal Gordon Higson remembered that there had been a briefing, but he did not recall any specific reference being made to the shock of capture. Lance Corporal Higson had made reference to that expression in the statement he made to the RMP in September 2004. However, in his oral evidence to the Inquiry, he explained that it was not a phrase or policy with which he had been familiar at the time and that he therefore believed it had been suggested to him by the person who had interviewed him for the purpose of taking his statement.³²⁹⁶
- 3.51** In his oral evidence to the Inquiry, Corporal Jeremy Edgar agreed with Corporal Everett’s assertion that there had been a purpose to the guards’ manner of moving the detainees quickly. According to Corporal Edgar, the detainees were moved at what he described as a quick march, almost a jog, and that this was done in order “*to keep them disorientated.*”³²⁹⁷
- 3.52** In a statement that he made to the RMP in November 2008, Lance Corporal Andrew Tongue also noted that he had been under instructions to move the detainees quickly and carefully.³²⁹⁸ However, when he came to give his oral evidence to the Inquiry, he was unable to remember having moved the detainees quickly or having been under any instructions to do so.³²⁹⁹
- 3.53** A number of military witnesses believed that moving the detainees quickly was a matter of common sense and entirely consistent with the need to maintain security and to work efficiently. Thus, Sergeant Martin Lane recalled that the detainees had been moved as quickly as possible, but that this had not been to disorientate them. According to Sergeant Lane, it was simply done that way for logistics and security reasons, in order to get the detainees seated and properly under guard.³³⁰⁰ Corporal Michael Taylor also believed that the detainees were moved quickly, at a speed that he described as the speed at which most soldiers moved. He said that he had not been given any instruction to hustle or rush the prisoners along the

³²⁹³ Corporal Everett [117/93/15-25]

³²⁹⁴ Corporal Everett (ASI009386) [75]

³²⁹⁵ WO2 Cornhill [115/63]

³²⁹⁶ Lance Corporal Higson [118/40-43]

³²⁹⁷ Corporal Edgar [128/48/15]

³²⁹⁸ Lance Corporal Tongue (MOD004539-40)

³²⁹⁹ Lance Corporal Tongue [134/138-139]

³³⁰⁰ Sergeant Lane [136/73-75]

way, nor had he been told to alter the manner in which the detainees were moved, either before or after they had been questioned.³³⁰¹

Military evidence relating to specific allegations and incidents during the arrival of the nine detainees at Camp Abu Naji on 14 May 2004

- 3.54** In his oral evidence to the Inquiry, Sergeant Martin Lane described the guards who were awaiting the arrival of the detainees as “*pumped up*”. He went on to explain that this meant excitable but not aggressive and he agreed with the suggestion that they were over-excited.³³⁰² He also remembered how one of the detainees he was escorting had scuffed his foot on the ground, due to the pace at which he was being moved. Sergeant Lane said that this had caused Sergeant Julian King to tell him and the other escorting guard to slow down or to “*calm it down*”, so that the detainee could maintain his footing.³³⁰³
- 3.55** In his oral evidence to the Inquiry, Corporal Stuart Bowden agreed that some of the “*younger lads*” might have been excitable, but went on to describe them as being “*childlike*” and “*giggling*” rather than aggressive.³³⁰⁴
- 3.56** In the witness statement that he made to the Royal Military Police (“RMP”) in July 2004, Sergeant Craig Brodie said that he noticed that a few of the escorts were getting excited and nervous about prisoner handling and that, as a result, the Provost Sergeant, Sergeant King, had been obliged to take steps to calm them down. He said that he remembered that it was considered necessary for one of the escorts to be moved to another duty, although Sergeant Brodie went on to observe that none of the detainees had actually been mistreated in any way.³³⁰⁵
- 3.57** When recalling this particular incident in his written Inquiry statement, Sergeant Brodie said that he did not believe that the soldier had actually done anything wrong. As he saw it, the soldier had been doing no more than he was supposed to do, namely he was “*maintaining the shock of capture*”. He described this as ensuring that the detainees were subdued and compliant by being verbally forceful and keeping them in a disorientated state as much as possible. Sergeant Brodie went on to say that, in fact, the soldier had not been moved to another duty, but had taken a step back and then got on with the task in hand.³³⁰⁶
- 3.58** In his oral evidence to the Inquiry, Sergeant Brodie said that he understood that “*maintaining the shock of capture*” could include shouting at detainees and, where necessary, actions that involved “*a balanced measure of force*.”³³⁰⁷ He agreed that the purpose of maintaining the shock of capture was to prevent detainees from gathering their thoughts, regrouping and planning an escape or becoming fractious during handling and to keep them disorientated.³³⁰⁸
- 3.59** For his part, Sergeant King did not remember having had to calm down any of the escorts on 14 May 2004. He did not think that the detainees had been moved at an excessively fast pace and said that they had not been dragged.³³⁰⁹ Although he could no longer recall the occasion

³³⁰¹ Corporal M. Taylor [129/84-85]

³³⁰² Sergeant Lane [136/73-75]

³³⁰³ Sergeant Lane [136/82-83]

³³⁰⁴ Corporal Bowden [120/171]

³³⁰⁵ Sergeant Brodie (MOD018976)

³³⁰⁶ Sergeant Brodie (ASI009194-95) [81]–[86]

³³⁰⁷ Sergeant Brodie [79/68-70]

³³⁰⁸ Sergeant Brodie [79/103-104]

