

CHAPTER 3: DETENTION AT THE JOINT FORWARD INTERROGATION TEAM (JFIT) COMPOUND

- 4.229** On 15 May 2004, the nine detainees arrived at a compound within the DTDF operated by the Joint Forward Interrogation Team (“JFIT”). The location and layout of the compound is described in Chapter 1: Introduction to the DTDF.
- 4.230** The Incident Log, referred to at para 4.231 below, indicates that Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) remained in the JFIT compound for one night before he was moved to the Field Hospital on the morning of 16 May 2004.⁴⁵³⁸ Mahdi Jasim Abdullah Al-Behadili (detainee 773), Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776), Ahmed Jabbar Hammood Al-Furaiji (detainee 777), Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) and Hussein Gubari Ali Al-Lami (detainee 780) remained in the JFIT compound for six days, until 21 May 2004.⁴⁵³⁹ Hamzah Joudah Faraj Almalje (detainee 772), Kadhim Abbas Lafta Al-Behadili (detainee 775) and Hussein Fadhil Abass Al-Behadili (detainee 778) remained there for a further night, until 22 May 2004.⁴⁵⁴⁰

1. Arrival at the JFIT Compound and cell allocation

- 4.231** The JFIT guards maintained an Incident Log, which was kept on the guards’ desk inside the JFIT compound.⁴⁵⁴¹ Lance Corporal James Higgins, a guard in the JFIT compound, explained a “Radio Operator’s Log” was used for the sake of convenience as there was no other item of stationery specifically designed to record the movements and handling of detainees.⁴⁵⁴²
- 4.232** The incident log is described at paragraph 13 of the JFIT Operational Directive, dated 31 May 2004:

*“A JFIT incident log is to be maintained by the Duty Officer. Details of all incidents and activity (both routine and non routine) are to be entered. This log will form an important record of activity within the JFIT. Information contained within this log may be used at a later date during any inquiry or criminal investigation. As such the log must be treated as a legal document and be filled out fully, diligently and immediately. It is not to be written up in slow time from notes taken separately. If necessary, timeliness and accuracy should take priority over appearance.”*⁴⁵⁴³

- 4.233** The Incident Log was generally well maintained, although some gaps in the record are apparent. One of those gaps, which is unfortunate, relates to the arrival of the nine detainees. The log records that Hamzah Joudah Faraj Almalje (detainee 772), Mahdi Jasim Abdullah Al-Behadili (detainee 773) and Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) arrived at the JFIT compound at 16:02 hours on Saturday, 15 May 2004. Mahdi Jasim Abdullah Al-Behadili (detainee 773) and Ibrahim Al-Ismaeeli were placed into a shared cell, whilst Hamzah Almalje placed into a single occupancy cell. The log further records that Hussein Fadhil Abass Al-Behadili (detainee 778), Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) and Hussein Gubari Ali Al-Lami (detainee 780) arrived at 17:06 hours. Hussein Al-Behadili was also placed into the shared cell, whilst Atiyah Al-Baidhani and Hussein Al-Lami were each placed into

⁴⁵³⁸ (MOD040077)

⁴⁵³⁹ (MOD040119)

⁴⁵⁴⁰ (MOD040122)

⁴⁵⁴¹ (MOD040061)

⁴⁵⁴² Lance Corporal Higgins (ASI014430) [52]

⁴⁵⁴³ (MOD046800)

single cells.⁴⁵⁴⁴ The log does not appear to record the arrival of the detainees; Kadhim Abbas Lafta Al-Behadili (detainee 775), Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) and Ahmed Jabbar Hammood Al-Furaiji (detainee 777). However, Ahmed Al-Furaiji does appear in the log at 17:36 hours, when he is shown as being escorted to the lavatory.⁴⁵⁴⁵

2. Accommodation in the JFIT compound

Cells

- 4.234** The evidence from the detainees, and in particular from Mahdi Al-Behadili⁴⁵⁴⁶ and Hussein Al-Behadili⁴⁵⁴⁷, indicates that a shared cell was used to accommodate five detainees together, namely Mahdi Al-Behadili, Ibrahim Al-Ismaeeli, Kadhim Al-Behadili, Ahmed Al-Furaiji and Hussein Al-Behadili. Kadhim Al-Behadili gave evidence that following an interrogation, he was placed into a different cell for one night with a detainee who is not connected to this Inquiry.⁴⁵⁴⁸ One of the guards, Fusilier Mark Galbraith, estimated the shared cell to be 24 feet long by 18 feet wide.⁴⁵⁴⁹ Kadhim Al-Behadili estimated the proportions to be rather more generous, at 11 meters long by 5 meters wide.⁴⁵⁵⁰
- 4.235** The single occupancy cells used to accommodate Hamzah Almalje, Abbas Al-Hameedawi, Atiyah Al-Baidhani and Hussein Al-Lami were significantly smaller. Hussein Al-Lami estimated that his cell was only 1.5 meters long by 1 meter wide.⁴⁵⁵¹ I am more confident in the JFIT guards' estimation of the size of the single cells, if only because the guards spent longer in the facility and they are broadly consistent with each other. For example, Fusilier Galbraith described the single cells as being 10 feet long by 8 feet wide.⁴⁵⁵² Corporal Ronnie Hughes confirmed that all single cells were the same size, which he estimated to be 10 feet long by 6 feet wide.⁴⁵⁵³ Lance Corporal Thomas Campbell estimated the single cells to be approximately the length of a single bed and the width of two single beds.⁴⁵⁵⁴
- 4.236** M003, the Officer Commanding ("OC") JFIT, described the cells as being constructed of brick with a plaster roof. Each cell had a metal door with bolt locks. Within the door was a small window with a slide hatch.⁴⁵⁵⁵ The single cells had a small Perspex window covered on the outside with mesh. There was air conditioning in the cell area, although M003 could not recall whether that was inside the cells or in the corridors. Inside the cells, detainees had a roll mat bed, a prayer mat, blankets, toiletries, and a copy of the Koran.⁴⁵⁵⁶ The plan attached to the JFIT Operation Directive indicates that the shared cells also had at least one window each.⁴⁵⁵⁷

