

PART 4: ALLEGATIONS OF ILL TREATMENT AT SHAIBAH

CHAPTER 1: INTRODUCTION TO THE DIVISIONAL TEMPORARY DETENTION FACILITY (DTDF)

1. The Divisional Temporary Detention Facility

- 4.1** On 15 May 2004, the detainees arrived at the Divisional Temporary Detention Facility at Shaibah Logistics Base (“DTDF”). Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774), Kadhim Abbas Lafta Al-Behadili (detainee 775), Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776), Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) and Hussein Gubari Ali Al-Lami (detainee 780) remained there for a little over 4 months, until 21 September 2004 when they were transferred to Iraqi custody. Two days later, on 23 September 2004, Hamzah Joudah Faraj Almalje (detainee 772), Mahdi Jasim Abdullah Al-Behadili (detainee 773), Ahmed Jabbar Hammood Al-Furaiji (detainee 777) and Hussein Fadhil Abass Al-Behadili (detainee 778) were also transferred to Iraqi custody.
- 4.2** The DTDF was set up to house detainees who were being held without charge as they were considered to be a threat to Coalition Forces in Iraq. The DTDF received detainees from all Coalition Forces within the particular area of operations.⁴²⁶⁹
- 4.3** In either late March or early April 2004, 1st Battalion, The Royal Highland Fusiliers (“1RHF”) took over the operation of the DTDF from 2nd Battalion, The Parachute Regiment (“2PARA”). Major David Richmond, the Officer Commanding B Company 1RHF, told the Inquiry that he adopted an Operational Directive from 2PARA. Major Richmond said he transferred the content of the Operational Directive to 1RHF headed paper, replaced the references to 2PARA with references to 1RHF, and signed the Operational Directive on 4 April 2004.⁴²⁷⁰ Paragraph 1 of the Operational Directive set out an introduction to the DTDF as follows:

“The UK is an Occupying Power in Iraq pursuant to United Nation [sic] Security Council Resolutions 1483 and 1511. In accordance with the powers granted to an Occupying Power under international law and specifically Geneva Convention IV the UK exercises the power to intern individuals when it is considered necessary for imperative reasons of security. The other Troop Contributing Nations (TCNs) comprising MND(SE) do not consider themselves to be Occupying Powers and accordingly do not intern individuals. In accordance with the memorandum of understanding (MOU) between the UK and the other TCNs the UK will accept detained persons who have fallen into the hands of another MND(SE) TCN, and will be responsible for maintaining and safeguarding all such individuals whose custody has been transferred to them. The UK has a legal liability to ensure that detainees and internees are apprehended, handled and processed in accordance with the relevant provisions of the Hague Rules and Geneva Conventions and protocols and that all troops comply with the obligations imposed by them. These obligations are detailed in this directive and in MND(SE) Standard Operating Instruction (SOI) 390. Acting in accordance with the procedures in these documents and pursuant to the advice of the Military Provost Staff (MPS) and MND(SE) Legal Branch will ensure

⁴²⁶⁹ Major Richmond (ASI022461) [9]

⁴²⁷⁰ Major Richmond (ASI022460) [5-7]; (ASI022473) [43]

compliance with the UK's legal obligations. To fulfill [sic] these obligations a Divisional Temporary Detention Facility (DTDF) has been established within Shaibah Logistic Base (SLB). Both specialist and non-specialist armed forces personnel will man this facility. 1RHF will provide the non-specialist element. Internment and the handling and treatment of internees is a sensitive area, which carries significant legal and political risks. Failure to implement procedures correctly, or abuse of position of authority, will lead to criminal investigation and disciplinary action as well as significant harm to Coalition and UK interests. Such obligations and sensitivities make running the DTDF a significant practical and moral challenge for 1RHF.”⁴²⁷¹

4.4 Paragraph 3 of the Operational Directive set out the mission statement for the DTDF. It reads as follows:

“1RHF is to manage a Divisional Temporary Detention Facility that is secure, humane and run in accordance with the UK's obligations under International Law, UK national law and the European Convention on Human Rights (ECHR) in order to contribute to Coalition Force efforts to improve the security situation within Iraq.”⁴²⁷²

Location of the DTDF

4.5 The DTDF was located within the Shaibah Logistics Base approximately 15km to the southwest of Basrah City. Basrah itself is some 150km to the south of Al Amarah.

4.6 The Inquiry obtained aerial photographs of the location. The photograph below shows Al Amarah and Basrah.

Figure 84: ASI018604

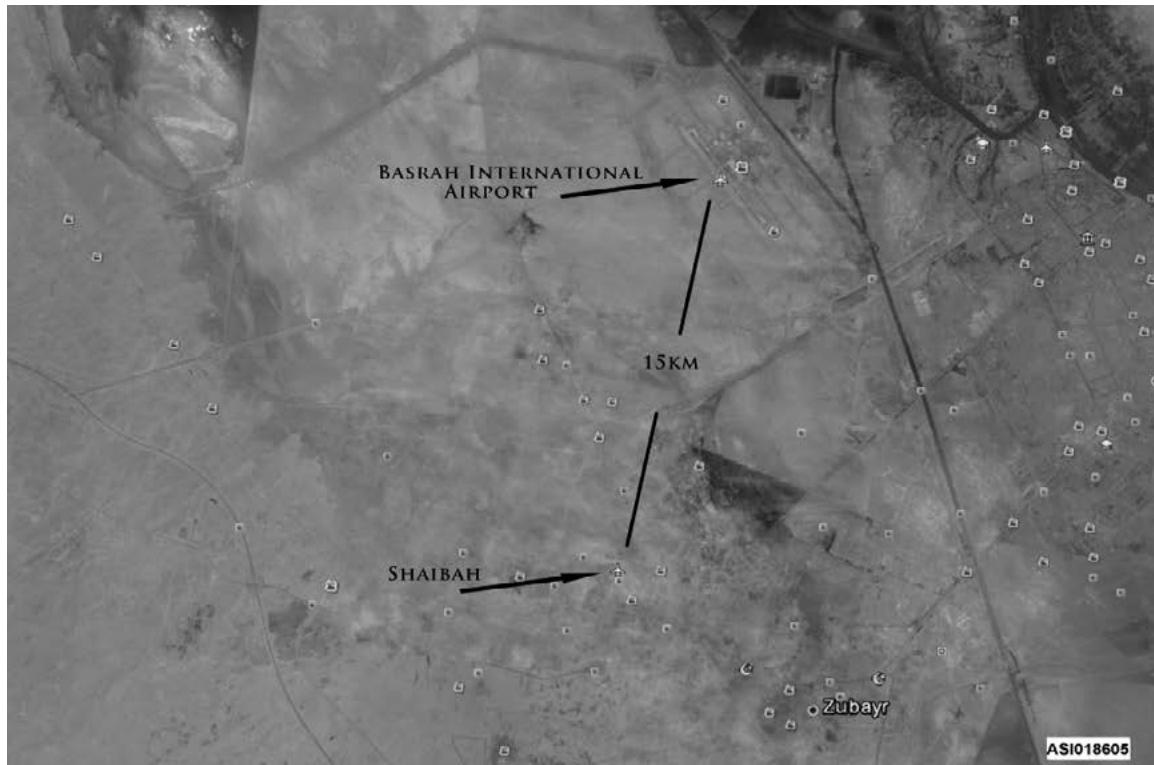


⁴²⁷¹ (MOD045625)