³³⁰⁹ Sergeant King [113/136-138]

in detail, he had previously thought that the guards were nervous about the detainees and careful about what they did.³³¹⁰ Although he was familiar with the term “*shock of capture*”, Sergeant King said that he did not believe that any form of robust or quick escorting of the detainees had been carried out with a view to maintaining the shock of capture.³³¹¹

Military evidence about one of the detainees having been shaken on arrival at Camp Abu Naji 14 May 2004

3.60 Colour Sergeant Graham King was the gunner in Major James Coote’s Warrior, WOB, which had been involved in the latter stages of the Northern Battle on 14 May 2004.³³¹² Colour Sergeant King had travelled back to Camp Abu Naji in WOB and had pulled up briefly outside the prisoner handling compound, in order to drop off Major Coote (who was O/C C Company 1st Battalion, Princess of Wales’ Royal Regiment [“1PWRR”]) at the Battalion Headquarters Building (“BHQ”), so that he could brief the various senior officers about the events of the battle.³³¹³ WOB was not actually carrying any detainees at the time and Colour Sergeant King played no part in the unloading of the detainees.³³¹⁴ However, Colour Sergeant King remembered how he had seen some detainees being unloaded from a Warrior AIFV that had halted just ahead of his vehicle. He went on to describe how one Light Aid Detachment (“LAD”) guard had grabbed a detainee by the scruff of the neck and had shaken him once. Colour Sergeant King said that the gunner from the Warrior in question, who had dismounted from his vehicle in order to open its rear door, had been standing right beside the detainee at the time and had shouted at the soldier to calm down. According to Colour Sergeant King, the LAD guard had then stopped shaking the detainee and had escorted him towards the “*detention centre*.”³³¹⁵ He went on to say that he felt that this had been due to over-exuberance on the part of the LAD guard and that it had not been done in a deliberate attempt to hurt the detainee. The incident had been defused in seconds and it had not caused him any concern.³³¹⁶

Military evidence about one of the detainees having been punched on arrival at Camp Abu Naji on 14 May 2004

3.61 Major Richard ‘Toby’ Walch recalled that, at some point after the arrival of the detainees on 14 May 2004, he had spoken with WO1 Shaun Whyte. During that conversation, WO1 Whyte had told him that one of the soldiers had punched a detainee in the head or face with a single punch on his arrival back at Camp Abu Naji that evening. The soldier in question had been from the Battle Group and not from the prisoner handling team. Major Walch said that he was informed that the soldier had been reprimanded and removed from the area after this assault and that he therefore did not feel that any further action was necessary.³³¹⁷

3.62 When WO1 Whyte provided a statement to the Royal Military Police (“RMP”) in 2008, he was unable to recall having heard about an incident in which a detainee was punched by a soldier on arrival at Camp Abu Naji. He did not believe that he had any cause to speak to anyone about such an incident and stated that he was not made aware of it.³³¹⁸

³³¹⁰ Sergeant King [113/148-149]

³³¹¹ Sergeant King [113/89-90]

³³¹² Colour Sergeant King (ASI010774-75) [9]

³³¹³ Colour Sergeant King (ASI010809) [129]

³³¹⁴ Ibid.

³³¹⁵ Colour Sergeant King (ASI010809-10) [132]

³³¹⁶ Colour Sergeant King (ASI010810) [133]; [96/116-117]

³³¹⁷ Major Walch (ASI021680-82) [104]–[106]

³³¹⁸ WO1 Whyte (MOD024070)

3.63 Sergeant Julian King, who had been present throughout the unloading of the detainees at Camp Abu Naji on 14 May 2004, was asked about this allegation in his oral evidence to the Inquiry. He said that he was completely unaware of any such incident having occurred. He did not recall having seen a detainee punched during the unloading process and he therefore did not believe that it had actually happened at all.³³¹⁹

Military evidence with regard to placement of the detainees inside the cubicles in the prisoner holding area at Camp Abu Naji on 14 May 2004

3.64 The military witnesses all agreed that the detainees had been taken straight from the Warriors to the cubicles in the prisoner holding area, where they were each seated on a chair facing towards the back wall of the cubicle. Sergeant Julian King stated that the detainees were “*gently encouraged*” to sit and/or made aware that there was a chair for them to sit on.³³²⁰ Sergeant Martin Lane explained that they would get the detainees to sit in a brisk and efficient manner, describing the process in the following terms:

“... And no, we weren’t nice and – tapping him to put him down. It was a case of you bring him down and push him down on to the seat.”³³²¹

3. Summary of the detainees’ evidence with regard to their arrival at Camp Abu Naji

3.65 The nine detainees made a number of allegations of ill-treatment with regard to how they were dealt with by British soldiers, when being taken out of the Warriors and escorted to the prisoner holding area after their arrival at Camp Abu Naji on 14 May 2004. Their evidence and allegations in relation to that particular period are summarised in the paragraphs that follow.

