

CHAPTER 2: PROCESSING AT THE DTDF AT SHAIBAH

4.77 When they arrived at the DTDF on Saturday 15 May 2004⁴³²⁶, the detainees were taken through an admission procedure. That procedure was described variously as “processing” or “in-processing” by those who operated the DTDF. In May 2004, the admission procedure was set out in Standard Operating Procedure No. 4, the terms of which were as follows:

“ADMISSION PROCEDURE

GENERAL

- 1. Check that all committal documentation [...] is correctly completed and signed by the Battle Group Internment Review Officer (BGIRO) or other Appropriate Officer. If in any doubt seek advice from the MPS CSM or SO3 ALS MND(SE).*
 - 2. If the internee has any visible signs of injury or appears to be in particularly poor health or is complaining of pain, then he/she must be seen by the DTDF MO [Medical Officer] as soon as possible and deemed fit for detention. If unfit for detention and the MO has advised hospitalisation, then the MPS Duty Officer must be informed as soon as possible regardless of the time of day or night.*
 - 3. All internees are to be thoroughly searched on admission in accordance with DTDF SOP No 10.*
 - 4. All jewellery (with the exception of a wedding ring) is to be removed together with all other personal property and clothing. The only items that an internee is allowed to keep are religious articles and cigarettes. Reading material may subsequently be allowed subject to strict censorship by a DTDF interpreter and only then on the authority of the Internal Guard Commander.*
 - 5. Record details of all property in the detention register. The property will subsequently be secured in the DTDF property store.*
 - 6. Allocate a tag number and attach the ISN identification wristband to the internee. Then complete the admission questionnaire with the assistance of an interpreter and also allow the internee to fill out and sign the MND(SE) Reason for Internment Documentation. Then enter all relevant details on the AP3 RYAN Data Capture System, including a digital photograph of the internee. The internee must also be allowed to complete an International Committee of the Red Cross (ICRC) Capture Card in order to inform his/her family of his/her whereabouts.*
- NB: In the event of receiving a detainee (criminal) then fingerprints and DNA may also be required. However, before doing so, advice should be sought from SO3 ALS MND(SE).*
- 7. Brief the internee in accordance with the DTDF SOP No 5 and allay any fears he/she may have regarding their stay at the DTDF.*
 - 8. Add the internee’s details to the main nominal roll, allocate a room to the internee and then complete the Main Bed Board and change the DTDF figures.*

⁴³²⁶ (MOD003161)

9. The internee is then to be issued with essential hygiene items and bedding (and cigarettes if appropriate) and then escorted to his/her accommodation and secured.”⁴³²⁷

4.78 In the subparagraphs that follow I give an overview of the procedure that the nine detainees were taken through after they arrived at the DTFD on 15 May 2004. The overview is intended to give a general picture of how matters proceeded, although the precise sequence of events may not have been exactly the same for each detainee.⁴³²⁸

- a. The detainees were brought to the administration building identified in the following photograph:

Figure 104: MOD034787



- b. When the detainees reached the administration building their blacked out goggles were removed so their sight was no longer restricted.⁴³²⁹
- c. Initially, up to four detainees were admitted into the administration building itself. They were instructed to sit on the floor facing a wall, next to a line marked on the ground. The following photograph of the reception area in the administration building was extracted from a PowerPoint presentation prepared by HQ Provost Marshal (Army). The photograph is undated so it may not be an entirely accurate representation of how the reception area appeared in May 2004, but I am satisfied that it is broadly correct.

⁴³²⁷ (MOD042714)

⁴³²⁸ Major Richmond (ASI022504-09) [133]–[145]; (ASI022522-27) [183]–[199]; WO2 Parrott (ASI020290-97) [99]–[124]

⁴³²⁹ Major Richmond (ASI022505)

Figure 105: MOD034788



- d. The wall, in front of which the detainees were seated in the reception area, displayed a notice in Arabic with an English translation. The notice set out the rules that detainees had to abide by in the DTDF.⁴³³⁰ Those rules were as follows:⁴³³¹

"1. You are now an internee of the British Coalition Forces in Iraq. You will be held and treated fairly and humanely in accordance with the rules of the Geneva Conventions of 1949 and International Humanitarian Law.

2. Any written orders which are published within this facility are to be obeyed at all times.

3. All verbal and non-verbal orders issued by British Staff are to be obeyed.

4. Any internee who does not comply with legitimate orders will face disciplinary action.

5. On receiving the command, all internees are to move to the rear of their accommodation room, away from any gates or doors.

6. Internees are not to deliberately damage any furniture, fixtures or fittings within the Internment Facility. If they do then they will face disciplinary action.

7. Internees are expected to behave with self-discipline and to show respect to staff. Staff will treat the internees with respect in return.

8. If you have any legitimate requests or complaints, then you are to inform a member of staff of your problem and the matter will be addressed.

⁴³³⁰ Major Richmond (ASI022480) [57]

⁴³³¹ (MOD042716)

9. You are to remain clothed at all times whilst in the general population within the Internment Facility.

10. You are to keep yourself, your belongings and sleeping area, clean and tidy at all times.

11. Verbal abuse, unruly behaviour or the threat or use of physical force or violence against staff or any other internee will not be tolerated. Disciplinary action will be taken against any offenders of this rule.

12. Your personal valuables will be held safely during your time here and returned to you upon your release or transfer from the DTDF.

13. You are allowed to receive family visits on Thursdays, Fridays or Saturdays during your time here. The ICRC will inform your relatives/close friends of your internment and arrangements can then be made for them to visit you, if you so wish."

- e. Due to limitation of space inside the administration building, the remaining detainees were initially instructed to wait in a shaded walkway immediately outside the administration building.⁴³³²
- f. Once inside the administration building, the detainees' plasticuffs were removed with scissors.⁴³³³
- g. Detainees were taken individually to a private side room where they were subject to a pat-down search. They were then asked to remove their clothing.⁴³³⁴
- h. Following the search, the detainees were provided with blue boiler suits to wear. At a later date, following representations made by the detainee population, the procedure was changed so that detainees were provided with dish dashes rather than boiler suits.⁴³³⁵
- i. The detainees were then taken individually to a desk in the administration building where they were asked, through an interpreter, to provide basic information which was recorded both in a paper file and on an electronic database known as the AP3 RYAN system.⁴³³⁶
- j. Detainees' clothing and personal possession were logged, bagged and removed to storage to be returned to the detainees when they left the DTDF. Detainees were asked to sign property receipts.⁴³³⁷
- k. Detainees were asked to either sign or make a thumb print on the paper file to verify that the information they had provided was accurate.⁴³³⁸

⁴³³² Major Richmond (ASI022524) [189]

⁴³³³ Major Richmond (ASI022524) [188]

⁴³³⁴ WO2 Parrott (ASI020291-92) [103]

⁴³³⁵ Major Richmond (ASI022506) [139]

⁴³³⁶ M010 (ASI019367-68) [35]

⁴³³⁷ M010 (ASI019369-70) [39]

⁴³³⁸ M010 (ASI019370-71) [41]

- I. Two photographs were then taken of each detainee's face; one from the front and one from the side. The Inquiry was provided with copies of the photographs taken of the nine detainees on 15 May 2004. They are as follows:

Figure 106: MOD048732 and MOD048733 (Hamzah Joudah Faraj Almalje (Detainee 772))



MOD048732



MOD048733

Figure 107: MOD048734 and MOD048735 (Mahdi Jasim Abdullah Al-Behadili (Detainee 773))



MOD048734



MOD048735

Figure 108: MOD048736 and MOD048737 (Ibrahim Al-Ismaeeli (Detainee 774))



MOD048736



MOD048737

Figure 109: MOD048738 and MOD048739 (Kadhim Al-Behadili (Detainee 775))



MOD048738



MOD048739

Figure 110: MOD048740 and MOD048741 (Abbas Al-Hameedawi (Detainee 776))



MOD048740



MOD048741

Figure 111: MOD048742 and MOD048743 (Ahmed Jabbar Hammoud Al-Furaiji (Detainee 777))



MOD048742



MOD048743

Figure 112: MOD048744 and MOD048745 (Hussein Fadhil Abbas Al-Behadili (Detainee 778))



MOD048744



MOD048745

Figure 113: MOD048746 and MOD048747 (Atiyah Sayyid Abdulridha Al-Baidhani (Detainee 779))



MOD048746



MOD048747

Figure 114: MOD048748 and MOD048749 (Hussein Gubari Ali Al-Lami (Detainee 780))



MOD048748



MOD048749

An identity card was then printed, which included the front view photograph of the detainee taken during processing. This identity card was given to the detainee to keep on his person.⁴³³⁹

- m. Detainees were then taken to the Medical Centre in the DTDF compound for a medical examination, which involved them removing their boiler suits so they could be examined.⁴³⁴⁰
- n. An Initial Medical form was completed during the examination.
- o. The detainees were issued with bedding, clothing, toiletries and a copy of the Koran.⁴³⁴¹
- p. The detainees were then escorted to the JFIT compound.⁴³⁴²

⁴³³⁹ M004 (ASI019371) [43]

⁴³⁴⁰ Major Richmond (ASI022508-09) [144]

⁴³⁴¹ M010 (ASI019374) [48]

⁴³⁴² WO2 Parrott (ASI020295) [115]

- 4.79** In his written Inquiry statement, Major David Richmond, the Officer Commanding (“OC”) the DTDF in May 2004, said that he had sought to ensure that processing was conducted in a calm and efficient manner. In my view, Major Richmond was an impressive witness and I have no doubt that his evidence was both truthful and accurate. Major Richmond continued as follows:

*“I appreciated that internees may have been scared or nervous on arrival and the staff (and interpreters) spoke to them in a civilised manner. Internees were not shouted at and were spoken to politely.”*⁴³⁴³

- 4.80** Major Richmond described the open plan area, where the processing was conducted, in the following terms:

*“In-Processing took place in the open plan administration area in full view of numerous individuals. Doors were kept open and the only actions which took place behind closed doors were interactions between internees and medics (as this is by its nature a private matter) and even then interpreters and guards would be present. [...] I made sure that the MPS⁴³⁴⁴ teamed up with the IGF⁴³⁴⁵ for all duties. On no occasion that I can recall did the IGF deal with internees in the absence of a member of the MPS. I thought this would assist the IGF in carrying out their duties correctly and also ensured an additional level of transparency.”*⁴³⁴⁶

- 4.81** Major Richmond explained that WO2 David Parrott, M010, and a number of other MPS staff and clerks also had desks in the administration area.⁴³⁴⁷ Major Richmond said that he had been present at his desk, approximately 30ft away from where the processing took place, when the nine detainees arrived and were taken through the admission procedure on 15 May 2004.⁴³⁴⁸ He recalled that the detainees had been dusty and dishevelled and that they had appeared to be shocked or frightened. He noticed that some of them had minor bruising and grazing on their heads and faces and that one had a small burn mark on his arm, which Major Richmond thought was consistent with the detainee having leant on a hot casing from expended ammunition. Major Richmond said that he did not recall any of the detainees being in obvious pain.⁴³⁴⁹ He said that one detainee had soiled himself, so he had been taken to a side room and provided with wipes and a set of fresh clothes. Major Richmond emphasised that the detainee in question had been treated sympathetically.⁴³⁵⁰

1. The detainees’ allegations of ill-treatment upon arrival at the DTDF at Shaibah on 15 May 2004

- 4.82** The detainees made a number of allegations about ill-treatment they claimed to have suffered immediately after their arrival at the DTDF at Shaibah on 15 May 2004 and during the processing procedure that was carried out there once they arrived. In the paragraphs

⁴³⁴³ Major Richmond (ASI022505) [135]

⁴³⁴⁴ Military Provost Staff

⁴³⁴⁵ Internal Guard Force

⁴³⁴⁶ Major Richmond (ASI022481-82) [62]

⁴³⁴⁷ Major Richmond (ASI022489) [84]

⁴³⁴⁸ Major Richmond (ASI022524) [188]

⁴³⁴⁹ Major Richmond (ASI022525) [191]

⁴³⁵⁰ Major Richmond (ASI022526) [194]

that follow, I set out the details of those various allegations and my conclusions about them in turn, under the following seven headings:

- a. the use of stress positions;
- b. the actions taken to maintain the shock of capture;
- c. the denial of water;
- d. the pretence that they had been brought to Abu Ghraib;
- e. the use of sound effects suggestive of torture;
- f. the lack of privacy whilst unclothed; and
- g. the inadequacy of the initial medical examinations.