⁴²⁷² (MOD045626)

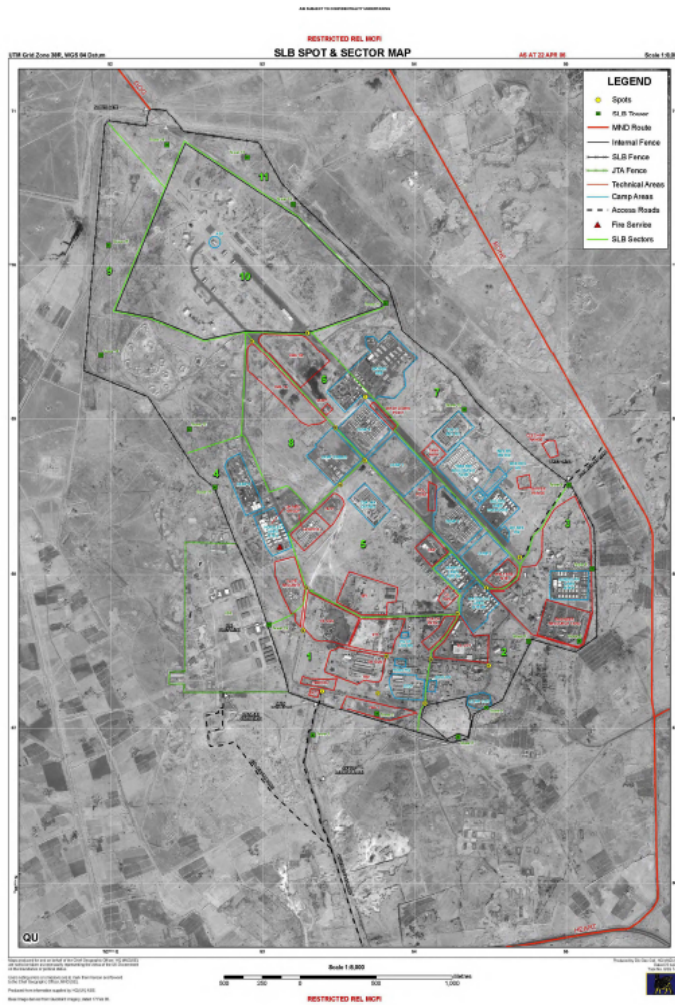
The photograph below shows Basrah International Airport and the Shaibah airstrip.

Figure 85: ASI018605



- 4.7** Shaibah was the site of RAF Shaibah from 1920 until 1956, at which point it was handed over to the Iraqi Air Force. From the time of the invasion of Iraq in 2003 until 2007, Shaibah was the site of Multi-National Division (South East) (“MND(SE)”) / Coalition Forces’ Logistics Base. Whilst in operation, it was home to British, Czech, Danish and Norwegian forces. In 2007 the Shaibah Logistics Base (referred to as “Shaibah” throughout this Report) was handed over to the Iraqi Army. Shaibah was the size of a small town, with some 10,000 to 15,000 military personnel based there.
- 4.8** Shaibah was divided into a number of sectors. The most helpful plan of Shaibah that the Inquiry obtained from the Ministry of Defence is dated 22 April 2006. The plan suggests that by that date there were 10 sectors. The DTDf was within the first sector at the foot of the plan (outlined in blue).

Figure 86: MOD048271



Layout of the DTDF

- 4.9** The Inquiry obtained two documents which assist with understanding the layout and orientation of the DTDF. The first is an undated PowerPoint presentation prepared by HQ Provost Marshall (Army) (“HQ PM(A)”), seemingly intended as orientation for the Military Provost Staff (MPS).⁴²⁷³ The second is a report as to the infrastructure and layout of the DTDF, prepared in order to aid in the construction of a new facility in Basrah, dated 28 February 2006.⁴²⁷⁴
- 4.10** The DTDF was a relatively large compound. It was located approximately 1km from the Main Gate of Shaibah. It was surrounded by a perimeter fence, and a number of guards’ towers, known as sangars. There were a variety of buildings within the compound, including: (i) a room used both as an operations room and reception area; (ii) a visits hall; (iii) a medical centre; (iv) a compound housing the Joint Forward Interrogation Team (“JFIT”); and (v) accommodation for detainees.

⁴²⁷³ (MOD034789)-(MOD034780)

⁴²⁷⁴ (MOD045995)-(MOD046010)

4.11 The photograph below shows the general layout and position of the DTDF:

Figure 87: MOD034780



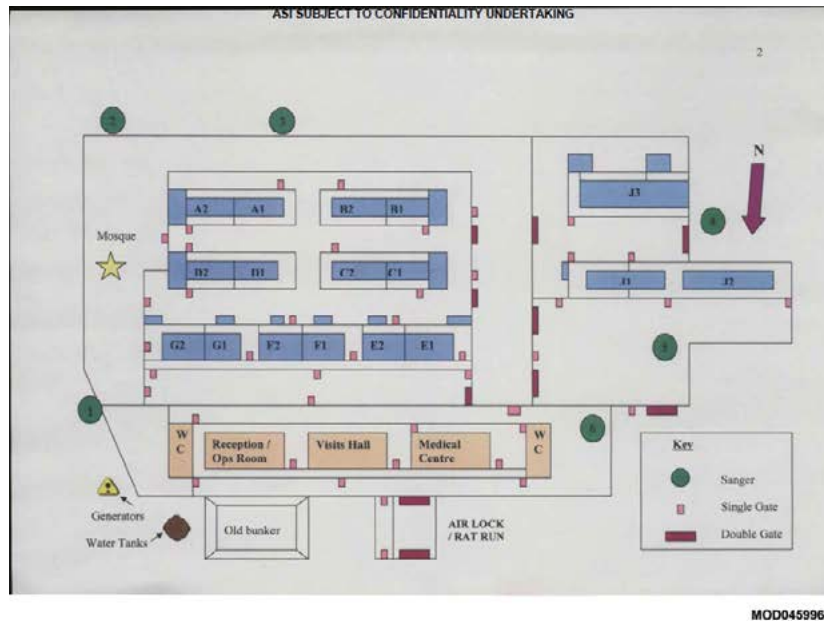
4.12 As can be seen, the compound was roughly rectangular in shape; there was a road to the East of the compound (in the above photograph west is at the top, north to the right); there were a number of sangars on the borders of the compound; and there was a Mosque at the Eastern border of the compound. M052 told the Inquiry that during his tour from April to September 2004, the military was trying to open a Mosque at the back of the DTDF.⁴²⁷⁵ However, Corporal James Green told the Inquiry that during his tour beginning in July 2004, the Mosque was still unused.⁴²⁷⁶

⁴²⁷⁵ M052 [145/215/1]; (ASI019996) [3]

⁴²⁷⁶ Corporal Green [132/95/6]; (ASI019192) [3]

- 4.13** The following plan attributes functions to some of the most significant buildings in the compound:

Figure 88: MOD045996



- 4.14** The plan indicates that there were six sangars. Each is depicted by a green dot on the plan. Four were outside the DTDF compound and two within it. The entrance to the DTDF compound is shown at the foot of the plan, described on the plan as “air lock/rat run”. The accommodation blocks are marked A, B, C, D, E, F and G. The main buildings in the JFIT compound are marked J1, J2 and J3.