Hamzah Joudah Faraj Almalje (detainee 772)

3.66 Hamzah Joudah Faraj Almalje (detainee 772) recalled that he had been seated on one of the back seats in the Warrior during the journey back to Camp Abu Naji on 14 May 2004. He claimed that, upon arrival at Camp Abu Naji, he had been pulled from the seat and pushed towards the rear of the vehicle. He said that this had been done in a manner that was firm, but not violent. He went on to claim that, after having been taken out of the Warrior, he was then walked quickly in a manner that was painful for his injured leg.³³²²

Mahdi Jasim Abdullah Al-Behadili (detainee 773)

3.67 Mahdi Jasim Abdullah Al-Behadili (detainee 773) claimed that he had been dragged out of the Warrior violently.³³²³ He said that he was then moved through some corridors for a matter of minutes and that, as the soldiers took him along the corridors, they had banged his head against the wall, causing him to become unconscious.³³²⁴ Mahdi Al-Behadili was unable to

³³¹⁹ Sergeant King [113/175-176]

³³²⁰ Sergeant King (ASI010328) [65]; [113/149]

³³²¹ Sergeant Lane [136/83/22-25]

³³²² Hamzah Joudah Faraj Almalje (detainee 772) (PIL000686) [32]

³³²³ Mahdi Jasim Abdullah Al-Behadili (detainee 773) [8/16/5-9]

³³²⁴ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000782) [28]; [8/16/10]–[16/25]

say how many times he had been hit on the head in this way.³³²⁵ He claimed that this had been done quite deliberately, because one of the soldiers had taken hold of his neck and had pushed him against the wall. He said that he had then been taken to sit on a small metal chair.³³²⁶

Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774)

3.68 Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) recalled that, after having arrived at Camp Abu Naji, he had been dragged towards a lavatory where he had been “*left on a chair*”.³³²⁷

Kadhim Abbas Lafta Al-Behadili (detainee 775)

3.69 Kadhim Abbas Lafta Al-Behadili (detainee 775) said that, upon arrival at Camp Abu Naji, he had been taken out of the vehicle by some soldiers, who then made him sit on the ground by pressing on his shoulders. He said that he was seated in a flat area, which he thought must have been in the open air, because he could feel the wind. He claimed that the soldiers then picked him up under the armpits, raised him from the ground and ran so fast with him that he had to lift his feet off the ground, because he was unable to keep up with them. He recalled having been made to go left and then right very quickly. He later claimed to have been turned round and round, until he was dizzy. He said that he was then taken to a place where he was made to sit on a chair which was tilted forward.³³²⁸

Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776)

3.70 Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) said that he had still been blindfolded and plasticuffed upon arrival at Camp Abu Naji on 14 May 2004. He stated that the soldiers had taken him somewhere that appeared to have once been a lavatory, where they had seated him on a chair.³³²⁹

Ahmed Jabbar Hammood Al-Furaiji (detainee 777)

3.71 Ahmed Jabbar Hammood Al-Furaiji (detainee 777) said that, towards the end of his journey back to Camp Abu Naji on 14 May 2004, it felt like the Warrior he was travelling in was going round in circles in an attempt to disorientate him.³³³⁰

3.72 Ahmed Al-Furaiji made several allegations about how he was unloaded from the Warrior, after his arrival at Camp Abu Naji on 14 May 2004. He claimed to have been pushed and tripped as he was being taken out of the Warrior, causing him to fall down hard and very painfully on his face.³³³¹

3.73 In his first written Inquiry statement, made in 2010, Ahmed Al-Furaiji alleged that he had then been kicked on the right knee by one of the soldiers and confirmed that it was “*definitely a*

³³²⁵ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000782) [28]; He had previously stated that his head was banged against the wall on two occasions (ASI001117) [39]

³³²⁶ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000782) [28]–[29]; [8/17/1-10]

³³²⁷ Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) [16/14]

³³²⁸ Kadhim Abbas Lafta Al-Behadili (detainee 775) [12/92/21]–[94/3]; (PIL000723-24) [33]–[35]

³³²⁹ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) [14/15]

³³³⁰ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (PIL000315) [70]

³³³¹ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (MOD006531) [12]; (PIL000315) [70]

*kick.*³³³² However, he had not mentioned this particular assault in his earlier Judicial Review statement made in 2008.

3.74 In his first written Inquiry statement, Ahmed Al-Furaiji (detainee 777) went on to claim that, while he was being escorted into the prisoner handling compound, two soldiers had got hold of him by the scruff of the neck and banged his head against a brick wall with such force he had been rendered unconscious.³³³³ In his Judicial Review statement Ahmed Al-Furaiji said that he must have had water poured over him subsequently because, when he regained consciousness, he was wet and seated on a chair in an old lavatory.³³³⁴

Hussein Fadhil Abbas Al-Behadili (detainee 778)

3.75 In his written Inquiry statement made in July 2010, Hussein Fadhil Abbas Al-Behadili (detainee 778) said that he had been taken from the Warrior with a soldier on either side of him. As he was walked he was hit against two walls. He was then made to sit on an iron chair.³³³⁵ In a written statement that he made in October 2007, he had claimed to have been tied to the chair.³³³⁶ However, in his oral evidence to the Inquiry, Hussein Al-Behadili confirmed that he had been cuffed to the rear, but not actually tied to the chair.³³³⁷

Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779)

3.76 In his Judicial Review statement, Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) said that the Warrior “*seemed to be going round in circles as if to confuse us*” on the journey back to Camp Abu Naji.³³³⁸ He believed that the journey back to Camp Abu Naji had taken far longer than it ought to have done.³³³⁹

3.77 In his written Inquiry statement, Atiyah Al Baidhani said that, upon arrival at Camp Abu Naji, two people had taken hold of him by the collar of his t-shirt and had pulled him out of the vehicle. He said that he knelt on the ground for a few moments, during which time he was punched on his back and face, because the soldiers noticed that his blindfold had become loosened. Atiyah Al-Baidhani said that he was then dragged along quickly, while still being punched.³³⁴⁰ In his Judicial Review statement, he also said that the soldiers had tried deliberately to disorientate him as they had dragged him along, by moving him in different directions and by making him bend and sit down on the way.³³⁴¹