The use of stress positions

- 4.83** In his evidence to the Inquiry, Mahdi Jasim Abdullah Al-Behadili (detainee 773) said that he had been forced to sit on his knees with his forehead against the wall and his buttocks resting on his heels. He said that he had been facing a wall with his hands on his knees and that he had been uncuffed at the time. He said that his knees soon became painful, so he had tried to adjust his position. He claimed that a soldier had then come and grabbed him by the hair and forced him back into the same crouched position. He said that, out of the corner of his eye, he could see that the soldiers were also forcing other detainees to adopt the same crouched position.⁴³⁵¹ He claimed that the soldiers also stepped on his feet and on other detainees' feet if they tried to alter their position.⁴³⁵²
- 4.84** WO2 David Parrott was a member of the Military Provost Staff ("MPS"), who had deployed to Iraq from the Military Corrective Training Centre in Colchester. His role was that of custodial advisor to Major Richmond.⁴³⁵³ WO2 Parrott said that the detainees were seated on the floor and not forced to kneel. He went on to say that the soldiers did not step on the detainees' feet.⁴³⁵⁴
- 4.85** Sergeant William Anderson, the Provost Sergeant, said that the detainees were made to sit, not kneel. They were not required to adopt any particular sitting position; it was up to them to decide precisely how they would sit.⁴³⁵⁵
- 4.86** Major Richmond said he would have been furious if he had witnessed anyone abusing any detainee in the manner alleged by Mahdi Al-Behadili. Major Richmond said that he would have intervened immediately, relieved them of their duties and reported them "up the chain of command and to the Royal Military Police."⁴³⁵⁶
- 4.87** M010's role was to process the detainees when they first arrived at the DTDF.⁴³⁵⁷ M010 was on duty on 15 May 2004.⁴³⁵⁸ She explained that detainees often chose to squat in front of the wall. She said that was their individual choice to do so and it was the cultural norm in Iraq. She

⁴³⁵¹ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (MOD006494) [21]; (PIL000789) [50]; [8/79-81]

⁴³⁵² Mahdi Jasim Abdullah Al-Behadili (detainee 773) (ASI001121) [72]

⁴³⁵³ WO2 Parrott (ASI020263) [3-4]

⁴³⁵⁴ WO2 Parrott (ASI020300-01) [129a]

⁴³⁵⁵ Sergeant Anderson [139/81/7]

⁴³⁵⁶ Major Richmond (ASI022557) [295]

⁴³⁵⁷ M010 (ASI019354) [6]

⁴³⁵⁸ M010 (ASI019358) [15]

did not recall any detainee being made to kneel.⁴³⁵⁹ Unfortunately, M010 was not prepared to give oral evidence to the Inquiry and did not put forward any satisfactory reason for being unwilling to do so. Whilst this reflected an unsatisfactory attitude to the Inquiry process on her part, I have no reason to doubt the general accuracy of her written Inquiry statement.

Conclusion

4.88 I am satisfied that Mahdi Jasim Abdullah Al-Behadili (detainee 773) was instructed to face the wall, but I am quite sure that neither he nor any of the other detainees were forced into and/or kept in a kneeling position as he alleged, nor did the guards deliberately trample on their feet. These were deliberately false embellishments of Mahdi Al-Behadili's evidence that were intended to support his allegations of ill-treatment. If Mahdi Al-Behadili did kneel, it was because he chose to do so. I accept that the detainees were allowed to sit, squat or kneel as they felt most comfortable. I am quite sure that no detainee was forced to adopt an uncomfortable position, while waiting to be processed, and that Mahdi Al-Behadili deliberately lied when he alleged that they were.

The actions taken to maintain the shock of capture

4.89 Mahdi Jasim Abdullah Al-Behadili (detainee 773), Ahmed Jabbar Hammood Al-Furaiji (detainee 777) and Hussein Gubari Ali Al-Lami (detainee 780) all alleged that they had been roughly handled in various ways during processing at the DTFD at Shaibah. In closing, those representing the Iraqi Core Participants submitted that the detainees had been handled in this fashion in order to maintain the shock of capture.⁴³⁶⁰

4.90 Mahdi Jasim Abdullah Al-Behadili explained that he had had to wait inside the reception area in a crouched position. He said that he had looked towards Ibrahim Al-Ismaeeli (detainee 774) and noticed that he had an injured leg. Mahdi Al-Behadili alleged that a soldier had then come towards him, hit him hard on the head with the back of his hand and told him to face the wall.⁴³⁶¹ Mahdi Al-Behadili also said that a soldier had punched him in the back several times when he went to help Ibrahim Al-Ismaeeli walk to the JFIT compound later, after processing had been completed.⁴³⁶²

4.91 Ahmed Jabbar Hammood Al-Furaiji alleged that that, at one point during processing at the DTFD and while he was sitting cross-legged on the floor, a soldier had come over to him and grabbed him roughly by the collar of his clothing in order to stand him up and move him to another room.⁴³⁶³

4.92 In his Judicial Review statement, Hussein Gubari Ali Al-Lami claimed to have been beaten by a guard when he tried to look around inside the reception area at the DTFD.⁴³⁶⁴

4.93 WO2 David Parrott said that the staff in the reception area had processed the detainees as quickly and efficiently as possible on 15 May 2004. He said there had been no shouting or abuse during the processing of the detainees that day. WO2 Parrott went on to acknowledge

⁴³⁵⁹ M010 (ASI021750) [16]

⁴³⁶⁰ ICP Closing Submissions, para.2231(a)

⁴³⁶¹ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (ASI001121) [73]; MOD006494 [21];

⁴³⁶² Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000790) [53]; [8/81-82]; [9/21/18]

⁴³⁶³ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (PIL000321) [87]

⁴³⁶⁴ Hussein Gubari Ali Al-Lami (detainee 780) (MOD027929) [32]

that it was his belief that one consequence of processing the detainees quickly was that it helped to maintain the shock of capture.⁴³⁶⁵

- 4.94** Sergeant William Anderson said the detainees had not been permitted to turn around, while they were sitting facing the wall. He said this had been explained to the detainees by using interpreters and that it was enforced by hand gestures and the clicking of fingers if the detainees did try to turn round.⁴³⁶⁶
- 4.95** Major Richmond said that he had been present in the open plan reception area throughout the processing of the detainees at the DTDF on 15 May 2004 and that he would have noticed if anyone had acted in the manner alleged by the detainees. He emphasised that it was not something he would have forgotten and he said that he had not witnessed any abuse or ill-treatment of the detainees during their processing at the DTDF on 15 May 2004.⁴³⁶⁷ In the course of his oral evidence to the Inquiry, Major Richmond said that the processing had been carried out swiftly, in order to move the detainees through to a secure part of the compound and away from the administrative staff. He said that the manner in which the procedure was conducted was intended to make detainees feel that they had been brought to a place where they would be looked after and would be safe. Major Richmond acknowledged that the processing procedure at the DTDF also ensured that nothing occurred during processing that would undermine the efforts of those who would be seeking to gain intelligence from the detainees who went directly from there to the JFIT compound.⁴³⁶⁸
- 4.96** Major Richmond was asked whether some of the things done in the course of processing at the DTDF might have had the effect of maintaining the shock of capture. However, he explained that none of the procedures followed during processing at the DTDF had been designed or carried out with any such purpose in mind. Major Richmond stressed that he had seen nothing in the processing procedure at the DTDF, either in the case of the nine detainees or any other detainees, which had struck him as having been designed to maintain the shock of capture. He emphasised that the processing procedures were there to ensure that the detainees were accepted into the DTDF as smoothly as possible and that this was the sole purpose of processing.⁴³⁶⁹

Conclusions

- 4.97** Not all the military witnesses involved in processing detainees at the DTDF were familiar with the term “shock of capture”. However, some of the witnesses had heard the term and they understood the concept to some extent. Thus, Sergeant William Anderson said that he understood the shock of capture meant keeping the detainees disoriented, so that they did not know what was going to happen to them until they were actually told. He said that he recalled that the shock of capture was to be maintained by moving detainees quickly and firmly up until the time they were processed.⁴³⁷⁰ However, he went on to say that nothing had actually been done during processing in order to maintain the shock of capture.⁴³⁷¹
- 4.98** As it seems to me, Sergeant Anderson’s evidence clearly showed that, although some soldiers had an inkling of what was meant by the concept of “the shock of capture”, there was a

⁴³⁶⁵ WO2 Parrott (ASI020298) [125d]; [141/13/1]-[141/19/8]; [141/100/18]-[141/103/1]; [141/108/10]-[141/110/17]

⁴³⁶⁶ Sergeant Anderson [139/83/10]

⁴³⁶⁷ Major Richmond (ASI022558) [299]

⁴³⁶⁸ Major Richmond [155/59/14]

⁴³⁶⁹ Major Richmond [155/60/14]

⁴³⁷⁰ Sergeant Anderson (ASI014779) [80-81]; [139/30/16]

⁴³⁷¹ Sergeant Anderson [139/32/13]

significant lack of any real understanding about what its purpose actually was. I am quite sure that Sergeant Anderson did not believe it was necessary to take any steps to maintain the shock of capture during processing at the DTDF. I am equally sure that there was no intention, on the part of those in charge of the processing of detainees at the DTDF, that any part of the procedure was for the purpose of preparing or conditioning a detainee for interrogation by the JFIT.

4.99 I am further satisfied that the detainees were not deliberately treated roughly as they were moved around during processing. They were moved quickly, efficiently and firmly. The detainees' various allegations of assault, as set out above, were deliberate lies intended to support their claims to have been ill-treated during their processing at the DTDF.

4.100 I am also satisfied that there was no deliberate policy or practice at the DTDF of conducting the processing of detainees in any manner intended or designed to maintain the shock of capture, so as to condition the detainees for interrogation. However, there was a general appreciation of the need to process the detainees swiftly so they could be moved on to the JFIT or into the main prisoner population in the DTDF. I accept that the processing procedures in question may thus have had the effect of maintaining the shock of capture to some limited extent, but they had not been intended, designed or put into practice in order to have that effect.

The denial of water

4.101 Mahdi Jasim Abdullah Al-Behadili (detainee 773), Abbas Abd Abdulridha Al-Hameedawi (detainee 776) and Hussein Fadhil Abbas Al-Behadili (detainee 778) all alleged that they had been denied water during processing at the DTDF on 15 May 2004.

4.102 Mahdi Jasim Abdullah Al-Behadili claimed that when he had asked for water during processing, he was told to "shut up".⁴³⁷²

4.103 In his written Inquiry statements, Abbas Abd Ali Abdulridha Al-Hameedawi alleged that when he was sitting on the floor facing the wall in the reception area, he had asked a soldier for some water. He said that the soldier brought over a bottle of water, but when Abbas Al-Hameedawi had reached out to take the bottle the guard would not give it to him. Abbas Al-Hameedawi claimed that the soldier had then opened the bottle and poured the water on the floor in front of him. Abbas Al-Hameedawi said that, as a result, he had broken down and cried. He said that the soldier had then offered him another bottle of water, but he had refused it, because he could not take any further humiliation.⁴³⁷³ However, in his oral evidence to the Inquiry, Abbas Al-Hameedawi said that the soldier had poured the water on the ground after another detainee had asked for it. Abbas Al-Hameedawi said that he had begun to cry loudly, because he felt that the soldier's act had been an assault on all the detainees, not just on the detainee who had asked for the water.⁴³⁷⁴

4.104 Hussein Fadhil Abbas Al-Behadili claimed that after he had arrived at the DTDF on 15 May 2004 and was facing the wall during processing, he had asked a soldier for some water. He alleged that the soldier had opened a bottle and thrown the water on the floor, instead of giving it to the detainees.⁴³⁷⁵

⁴³⁷² Mahdi Jasim Abdullah Al-Behadili (detainee 773) (ASI001121) [71]

⁴³⁷³ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) (ASI004771) [44]; (PIL000009) [25]

⁴³⁷⁴ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) [15/54-55]

⁴³⁷⁵ Hussein Fadhil Abbas Al-Behadili (detainee 778) (PIL000370) [40]; [18/24/14]

- 4.105** Sergeant William Anderson said that bottled water would be provided to detainees during processing if they asked for it. He said that he could not specifically recall whether any of the nine detainees had requested water during processing at the DTDF on 15 May 2004. During the course of his oral evidence to the Inquiry, he said that he had not seen anybody pour water on the floor in front of a detainee after the detainee had asked for water.⁴³⁷⁶
- 4.106** WO2 David Parrott was asked about the allegations made by Abbas Al-Hameedawi and Hussein Al-Behadili that water had been poured on the floor during processing that day. He said that detainees were provided with water if they requested it. He denied that water had been poured on the floor in front of any detainee during processing.⁴³⁷⁷ Major Richmond was also asked about these allegations and said that he would not have allowed any of his staff to have behaved in such a fashion.⁴³⁷⁸

Conclusion

- 4.107** I am satisfied that no water was poured on the ground in front of any detainee during the admission and processing procedure at the DTDF on 15 May 2004. These allegations by Abbas Abd Ali Abdulridha Al-Hameedawi and Hussein Fadhil Abass Al-Behadili are completely untrue and deliberately so. They were made in order to support their claims to have been ill-treated and are entirely false. I accept that it is possible that Mahdi Jasim Abdullah Al-Behadili was told to "shut up" during processing on 15 May 2004. However, if this did happen, it would have been to prevent him talking and not to deny him water.

The pretence that the detainees had been brought to Abu Ghraib

- 4.108** Mahdi Jasim Abdullah Al-Behadili (detainee 773) gave evidence that, when he was providing his name and date of birth during the admission procedure at the DTDF on 15 May 2004, he had asked an interpreter where he was. According to Mahdi Al-Behadili, the interpreter replied that he was in Abu Ghraib.⁴³⁷⁹ By May 2004, the international press had given extensive coverage to the many examples of serious abuse and ill-treatment that had been perpetrated on detainees at the U.S. Army-run prison at Abu Ghraib. However, Mahdi Al-Behadili went on to say that he had not necessarily believed that he was actually in Abu Ghraib prison, because he could see lots of British soldiers around him, whereas he knew that Abu Ghraib was run by the Americans.⁴³⁸⁰
- 4.109** This particular allegation was not made by any of the other detainees.
- 4.110** During his oral evidence to the Inquiry, Sergeant Anderson stated that the interpreters at the DTDF were trustworthy. He said that did not think that any of the interpreters would have told the detainees that they were at Abu Ghraib and went on to say that he considered the interpreters to have been compassionate in nature.⁴³⁸¹ I have no doubt that Sergeant Anderson's evidence was both truthful and accurate.