Entrances

- 4.15** There were two main entrances to the DTDF: one vehicular and one pedestrian. Both entrances operated an “airlock” system, meaning that there was a gate at either end of a corridor, and a requirement that one gate remained closed while the other was open.
- 4.16** The vehicular airlock was the main vehicle entrance to the DTDF and was used, for example, to bring visitors into the compound by coach on visit days.

Figure 89: MOD034783



- 4.17** The pedestrian entrance was to the left of the vehicular entrance, as viewed by somebody entering the compound. Major David Richmond explained that the pedestrian entrance was manned by an armed sentry.⁴²⁷⁷ WO2 David Parrott told the Inquiry that weapons were not permitted inside the DTDF, so Battle Group soldiers entering the DTDF would leave their weapons in the airlock.⁴²⁷⁸ Those who worked routinely within the DTDF would leave their firearms in secured weapons racks, as set out in the Operational Directive, dated 4 April 2004: *“The internal guard force and others operating within the inner compound will not routinely carry firearms. Weapons for these personnel will be held in secured weapon racks with a key held in the ops room. They will instead be armed with Asp or batons.”*⁴²⁷⁹ At Annex E, the Operational Directive further stated that *“personnel working routinely inside the DTDF are to secure their weapons in weapons racks located within the DTDF Ops Room. These weapons racks are to be locked at all times.”*⁴²⁸⁰

⁴²⁷⁷ Major Richmond (ASI022523) [187]

⁴²⁷⁸ WO2 Parrott (ASI020292) [105]; ASI020272 [31]

⁴²⁷⁹ (MOD045633) [30]

⁴²⁸⁰ (MOD0456530)

Figure 90: MOD034784



Fences

- 4.18** The perimeter fence to the DTF compound was approximately 500m in length. The fence itself was covered with a hessian material to provide a screen.

Figure 91: MOD046001



- 4.19** There were a large number of internal security fences within the DTF, shown on the plan set out at paragraph 4.13 above. Generally these were not covered with screening.

Figure 92: MOD046003



- 4.20** The exceptions were internal fences around the room used for operations and as a reception area, and the internal fences around the JFIT compound, which were screened from view.

Figure 93: MOD046003



Accommodation

4.21 In the DTDF, detainees were housed in barrack room style accommodation. There were eventually seven blocks lettered A to G.

Figure 94: MOD034794



4.22 The seven accommodation blocks were of two types. Four of them were approximately 12 x 6 meters; and three were approximately 9 x 6 meters. They were brick built flat roofed structures. The larger blocks could accommodate up to 30 detainees.

4.23 Sergeant John Johnson told the Inquiry that the three accommodation blocks (marked E, F and G on the above photograph) nearest to the administration area were generally left unused. He said this was because those blocks had a clear view of the administration area.⁴²⁸¹

4.24 The blocks marked A, B, C and D were themselves split into two individual cell areas, with each accommodation block being given a letter thus: A1 and A2; B1 and B2; C1 and C2; D1 and D2.

4.25 Each block was surrounded by a veranda enclosed by a wire fence. Each accommodation block was fitted with air conditioning and had several windows on the external wall.⁴²⁸²

⁴²⁸¹ Sergeant Johnson (ASI014454)

⁴²⁸² WO2 Parrott (ASI020277) [49]

Figure 95: MOD046004



- 4.26** Inside the accommodation block there were no beds or any other furniture. Detainees were issued with roll mats, sleeping bags, blankets and pillows. Major David Richmond told the Inquiry that the detainees chose to sleep on the floor. He said that if they had wanted beds then beds would have been provided for them.⁴²⁸³ The undated PowerPoint presentation referred to at paragraph 4.9 above included a photograph of the inside of a cellblock.

Figure 96: MOD034795



- 4.27** The room where the detainees slept had an inner lockable door. Past that door was a vestibule containing two sinks, a shower and a lavatory.

⁴²⁸³ Major Richmond (ASI022495-96) [106]

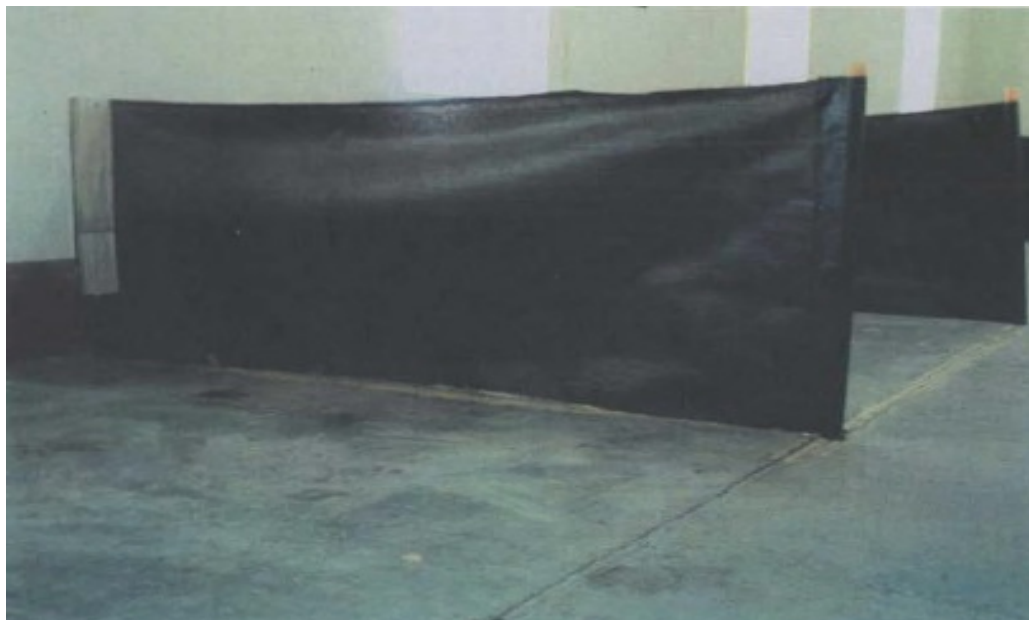
Figure 97: MOD046005



Visits Hall

- 4.28** Visits were conducted in a large hall approximately 20 x 6 meters, equipped with air conditioning, lighting, windows and doors at both ends of the room. Screens were in place to provide some privacy between families.