Hussein Gubari Ali Al-Lami (detainee 780)

3.78 In his Judicial Review statement and his first Inquiry statement, Hussein Gubari Ali Al-Lami (detainee 780) recalled that he had been removed from the Warrior “*roughly*” and

³³³² Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (ASI000882) [43]

³³³³ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (ASI000882) [43]-[44]

³³³⁴ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (MOD006532) [12]

³³³⁵ Hussein Fadhil Abbas Al-Behadili (detainee 778) (ASI001038) [27]

³³³⁶ Hussein Fadhil Abbas Al-Behadili (detainee 778) (MOD027169)

³³³⁷ Hussein Fadhil Abbas Al-Behadili (detainee 778) [18/66]

³³³⁸ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (MOD006674) [16]

³³³⁹ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000182) [85]

³³⁴⁰ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000183) [88]; (MOD006674) [16]

³³⁴¹ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (MOD006674)

“frogmarched” to an iron chair.³³⁴² In his second written Inquiry statement, Hussein Al-Lami described this as being dragged while being held under the arms.³³⁴³

3.79 Hussein Al-Lami said that he was then forced to sit down in a cubicle, and that his head was banged against the walls of the cubicle in the process. He claimed that he was then hit and punched a number of times.³³⁴⁴

4. Conclusions in relation to the arrival and unloading of the detainees at Camp Abu Naji on 14 May 2004

Disembarking the detainees from the Warriors

3.80 It is clear from the evidence I have seen, read and heard that the detainees were understandably very frightened and confused when they arrived at Camp Abu Naji on the evening of 14 May 2004.³³⁴⁵ It seems to me very likely that they would have been hesitant about getting out of Warriors in the prevailing circumstances. In any event, they required assistance to disembark from the vehicles, because they were blindfolded and plasticuffed at the time.

3.81 Apart from the specific findings of fact that I detail in the paragraphs that follow, I am satisfied that the detainees were handled in an appropriate manner while being disembarked from the Warriors on 14 May 2004 at Camp Abu Naji. I accept the truth and accuracy of the evidence of the soldiers who described how the detainees had been helped out of the Warriors with the minimum force necessary. Inevitably, this task required a certain amount of physical effort, given that the detainees had to be manoeuvred to the door of the Warrior and then supported, whilst negotiating safely the two foot drop to the ground from the rear of the vehicle.³³⁴⁶

Escorting the detainees to the prisoner holding area and “maintaining the shock of capture”

3.82 It is clear that there was a practice of escorting detainees in a robust and firm manner upon arrival at Camp Abu Naji. On 14 May 2004, each of the nine detainees was escorted into the prisoner holding area at a quick pace, although not at a speed or in a manner which was as fast as a jog or a run. I accept that this was partly due to reasons of security and efficiency.

3.83 However, I am also satisfied that many of the soldiers involved in the process of handling detainees at Camp Abu Naji were aware that one of the reasons for escorting detainees in a brisk and robust manner was to maintain the shock of capture. In my view, it is likely that Corporal Everett was correct in his recollection that a specific briefing to that effect was given on 14 May 2004 in anticipation of the arrival of the nine detainees that evening. Many of the military witnesses suggested that it was perfectly normal practice for some sort of briefing to be given to the prisoner handling team when the arrival of detainees was expected.³³⁴⁷ I therefore find that it is likely that the Light Aid Detachment (“LAD”) guards were instructed to move the detainees in a brisk and robust manner on 14 May 2004. One of the reasons for

³³⁴² Ibid.

³³⁴³ Hussein Gubari Ali Al-Lami (detainee 780) (PIL000410) [51]; (MOD006636) [9]

³³⁴⁴ Hussein Gubari Ali Al-Lami (detainee 780) (PIL000410) [52]

³³⁴⁵ See, for example, Craftsman Morris (ASI010883) [41]–[42]; [133/213/14-21]; [133/172/23-24]

³³⁴⁶ Corporal Nicholls [124/34/9-10]

³³⁴⁷ See, for example, Staff Sergeant Gutcher [122/105]

that instruction, whether stated explicitly to the guards or not, was to ensure that the shock of capture was maintained.

3.84 I am quite satisfied that the LAD guards were not given any instruction that went beyond that summarised in the previous paragraph or that encouraged or authorised them to use any form of additional physical force or violence against the detainees. I accept the evidence of Corporal John Everett, who recalled that moving detainees abruptly and firmly was the limit of what was permitted to maintain the shock of capture.³³⁴⁸ I am therefore satisfied that the LAD guards fully understood that they were not to subject the detainees to any form of ill-treatment.

3.85 I am also quite certain that the detainees were not moved at a pace that was deliberately intended to be uncomfortable or painful. Whilst the speed at which the detainees were moved was intended to maintain the shock of capture, it was not intended to cause or exacerbate any injury.

3.86 I am also satisfied that the detainees were not deliberately zigzagged in a manner that was intended to disorientate them, nor were they walked in a circular manner designed to maintain the shock of capture. There was no suggestion in the military evidence that such practices were ever taught, instructed or discussed. Furthermore, a number of the military witnesses gave evidence that the pathway along the detainees were walked from the Warriors to the prisoner holding area was not wide enough for deliberate zigzagging to have occurred.³³⁴⁹ However, I accept that it may be the case that the path, taken by each detainee and his escorts from the Warrior to a cubicle in the prisoner holding area, did inadvertently have a disorientating effect on the detainees, particularly since they were blindfolded and plasticcuffed at the time. As Lance Corporal Raymond Edwards pointed out, the path taken did involve navigating a “dog leg”³³⁵⁰ and it may be that this had the effect of disorientating the detainees and thus helping to maintain the shock of capture. If that is so, I am satisfied that such was not an intended consequence of using that particular route between Warrior and prisoner holding area.