⁴³⁷⁶ Sergeant Anderson [139/89]

⁴³⁷⁷ WO2 Parrott (ASI020329-00); [129]

⁴³⁷⁸ Major Richmond (ASI022558); [296-297]

⁴³⁷⁹ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000790) [52]

⁴³⁸⁰ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000790) [52]

⁴³⁸¹ Sergeant Anderson [139/93/15]-[94/2]

4.111 This allegation was put to M005, M030, M029 and M012 when they gave oral evidence. Each of them gave consistent and powerful denials. I have no doubt that each of them gave honest evidence about this matter.⁴³⁸²

Conclusion

4.112 I am therefore quite sure that no instruction was given to any interpreter to tell detainees that they had arrived at Abu Ghraib and I am equally sure that no interpreter would have said such a thing on his or her own initiative. Not only would those in charge of prisoner handling at the DTFD not have tolerated such conduct, but to have acted in such a manner would have been entirely out of character for an interpreter at the DTFD at the time. I have no doubt that this allegation was a deliberately false one, intended to support Mahdi Al-Behadili's claims to have been ill-treated while in the custody of the British Army.

The use of sound effects suggestive of torture

4.113 Mahdi Jasim Abdullah Al-Behadili (detainee 773), Hussein Fadhil Abbas Al-Behadili (detainee 778) and Hussein Gubari Ali Al-Lami (detainee 780) all alleged that they had they had heard recordings of torture being played while they were being taken through the admission and processing procedure at the DTFD on 15 May 2004. The six other detainees made no mention of having heard any such sounds or noises during their processing that day.

4.114 In his 2008 Judicial Review statement, Mahdi Jasim Abdullah Al-Behadili said that he had heard screams from a room next to the reception area. He said that after a while he had noticed that the screams did not stop, so he then thought that a tape or CD was being played in order to scare the detainees.⁴³⁸³ In his first written Inquiry statement, Mahdi Al-Behadili said that he had spoken to the other detainees later and realised that none of them had been tortured. He said that it was then that he realised that the screams had not been real and that possibly a CD had been played to frighten them. He claimed that, after each person had been taken into the other room, he had heard shouting and crying. However, when he was taken through into the other room, he had been given new clothes to change into. He said that he had then realised that the noises must have come from a tape machine that was being played to scare the detainees.⁴³⁸⁴ During his oral evidence to the Inquiry, Mahdi Al-Behadili's account of this incident was the same as that given in his second Inquiry statement.⁴³⁸⁵

4.115 In his first written Inquiry statement, Hussein Fadhil Abbas Al-Behadili alleged that he had heard terrifying voices when he was given a new set of clothing at the DTFD on 15 May 2004.⁴³⁸⁶ During his written and oral evidence to the Inquiry, Hussein Al-Behadili said the detainees were taken in one by one and then they heard the sounds of torture so he thought that when he was taken into the room he would be tortured.⁴³⁸⁷

4.116 In his written Inquiry statement, Hussein Gubari Ali Al-Lami alleged that the detainees had been taken out of the reception area one by one during processing at the DTFD on 15 May 2004. He went on to say that, immediately after each detainee was taken out of the reception area, he had heard the sounds of the detainee crying as if he was being tortured. Hussein Al-Lami said that after a while, he realised that the same sounds kept being repeated, as if a

⁴³⁸² M005 [164/262]; M030 [167/47]; M029 [156/195-196]; M012 [153/49]

⁴³⁸³ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (MOD006494) [20]

⁴³⁸⁴ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000790) [52]

⁴³⁸⁵ Mahdi Jasim Abdullah Al-Behadili (detainee 773) [8/80/9]

⁴³⁸⁶ Hussein Fadhil Abbas Al-Behadili (detainee 778) (ASI001044) [50]

⁴³⁸⁷ Hussein Fadhil Abbas Al-Behadili (detainee 778) (ASI001122) [79]; [18/25/4]

tape was being played just to scare the detainees. He said that when he listened carefully, he could tell it was a recording because certain background noises that had been picked up on the tape kept being repeated.⁴³⁸⁸

- 4.117** Major David Richmond said that he did not hear any screaming during the admission and processing procedure at the DTDF on 14 May 2004.⁴³⁸⁹ As I have already indicated, Major Richmond was an impressive, honest and reliable witness. I accept that his evidence was both truthful and accurate.
- 4.118** WO2 David Parrott also said that he did not hear any recording of screaming or shouting being played during the admission and processing procedure that day.⁴³⁹⁰ WO2 Parrott was also a truthful and reliable witness and I accept that his evidence was both truthful and accurate.
- 4.119** M010 said that she did not remember having heard any noise, at any time during processing at the DTDF, that had sounded like someone shouting or screaming, either in person or on a recording. She said the DTDF was a professional place and she would not have been able to concentrate and do her work if there had been such noises.⁴³⁹¹ I accept her evidence as both truthful and accurate.
- 4.120** During his oral evidence to the Inquiry, Sergeant William Anderson said that he did not hear any noises of screams and shouts. He said that no recording had been played during processing at the DTDF in order to intimidate the detainees.⁴³⁹² I accept that his evidence was both truthful and accurate.

Conclusion

- 4.121** I have no doubt that the allegations that recordings of screams/shouts suggestive of torture had been played during the admission and processing of the detainees at the DTDF on 15 May 2004, are entirely untrue. I am quite sure that Mahdi Jasim Abdullah Al-Behadili, Hussein Fadhil Abass Al-Behadili and Hussein Gubari Ali Al-Lami all deliberately lied when they alleged that a recording of the apparent sounds of torture had been played during the admission and processing procedure at the DTDF on 15 May 2004. In my view, they told these lies in a deliberate attempt to bolster their claims to have been ill-treated whilst in the custody of the British Army.

The lack of privacy whilst unclothed

- 4.122** During the admission and processing of the nine detainees at the DTDF on 15 May 2004, they were all subjected to a security search, required to change their clothing and given a medical examination. As part of each of these procedures, it was necessary for the detainees to remove their clothing.⁴³⁹³
- 4.123** In his second written Inquiry statement, Kadhim Abbas Lafta Al-Behadili (detainee 775), described how he had been told to change into a blue boiler suit, as follows:

⁴³⁸⁸ Hussein Gubari Ali Al-Lami (detainee 780) (MOD027929) [33]

⁴³⁸⁹ Major Richmond [155/69/21]

⁴³⁹⁰ WO2 Parrott [141/90/19]

⁴³⁹¹ M010 (ASI021750) [17]

⁴³⁹² Sergeant Anderson [139/89/18]

⁴³⁹³ WO2 Parrott [141/47]

*"I was [...] led to another room, which was smaller with a curtained area. I was given a blue overall and told to change out of my clothes. It was not a private area and there were other soldiers in the same room. I felt ashamed and humiliated that I was not given privacy to undress. Along with the blue overall I was given a pair of slippers. I got changed and I was taken back into the room I had come from."*⁴³⁹⁴

4.124 In his second written Inquiry statement, Hussein Gubari Ali Al-Lami (detainee 780) said that he had been examined by a female doctor and was then told put on new clothes, as follows:

*"I recall this examination being undertaken by a female doctor [...] I don't recall being asked about my previous medical problems, nor whether I needed medications for allergies. I was simply told to stand up and put on different clothes."*⁴³⁹⁵

4.125 The Standard Operating Procedures ("SOPs") in force on 15 May 2004 contained guidance on how searches were to be conducted. The relevant guidance was set out in SOP 10, which included both "core standards" and specific guidance on conducting "strip searches", and was in the following terms:

"CORE STANDARDS

3. Searches should be conducted in as seemingly and sensitive a manner as is consistent with discovering anything concealed.

4. No person should be stripped and searched in the sight of anyone who is not involved in the search.

5. No person should be stripped and searched in the sight or presence of person of the opposite sex, irrespective of age or status."⁴³⁹⁶

"STRIP SEARCHES

8. A strip search will be carried out under the following circumstances:

a. On initial reception and registration.

[...]

9. A strip search should normally take place in a location that provides complete privacy for the internee and staff conducting the search. When a room is being searched then the internee will be strip searched in the ablution area of that room.

10. Two members of staff of the same sex as the prisoner must carry out the search to ensure thoroughness of search and protection against allegations of impropriety.

11. Strip searching must be done with humanity and respecting the dignity of the person being searched at all times. Staff must remain professional at all times and should not deliberately belittle the internee in any way.

12. An internee should never be totally undressed and naked during a strip search. The search should be conducted in stages i.e. top half first then bottom half, or vice versa."⁴³⁹⁷

4.126 During his oral evidence to the Inquiry, Sergeant William Anderson stressed that the searches at the DTDF were undertaken in accordance with SOP 10. He explained that searches had

⁴³⁹⁴ Kadhim Abbas Lafta Al-Behadili (detainee 775) (PIL000735) [71]

⁴³⁹⁵ Hussein Gubari Ali Al-Lami (detainee 780) (PIL000399) [20-21]

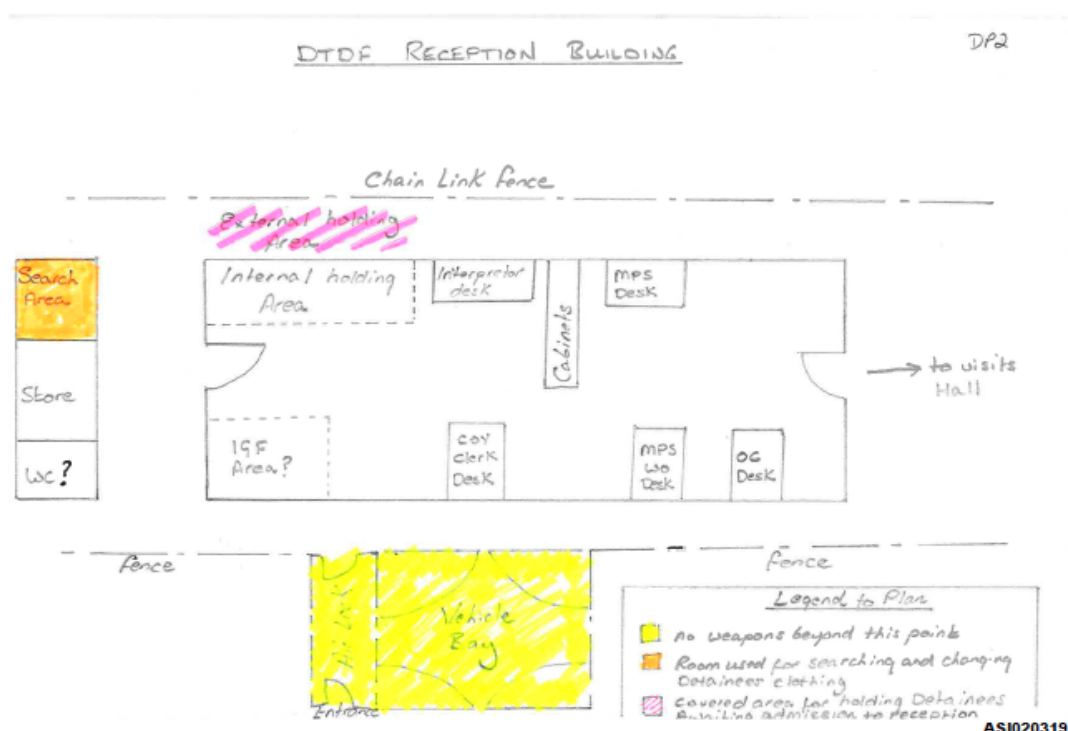
⁴³⁹⁶ MOD042722

⁴³⁹⁷ MOD042723

previously taken place in an ablutions block, but that by May 2004 they were carried out in a store room. Sergeant William Anderson insisted that the only personnel who were present during the searches were a searcher and an interpreter, who would both be of the same gender as the detainee. Sergeant Anderson explained that the searches were carried out in two stages (top half of the body, followed by the bottom half or vice versa), so that the detainee was never completely naked at any point.⁴³⁹⁸ I accept Sergeant Anderson's evidence as both truthful and accurate.

- 4.127** WO2 David Parrott produced a sketch plan that showed the area where the searches took place, highlighted in orange. The sketch plan is produced below.