Figure 98: MOD046007



Medical Centre

- 4.29** There were three medical facilities at Shaibah. The first was the Field Hospital, which was a full British Military Hospital located approximately 5 to 10 minutes drive from the DTDF.⁴²⁸⁴ The second was the Medical Centre at Shaibah. This was also known as the Regimental Aid Post (“RAP”) and was located approximately 10 to 15 minutes walk from the DTDF. The third was the Medical Centre inside the DTDF compound.
- 4.30** During 1RHF’s tour at the DTDF, Major David Winfield, the Regimental Medical Officer (“RMO”) for 1RHF, was based at the RAP in Shaibah. A rotation of medical staff from the RAP would provide a continuous medical presence at the DTDF Medical Centre. Major Winfield had been issued with a mobile telephone and was on call so he could be contacted as required. He would then either give advice by telephone or attend in person.

⁴²⁸⁴ Major Winfield (ASI019049) [5]

- 4.31** On 12 July 2004, 40 Commando (“40 Cdo”) took over the operation of the DTDF. Major Anthony De Reya, the Officer Commanding 40 Cdo, told the Inquiry that his RMO, Surgeon Lieutenant Craig Renshaw, was based at the Field Hospital, but regularly came to the DTDF and was on call if needed. If Surgeon Lieutenant Renshaw was otherwise engaged, another RMO would cover. As with 1RHF, 40 Cdo operated a rotation of Medical Assistants to provide 24 hour medical coverage at the DTDF.⁴²⁸⁵
- 4.32** On arrival at the DTDF, the detainees were given an initial medical examination. Those examinations took place in the Medical Centre inside the DTDF compound. Major Winfield explained that the building was a long, narrow building with two internal walls. Each internal wall had a doorway, but no door. The medics were based in the first area of the building. Major Winfield was based in the second area of the buildings. The third area contained examination couches and a teaching area. The detainees’ medical records were kept in filing cabinets in either the first or second area.⁴²⁸⁶

Exercise Area

- 4.33** The exercise area is shown in Figure 94 above as the rectangular area between the accommodation blocks E, F and G and the reception and visits hall. The exercise area contained an area for volleyball, football and basketball. As I set out later in this report at paragraph 4.439, the inquiry heard evidence from various guards, including Marine Burford and Corporal Green that soldiers and internees would sometimes play volleyball and football together in the exercise area.

Reception / Operations Room

- 4.34** The area marked “Reception / Ops Room” on the plan was variously known as the processing office or the initial reception area. All internees would be processed here on arrival at the DTDF.
- 4.35** Sergeant William Anderson was the Provost Sergeant during his tour from March 2004 until mid-July 2004.⁴²⁸⁷ He produced a sketch plan of the reception and operations building. WO2 David Parrott was second-in-command at the DTDF during his tour from April 2004 to August 2004.⁴²⁸⁸ He also produced a sketch plan of the reception area. Although not to scale, these plans provide a useful guide to the layout of the building.

⁴²⁸⁵ Major De Reya (ASI018929) [56]

⁴²⁸⁶ Major Winfield (ASI019057-58) [39-40]

⁴²⁸⁷ Sergeant Anderson (ASI014760) [4-5]

⁴²⁸⁸ WO2 Parrott (ASI020263) [3]; (ASI020271) [28]

Figure 99: MOD024679

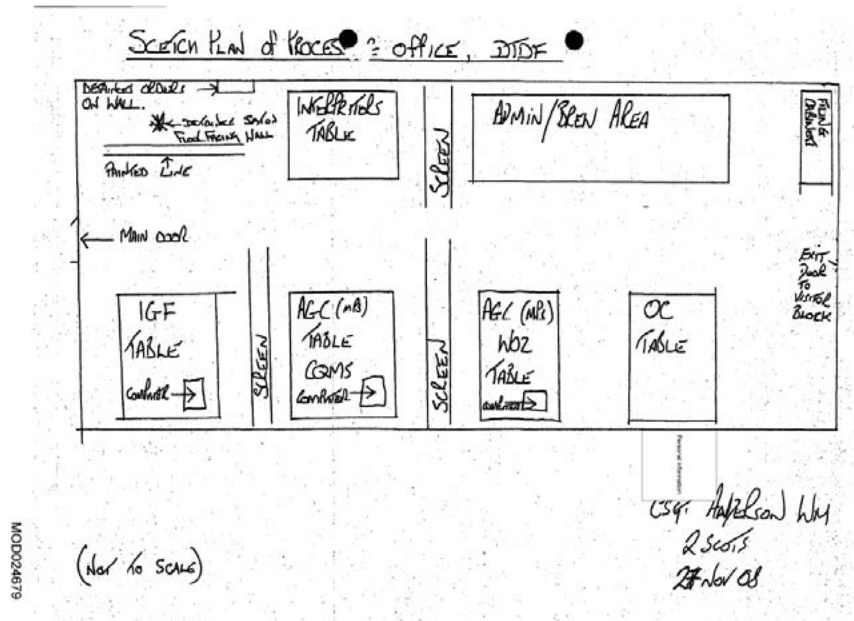
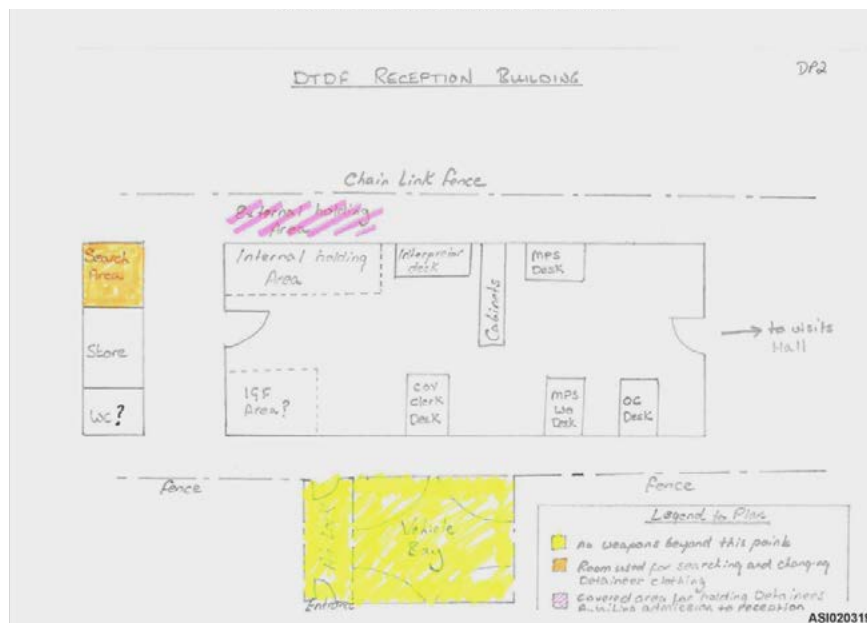


Figure 100: ASI020319



4.36 Major David Richmond told the Inquiry that the wall in the top left corner of the plans displayed a notice in Arabic with an English translation that set out the rules for detainees in the DTDF.⁴²⁸⁹ I set out details of that notice later in this report at paragraph 4.78.