Escorting the detainees from Warrior to Prisoner Holding Area – specific allegations and incidents

3.87 I do not doubt the truth and accuracy of Sergeant Craig Brodie’s evidence about the incident in which a soldier had become very excited and had, at least to some extent, lost his self control and shouted at a detainee whilst he was being unloaded from a Warrior on the evening of 14 May 2004 at Camp Abu Naji. However, I am not persuaded that Sergeant Brodie was correct in his conclusion that the soldier in question could have acted as he did in order to maintain the shock of capture. It seems clear that the Light Aid Detachment (“LAD”) guards had not been specifically instructed to shout at the detainees in order to maintain the shock of capture.³³⁵¹ Although I accept that shouting may have sometimes been used by the LAD guards, for reasons such as preventing the detainees from talking amongst themselves, the incident described by Sergeant Brodie does not appear to be an example of that. In the event, I am satisfied that what Sergeant Brodie witnessed was an incident in which the soldier in question clearly lost his self control, as a result of becoming over-excited in the heat of the moment, and then acted inappropriately as a result.

³³⁴⁸ Corporal Everett [117/137/22-25]

³³⁴⁹ Sergeant J. King [113/139-140]; [113/169-171]; Sergeant McKee [124/71]

³³⁵⁰ Lance Corporal Edwards [129/122/22-24]

³³⁵¹ NB – Sergeant Brodie believed that training permitted shouting to maintain the shock of capture [79/68/14-16]

- 3.88** I also accept the evidence of Colour Sergeant Graham King who recalled how one of the LAD guards had taken a detainee by the scruff of the neck and shaken him once. I also accept that he was probably correct in assuming that this had been an act of over exuberance on the part of the guard, rather than a serious attempt to hurt the detainee or to inflict any deliberate injury on him.³³⁵² I am therefore satisfied that, although the soldier in question was wrong to have acted as he did, it is very unlikely that he caused any form of physical injury or significant pain to the detainee as a result, although it might well have been very frightening for the detainee in question.
- 3.89** I also accept the evidence of Major Richard ‘Toby’ Walch, who recalled having had a conversation with WO1 Shaun Whyte in which he was told that one of the dismount soldiers had punched a detainee in the head or face with a single punch, while he was being unloaded from the military vehicle. However, I am unable to exclude the possibility that Major Walch was mistaken in attributing the conversation in question to the events of 14 May 2004, as opposed to some other occasion, particularly having regard to the fact that his first statement about what happened that day was not given until four years later, in 2008. It is apparent that Major Walch’s memory of this event was entirely based upon what he had been told at the time, rather than being an account of what he had himself seen or observed. Furthermore, WO1 Whyte had not been present when the nine detainees were unloaded at Camp Abu Naji on 14 May 2004, and none of the military witnesses who were present during the unloading of the nine detainees that evening remembered any such incident. I am therefore unable to come to any further conclusions of fact about this incident, other than to say that Major Walch did have such a conversation at some stage with WO1 Whyte and that, to the extent the conversation referred to an actual incident that had taken place, it is clear that the soldier in question had been wrong to act as he did.
- 3.90** I have also considered the possibility that these two incidents of misconduct by British soldiers, one as observed by Colour Sergeant G. King on 14 May 2004 and the other as recounted to Major Walch by WO1 Whyte, were actually both the same incident and that Major Walch was either misinformed as to what had happened or had come to misremember the incident as he was told it.³³⁵³ Of these two possibilities, I consider the former to be the more likely. Neither Major Walch nor WO1 Whyte had actually personally witnessed any such incident on the 14 May 2004. It is therefore possible that, by the time that a report of the incident observed by Colour Sergeant King had reached WO1 Whyte, the action of the soldier in seizing the detainee by the scruff of the neck and shaking him, as described by Colour Sergeant King, had become described as a punch or blow to the head of the detainee. It is possible that the incident was then described to Major Walch in that way.
- 3.91** With these conclusions of fact in mind, I now turn to consider the various allegations made by the nine detainees about how they were treated by the British soldiers, while being unloaded from the Warriors and escorted into the prisoner holding area at Camp Abu Naji on 14 May 2004. In the paragraphs that follow, I set out my conclusions of fact with regard to each such allegation.

Hamzah Joudah Faraj Almalje (detainee 772)

- 3.92** I accept that Hamzah Joudah Faraj Almalje’s (detainee 772) account of having been walked quickly after having been taken out of the Warrior is likely to be true. As I have stated above, the detainees were moved in a robust manner and at a brisk pace. I accept that it is likely

³³⁵² Colour Sergeant King (ASI010809-10) [130]-[133]; [96/116-117]

³³⁵³ Major Walch [143/135/5-9]

that this some caused pain to Hamzah Almalje's injured leg. I doubt if the LAD guards were actually aware of his injury. However that may be, I am satisfied that Hamzah Almalje was not moved at a pace that was deliberately intended to cause him unnecessary pain or discomfort or to exacerbate his injury.