Figure 115: ASI020319



- 4.128** In his written Inquiry statement, Major David Richmond explained that the medical examinations took place in a private room, not the reception area in the administration building. He said that the medical examination did involve the detainee removing his clothing, but that the medical staff was careful not to offend local customs by involving any females in the medical examinations.⁴³⁹⁹ Again, I accept that Major Richmond's evidence was both truthful and accurate.
- 4.129** In May 2004, Major David Winfield was the Regimental Medical Officer ("RMO") for the 1st Battalion Royal Highland Fusiliers ("1RHF") and was based at the Shaibah Logistics Base, which included the DTDF.⁴⁴⁰⁰ In his capacity as RMO for the 1RHF, Major Winfield was also responsible for the medical care of detainees held at the DTDF and the JFIT during the relevant period. This included the conduct of the detainees' initial medical examinations, when they first arrived at the DTDF.⁴⁴⁰¹ Major Winfield actually conducted part of the initial medical

⁴³⁹⁸ Sergeant Anderson [139/44/3] – [49/7]

⁴³⁹⁹ Major Richmond (ASI022508) [143]

⁴⁴⁰⁰ Major Winfield (ASI019048-49) [5]

⁴⁴⁰¹ Major Winfield (ASI019049) [7]

examinations of each detainee himself.⁴⁴⁰² The other part of the initial medical examination was conducted by the medics in Major Winfield's medical team. The medics recorded medical observations of each detainee, before Major Winfield actually saw him for his part of the examination.⁴⁴⁰³ During his part of the medical examination, Major Winfield would ask the detainee in question to undress down to his underwear.⁴⁴⁰⁴

4.130 Major Winfield said that there had been one female medic on his team, namely Lance Corporal Bronwyn Davis, whose surname in May 2004 was Pickup.⁴⁴⁰⁵ Lance Corporal Davis conducted the first part of the initial medical examinations for each of the nine detainees, except Hamzah Joudah Faraj Almalje (detainee 772) and Abbas Abd Abdulridha Al-Hameedawi (detainee 776).⁴⁴⁰⁶ In her written Inquiry statement, Lance Corporal Davis said that the detainees had remained fully clothed throughout her part of the examination, which was limited to taking and/or recording such matters as each detainee's blood pressure, pulse rate, temperature and previous medical history.⁴⁴⁰⁷ She also said that, as a female medic, her role within the DTDF was limited. Thus, for example, she was never present when detainees had to be undressed and she never went into the detainee cells area. She confirmed that, if a medic was required to go into the cells (for example, to administer routine medication) then it would always be one of her male colleagues who would attend.⁴⁴⁰⁸ In her oral evidence to the Inquiry, Lance Corporal Davis also explained that detainees would be taken elsewhere in order to provide a urine sample and that she would not enter Major Winfield's cubical whilst he was carrying out a medical examination.⁴⁴⁰⁹

4.131 M030, a female JFIT interpreter, said she did not interpret during the initial medical examinations. However, she said that she would occasionally assist with interpreting during other later medical examinations, after a detainee had been admitted into the DTDF. During her oral evidence to the Inquiry, M030 said that the doctor would sometimes ask the detainee, through her, to sit on the bed and (for example) either remove his shirt or take his trousers off, as required.⁴⁴¹⁰

Conclusion

4.132 I am satisfied that on the whole, and given the prevailing circumstances at the time, the detainees were provided with sufficient privacy while they were unclothed during the admission and processing procedure at the DTDF on 15 May 2004. No female soldier or interpreter was present or in sight of the detainees at any time while they were unclothed during the processing that day. Although a female interpreter was sometimes present when detainees removed items of clothing during subsequent medical examinations, none of the nine detainees complained that this had actually occurred to any of them at any later medical examination.

⁴⁴⁰² Ibid

⁴⁴⁰³ Major Winfield (ASI019051) [14]

⁴⁴⁰⁴ Major Winfield (ASI019062) [55]

⁴⁴⁰⁵ Major Winfield (ASI019050) [10]

⁴⁴⁰⁶ Lance Corporal Davis (ASI023511) [60]

⁴⁴⁰⁷ Lance Corporal Davis (ASI023512) [66]

⁴⁴⁰⁸ Lance Corporal Davis (ASI023503) [25]

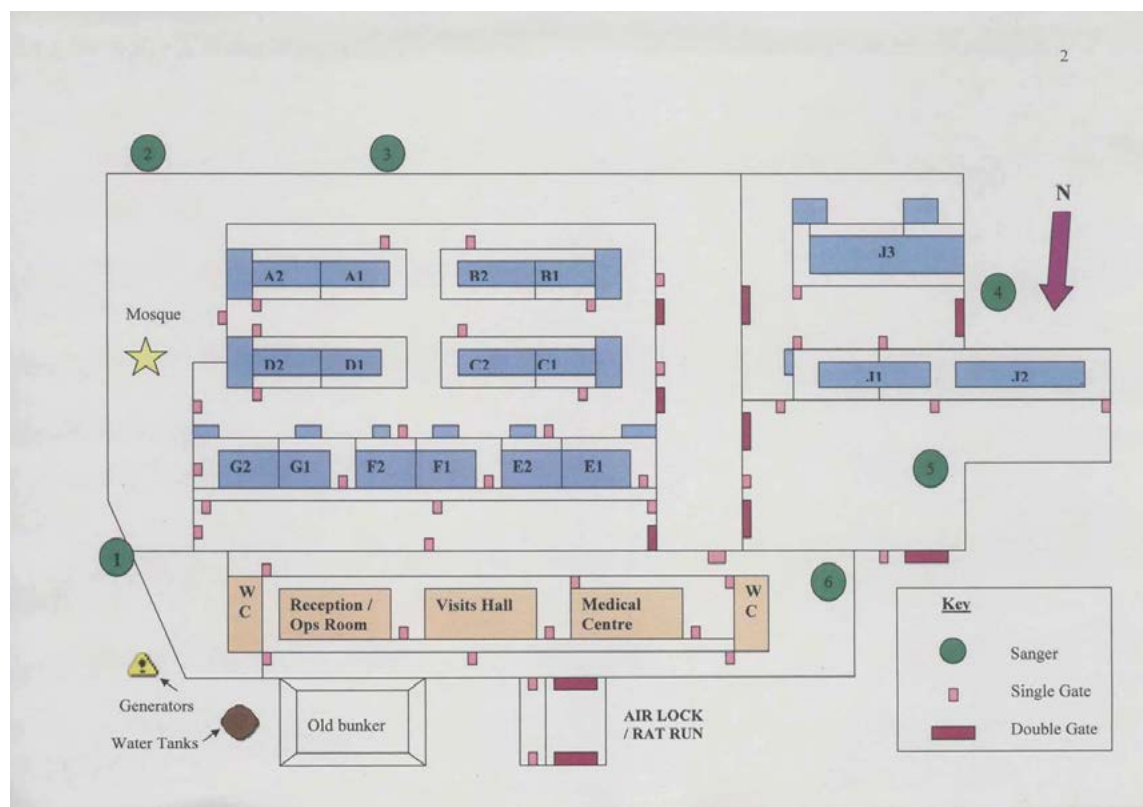
⁴⁴⁰⁹ Lance Corporal Davis [145/75/6]

⁴⁴¹⁰ M030 [167/64/25] – [65/19]

The inadequacy of the initial medical examinations

4.133 The Regimental Medical Officer ("RMO"), Major David Winfield, was not present inside the reception area when the detainees were processed on 15 May 2004.⁴⁴¹¹ He conducted the initial medical examinations of the detainees in the Medical Centre,⁴⁴¹² which was a building inside the DTF compound, as shown on the following plan.

Figure 116: MOD045996



4.134 Major Winfield explained in his written Inquiry statement that the Medical Centre was a long, narrow building with two internal walls. Each internal wall had a doorway, but no door. This meant that, in effect, the building was divided into three areas. Major Winfield explained that the medics were based in the first area of the building, Major Winfield was based in the second area and the third area contained examination couches and a teaching area. Major Winfield said that the detainees' medical records were kept in filing cabinets in either the first or second area. The medical kit contained the usual equipment that would be found in a GP's surgery, including an otoscope (used to examine the ear), a stethoscope, blood-pressure cuffs, weighing scales, painkillers and simple medication such as antibiotics, intravenous drips and dressings.⁴⁴¹³

4.135 In his written Inquiry statement, Major Winfield said the purpose of the initial medical examination was to identify any existing physical or mental health problems, so that the detainee could be treated appropriately, and to assess if the detainee was medically fit enough to be detained at the DTF.⁴⁴¹⁴ He explained that he would ask the detainees, through the interpreter, whether they had any injuries. He also said that he would personally observe

⁴⁴¹¹ Major Winfield (ASI019059) [43]

⁴⁴¹² Major Winfield [144/9/11-24]

⁴⁴¹³ Major Winfield (ASI019057-58) [39-40]

⁴⁴¹⁴ Major Winfield (ASI019059) [45]

any obvious injuries as a result of his own visual examination.⁴⁴¹⁵ In his oral evidence to the Inquiry, Major Winfield explained that he only ever certified detainees as fit or unfit for “detention”, rather than for “interrogation”.⁴⁴¹⁶

4.136 In an earlier Part of this Report,⁴⁴¹⁷ I observed that the policy governing Major Winfield’s examination, namely Annex G to MND(SE) SOI 390 required him to “*sign a fit for detention and questioning form*”. Accordingly, insofar as Major Winfield failed to consider whether the detainees were fit for questioning as well as detention, he departed from the governing policy. It appears that Major Winfield was unaware of the relevant policy requirements at the time. This lack of knowledge on his part was unfortunate. For the same reasons as I set out in relation to my assessments of Corporal Carroll and Captain Bailey at Camp Abu Naji, I find this state of affairs unsatisfactory.⁴⁴¹⁸

4.137 It is clear from the terms of an email dated 15 May 2004 and timed at 16:23 hours from Major David Richmond, the Officer Commanding the DTDF, to Lieutenant Colonel David Wakefield, Commander Legal and others (but not including Major Winfield), that Major Winfield had been asked to document carefully all the wounds, bruises and marks on the nine detainees who had been admitted to the DTDF on 15 May 2004.⁴⁴¹⁹ Major Winfield was asked about this email during his oral evidence. In reply he said that, although he did not specifically recall Major Richmond having made such a request, he was confident that Major Richmond would have approached him and emphasised the importance of carefully noting the wounds, bruises and marks on these detainees in particular, given what was written in the email.⁴⁴²⁰

4.138 The DTDF Initial Medical forms were completed during the initial medical examination of each detainee, in order to record the results of that examination.⁴⁴²¹ The medical examination itself was divided into two parts. The first part involved a medic carrying out and recording the results of certain routine medical procedures and/or matters, including the detainee’s blood pressure, pulse, temperature and respiration rate.⁴⁴²² After the medic had conducted his or her part of the medical examination, the guards would escort the detainee into Major Winfield’s cubicle. The second part of the medical examination consisted of Major Winfield’s own observations and a record of the results of his personal examination of the detainee in question. The guards did not remain in the room while Major Winfield carried out his examination of the detainee, although an interpreter did remain and would be present throughout the examination.⁴⁴²³

4.139 The Inquiry obtained a medical opinion from a forensic physician, Dr Jason Payne-James, to assist with the assessment of the initial medical examinations carried out at the DTDF. Dr Payne-James’ report is ASI025368 and is dated 11 April 2014. The report is attached as Appendix 9 to this Report. In the paragraphs that follow, I deal with the initial medical examination of each of the nine detainees in turn. I should stress that I have not had regard to Dr Payne-James’ opinion as expert evidence about the appropriate standard of care which the detainees should have received. This is a matter which I consider to be outside my Terms

⁴⁴¹⁵ Major Winfield (ASI019063) [56]

⁴⁴¹⁶ Major Winfield [144/26/23]

⁴⁴¹⁷ See paragraph 3.216

⁴⁴¹⁸ As to the manner in which Major Winfield ought to have stated the findings at which he arrived following each of the medical examinations, I have noted the observations of Sir William Gage in his Report on the Baha Mousa Inquiry (16.235 – 16.237) and his Recommendation 29

⁴⁴¹⁹ (MOD045020)

⁴⁴²⁰ Major Winfield [144/77-78]

⁴⁴²¹ Major Winfield (ASI019059) [46]

⁴⁴²² Major Winfield (ASI023507) [49]

⁴⁴²³ Major Winfield (ASI019060-61) [49-50]

of Reference.⁴⁴²⁴ Instead, I have used Dr Payne-James’ evidence in order to enable me to make findings regarding the clinical consequences of Major Winfield’s examinations on 15 May 2004 and to answer some specific clinical questions arising from Major Winfield’s evidence. I accept that the circumstances in which Major Winfield was working at the time may not be the same as those taken into account by Dr Payne-James.

Hamzah Joudah Faraj Almalje (detainee 772)

4.140 Hamzah Joudah Faraj Almalje (detainee 772) could not remember whether he had been medically examined on admission to the DTDF at Shaibah on 15 May 2004.⁴⁴²⁵

4.141 The DTDF Initial Medical form for Hamzah Almalje recorded the following injuries:⁴⁴²⁶

- a. Small abrasion above the left eye;
- b. Swelling, bruising on left cheek and bridge of the nose and right eye;
- c. Superficial abrasions to the left shoulder; and
- d. 2 superficial abrasions to the left thigh.

4.142 Hamzah Almalje was assessed as “*fit for detention*”.⁴⁴²⁷

4.143 The Initial Medical form does not record either of the following: (i) a large laceration to the left side of Hamzah Almalje’s head, or (ii) a bloody nose. These two injuries had both been noted by the medic, Corporal Shaun Carroll, when he had examined Hamzah Almalje the previous day at Camp Abu Naji.⁴⁴²⁸

4.144 During his oral evidence to the Inquiry, Major Winfield was asked why he had not recorded the “*large laceration*” to Hamzah Almalje’s head. In reply, Major Winfield said that he had not conducted a “*top to toe*” examination, so the injury might not have been apparent to him, particularly if it had already been cleaned and dressed. Major Winfield said that the head would be no more a priority area for examination than any other part of the body. He said he did not specifically examine the head of each detainee. He did not run his fingers through the detainees’ hair.⁴⁴²⁹

4.145 It can be seen that the photograph of Hamzah Joudah Faraj Almalje, taken during the admission and processing procedure at the DTDF on 15 May 2004, appears to show what might be dried blood on the detainee’s face under and around the left side of his nose.

⁴⁴²⁴ As I made clear in paragraph 4.272 later in this Report, I accept that it forms no part of my role in this Inquiry to decide whether a medical professional provided treatment that fell below the standard of a responsible body of similarly qualified professionals.