2. Joint Forward Interrogation Team (JFIT)

4.37 The Joint Forward Interrogation Team (“JFIT”) at the DTDF was set up in December 2003, when M003 arrived at Shaibah Logistics Base (“SLB”).

⁴²⁸⁹ Major Richmond (ASI022505-06) [133]

- 4.38** An Operational Directive for the JFIT was issued on 31 May 2004. Paragraph 1 set out an introduction to the JFIT:

“The Joint Interrogation Team (JFIT) is the only facility to provide this HUMINT capability within the MND (SE) AO. As such the JFIT are responsible for interrogating all Internees captured by Troop Contributing Nations (TCNs) and UK Troops within the four southern provinces under UK control. The UK is an Occupying Power in Iraq pursuant to United Nation Security Council Resolutions 1483 and 1511. In accordance with the powers granted to an Occupying Power under international law and specifically Geneva Convention IV the UK exercises the power to intern and interrogate individuals when it is considered necessary for imperative reason of security. The other TCNs are not considered to be Occupying Powers and accordingly do not intern or interrogate individuals. In accordance with the Memorandum of Understanding (MOU) between the UK and the other TCNs the UK will accept Internees within the Divisional Temporary Detention Facility (DTDF) who have been captured by another MND (SE) TCN. The UK has a legal liability to ensure that Internees are interrogated in accordance with the relevant provisions of The Hague Rules and Geneva Conventions and protocols and that all troops comply with the obligations imposed by them. These obligations are detailed in this directive and in MND (SE) Standard Operating Instruction (SOI) 390. Acting in accordance with the procedures in these documents and pursuant to the advice of J2X and MND (SE) Legal Branch will ensure compliance with the UK’s legal obligations. Internment and the handling and treatment of internees is a sensitive area, which carries significant legal and political risks. Failure to implement procedures correctly, or abuse of position of authority, will lead to criminal investigation and disciplinary action as well as significant harm to Coalition and UK interests. Such obligations and sensitivities make running the JFIT a significant and moral challenge for Force MI company.”⁴²⁹⁰

- 4.39** The purpose of the JFIT was set out at paragraph 3 of the Operational Directive:

“The JFIT is to provide an interrogation capability within MND (SE) AO in order to extract intelligence from captured enemy forces in support of the GOC’s decision making process.”⁴²⁹¹

Location of the JFIT

- 4.40** The JFIT compound was located within the perimeter of the DTDF. The compound was separated from the rest of the DTDF by a security fence, which was itself screened with hessian. There were two main entrances into the JFIT compound: one from the DTDF; the other was a separate entrance that went directly into the JFIT without the need to enter the DTDF first.
- 4.41** Access to the JFIT compound was strictly controlled. The JFIT Operational Directive of 31 May 2004 made this clear: *“The JFIT is a highly sensitive area. A list of those entitled to routine access is at Annex F. Foreign nationals may only enter the JFIT in order to visit persons interned by their forces. They will be entitled to a guided tour of the facility and a brief on DTDF/ JFIT routine. No other personnel are to be granted permission to enter the JFIT without the approval of the OC or Ops Offr of the JFIT.”⁴²⁹²*

⁴²⁹⁰ (MOD046796)

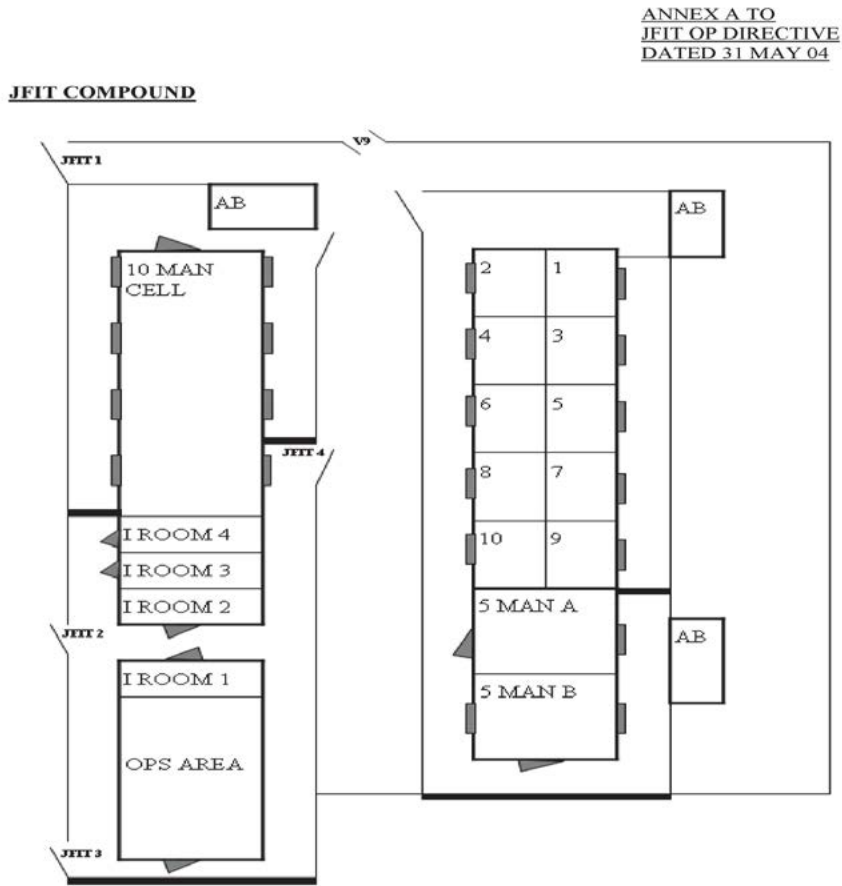
⁴²⁹¹ (MOD046797)

⁴²⁹² (MOD046799)

Layout of the JFIT compound

4.42 The JFIT facility had capacity to hold up to 30 detainees at any one time. The compound consisted of: one cell large enough for 10 men; two cells large enough for 5 men; ten single cells; three ablution blocks; four interrogation rooms; and one operations room. A plan of the JFIT compound is set out in Annex A to the JFIT Operational Directive dated 31 May 2004.