Mahdi Jasim Abdullah Al-Behadili (detainee 773)

- 3.93** Mahdi Jasim Abdullah Al-Behadili (detainee 773) alleged that he had been dragged violently out of the Warrior. However, I am quite satisfied that Mahdi Al-Behadili was not dragged or handled in a violent manner as he claimed. I do accept that it is likely that he was handled firmly, in order to help him to disembark safely from the rear of the Warrior and on to the ground outside. A certain amount of physical force was used in order to achieve this, but no more than seemed necessary to the soldiers involved. No doubt Mahdi Al-Behadili was reluctant to get out, but no gratuitous violence was used to remove him from the vehicle.
- 3.94** Mahdi Al-Behadili also alleged that he was hit against the walls of a corridor while he was being escorted to the cubicle in the prisoner holding area. He claimed that this had been done deliberately. However, Mahdi Al-Behadili's various accounts about what had actually happened were inconsistent. In his first written Inquiry statement, made in July 2010,³³⁵⁴ Mahdi Al-Behadili did not mention having lost consciousness. He simply said that he had felt very dizzy. In his second written Inquiry statement, made in January 2013, Mahdi Al-Behadili claimed that he did not know if the banging of his head against the wall had caused him to lose consciousness.³³⁵⁵ However, during his oral evidence to the Inquiry, he asserted that he had lost consciousness during the journey from the vehicle to the cubicle.³³⁵⁶
- 3.95** In my view these inconsistencies were indicative of an attempt by Mahdi Al-Behadili to exaggerate this particular aspect of his handling at Camp Abu Naji. Although he was moved briskly and firmly into the prisoner holding area from the Warrior, it is very unlikely that Mahdi Al-Behadili banged his head against any wall, given that he was flanked by two escorting soldiers. I do not believe that Mahdi Al-Behadili was deliberately knocked against the walls at this stage, nor do I accept his evidence that he was rendered unconscious by any such incident. In my view this is a deliberately false allegation.

Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774)

- 3.96** Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) claimed that he had been "dragged" towards a lavatory and left on a chair. However, as stated above, I am satisfied that none of the detainees were forcibly dragged along, although they were moved in a firm and robust manner. In fact, Corporal Stuart Bowden actually remembered having escorted Ibrahim Al-Ismaeeli to the prisoner holding area on 14 May 2004, because he remembered that he had been limping as result of an injury to his foot. Corporal Bowden explained that he had walked at a normal walking pace, but noticed that the injury appeared to slow Ibrahim Al-Ismaeeli down.³³⁵⁷ It seems to me to be likely that Ibrahim Al-Ismaeeli was in considerable discomfort because of the injury to his foot. However, I accept Corporal Bowden's evidence that he and the other escorting guard did not drag Ibrahim Al-Ismaeeli along, nor did they

³³⁵⁴ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (ASI001117) [39]

³³⁵⁵ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000782) [28]

³³⁵⁶ Mahdi Jasim Abdullah Al-Behadili (detainee 773) [8/59/1]–[61/1]

³³⁵⁷ Corporal Bowden [120/172-175]

move him at a pace that was intended to cause him any avoidable or additional pain or discomfort.

Kadhim Abbas Lafta Al-Behadili (detainee 775)

- 3.97** There was no evidence that corroborated Kadhim Abbas Lafta Al-Behadili's (detainee 775) assertion that he had been made to sit on the ground outside, after he had been removed from the Warrior. In any event, this does not appear to have formed any part of a complaint by Kadhim Al-Behadili of ill-treatment by the British soldiers. As I have already indicated, I accept that Kadhim Al-Behadili may have been escorted to his cubicle in the prisoner holding area in a firm and brisk manner. Although I do not believe that he was moved at a running pace, I accept that Kadhim Al-Behadili's perception of the pace at which he was moved may have been influenced by the fact that he was blindfolded, handcuffed and, no doubt, disorientated at the time.
- 3.98** In my view, Kadhim Al-Behadili's account of having lifted his feet off the ground as he was escorted, because he felt unable to keep up with the soldiers, makes it possible that he was the detainee to whom Lance Corporal Richard Garner referred, when he described how one detainee had to be dragged, because he would not walk. Another possibility is that Kadhim Al-Behadili was the detainee that Craftsman Matthew Morris recalled as being too scared to walk properly and who had to be carried as a result.³³⁵⁸
- 3.99** So far as concerns Kadhim Al-Behadili's account of having been made to go left and right very quickly, as he was being escorted to the prisoner holding area, it seems to me likely that he was describing the route of the path that took him from the Warrior to the cubicle in the prisoner holding area. I do not believe that he was deliberately moved in a zigzagging motion, nor that this was being done in deliberate fulfilment of any policy to maintain the shock of capture.

Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776)

- 3.100** Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) did not make any complaint of ill-treatment about the way he had been escorted from the Warrior to the cubicle in the prisoner holding area. Corporal Daniel Marshall remembered that he and Lance Corporal Jeremy Edgar had escorted Abbas Al-Hameedawi to the prisoner holding area.³³⁵⁹ Corporal Marshall said that they had guided him out of the Warrior and had then walked him at a gentle pace, probably slower than a walking pace.³³⁶⁰

Ahmed Jabbar Hammood Al-Furaiji (detainee 777)

- 3.101** Ahmed Jabbar Hammood Al-Furaiji (detainee 777) claimed that he felt that the Warrior in which he was travelling had gone round in circles in an attempt to disorientate him. This was echoed by Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779), who claimed that, during the journey back to Camp Abu Naji, the Warrior had "*seemed to be going round in circles as if to confuse us*". Atiyah Al-Baidhani also said that he believed that the journey back took far longer than it ought to have done.