⁴⁴²⁵ Hamzah Joudah Faraj Almalje (detainee 772) [20/22/5]

⁴⁴²⁶ (MOD043360); Major Winfield (ASI019073) [97]

⁴⁴²⁷ (MOD043359)

⁴⁴²⁸ (MOD024252)

⁴⁴²⁹ Major Winfield [144/83/9]; [144/153/3]

Figure 117: MOD048732



MOD048732

- 4.146** Major Winfield said that, if he had seen blood around the detainee's nose when examining him, he would not necessarily have documented it separately from the swelling and bruising to the bridge of the nose that he did record. He said the fact that the injury had caused the nose to bleed was not clinically significant. He also said that he was not sure whether the blood would have been present when he saw the detainee, because the medic might have cleaned it up during the first part of the examination. However he accepted that, given that one of the JFIT team, M005, had seen the blood the following morning; it was unlikely that the blood had actually been cleaned up by a medic.⁴⁴³⁰
- 4.147** During the course of his oral evidence, Major Winfield was shown the JFIT interrogation report relating to Hamzah Almalje, which gave details of his apparent condition on the morning of 16 May 2004.⁴⁴³¹ He was also questioned about the subsequent medical records concerning Hamzah Almalje from 16 to 21 May 2004.⁴⁴³² Major Winfield said that, taking all that information into account, he would now assess Hamzah Almalje as being "unfit for interrogation" on 16 May 2004, but "fit for interrogation" on 21 May 2004.⁴⁴³³
- 4.148** Dr Payne-James was asked to comment on Major Winfield's assertion that the head merits no more attention than any other part of the body. In his report, Dr Payne-James said this:

*"if the head has been subject to impact trauma there are specific conditions that may need to be excluded or monitored. Impacts (which may be indicated by bruising, lacerations, grazes/abrasions) may result in brain damage, the effects of which may not be immediately obvious. Documentation of the history (including any loss of consciousness) nature of the impact and the nature of the injury may modify subsequent management in terms of observation required."*⁴⁴³⁴

⁴⁴³⁰ Major Winfield [144/89-90]

⁴⁴³¹ (MOD040908)

⁴⁴³² (MOD043351)

⁴⁴³³ Major Winfield [144/93-111]

⁴⁴³⁴ Dr Payne-James (ASI025432) [1108]

4.149 Dr Payne-James was also asked to comment on Major Winfield's assertion that he had not erred in failing to record or note the presence of blood under the swollen and bruised nose of a patient and in not doing anything to cleanse or wipe the blood away. In his report, Dr Payne-James said this:

*"blood in association with a nose injury could reflect a fractured nose. Cleaning of an area of blood may be required to determine the source of the blood. Examination of the nose (by palpitation) and by examining in the nostrils will assist in determining whether a nasal fracture is present and requires reduction, or any complication such as septal haematoma which may require treatment."*⁴⁴³⁵

Conclusions with regard to Hamzah Joudah Faraj Almalje (detainee 772)

4.150 Having heard Major Winfield give evidence, I am satisfied that he was not dishonest, although he did give me the distinct impression of being somewhat dismissive in his attitude to the welfare of the detainees on 15 May 2004. In my view, Major Winfield showed very little sympathy for the detainees as patients. For the avoidance of doubt, I formed the view when Major Winfield gave evidence that he was somewhat dismissive of the welfare of the detainees and the examinations themselves were carried out in a manner which reflected that approach. It seemed to me that, so far as the detainees were concerned, it was very much a case of Major Winfield going through the motions of a cursory and perfunctory medical examination, rather than giving them the careful attention of a caring doctor. In my view, that was a less than satisfactory approach to his duties. In the event, the result of this unsatisfactory approach was that, in the case of Hamzah Joudah Faraj Almalje (detainee 772), Major Winfield failed to notice or take sufficient account of a significant head wound that Hamzah Almalje had suffered and he failed to clean away blood associated with an injured nose, the injury to which was also insufficiently examined by him. However, there is no evidence that Hamzah Almalje had actually suffered a significant injury to his nose that went undetected or that there were any other adverse consequences to his health and well-being as a result of this unsatisfactory approach.

Mahdi Jasim Abdullah Al-Behadili (detainee 773)

4.151 Mahdi Jasim Abdullah Al-Behadili (detainee 773) did not remember whether he had been medically examined on admission to the DTDF at Shaibah on 15 May 2004.⁴⁴³⁶

4.152 The DTDF Initial Medical form for Mahdi Al-Behadili recorded the following:⁴⁴³⁷

- a. Light bruising and swelling of the nose;
- b. No other injuries.

4.153 Mahdi Al-Behadili was assessed as *"fit for detention"*.⁴⁴³⁸

4.154 During his oral evidence to the Inquiry, Dr Winfield said bruising and swelling could be a symptom of a broken nose, amongst other things. However, he went on to explain that it is often not possible to confirm clinically whether the nose is actually broken, even with an

⁴⁴³⁵ Dr Payne-James (ASI025432) [1109]

⁴⁴³⁶ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000791) [56]

⁴⁴³⁷ (MOD043435); Major Winfield (ASI019074) [101]

⁴⁴³⁸ (MOD043434)

x-ray. He said that, if the nose was actually broken, the routine medical treatment would be no different.⁴⁴³⁹

- 4.155** It can be seen that the photograph of the Mahdi Jasim Abdullah Al-Behadili (detainee 773), taken during the admission and processing procedure at the DTDF on 15 May 2004, appears to show what might be a small amount of dried blood under his left nostril.

Figure 118: MOD048734



MOD048734

- 4.156** Major Winfield said that if it was blood, it was fair to assume that it came from the nose injury. He said that he had recorded the actual injury, so there was no need to make a separate record the presence of dried blood.⁴⁴⁴⁰
- 4.157** Dr Payne-James was asked to comment on Dr Winfield's assertion that there had been no point in trying to confirm whether the nose was actually broken or in recording the presence of blood under the nose. In his report, Dr Payne-James said this:

*"Palpitation of the nose can determine if fracture is present. If there is displacement of nasal bone (which need not cause midline deviation) then this may require surgical reduction. Additionally complications such a septal haematoma may be missed. X-ray may be delayed for a week until swelling has reduced. Recording blood and its apparent source may be relevant with regard to the causation and location of injury."*⁴⁴⁴¹

Conclusions with regard to Mahdi Jasim Abdullah Al-Behadili (detainee 773)

- 4.158** In paragraph 4.150, I have indicated my reasons for concluding that Major Winfield's general approach to the initial medical examinations of the detainees on 15 May 2004 was less than satisfactory. In the event, the result of this unsatisfactory approach was that, in the case of Mahdi Jasim Abdullah Al-Behadili (detainee 773), he failed to cleanse and/or properly examine his injured nose. This was unsatisfactory as it was evident that Major Winfield had observed that his nose was bruised and swollen. In the circumstances, this led to a failure to examine

⁴⁴³⁹ Major Winfield [144/117-118]

⁴⁴⁴⁰ Major Winfield [144/154-155]

⁴⁴⁴¹ Dr Payne-James (ASI025433) [1112]

what might have been a broken nose and a resulting failure to diagnose or treat this injury. In the event, there is no evidence that Mahdi Al-Behadili had actually suffered a significant injury to his nose that went undetected.

Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774)

4.159 In a written statement made for the Judicial Review proceedings and dated 13 October 2008, Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) gave the following account of what had happened when he was taken for a medical examination on his arrival at the DTDF on 15 May 2004:

“The doctor took off my uniform and saw that my leg was injured. He just bandaged it up, he didn’t clean it the wound let alone examine it. He asked me if I was in pain and I replied that I was in agony, but he didn’t give me any painkillers.”⁴⁴⁴²

4.160 In his first written Inquiry statement dated 26 July 2010, Ibrahim Al-Ismaeeli claimed that when he was medically examined at the DTDF on 15 May 2004, the doctor had been female. Ibrahim Al-Ismaeeli said that she had used “Dettol” on his wounds and had bandaged them.⁴⁴⁴³

4.161 In his oral evidence to the Inquiry, Ibrahim Al-Ismaeeli said that he had been seen by a “bandage nurse” and not by a doctor. He explained that a bandage nurse is somebody who carries out the treatment prescribed by a doctor. He said some Dettol had been applied to his leg and that it had been bandaged.⁴⁴⁴⁴ He said that he had told the bandage nurse, through the interpreter, that he could not sleep because of the pain, but that the bandage nurse had not given him any painkillers. Ibrahim Al-Ismaeeli said he had not been able to stand on his right leg and he had not been able to walk normally.⁴⁴⁴⁵

4.162 The DTDF Initial Medical form for Ibrahim Al-Ismaeeli recorded the following injuries:⁴⁴⁴⁶

- a. Superficial abrasions to the stomach and left elbow;
- b. Superficial abrasions to right thigh;
- c. Slightly deeper wound to the lateral aspect of the right knee;
- d. Wound to the dorsal aspect of the right foot, which had overlying swelling and tenderness; no obvious entry wound.

4.163 Major Winfield also wrote the following entry on the DTDF Initial Medical form,:

*“Clean + dress wounds
For XRay right foot – exclude #, retained FB
FIT FOR DETENTION”⁴⁴⁴⁷*

4.164 Major Winfield also noted that the detainee was “limping” and that he assessed him as “fit for detention”.⁴⁴⁴⁸

4.165 On the morning of 16 May 2004, approximately 18 hours after the initial medical examination at the DTDF had taken place, Ibrahim Al-Ismaeeli was transferred to the Field Hospital at

⁴⁴⁴² Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) (ASI013956) [26]

⁴⁴⁴³ Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) (ASI001074) [64]

⁴⁴⁴⁴ Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) [16/24]

⁴⁴⁴⁵ Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) [17/54-55]

⁴⁴⁴⁶ (MOD043507); Major David Winfield (ASI019075-76) [107]

⁴⁴⁴⁷ The penultimate line in the entry means “Send patient to have right foot xrayed to exclude fracture and retained foreign body”

⁴⁴⁴⁸ (MOD043506)

Shaibah.⁴⁴⁴⁹ In the early afternoon, Wing Commander Gora Pathak, a consultant orthopaedic surgeon, examined Ibrahim Al-Ismaeeli and diagnosed shrapnel wounds to the right foot and right knee and an undisplaced fracture of the right foot. He classified Ibrahim Al-Ismaeeli as a “walking wounded” P3 (Priority 3) casualty. In effect, this meant that Ibrahim Al-Ismaeeli could wait 24 hours or more before receiving the appropriate surgical treatment.⁴⁴⁵⁰ In the event, Ibrahim Al-Ismaeeli subsequently spent 10 days at the Field Hospital, where he underwent two operations on his right foot on 17 and 20 May 2004.⁴⁴⁵¹

- 4.166** In his written Inquiry statement, Major Winfield said that if Ibrahim Al-Ismaeeli had said that he was in agony or significant pain, he would have taken action and provided him with appropriate pain relief.⁴⁴⁵² He said that, following the initial medical examination, the plan was for Ibrahim Al-Ismaeeli’s foot wound to be cleaned and dressed and for him to be referred for an x-ray. Major Winfield explained that the purpose of the x-ray was to exclude a fracture or the presence of foreign bodies in the wound.⁴⁴⁵³
- 4.167** Major Winfield said that it had been his opinion at the time, that Ibrahim Al-Ismaeeli’s injuries were not life threatening and that the x-ray did not need to be done immediately.⁴⁴⁵⁴ He went on to say that he could not remember why he had not requested that Ibrahim Al-Ismaeeli be admitted to the Field Hospital on 15 May 2004. He said that he thought it had been because the injuries were not life or limb threatening, and also because Major Winfield needed to arrange the logistics of the transfer with Major Richmond and the Field Hospital.⁴⁴⁵⁵ Major Winfield said that he had never previously needed to refer a detainee to the Field Hospital and that he therefore had no experience or knowledge of the logistics involved.⁴⁴⁵⁶ Major Winfield confirmed that, as it happened, he had escorted Ibrahim Al-Ismaeeli to the Field Hospital on the morning of 16 May 2004.⁴⁴⁵⁷
- 4.168** In his oral evidence to the Inquiry, Major Winfield accepted that Ibrahim Al-Ismaeeli appeared to be in pain when he was examined on 15 May 2004. Major Winfield also accepted that there was no record that he had prescribed either painkillers or anti-inflammatory medication for Ibrahim Al-Ismaeeli and that he would expect such a record to exist if he had actually prescribed such medication.⁴⁴⁵⁸ Major Winfield said the medics were capable of prescribing low level analgesics and that the prescribing of such medication did not actually have to be done by him. Ibrahim Al-Ismaeeli said that, when he had been in a cell in the JFIT compound, he had been offered a cup of medicine, but had refused to drink it. In his oral evidence, Major Winfield accepted that it was possible that it had been him who had offered the medication to Ibrahim Al-Ismaeeli in his JFIT cell, but that he had refused it.⁴⁴⁵⁹
- 4.169** Based on what the x-ray subsequently showed, Major Winfield said that it was likely that Ibrahim Al-Ismaeeli had been in significant pain on 15 May 2004.⁴⁴⁶⁰ Furthermore, having regard to what was later shown in the x-ray, Major Winfield also agreed that there had been

⁴⁴⁴⁹ (MOD032855)

⁴⁴⁵⁰ (MOD032857); Wing Commander Pathak [166/169-71]

⁴⁴⁵¹ Major Winfield (ASI019095) [185-188]

⁴⁴⁵² Major Winfield (ASI019077-78) [110]

⁴⁴⁵³ Major Winfield (ASI019076) [109]

⁴⁴⁵⁴ Major Winfield (ASI019077) [111]