Figure 101: MOD046808



MOD046808

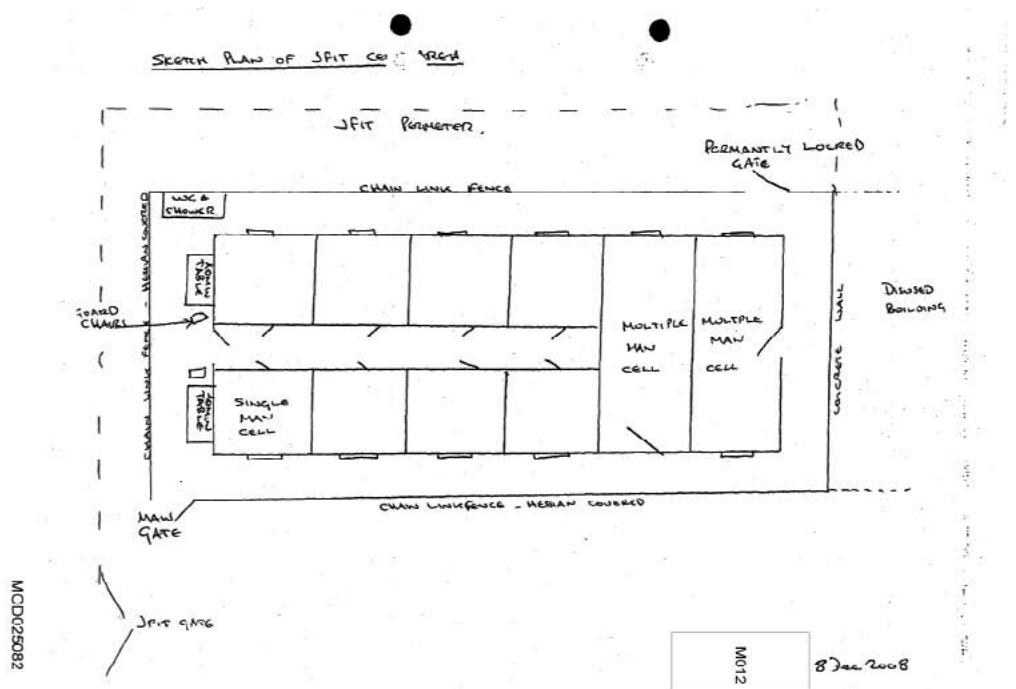
4.43 The plan appears to be inaccurate insofar as it does not show any doors to the single cells. The inquiry has obtained an undated photograph of the JFIT cells. The photograph shows that the plan is also inaccurate insofar as it does not include the corridor running between the single cells, with doors entering into the single cells from the corridor.

Figure 102: MOD046584



4.44 The corridor was described by various witnesses including, for example, M003⁴²⁹³ and Fusilier Sevanaia Ratunaceva⁴²⁹⁴. It was also included in various sketch plans drawn by witnesses who worked in the JFIT compound. By way of example, a sketch plan produced by M012, an interpreter, is included below.

Figure 103: MOD025082



⁴²⁹³ M003 (ASI024605) [44]

⁴²⁹⁴ Fusilier Ratunaceva (ASI020899) [27]

- 4.45** The above plan indicates that there was a guards' area at the end of the corridor, in the approximate location from where the photograph set out at paragraph 4.43 was taken.

3. Operation of the DTDF

- 4.46** Staff at the DTDF were organised into various elements to achieve the 'mission' referred to at paragraph 4.4 above. Those elements were described at paragraph 5 of the Operational Directive for the DTDF, dated 4 April 2004, as follows:

"Scheme of Manoeuvre. [...]DTDF Coy Gp will fulfill [sic] command and administrative functions. The DTDF guard force will be divided into 2 elements; external and internal. External guards including a QRF, with primary responsibility to prevent internee escape, will be provided by the DTDF Coy Group. The internal guard force will act as the interface with internees, managing discipline and the regime within the compound. Internal guard personnel will be drawn from specially trained elements of DTDF Coy Gp, supported by attached MPS specialists. Military Working Dogs (MWD) permanently attached to the DTDF will support both internal and external guard forces as necessary. The Jt Forward Interrogation Team (JFIT) will operate within the perimeter of the DTDF and will be assisted by the guard force as necessary. At all times the operation of the DTDF is to accord with the procedures in this directive, SOI 390, DTDF SOPs and the UK's obligations under International Law, UK national law and the ECHR."⁴²⁹⁵

- 4.47** As is set out above, staff at the DTDF included an Internal Guard Force ("IGF") and an External Guard Force ("EGF"). The IGF were responsible for guard duties in the main DTDF compound. General guard duties in the JFIT facility were carried out by the EGF.

Command Structure

- 4.48** When the detainees arrived at the DTDF, Major David Richmond was the Officer Commanding ("OC") and he was also OC at B Company, 1st Battalion, Royal Highland Fusiliers ("1RHF"). Major Richmond had been in post since late March or early April 2004. Major Richmond told the Inquiry that, in practice, he dedicated himself almost exclusively to the task of running the DTDF.⁴²⁹⁶ Major Richmond was supported by Military Provost Service ("MPS") staff, and particularly by WO2 David Parrott who was the second-in-command at the DTDF during the relevant period.⁴²⁹⁷
- 4.49** The medical personnel, the IGF and the EGF/JFIT guards all fell within Major Richmond's chain of command.
- 4.50** In his evidence to the Inquiry, Major Richmond emphasised that he fully appreciated the importance of the role of 1RHF at the DTDF. In his words: *"I thought the eyes of the world would be upon us and we needed to make sure the DTDF operated in a professional, efficient and responsible way and that the internees would be treated with dignity and respect. I put internee welfare at the forefront of this. My philosophy was that if one internee was mistreated under my care then I had failed."⁴²⁹⁸*

⁴²⁹⁵ (MOD045626)

⁴²⁹⁶ Major Richmond (ASI022461) [7]

⁴²⁹⁷ Major Richmond (ASI022460-61) [5]–[8]

⁴²⁹⁸ Major Richmond (ASI022462) [11]

4.51 In his evidence to the Inquiry, Major Richmond described the process by which soldiers were selected to work directly with detainees as part of the Internal Guard Force (“IGF”). Major Richmond briefed the Company Commanders on the nature of the work and he asked them to nominate soldiers who were, as he put it in his evidence, *“mature (in mind, not necessarily in age) and measured in how they acted so that they would address the job of working with internees seriously”*. Those soldiers were then put through a pre-deployment training package delivered by the Military Provost Staff, which was tailored to their prospective role in the IGF.⁴²⁹⁹ Whilst in theatre, the IGF undertook further training. The training was complemented by written guidance and by a period of shadowing the in-post DTDF staff during the handover from the 2nd Battalion, The Parachute Regiment (“2 PARA”) who were in-post before the 1RHF.⁴³⁰⁰

4.52 On 12 July 2004, following a two week handover period Major Anthony De Reya, the OC of Command Company, 40 Commando (“40 Cdo”) took over from Major Richmond as OC of the DTDF.⁴³⁰¹ In his Inquiry statement, Major De Reya explained how soldiers from 40 Cdo were selected to form the IGF:

“I was involved in the selection of those in the IGF (with the exception of those personnel drawn directly from the MPS) and had a personal veto on anyone who I did not think had the maturity or intelligence to fulfil this difficult role. I never had cause to use this. I selected the personnel after consultations with the other Company Commanders from 40 Cdo RM and based upon their temperament.

The selection took place a few weeks before we were deployed. It was important to select people who would be suited to treating detainees with the appropriate levels of respect. The attributes I considered important, in addition to the maturity and intelligence referred to above, were patience, respect and professionalism.”

4.53 When the detainees arrived at the DTDF, the OC of the JFIT was M003, who had been in that post since December 2003. The JFIT interrogators fell within M003’s chain of command.