³³⁵⁸ As explained above, Sergeant Lane also recalled that one of the detainees they moved scuffed his foot on the floor due to the pace at which he was moved. Sergeant King told them to slow down or "*calm it down*" so that the detainee could get his footing

³³⁵⁹ Lance Corporal Edgar did not recall assisting in the unloading (ASI020372) [35]

³³⁶⁰ Corporal Marshall [130/20/24-25]; (ASI011080-81) [33]-[35]

- 3.102** In their written Closing Submissions, those representing the Iraqi Core Participants suggested that this had been part of a deliberate attempt to disorientate the detainees in order to “*maintain the shock of capture.*” It was also submitted that it is likely that this was part of an entrenched and accepted practice at Camp Abu Naji.³³⁶¹
- 3.103** In his written Inquiry statement, Corporal John Everett said that he had a vague recollection of having been told that on 14 May 2004, three detainees had been driven around on the order of WO2 Darran Cornhill, because the processing team was not yet ready for them. However, when he came to give his oral evidence to the Inquiry, Corporal Everett was unable to confirm that he had correctly remembered such an order.³³⁶²
- 3.104** There was further evidence about detainees having been driven around Camp Abu Naji in order to disorientate them, although none of that evidence related specifically to 14 May 2004. Thus, Lance Corporal Nicholas Collins described how detainees would:
- “Sometimes remain in the vehicle, which was driven to the rear of the HQ building to maintain the shock of capture. They would do this until the processing team were ready for them.”*³³⁶³
- 3.105** Lance Corporal Raymond Edwards said that he learnt that it was “*...usual practice to drive detainees around camp on their way to the questioning room.*” He described how he had spoken to someone who told him that it was done to disorientate the detainees, so they didn’t know the inside of the camp.³³⁶⁴ Staff Sergeant Denis Hill also recalled that there had been occasions when detainees were brought into the camp would be driven around for approximately thirty minutes in order to disorientate them.³³⁶⁵
- 3.106** As I have already indicated, I am satisfied that the nine detainees arrived at the prisoner handling compound at Camp Abu Naji on 14 May 2004 in two Warriors, the second of which contained both Ahmed Jabbar Hammood Al-Furaiji (detainee 777) and Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779), together with two other detainees, and that they arrived at about 21:55 hours.³³⁶⁶ The soldiers who travelled in that Warrior did not recall that the Warrior had been driven around before it arrived at the prisoner handling compound and halted there to unload the detainees.
- 3.107** I do not doubt Corporal Everett’s honesty and integrity as a witness to the Inquiry. However, given the clear military evidence that all the detainees were, in fact, driven straight to the prisoner handling compound on 14 May 2004, I am satisfied that Corporal Everett was mistaken in attributing what he was told, about three detainees having been driven around the camp, to the events of 14 May 2004.
- 3.108** There were two other detainees in the Warrior with Ahmed Sayyid Abdulridha Al-Furaiji (detainee 777) and Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779), neither of whom alleged that they had been driven around Camp Abu Naji. None of the detainees suggested that the Warrior had stopped in order to unload two of them, before continuing to drive the other two around the camp. I am therefore entirely satisfied that neither Ahmed Al-Furaiji nor Atiyah Al-Baidhani was driven around the camp in any way which was intended to maintain the shock of capture.

³³⁶¹ ICP written Closing Submissions (482) [1621]

³³⁶² Corporal Everett (ASI009397) [129]; [117/164-166]

³³⁶³ Lance Corporal Collins (MOD004698); [128/98-99]

³³⁶⁴ Lance Corporal Edwards (ASI011787) [62]; [129/161-162]

³³⁶⁵ Staff Sergeant Hill (ASI016171) [40]

³³⁶⁶ See para 3.26 above

- 3.109** It may be that there was an incident involving detainees being driven around the camp on a different occasion, or that whoever told Corporal Everett that this had happened on 14 May 2004 was mistaken. The evidence of Staff Sergeant Hill and Lance Corporals Collins and Edwards does not assist in relation to the events of 14 May 2004, given that none of those witnesses specifically alleged that the detainees had been driven around camp on that particular date. However I am unable to rule out the possibility that at some time or other, detainees were driven around the camp prior to processing. If this was done, I am unable to state whether this was done with a view to maintaining the shock of capture or for some other reason.
- 3.110** Notwithstanding this, I accept that it is very likely that Ahmed Jabbar Hammood Al-Furaiji felt very unsettled, frightened and confused in the rear of the Warrior. These emotions would have been heightened by the fact that he was completely unable to see the direction in which he was travelling. Although I do not believe that either he or Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) was actually intentionally driven around in order to disorientate them, I do not doubt that they genuinely believed that to have been the case.
- 3.111** Ahmed Al-Furaiji also alleged that he had been pushed and tripped as he was taken out of the Warrior at Camp Abu Naji, causing him to fall down hard on his face on the ground. He went on to claim that he had then been kicked by one of the soldiers on the right knee and had confirmed that it was “*definitely a kick.*”³³⁶⁷ He had not mentioned this later assault in his earlier 2008 Judicial Review statement.
- 3.112** I accept that it is possible that Ahmed Al-Furaiji fell as he got down from the rear of the Warrior, particularly since there was a significant drop from the rear of the Warrior to the ground and Ahmed Al-Furaiji was blindfolded and handcuffed at the time. He would not have been able to see and thus could easily have lost his footing and unable to break his fall. If he did fall, it was an accident, as was any collision with a soldier’s foot that may have happened as a result. I am entirely satisfied that he was not deliberately kicked as he alleged.
- 3.113** Ahmed Al-Furaiji further alleged that, whilst he was being escorted inside the prisoner handling compound, two soldiers got hold of him by the scruff of the neck and banged his head against a brick wall with such force that he was rendered unconscious. Again, I accept that Ahmed Al-Furaiji was moved through the prisoner handling compound in a firm and robust manner. However, as I have made clear from my conclusions at paragraph 3.559 Ahmed Al-Furaiji was not deliberately grabbed and his head then banged against a wall. I am equally sure that he was not rendered unconscious as a result. These allegations are false and deliberately so.