⁴⁴⁵⁵ Major Winfield (ASI019094) [181]

⁴⁴⁵⁶ Major Winfield (ASI019094) [182]

⁴⁴⁵⁷ Major Winfield (ASI019095) [184]

⁴⁴⁵⁸ Major Winfield [144/122-126]

⁴⁴⁵⁹ Major Winfield [144/167/14]

⁴⁴⁶⁰ Major Winfield [144/126-127]

a real risk of infection,⁴⁴⁶¹ nevertheless he accepted that he had not prescribed any antibiotics for Ibrahim Al-Ismaeeli at the time. However, Major Winfield went on to say that he was not convinced that he had made any mistake in his treatment of Ibrahim Al-Ismaeeli on 15 May 2004 and that he was not sure it would have made any difference if he had referred him to the Field Hospital immediately.⁴⁴⁶²

- 4.170** Dr Payne-James was asked to comment on Major Winfield’s assertion that he was not in error in failing to refer Ibrahim Al-Ismaeeli to the Field Hospital for an immediate x-ray to his wounded foot and for waiting another 18 hours before having done so. In his report, Dr Payne-James said this:

“in light of the limping, swelling and tenderness, which in the context of the patient could be consistent with a fracture, there would be no medical reason for delay. The management options (eg non-weight bearing) could not appropriately be determined until a diagnosis was made (even in the absence of considering a foreign body – which he had, in any case, done).”⁴⁴⁶³

Conclusions with regard Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774)

- 4.171** I have no doubt that Ibrahim Al-Ismaeeli (detainee 774) was not subjected to a medical examination by a female doctor, nor was he treated only by a “bandage nurse” in the way that he claimed, although he was seen by the female medic, Lance Corporal Bronwyn Davis, for the first part of the examination (see below). In these respects, Ibrahim Al-Ismaeeli told deliberate lies in order to bolster his account of having been ill-treated by the British Army. In fact, the first part of his initial medical examination (recording such matters as blood pressure etc.) was conducted by the female medic, Lance Corporal Bronwyn Davis, as described above.⁴⁴⁶⁴ However, Lance Corporal Davis did not carry out any form of physical examination or medical treatment of Ibrahim Al-Ismaeeli. The second part of Ibrahim Al-Ismaeeli’s initial medical examination (which involved the actual physical medical examination) was undoubtedly conducted by the RMO, Major David Winfield.

- 4.172** In paragraph 4.150 above, I have already indicated my reasons for concluding that Major Winfield’s general approach to the initial medical examinations of the detainees on 15 May 2004 was less than satisfactory. In the event, the result of this unsatisfactory attitude and approach was that Major Winfield did not make an adequate assessment of the seriousness of Ibrahim Al-Ismaeeli’s wounded foot, he did not treat it adequately at the time and he did not refer him to the Field Hospital with sufficient promptness. One obvious consequence of these failures was that Ibrahim Al-Ismaeeli continued to suffer pain and discomfort for longer than he should have done.

Kadhim Abbas Lafta Al-Behadili (detainee 775)

- 4.173** In his second written Inquiry statement, Kadhim Abbas Lafta Al-Behadili (detainee 775) described his initial medication examination at the DTF on 15 May 2004, in the following terms:

“At some point I was taken to another room. I entered the room and a man introduced himself as a doctor. He had an interpreter stood next to him. He said he was a doctor with a job to do and his job was nothing to do with the British soldiers. He asked if I was

⁴⁴⁶¹ Major Winfield [144/128]

⁴⁴⁶² Major Winfield [144/134/1]

⁴⁴⁶³ Dr Payne-James (ASIO25433) [1113]

⁴⁴⁶⁴ See paragraphs 4.129, 4.130 and 4.138 above

*feeling pain anywhere. I informed him that my stomach, back, shoulder, knees and head were in pain. He did not ask me why they were painful or what happened to me. He examined me briefly and I recall he used a stethoscope to listen to my chest and back. Finally he said that there was nothing wrong with me. I felt angry at this because a doctor would know to ask questions and not dismiss a person who said that they were in pain. I cannot recall whether he even looked at the cut near my left eyebrow.”*⁴⁴⁶⁵

4.174 In his oral evidence to the Inquiry, Kadhim Al-Behadili said that he had told the doctor about his injuries. He said the doctor asked him if he had any pain and that he had gestured to the place where he was injured. However, Kadhim Al-Behadili said he could not recall actually telling the doctor that his knees were bloodied and swollen. He confirmed that he did not tell the doctor that his wrists were sore from the plasticuffs.⁴⁴⁶⁶

4.175 The DTDF Initial Medical form for Kadhim Al-Behadili recorded the following injury:⁴⁴⁶⁷

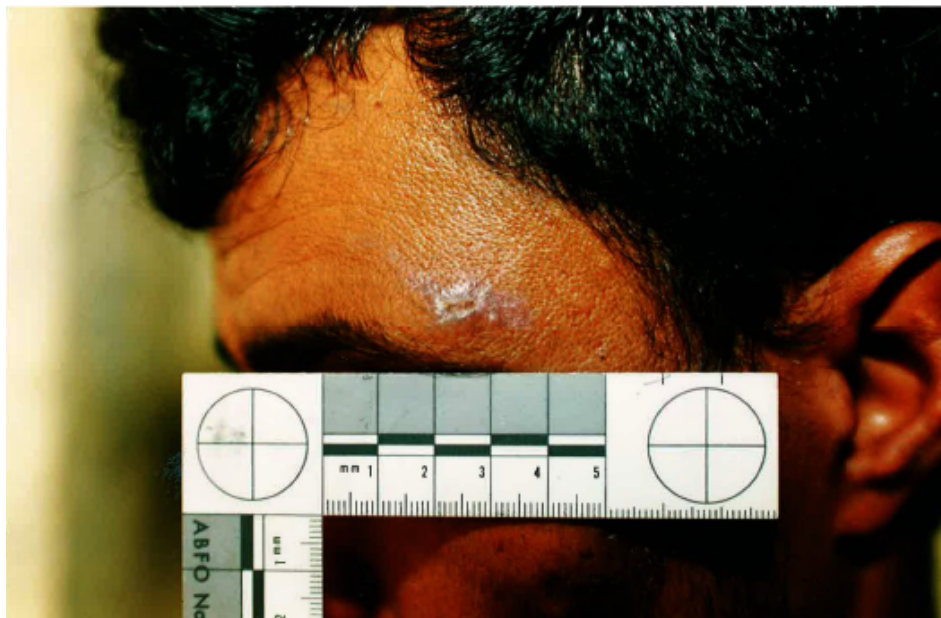
- a. Very superficial abrasions to the left shoulder blade.

4.176 Kadhim Al-Behadili was assessed as “*fit for detention*”.⁴⁴⁶⁸

4.177 The DTDF Initial Medical form does not record the following injuries: (i) a small laceration to the left side of the face; (ii) bruising and swelling under Kadhim Al-Behadili’s eye; and (iii) marks to Kadhim Al-Behadili’s wrists and forearms.

4.178 The small laceration to the left side of Kadhim Al-Behadili’s face was recorded during Corporal Shaun Carroll’s medical examination on 15 May 2004 at Camp Abu Naji, as follows: “*small laceration to (L) side face in eye line, wound glued*”.⁴⁴⁶⁹ The healing injury can be seen in a photograph taken by the Royal Military Police on 25 May 2004, 10 days after the initial medical examination (see figure 119).

Figure 119: MOD034440



⁴⁴⁶⁵ Kadhim Abbas Lafta Al-Behadili (detainee 775) (PIL000736) [73]

⁴⁴⁶⁶ Kadhim Abbas Lafta Al-Behadili (detainee 775) 13/31

⁴⁴⁶⁷ (MOD043564); Major Winfield (ASI019078) [115]

⁴⁴⁶⁸ (MOD043563)

⁴⁴⁶⁹ (MOD024274)

The photograph taken of Kadhim Al-Behadili during his processing at the DTDF on 15 May 2004 appears to show bruising and swelling under his right eye (see figure 120 below).

Figure 120: MOD048738



MOD048738

The marks to the detainee’s wrists and forearms can be seen in other photographs taken by the RMP on 25 May 2004 (see figures 121 and 122 below).

Figure 121: MOD034441



Figure 122: MOD034442



- 4.179** Major Winfield said he might not have thought the small laceration beside the detainee's left eye was a significant enough injury to record. He also accepted that he might have overlooked it at the time. Given that he had recorded superficial abrasions to Kadhim Al-Behadili's shoulder blade, he accepted that the likelihood was that he had not seen the injury and thus did not record it.⁴⁴⁷⁰
- 4.180** When he looked at the photograph taken of Kadhim Al-Behadili during processing at the DTDF on 15 May 2004, Major Winfield said he was able to see what appeared to be bruising on the right eye. When asked why he had not recorded that injury on the DTDF Initial Medical form, Major Winfield said that it was either that he had not seen it or that he had forgotten to record it after having seen it.⁴⁴⁷¹
- 4.181** Major Winfield was also shown the Royal Military Police ("RMP") photographs of Kadhim Al-Behadili's wrists and forearms, taken 10 days after his initial medical examination on 15 May 2004. Major Winfield said that if those marks had been present during his examination, he ought to have recorded them. However, Major Winfield said that any bruising caused by handcuffs might not have been apparent when he had examined Kadhim Al-Behadili, because bruising may take some time to appear.⁴⁴⁷² However, whilst that may be so, it seems to me that in this particular case, it is possible that Major Winfield may have failed to notice and/or record the visible marks of bruising/scarring on Kadhim Al-Behadili's wrists and forearms.

Conclusions with regard to Kadhim Abbas Lafta Al-Behadili (detainee 775)

- 4.182** In paragraph 4.150 above, I have indicated my reasons for concluding that Major Winfield's general approach to the initial medical examinations of the detainees on 15 May 2004 was less than satisfactory. In the event, the result of this unsatisfactory approach was that, in the case of Kadhim Abbas Lafta Al-Behadili (detainee 775), Major Winfield failed to notice and/or record a number of visible injuries, as detailed above. In the event, there is no evidence to suggest that any of these injuries required further treatment or that the health and/or well-

⁴⁴⁷⁰ Major Winfield [144/136-137]

⁴⁴⁷¹ Major Winfield [144/138/12]

⁴⁴⁷² Major Winfield [144/139-140]

being of Kadhim Al-Behadili was materially affected by Major Winfield's failure to notice and/or record these minor injuries.

Abbas Abd Abdulridha Al-Hameedawi (detainee 776)

4.183 In his first written Inquiry statement, Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) said that, during his initial medical examination at the DTDF on 15 May 2004, he had been unable to explain to the doctor how the injury to his shoulder had occurred because there was no interpreter present.⁴⁴⁷³

4.184 In his second written Inquiry statement, Abbas Al-Hameedawi described his initial medical examination at the DTDF on 15 May 2004 in the following terms:

"I was then taken to another room where I spoke to a medical officer. This room was approximately 50 (fifty) meters away. All nine detainees were taken together, escorted by four soldiers. We were stood in a queue and went into see the medical officer in turn. When I entered the room I noticed there was a desk and shelves on the wall with medication on them. I also noticed some medical equipment but I cannot now recall what type of equipment. There was also a narrow bed with a curtain that could be drawn to screen off this area. I was in this room with the male medical officer, an interpreter and two soldiers. [...]"

I was asked my name, date of birth and asked if I had any chronic diseases. The medical officer asked me if I was injured. I asked what do you mean by injured, do you mean gunshots. He replied any sort of wounds and cuts. I started to show the medical officer the injuries I had sustained when taken prisoner by the soldiers. He did not physically examine me. He was sitting behind his desk and at no point did he tend to any of my injuries. He did not appear to be a professional doctor as he remained behind his desk. I was fully clothed during the time I spoke with him. I unzipped the top of my detention clothing to show him the shoulder injury I had sustained. He did not ask me anything about my injury and I did not want to tell him how I had received it. I did not mention it as I was afraid as he was also in the military and I did not want to say that another soldier had beaten me, especially as other soldiers were in the room.

I also took my arm out of my clothing to show him the injury to the back of my left arm. [...] I showed the medical officer the injury and took my arm out of the sleeve of the clothing I was wearing. He did not ask how it had happened [sic] and I did not tell him or any other medical staff at Al-Shaibah. The pain to my arm lasted for about a week only.

I also sustained other injuries when I was taken prisoner on 14 May 2004 including a kick to my head [...]. However, this injury was covered by my hair and I did not mention this to the medical officer and it would not have been visible to him. I also received scratches on my legs and knees [...] however these were not as painful and were not bleeding. I did not report or show the medical officer these injuries [...]. The injury I sustained to my head caused me pain for approximately 2 weeks but I did not mention it to any medical staff as I did not want to discuss what had caused the injury."⁴⁴⁷⁴

4.185 Abbas Al-Hameedawi also described his initial medical examination at the DTDF in his oral evidence to the Inquiry. He said it was not a precise or accurate examination.⁴⁴⁷⁵ It did not

⁴⁴⁷³ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) (ASI000866) [68]

⁴⁴⁷⁴ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) (PIL000449) [13-16]

⁴⁴⁷⁵ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) [14/22]

involve a machine or laboratory tests and no blood or urine samples were tested. He said that he had been asked whether he had diabetes, high blood pressure or any serious illness.⁴⁴⁷⁶ He described the examination as “*theoretical*” rather than “*practical*”. Abbas Al-Hameedawi said that a medical examination should involve a doctor touching his body and asking him questions.⁴⁴⁷⁷ Abbas Al-Hameedawi said that he had pointed out his injuries to the person conducting the medical examination, but had not told him how they happened.⁴⁴⁷⁸ Abbas Al-Hameedawi claimed that this was not because he had been afraid to do so, it was just that the doctor was careless and that he did not seem to be interested.⁴⁴⁷⁹ Abbas Al-Hameedawi accepted that the body sketch on the DTDF Initial Medical form accurately recorded his injuries at the time, except that the injuries were not “*superficial*” but were “*big*” injuries.⁴⁴⁸⁰ He said the person who treated him on arrival may have been a doctor, but he was not human. The injury to his left shoulder had been bleeding at the time, but it was neither treated nor washed;⁴⁴⁸¹ in fact, nobody had treated any of his wounds.⁴⁴⁸²

4.186 The DTDF Initial Medical form for Abbas Al-Hameedawi recorded that he had the following injuries:⁴⁴⁸³

- a. Superficial abrasions to the left shoulder;
- b. Superficial abrasions to the left elbow.