4. Policy Documents and Guidance

4.54 There were four main sources of policy that were extant at the DTDF and the JFIT during the relevant period:

- a. DTDF Standard Operating Procedures (“SOPs”)
- b. DTDF Standard Operating Instructions (“SOIs”)
- c. DTDF Operational Directives
- d. JFIT Operational Directive
- e. JFIT Standard Operating Procedures (“SOPs”)

DTDF Standard Operating Procedures (“SOPs”)

4.55 When Major Richmond arrived at the DTDF, Standing Operating Procedures (“SOPs”) were already in force, namely the *Standard Operating Procedures Divisional Temporary Detention*

⁴²⁹⁹ Major Richmond (ASI022462) [10]

⁴³⁰⁰ Major Richmond (ASI022465-66) [18]–[21]

⁴³⁰¹ Major De Reya (ASI018909) [4]

*Facility Shaibah Logistics Base Southern Iraq.*⁴³⁰² The document sets out 23 separate SOPs. When Major Richmond took up his post at the DTDF, he checked the SOPs and signed them so that they applied to 1RHF and those working under Major Richmond’s command.

- 4.56** The SOPs set out the minimum guarding levels; that is the standards of guarding and custodial care given to detainees. In his Inquiry statement, Major Richmond said that any personnel who came into the DTDF to work were given the SOPs to read. He said the IGF were required to read the SOPs and copies were kept in the administration area at the DTDF.⁴³⁰³
- 4.57** SOP 1 gives an indication of what was expected of staff at the DTDF. It is titled ‘*Duties of the Internal Guard Personnel*’, and it reads as follows:

“GENERAL

You are responsible for the security, safety and welfare of all internees under your supervision. You are also responsible for monitoring their behaviour. You are to apply discipline with common sense, humanity and impartiality, with due consideration to age, gender, mental state and cultural differences. Your personal turnout, conduct, bearing, self-discipline and inter-personal skills are to be of the highest order. You are to endeavour to foster a positive attitude between staff and internees, whilst striving for the best possible outcome in everything you do within the DTDF. Remember that the best lesson you can give is to lead by example. Double standards and inconsistencies in treatment of internees will lose you respect and will inevitably undermine your ability to carry out your duties effectively. You are not to judge internees and they should all be treated fairly. All staff at all levels must deal with all issues with clarity and in a level-headed manner and must not allow negative thoughts or personal feelings to affect their judgement.”

- 4.58** In his evidence to the Inquiry, Major Richmond emphasised that the principles outlined above were not an ideal to be worked towards. Rather they were the expected minimum standard of conduct for all members of staff who worked within the DTDF.⁴³⁰⁴

DTDF Standard Operating Instructions (“SOIs”)

- 4.59** The SOIs contained policies relating to handling and processing detainees. They outlined detention procedures and they included various forms to be completed in relation to internment.
- 4.60** HQ Multi-National Division (South East) (“HQ MND (SE)”) SOI 390, dated 25 March 2004, set out the *Policy for Apprehending, Handling and Processing of Detainees and Internees*.⁴³⁰⁵ On 28 June 2004, the UK ceased to be an occupying power in Iraq. On 1 July 2004, MND (SE) SOI 390 was replaced with HQ MND (SE) 392, which set out the *Policy for Handling and Processing of Internees*.⁴³⁰⁶ Unlike SOI 390, SOI 392 did not deal with criminal detainees. The other significant change in SOI 392 concerned detainees’ entitlement to legal assistance and the internment review procedure.

⁴³⁰² (MOD042709)

⁴³⁰³ Major Richmond (ASI022470) [32]–[33]

⁴³⁰⁴ Major Richmond (ASI022471) [35]

⁴³⁰⁵ (MOD042755)

⁴³⁰⁶ (MOD046144)

- 4.61** In his Inquiry statement, Major Richmond explained that the SOIs could be accessed by any staff in the DTDF to check procedure. However, Major Richmond could not recall whether he required all staff to read the SOIs, as the relevant detail was transposed into the SOPs and the Operational Directives.⁴³⁰⁷

Operational Directives for the DTDF

- 4.62** The earliest Operational Directive in force during the relevant period was dated 4 April 2004.⁴³⁰⁸ It was titled *Operational Directive – Divisional Temporary Detention Facility*. Major Richmond had inherited it from his predecessor at the DTDF and had re-issued it so as to apply to the 1RHF. It was updated on 28 June 2004 by Major Richmond,⁴³⁰⁹ and again on 13 July 2004 by Major Richmond’s successor, Major De Reya.⁴³¹⁰

- 4.63** The stated purpose of the Operational Directive, outlined in Section 1 of each edition, was as follows:

“The direction outlined below provides a framework for the operation of the DTDF. It does not aspire to cover every eventuality but rather seeks to lay down generic principles, responsibilities and procedures. MPS personnel have developed detailed SOPs for the internal guard force. Adherence to this direction will be critical to the successful working of the facility.”⁴³¹¹

- 4.64** Paragraph 14 of each edition dealt with “Inappropriate Activity in Close Proximity to the DTDF”. It reads as follows:

“Close proximity to the DTDF is forbidden for all non-DTDF personnel. Internees are protected persons and are entitled to respect for their persons, their honour, their family rights, their religious conventions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Any activity inconsistent with these principles and the smooth running of the DTDF is forbidden. Examples of forbidden activity are the photographing (except for official purposes) or verbal taunting of internees by any person. Any person acting in a manner contrary to these rights is to be removed by the external guard/QRF. Details of offenders are to be taken and the incident reported to their parent unit for disciplinary action.”⁴³¹²

- 4.65** Paragraph 22(b) of the 4 April 2004 edition of the Operational Directive sets out “Minimum Standards of Treatment”. It reads as follows:

“At all times, internees are to be treated in accordance with the standards laid down by International and national laws. As a minimum, the following standards are to be strictly adhered to;

- 1. Internees are to be treated at all times fairly, humanely, with respect for his or her personal dignity and without discrimination based on race, colour, sex, religion, political belief or any other similar criteria.*

⁴³⁰⁷ Major Richmond (ASI022472) [39]

⁴³⁰⁸ (MOD045625)

⁴³⁰⁹ (MOD044784)

⁴³¹⁰ (MOD043213)

⁴³¹¹ (MOD045625-26); (MOD044784); (MOD043213)

⁴³¹² (MOD045628); (MOD044787); (MOD043216)