Hussein Fadhil Abbas Al-Behadili (detainee 778)

- 3.114** Hussein Fadhil Abbas Al-Behadili (detainee 778) alleged that, as he was moved from the Warrior into the prisoner holding area, he was hit against two walls. I do not believe that Hussein Al-Behadili was deliberately hit against the walls as he was moved between the Warrior and the cubicle in the disused shower block. It is possible that he accidentally bumped into a wall, given that the path down which he was led was narrow and the ground was uneven.³³⁶⁸ However, it is likely that he had an escorting soldier on either side of him,

³³⁶⁷ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (ASI000882) [43]

³³⁶⁸ See, for example, Lance Corporal Garner [131/127/20]–[128/4]

so I think it very unlikely that he did actually bump against any wall. In any event, if such an incident did occur it was accidental and extremely trivial.

Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779)

- 3.115** I have already dealt with Atiyah Sayyid Abdulridha Al-Baidhani's (detainee 779) allegation of having been driven around in a disorientating manner.
- 3.116** Atiyah Al-Baidhani also claimed that, when he got out of the Warrior, he was punched on his back and face, because the soldiers noticed that his blindfold had become loosened. Atiyah Al-Baidhani made a further allegation of having been punched while he was dragged along. However, I do not believe his evidence with regard to either of these allegations. It is possible that his blindfold was re-tied after he had disembarked from the Warrior, but I do not believe that he was subjected to any deliberate assault. I have no doubt that this was a deliberately false allegation.
- 3.117** Atiyah Al-Baidhani also claimed that the soldiers tried to disorientate him deliberately, as they dragged him along, by moving him in different directions and by making him bend and sit down on the way.³³⁶⁹ For the reasons stated above, I am sure that Atiyah Baidhani was not dragged, although it is likely that he was moved at a brisk pace. Although he may have gained the impression that he was being moved in different directions, this was due to the fact that he was being moved along a narrow path with tight bends. I do not accept that he was made to bend or sit down along the way.

Hussein Gubari Ali Al-Lami (detainee 780)

- 3.118** Hussein Gubari Ali Al-Lami claimed that he had been roughly removed from the Warrior and "frogmarched" to an iron chair, by being held under the arms and dragged there. However, I do not accept that he was removed from the Warrior "roughly", or that he was dragged to the prisoner holding area. A certain amount of physical force was used to remove him safely from the Warrior and he was escorted to the cubicle in the prisoner holding area in a robust and brisk fashion. I am sure that he was very fearful and apprehensive at the time and reluctant to get out of the Warrior. No doubt his senses were greatly heightened as a result and this may well have influenced his perception of how he was moved from the Warrior to the prisoner holding area at Camp Abu Naji on 14 May 2004.
- 3.119** It is possible that Hussein Al-Lami banged his head against the wall of the cubicle in the prisoner holding area, as he was being seated on the chair there. If that did happen, it was an accident and did not cause any significant injury or pain. The size of the cubicle was small and, no doubt, it was difficult to manoeuvre Hussein Al-Lami into a position where he was seated on the chair facing the rear wall of the cubicle.
- 3.120** So far as concerns Hussein Al-Lami's claim to have been punched by the guards, I am satisfied that this allegation is quite untrue. I am quite sure that if any such incident had occurred, it would have been noticed and reported. In my view, this was a deliberately false allegation.
- 3.121** The processing of the detainees is dealt with later in this Report. At this stage, it suffices to say that each detainee was taken to the processing tent in turn, commencing with Hamzah Joudah Faraj Almalje (detainee 772).³³⁷⁰ The processing procedure started less than 10 minutes after

³³⁶⁹ Atiyah Sayyid Abdulridha Al-Baidhani's (detainee 779) (MOD006674) [16]

³³⁷⁰ The numbering of the nine detainees, from 772 to 780, indicates the order in which they were actually processed at Camp Abu Naji on 14 May 2004

Hamzah Almalje's arrival at the prisoner handling compound on 14 May 2004.³³⁷¹ It follows that some detainees had to wait to be processed for longer than others. The detainees have made a number of allegations of ill-treatment by the British soldiers, whilst they were in their individual cubicles in the prisoner holding area that night. In many instances, it is not possible to say whether the allegations in question relate to a time before, or after, the detainees' processing and subsequent tactical questioning. I have no doubt that all the detainees were very frightened and apprehensive at the time. They were also very tired and probably more than a little confused about what was actually happening to them. Unsurprisingly in those circumstances, the detainees were often unsure at what stage of their detention at Camp Abu Naji the various matters about which they complain had actually occurred. The allegations made by each of them, with regard to their detention at Camp Abu Naji during 14 and 15 May 2004, are therefore dealt with in a subsequent chapter of this Report that deals specifically with the treatment of the detainees overnight on 14 and 15 May 2004 at Camp Abu Naji.

³³⁷¹ Hamzah Joudah Faraj Almalje (detainee 772) (MOD024467)