4.187 Abbas Al-Hameedawi was assessed as “*fit for detention*”.⁴⁴⁸⁴

4.188 In his written Inquiry statement, Major Winfield said that, as his notes clearly indicated, he did carry out the usual cardiovascular, respiratory and abdominal checks, contrary to Abbas Al-Hameedawi’s assertion that the doctor had not physically examined him. Major Winfield went on to say that Abbas Al-Hameedawi was also wrong to suggest that he had kept his trousers on during the examination. According to Major Winfield, all the detainees had been required to undress for the purposes of the initial medical examination⁴⁴⁸⁵ and, furthermore, there would have been an interpreter present throughout each such examination.⁴⁴⁸⁶ I accept that Major Winfield’s evidence about these matters was both truthful and accurate.

Conclusions with regard to Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776)

4.189 In paragraph 4.150, I have indicated my reasons for concluding that Major Winfield’s general approach to the initial medical examinations of the detainees on 15 May 2004 was less than satisfactory. In the event, the result of this unsatisfactory approach was that Abbas Al-Hameedawi was probably justified in complaining that the doctor had not seemed interested. It may also explain why Major Winfield apparently did nothing to clean or treat the abrasions to Abbas Al-Hameedawi’s left shoulder and elbow. Had Major Winfield adopted a more satisfactory approach to his examination of Abbas Al-Hameedawi, I would at least have expected him to clean these abrasions. However, there was no evidence to suggest that

⁴⁴⁷⁶ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) [14/23]

⁴⁴⁷⁷ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) [14/72]

⁴⁴⁷⁸ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) [14/23]

⁴⁴⁷⁹ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) [14/78]

⁴⁴⁸⁰ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) [14/73-74]

⁴⁴⁸¹ Abbas Abd Abdulridha Al-Hameedawi (detainee 776) [14/73]; [14/80]; [14/81]

⁴⁴⁸² Abbas Abd Abdulridha Al-Hameedawi (detainee 776) [15/17]

⁴⁴⁸³ (MOD043628); Major Winfield (ASI019079) [121]

⁴⁴⁸⁴ (MOD043627)

⁴⁴⁸⁵ Major Winfield (ASI019079-80) [122]

⁴⁴⁸⁶ Major Winfield (ASI019080) [124]

the health and/or well-being of Abbas Al-Hameedawi suffered any adverse consequences as a result. I have no doubt that Major Winfield did carry out the usual checks, that Abbas Al-Hameedawi was required to undress for the examination, that an interpreter was present throughout his medical examination by Major Winfield and that his injuries were accurately recorded and described. To the extent that Abbas Al-Hameedawi suggested otherwise, he deliberately lied in order to lend support to his claim to have been ill-treated by the British Army.

Ahmed Jabbar Hammood Al-Furaiji (detainee 777)

4.190 In his Judicial Review statement, Ahmed Jabbar Hammood Al-Furaiji (detainee 777) said that, during his initial medical examination at the DTDF, he had been made to remove all his clothing, including his underwear. He claimed that the doctor had asked him how the injury to his knee had happened and that he had told the doctor that he was tortured at Camp Abu Naji.⁴⁴⁸⁷ Ahmed Al-Furaiji went on to say that the doctor had cleaned his knee injury and had put a plaster on it.⁴⁴⁸⁸

4.191 In his second written Inquiry statement, Ahmed Al-Furaiji said that, during his initial medical examination at the DTDF on 15 May 2004, he had been weighed and that his pulse, blood pressure and temperature had all been measured. He said that the medic had listened to his chest with a stethoscope. He also remembered that his abdomen had been checked. He said he did not provide a urine sample, nor was a blood sample taken. He could not recall having received any medication at the end of the examination.⁴⁴⁸⁹ He said that the injury to his knee had been more than just an “abrasion”. He claimed that it was a serious injury that had bled a lot, although it did not require stitches. He said he had also sustained a wound to his head, which had not been noted on the body diagram. He said that he did not recall having been asked about that particular wound or whether he had mentioned it to the doctor.⁴⁴⁹⁰

4.192 The DTDF Initial Medical form for Ahmed Al-Furaiji recorded the following injury:⁴⁴⁹¹

- a. Abrasion to the right knee

4.193 Ahmed Al-Furaiji was assessed as “fit for detention”.⁴⁴⁹²

Conclusions with regard to Ahmed Jabbar Hammood Al-Furaiji (detainee 777)

4.194 I do not believe that Ahmed Al-Furaiji had a wound to his head that went unnoticed. I believe this to have been a lie, intended to support his claims to have been ill-treated by the British Army. I am also quite sure that the injury to his right knee was correctly described as an abrasion. To the extent Ahmed Al-Furaiji suggested otherwise, I am sure that he lied for the same reason as above. In paragraph 4.150 above, I have indicated my reasons for concluding that Major Winfield’s general approach to the initial medical examinations of the detainees that day was less than satisfactory. I am satisfied that, in Ahmed Al-Furaiji’s case, this unsatisfactory approach did not give rise to any significant shortcomings in Major Winfield’s initial medical examination.

⁴⁴⁸⁷ See paragraphs 3.112 – 3.113

⁴⁴⁸⁸ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (MOD006536) [26]

⁴⁴⁸⁹ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (PIL000298-99) [24]

⁴⁴⁹⁰ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (PIL000299) [25]

⁴⁴⁹¹ (MOD043682); Major Winfield (ASI019081) [128]

⁴⁴⁹² (MOD043681)

Hussein Fadhil Abbas Al-Behadili (detainee 778)

4.195 In his Judicial Review statement, Hussein Fadhil Abass Al-Behadili (detainee 778) described his initial medical examination at the DTDF on 15 May 2004 in the following terms:

*"I was [...] examined by a doctor while wearing only my underwear. The examination by the doctor was very brief, lasting only about 5 minutes. He listened to my lungs with a stethoscope and I was asked if I had asthma, diabetes or any other medical conditions. I do suffer from breathing difficulties [...] and so I told the doctor that I suffered from asthma. Even so, I was not given any medication. He then asked me to describe whether I had any injuries or pain. I was still very afraid at that point and I thought that if I mentioned that I was hurting from my handcuffs I would be punished and detained for even longer, so I didn't say anything. The examination was so quick that I don't think he had time to even see my bruised wrists."*⁴⁴⁹³

4.196 In his oral evidence to the Inquiry, Hussein Al-Behadili recalled that he had been examined by a doctor.⁴⁴⁹⁴ He also said that he had lied to the doctor by claiming that he suffered from chronic asthma. He said that he had done so because he did not want to suffer any further torture.⁴⁴⁹⁵

4.197 The DTDF Initial Medical form for Hussein Al-Behadili recorded that he had sustained the following injuries:⁴⁴⁹⁶

- a. Superficial abrasions to both elbows;
- b. Superficial abrasions to lower arms;
- c. Small graze to the back.

4.198 The same form also recorded that Hussein Al-Behadili had a possible history of asthma and that he used an inhaler.⁴⁴⁹⁷

4.199 Hussein Al-Behadili was assessed as "fit for detention".⁴⁴⁹⁸

4.200 In his written Inquiry statement, Major Winfield said he would have seen Hussein Al-Behadili's wrists, because the notes record that he had seen injuries to Hussein Al-Behadili's lower arms. Major Winfield added that any bruising to the wrists might not have been visible when he examined Hussein Al-Behadili on 15 May 2004, because there can sometimes be a period of delay before the bruising becomes apparent.⁴⁴⁹⁹

Conclusions with regard to Hussein Fadhil Abbas Al-Behadili (detainee 778)

4.201 I think it highly unlikely that Hussein Fadhil Abass Al-Behadili (detainee 778) had significant bruising to his wrists that went unnoticed when he underwent his initial medical examination at the DTDF on 15 May 2004. I am sure that, at the very least, his significant injuries were accurately recorded and described by Major Winfield at the time. To the extent that Hussein Al-Behadili suggested otherwise, I find that he exaggerated his evidence as to his injuries in

⁴⁴⁹³ Hussein Fadhil Abbas Al-Behadili (detainee 778) (MOD006562-63) [39]

⁴⁴⁹⁴ Hussein Fadhil Abbas Al-Behadili (detainee 778) [18/25]

⁴⁴⁹⁵ Hussein Fadhil Abbas Al-Behadili (detainee 778) [19/57]

⁴⁴⁹⁶ (MOD043962); Major Winfield (ASI019081-82) [132]

⁴⁴⁹⁷ (MOD043961); Major Wakefield (ASI019081) [130]

⁴⁴⁹⁸ (MOD043961)

⁴⁴⁹⁹ Major Wakefield (ASI019082) [134]

order to support his claims to have been ill-treated by the British Army. In paragraph 4.150 above, I have indicated my reasons for concluding that Major Winfield's general approach to the initial medical examinations of the detainees that day was less than satisfactory. I am satisfied that, in Hussein Al-Behadili's case, this unsatisfactory approach did not give rise to any significant shortcomings in Major Winfield's initial medical examination. However, Major Winfield appears to have observed but not treated some abrasions and a graze to Hussein Al-Behadili. Again, if Major Winfield had adopted a more satisfactory approach to this examination it might be expected, simply as a matter of common sense, that he would at least have cleaned these injuries. I am satisfied, however, that these abrasions were superficial and this graze was small. Accordingly, I do not consider that any significant discomfort or adverse consequences would have resulted from this apparent failure by Major Winfield.

Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779)

4.202 In his Judicial Review statement, Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) described the medical examination that he had undergone upon arrival at the DTDF on 15 May 2004. He said he had been seen by a male doctor who wrote down his weight, listened to his lungs with a stethoscope and measured his blood pressure. The doctor had also appeared to note down his injuries, although Atiyah Al-Baidhani did not see what he had written. Atiyah Al-Baidhani said that his main injuries at the time had been a swollen right eye, a damaged jaw which stopped him speaking properly, scratches all over his hands and legs and cut lips. Atiyah Al-Baidhani said that the doctor had not asked him any questions about his general health. He also claimed that he had been suffering from some breathing difficulties at the time and that he found it hard to sit down. He said that he was only wearing underwear when he was examined.⁴⁵⁰⁰

4.203 In his written Inquiry statement, Atiyah Al-Baidhani claimed that the only questions the medic had asked him had been about his name and date of birth. He said that this had been done through the interpreter. Although the DTDF Initial Medical form purports to record that he had no allergies and was not on any form of medication, Atiyah Al-Baidhani said that he had not been asked any questions about these matters during the examination. He said that he did not provide a urine sample.⁴⁵⁰¹ He said that he had told the interpreter about the injury to his jaw, which was excruciatingly painful, and that the medic had examined his jaw. He said he was given painkillers the following day, which helped to alleviate the pain. Atiyah Al-Baidhani said that, at the time of making his statement in March 2012, the pain from his jaw still kept him awake at night and that it drove him crazy. Atiyah Al-Baidhani also said that, during the medical examination, the doctor had not examined a wound that he had sustained to his head. However, Atiyah Al-Baidhani accepted that he had not mentioned that particular wound to the doctor at the time.⁴⁵⁰²

4.204 During his oral evidence to the Inquiry, Atiyah Al-Baidhani claimed that, at the time he was medically examined at the DTDF on 15 May 2004, his face was swollen. His hands were also swollen as the result of tight handcuffs. Atiyah Al-Baidhani claimed that he had many injuries at the time, but that he could not remember them all.⁴⁵⁰³ He also said that he could not remember whether he told the doctor that he had been bruised from the beatings he had

⁴⁵⁰⁰ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (MOD006679) [32-33]

⁴⁵⁰¹ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000160) [11]

⁴⁵⁰² Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000160-62) [12-15]

⁴⁵⁰³ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) [9/101-102]

sustained at Camp Abu Naji,⁴⁵⁰⁴ nor could he recall whether he had told the doctor about the injury to his jaw.⁴⁵⁰⁵

4.205 The DTDF Initial Medical form for Atiyah Sayyid Abdulridha Al-Baidhani recorded that he had sustained the following injuries:⁴⁵⁰⁶

- a. Bruising and swelling to the right (or possibly the left) cheek;
- b. Superficial abrasions to the face;
- c. Superficial grazes to both elbows and the right shoulder.