2. *The use or threat of physical violence, mental torture, corporal punishment against the internees is prohibited.*
3. *The use of hooding and stress positions is prohibited.*
4. *Internees shall not be subjected to verbal humiliation or abuse or any other form of humiliating or degrading treatment.*
5. *Internees are to be protected from danger and the elements.*
6. *Internees are not to be kept in direct sunlight for long periods or denied protection from the cold.*
7. *Medical care is to be provided if required.*
8. *Food and water are to be provided as necessary, having regard to any national, ethnic or religious requirements.*
9. *Internees shall not be subjected to public curiosity. Photographing the internees, except for the purposes of initial registration, is prohibited.*
10. *Internees shall be permitted to practice their religious beliefs without interference.*
11. *Female internees shall be accommodated separately from males and shall only be searched by a female searcher.*
12. *Juveniles (under 15) are to be segregated from other internees unless to do so would impose solitary confinement on the individual.*
13. *Internees shall be permitted to send and receive letters and to receive regular and frequent visits.*
14. *Intellectual, recreational and educational pursuits by internees shall be encouraged.*
15. *Where possible, internees shall be accommodated according to their nationality, language and customs. Members of the same family should be accommodated together wherever possible. The accommodation shall be maintained to ensure sufficient protection from the climate.*
16. *It is a command responsibility to ensure that all internees are treated in accordance with these principles.*

Disciplinary action will be taken against those failing to comply with the above standards of International and national law. This includes both those who abrogate their command responsibility and those who mistreat internees.”⁴³¹³

4.66 The 28 June 2004 and 13 July 2004 editions of the Operational Directive amended Paragraph 22(b)(12) to extend the description of a juvenile to persons “under 18”, rather than only those “under 15”.⁴³¹⁴

⁴³¹³ (MOD045630-31)

⁴³¹⁴ (MOD044791); (MOD043219)

4.67 The Operational Directive was kept in the administration office with the other guidance documents. It was intended to be available to staff whenever they needed to refresh their memory as to the procedures outlined within it.⁴³¹⁵

Operational Directive for the JFIT

4.68 Prior to the arrival of M003 in December 2003, there was no JFIT facility at Shaibah. After M003 arrived to take up post as the OC of the new JFIT facility, he began drafting an Operational Directive for the new facility.⁴³¹⁶ He completed that document, titled *Operational Directive – Joint Forward Interrogation Team*, on 31 May 2004.⁴³¹⁷ M003 recalled that prior to completion of the Operational Directive, if staff were uncertain of their responsibilities they could refer directly to a copy of the Geneva Conventions that was held in the JFIT operations area.⁴³¹⁸

4.69 The DTF Operational Directive, dated 4 April 2004, also referred to the JFIT facility. Paragraph 20 was titled “Arrangements for Internees within JFIT”. It read as follows:

“In principle internees held within JFIT are to be treated no differently to those in the main DTF population. They are entitled to all the rights accorded to other internees within the DTF (including exercise) with the exception of visits (see para 19). They are not entitled to the privileges granted to other internees (radios, board games, reading material (except Koran)). To maximise opportunity for J2 exploitation, they are routinely segregated and prevented from communication with one another.”⁴³¹⁹

4.70 The wording set out above was repeated in paragraph 16 of the JFIT Operational Directive when it was issued on 31 May 2014.

4.71 In his evidence, M003 explained that the Operational Directive he drafted, although dated 31 May 2004, in fact codified the procedures that had been developed and put into practice prior to that date. In his evidence, he indicated that most, if not all, were followed long before these detainees arrived at the JFIT.⁴³²⁰

4.72 At paragraph 19, the Operational Directive for the JFIT set out the “Minimum Standards of Treatment” for detainees. It broadly reflected the equivalent paragraph in the Operational directive for the DTF, set out at paragraph 4.65 above. It read as follows:

“At all times, internees are to be treated in accordance with the standards laid down by International and national laws. As a minimum, the following standards are to be strictly adhered to;

1. Internees are to be treated at all times fairly, humanely, with respect for his or her personal dignity and without discrimination based on race, colour, sex, religion, political belief or any other similar criteria.

2. The use or threat of physical violence, mental torture, and corporal punishment against the internees is prohibited.

3. The use of hooding and stress positions is prohibited.

⁴³¹⁵ Major Richmond (ASI022474) [44]

⁴³¹⁶ M003 (ASI024596) [14]

⁴³¹⁷ (MOD046796)

⁴³¹⁸ M003 (ASI024597) [16]

⁴³¹⁹ (MOD045630)

⁴³²⁰ M003 (ASI024597) [15]

4. *Internees shall not be subjected to verbal humiliation or abuse or any other form of humiliating or degrading treatment.*
5. *Internees are to be protected from danger and the elements.*
6. *Internees are not to be kept in direct sunlight for long periods or denied protection from the cold.*
7. *Medical care is to be provided if required.*
8. *Food and water are to be provided as necessary, having regard to any national, ethnic or religious requirements.*
9. *Internees shall not be subjected to public curiosity. Photographing the internees, except for the purposes of initial registration, is prohibited.*
10. *Internees shall be permitted to practice their religious beliefs without interference.*
11. *Female internees shall be accommodated separately from males and shall only be searched by a female searcher.*
12. *Juveniles (under 18) are to be segregated from other internees unless to do so would impose solitary confinement on the individual. They are allowed to be questioned over the age of 15. Any younger than 15 they are not permitted to be interned.*
13. *It is a command responsibility to ensure that all internees are treated in accordance with these principles.*

Disciplinary action will be taken against those failing to comply with the above standards of International and national law. This includes both those who abrogate their command responsibility and those who mistreat internees.”⁴³²¹

4.73 As can be seen from the above, the minimum standards set out in the Operational Directive for the JFIT differed from those relating to the general DTDF population in the following relevant respects:

- a. A juvenile was defined from the outset as a person aged under 18, rather than under 15. Detainees over the age of 15 were allowed to be questioned.
- b. Detainees in the JFIT were not permitted to send and receive letters and visits.
- c. Detainees in the JFIT were not encouraged to pursue intellectual, recreational and educational pursuits.
- d. Detainees in the JFIT were not accommodated according to their nationality, language and customs. There was no presumption that members of the same family would be accommodated together.

⁴³²¹ (MOD045631)

JFIT Standard Operating Procedures (“SOPs”)

4.74 The JFIT Operational Directive included a number of Standard Operating Procedures (“SOPs”) attached in the Annexes. Annex B contained SOPs titled “JFIT SOPs – OPERATIONS”.⁴³²² Annex C contained SOPs titled “JFIT SOPs – INTERROGATOR”.⁴³²³

4.75 JFIT Operations SOP 18 is headed “Conditioning Internees”. It reads as follows:

“Internees held in the JFIT and DTDF are not subject to any form of conditioning, with the confinement in the JFIT being the only physical pressure they are subjected to. They are not blindfolded or hand-cuffed from when they enter the DTDF. They will often have lost the shock of capture by the time they enter the JFIT. Their restrictions during their [words redacted under code 6⁴³²⁴] in JFIT disallow visits, cigarettes and communal exercise. Unfortunately it is suspected that they already know they are most likely only going to spend [words redacted under code 6] in the JFIT which adds to their unwillingness to talk.”⁴³²⁵

4.76 The pertinent SOPs relating specifically to interrogations are set out later in this report at Part 4, Chapter 3: Detention at the Joint Forward Interrogation Team Compound.

⁴³²² (MOD046809)

⁴³²³ (MOD046815)

⁴³²⁴ For an explanation of the redaction codes see Part 1: Introduction, paragraph 1.82

⁴³²⁵ (MOD046812-13)