4.206 Atiyah Al-Baidhani was assessed as “*fit for detention*”.⁴⁵⁰⁷

4.207 On the DTDF Initial Medical form, Major Winfield had written “*Bruising + swelling (L) cheek*”. However, on the body diagram the arrow pointed to the right cheek.⁴⁵⁰⁸ In his written Inquiry statement, Major Winfield stated that this meant there had been bruising to both cheeks,⁴⁵⁰⁹ but in his oral evidence to the Inquiry, he said that it probably meant that the bruising was to Atiyah Al-Baidhani’s right cheek.⁴⁵¹⁰

4.208 In his written Inquiry statement, Major Winfield accepted that Atiyah Al-Baidhani might well not have been given any treatment for his injuries, because no treatment had been recorded on the DTDF Initial Medical form. Major Winfield said that this was probably because no treatment had actually been required for the injuries that he had observed.⁴⁵¹¹ I accept that it is very likely that such was the case.

4.209 Major Winfield said that the injuries recorded on the DTDF Initial Medical form corresponded well with the injuries that that could be seen in the photograph of Atiyah Al-Baidhani that had been taken during processing at the DTDF on 15 May 2004.⁴⁵¹²

Conclusions with regard to Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779)

4.210 I am satisfied that the DTDF Initial Medical Form accurately records and describes the injuries that were present on Atiyah Al-Baidhani’s body when he was medically examined at the DTDF on 15 May 2004. I do not believe that he was suffering from the degree of pain that he claimed, nor was it as long lasting or in need of immediate medical treatment as he suggested. I am also satisfied that the various matters relating to Atiyah Al-Baidhani’s general health, that are recorded in the form, were the result of his answers to the questions that he was asked and/or the examination that was carried out by the medic and/or Major Winfield at the time. To the extent that Atiyah Al-Baidhani suggested that his injuries were more serious, more extensive, more long lasting and more painful (requiring immediate treatment) than as recorded by Major Winfield at the time, I have no doubt that he lied in order to support his claims to have been ill-treated by the British Army.

⁴⁵⁰⁴ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) [10/21]

⁴⁵⁰⁵ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) [10/31-32]

⁴⁵⁰⁶ (MOD044022); Major Winfield (ASI019082) [137]; [144/140-141]

⁴⁵⁰⁷ (MOD044021)

⁴⁵⁰⁸ (MOD044022)

⁴⁵⁰⁹ Major Winfield (ASI019082-83) [137]

⁴⁵¹⁰ Major Winfield [144/140-141]

⁴⁵¹¹ Major Winfield (ASI019083) [139]

⁴⁵¹² Major Winfield [144/142/4]

4.211 I have indicated my reasons for concluding that Major Winfield’s general approach to the initial medical examinations of the detainees that day was less than satisfactory. However, I am satisfied that, in Atiyah Al-Baidhani’s case, this unsatisfactory approach did not give rise to any significant shortcomings in Major Winfield’s initial examination. However, it may well be that the abrasions and grazes which Major Winfield observed might have been cleaned if he had taken a more satisfactory approach to this examination. Nevertheless, I am satisfied that no significant adverse consequences resulted from this for Atiyah Al-Baidhani.

Hussein Gubari Ali Al-Lami (detainee 780)

4.212 In his Judicial Review statement, Hussein Gubari Ali Al-Lami (detainee 780) said that, at the time of his initial medical examination at the DTDf on 15 May 2004, his worst injury was under his left ear, where he had been hit with a rifle. He claimed that it was still extremely sore and painful. He also said that he must have had blood on his face from the beatings he had received. He said that he could not feel his feet and legs, because they had been kicked so violently.⁴⁵¹³

4.213 In his second written Inquiry statement, Hussein Al-Lami said that he had been examined by a female doctor, who had only examined his ear and throat. He said that he had not been seen by a male doctor⁴⁵¹⁴ and that he was not been asked whether he had any injuries.⁴⁵¹⁵ He also alleged that he had not been asked about his previous medical problems or whether he needed medication for any allergies. He said that he could not remember any of the tests described on the DTDf Initial Medical having been carried out in his case, nor did anybody test his abdomen. Hussein Al-Lami claimed to have been bleeding and bruised all over his body. He said that one very obvious injury that had not been noted on the DTDf Initial Medical form was that his wrists had been swollen, tender and bruised from wearing handcuffs. He said that the toenail had been ripped off his big toe and that the injury was bleeding at the time. Hussein Al-Lami complained that the general attitude of the doctors at the time made it clear that they did not take his health concerns seriously.⁴⁵¹⁶ Hussein Al-Lami claimed that there was a wound behind his left ear. He said that it was approximately 1.5 centimetres long and quite deep and that it had been treated at Camp Abu Naji.⁴⁵¹⁷ Hussein Al-Lami went on to say that he had been given no treatment or antiseptic for his injuries.⁴⁵¹⁸

4.214 In his oral evidence to the Inquiry, Hussein Al-Lami said that that he was sure that he had been examined by a female doctor.⁴⁵¹⁹ He said that he could remember having seen her drawing on the Initial Medical form.⁴⁵²⁰ He said that he had removed his clothes, but had kept his shorts on.⁴⁵²¹ He claimed that he could not remember details of the examination.⁴⁵²² He also alleged that he had very painful signs of kicking all over his body, his legs, his back and his side.⁴⁵²³

⁴⁵¹³ Hussein Gubari Ali Al-Lami (detainee 780) (MOD006644) [36]

⁴⁵¹⁴ Hussein Gubari Ali Al-Lami (detainee 780) (PIL000399) [20]

⁴⁵¹⁵ Hussein Gubari Ali Al-Lami (detainee 780) (ASI004818) [93]

⁴⁵¹⁶ Hussein Gubari Ali Al-Lami (detainee 780) (PIL000399-00) [21]

⁴⁵¹⁷ Hussein Gubari Ali Al-Lami (detainee 780) (PIL000400) [22]

⁴⁵¹⁸ Hussein Gubari Ali Al-Lami (detainee 780) (ASI004818) [93]

⁴⁵¹⁹ Hussein Gubari Ali Al-Lami (detainee 780) [11/85/11]

⁴⁵²⁰ Hussein Gubari Ali Al-Lami (detainee 780) [12/64/17]

⁴⁵²¹ Hussein Gubari Ali Al-Lami (detainee 780) [12/69/10]

⁴⁵²² Hussein Gubari Ali Al-Lami (detainee 780) [11/85/21]

⁴⁵²³ Hussein Gubari Ali Al-Lami (detainee 780) [12/69/21]

4.215 The DTDF Initial Medical form for Hussein Al-Lami recorded the following injuries:⁴⁵²⁴

- a. Superficial abrasion to the left cheek
- b. Small abrasion to the left large toe.

4.216 Hussein Al-Lami was assessed as “*fit for detention*”.⁴⁵²⁵

4.217 However, it is clear that the DTDF Initial Medical form did not record a small shrapnel injury to the left side of Hussein Al-Lami’s face, just in front of his left ear. That particular injury had been recorded during his medical examination the previous day at Camp Abu Naji. Corporal Shaun Carroll recorded that he had removed a small piece of shrapnel from the left side of Hussein Al-Lami’s face, just in front of the ear. He had also recorded a graze to the left side of the face around the eye area.⁴⁵²⁶

4.218 In his written Inquiry statement, Major Winfield said that Hussein Al-Lami had been wrong to suggest that he had only examined Hussein Al-Lami’s ear and throat, because he had carried out the usual cardiovascular, respiratory and abdominal checks, as indicated by the DTDF Initial Medical form.⁴⁵²⁷ Major Winfield also suggested that, if Hussein Al-Lami’s toenail had been missing and it had looked like a recent injury, he would have recorded it differently on the DTDF Initial Medical form. He said that, in itself, a missing toenail is not necessarily a medical complaint.⁴⁵²⁸ Major Winfield confirmed that no medical treatment or follow-up treatment had been recorded on the Initial Medical form, so that it was likely that none had been provided at the time, probably because none was required.⁴⁵²⁹ Major Winfield accepted that the medical notes indicated that a medic had prescribed Co-codamol, a painkiller, to Hussein Al-Lami when he was in the JFIT compound.⁴⁵³⁰ I accept that Major Winfield’s evidence about the nature and extent of Hussein Al-Lami’s medical examination, the general nature of the injuries that were present on his body (with the two minor exceptions noted above) and the fact that he carried out the medical examination in question was both truthful and accurate.

4.219 In his oral evidence to the Inquiry, Major Winfield said he was satisfied that the injury to Hussein Al-Lami’s left cheek, that he had noted on the DTDF Initial Medical form, corresponded well with the injury that is apparent in the photograph of Hussein Al-Lami, that had been taken during his processing at the DTDF on 15 May 2004.⁴⁵³¹ I accept that this was so.

Conclusions with regard to Hussein Gubari Ali Al-Lami (detainee 780)

4.220 I am quite sure that, apart from the small shrapnel wound near Hussein Al-Lami’s left ear and the nearby graze, the injuries present on Hussein Al-Lami’s body when he was medically examined by Major Winfield at the DTDF on 15 May 2004, were accurately recorded and described on the DTDF Initial Medical form. To the extent that Hussein Al-Lami claimed to have suffered additional, more extensive and more serious injuries than those recorded in the DTDF Initial Medical form, together with the two minor additional injuries noted by Corporal Carroll the previous day, he deliberately lied in order to support his claims to have

⁴⁵²⁴ (MOD044075); Major Winfield (ASI019083-84) [142]

⁴⁵²⁵ (MOD044074)

⁴⁵²⁶ (MOD024314)

⁴⁵²⁷ Major Winfield (ASI019084) [143]

⁴⁵²⁸ Major Winfield (ASI019084) [144]

⁴⁵²⁹ Major Winfield (ASI019084) [145]

⁴⁵³⁰ Major Winfield (ASI019084) [146]

⁴⁵³¹ (MOD048748)

been ill-treated by the British Army. He also lied about the restricted nature of the medical examination and about having been examined by a female doctor for the same reason.

4.221 In paragraph 4.150 above, I have indicated my reasons for concluding that Major Winfield’s general approach to the initial medical examinations of the detainees that day was less than satisfactory. In the event, the result of this unsatisfactory approach was that, in the case of Hussein Al-Lami, Major Winfield failed to notice or take account of the small shrapnel wound by Hussein Al-Lami’s left ear and the nearby graze, both of which had been noted by Corporal Shaun Carroll the day before. However, it seems to me unlikely that Hussein Al-Lami was actually in need of any further immediate medical treatment at the time of his medical examination on 15 May 2004. In those circumstances, I am satisfied that Hussein Al-Lami did not suffer any significant adverse consequences as a result of these shortcomings on the part of Major Winfield.

2. Failure to take proper account of the medical histories of the detainees

4.222 In his written Inquiry statement, Major Winfield said that during the initial medical examinations that he carried out at the DTDF on 15 May 2004, he had not asked the detainees about how they had sustained their various injuries. He said that this had been because he wanted to keep their medical treatment separate from the circumstances of their arrest and detention.⁴⁵³²

4.223 Dr Payne-James was asked to comment on this assertion by Major Winfield. In his report, he said this:

*“it is appropriate to ask about the cause of a particular injury as part of routine history taking. The possible cause of the injury may influence what the possible diagnoses or range of complications or underlying issues may need to be considered.”*⁴⁵³³

4.224 Major Winfield also said that, when treating Iraqi detainees, the medical team had to rely much more on objective measures, such as clinical observations, rather than upon the often exaggerated and over-dramatic behaviour and claims of a detainee about his medical condition. He said this is because different cultures treat medical complaints differently; something he described as “*transcultural medicine*”.⁴⁵³⁴

4.225 Dr Payne-James was also asked to comment on this particular assertion. In his report, he said this:

*“Dr Winfield is correct to place substantial reliance on objective recordings (by which I am assuming he means clinical observations) but this would be in the context of an appropriate history. I am unclear as to what influence he is suggesting that ‘having regard to ‘transcultural medicine’ would have on his diagnosis and management plan.”*⁴⁵³⁵

4.226 Major Winfield also said that, at the time he conducted the Initial Medical Examinations on 15 May 2004, he had not seen any previous medical records relating to the detainees, nor had he seen any record of the medication that had been given to the detainees previously. He

⁴⁵³² Major Winfield (ASI019063) [56]; [141-142]; [144/35]

⁴⁵³³ Dr Payne-James (ASI025431) [1106]

⁴⁵³⁴ Major Winfield [144/106-107]

⁴⁵³⁵ Dr Payne-James (ASI025432) [1111]

admitted that he had not asked to be provided with such records and went on to say that he was not sure that it would have made much difference if he had seen the previous records, because he made his own assessment.⁴⁵³⁶

4.227 Dr Payne-James was asked to comment on that assertion. He said:

*“generally if it is known that other medical documentation exists then it is appropriate to review it. Whether or not it is available does not detract from the need to undertake a full history and examination.”*⁴⁵³⁷

Conclusion with regard to the failure to take proper account of the medical histories of the detainees on 15 May 2004

4.228 In paragraph 4.150 above, I have indicated my reasons for concluding that Major Winfield’s general approach to the initial medical examinations of the detainees on 15 May 2004 was unsatisfactory. In the light of the observations of Dr Payne-James, whose evidence I accept, it seems to me that one unfortunate consequence of this unsatisfactory approach on the part of Major Winfield was that he did not take proper account of the medical histories of the detainees on 15 May 2004. In particular it might have been more appropriate of him to investigate with each detainee the manner in which that detainee came by each injury noticed by Major Winfield. It seems to me that it would have been possible to do this and still maintain a separation between medical investigation and consideration of the circumstances in which the detainee came to be arrested and detained. In the event, I do not believe that any of the detainees suffered any significant adverse consequences as a result.

⁴⁵³⁶ Major Winfield [144/44]

⁴⁵³⁷ Dr Payne-James (ASI025431) [1107]