⁴⁵⁴⁴ (MOD040072)

⁴⁵⁴⁵ (MOD040072)

⁴⁵⁴⁶ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (ASI001122) [80]

⁴⁵⁴⁷ Hussein Fadhil Abass Al-Behadili (detainee 778) (MOD006705) [42]

⁴⁵⁴⁸ Kadhim Abbas Lafta Al-Behadili (detainee 775) (PIL000738) [80]

⁴⁵⁴⁹ Fusilier Galbraith (ASI015372) [16]

⁴⁵⁵⁰ Kadhim Abbas Lafta Al-Behadili (detainee 775) (PIL000737-38) [77]

⁴⁵⁵¹ Hussein Gubari Ali Al-Lami (detainee 780) (ASI004819) [97]

⁴⁵⁵² Fusilier Galbraith (ASI015372) [15]

⁴⁵⁵³ Corporal Hughes (ASI014594-95) [30]

⁴⁵⁵⁴ Lance Corporal (ASI020515) [28]

⁴⁵⁵⁵ Photograph of JFIT cells: Figure 113 (MOD046584)

⁴⁵⁵⁶ M003 (ASI024605) [44]

⁴⁵⁵⁷ (MOD046808)

Figure 123: MOD046584

4.237 Although the cells in the JFIT compound were very basic, I am satisfied that they were adequate in the circumstances. They allowed some natural light to enter into the cells during daylight hours and they were used to accommodate the detainees for a limited period.

Food and Meals

4.238 The detainees were provided with meals three times a day at regular intervals in the JFIT compound. Sergeant Stuart McIndoe, an orderly officer, explained that the food delivered to the JFIT compound for the detainees complied with both their religious and cultural requirements.⁴⁵⁵⁸ Corporal Malcolm Neil, a guard, explained that the meals were served in polystyrene containers to the detainees in their cells.⁴⁵⁵⁹ No detainee has suggested to the Inquiry that the food was inappropriate.

4.239 M002, a JFIT interrogator, explained to the Inquiry that if a detainee was in an interrogation session when a meal arrived, the meal would be set aside in the detainee's cell. The meals for the interrogator and interpreter would be brought in by other members of the JFIT staff. The interrogation would normally (although not invariably) then be broken off so that both the JFIT staff and the detainee could eat.⁴⁵⁶⁰

4.240 Guards in the JFIT compound provided the detainees with bottled water on demand. Corporal Neil explained that detainees would knock on their cell door to attract the attention of the

⁴⁵⁵⁸ Sergeant McIndoe (ASI020498) [31]

⁴⁵⁵⁹ Corporal Neil (ASI024285) [30]

⁴⁵⁶⁰ M002 [156/92/23]

guards. If a detainee did not know the English word for “water” they would use hand gestures to indicate to the guards what they wanted.⁴⁵⁶¹

4.241 In his oral evidence to the Inquiry, M003 emphasised that the detainees were permitted as much water as they wanted:

*“... there was a massive abundance of water. You have to remember, they – the internees – part of their culture, they wash with fresh water. So there were literally bottles and bottles of it stacked within the DTDF. They never had a shortage of water. There was always, always unopened bottles that they were given whenever they wanted to drink.”*⁴⁵⁶²

4.242 No detainee has suggested to the Inquiry that they were not provided with sufficient water in their cells at the JFIT compound.

Washing and lavatory facilities

4.243 The detainees’ cells contained neither lavatories nor washing facilities. When a detainee needed to use the lavatory, it was necessary for a guard to escort the detainee from his cell to a nearby ablutions block.

4.244 In their evidence to the Inquiry four detainees, namely Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776), Hussein Fadhil Abass Al-Behadili (detainee 778), Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) and Hussein Gubari Ali Al-Lami (detainee 780), alleged that their access to lavatory facilities was restricted while they were held in the JFIT compound. I summarise below the nature of the limitation alleged by each detainee.

4.245 Abbas Al-Hameedawi alleged that he was only allowed out of his cell to use the lavatory after each meal⁴⁵⁶³ and not at all at night time unless specific authority was granted from a senior officer.⁴⁵⁶⁴

4.246 Hussein Al-Behadili alleged that he would be taken out of his shared cell to use the lavatory three times a day; morning, afternoon and evening. He said that at any other time, the guards would ignore the detainees if they asked to be taken to the lavatory.⁴⁵⁶⁵

4.247 Atiyah Al-Baidhani alleged that he was allowed out of his cell three times a day; morning, afternoon and evening, for five minutes each time. In that time he was either allowed to go to the lavatory or have a quick shower. He said he was not allowed to go to the lavatory outside of these times. He said he suffered pain as a result of not being permitted to use the lavatory when he needed it.

4.248 Hussein Al-Lami said that on the morning of the 17 May 2004 he asked to use the lavatory and shower. Five minutes later the guards escorted him to the ablutions block where they allowed him only three minutes to wash.

4.249 The Incident Log⁴⁵⁶⁶ records when detainees were escorted to the lavatory. It shows both the time they left their cell and the time they returned. It indicates that detainees Abbas Al-

⁴⁵⁶¹ Corporal Neil (ASI024285) [31]

⁴⁵⁶² M003 [158/190-191]

⁴⁵⁶³ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) (ASI000867) [70]

⁴⁵⁶⁴ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) (ASI004772) [49]

⁴⁵⁶⁵ Hussein Fadhil Abass Al-Behadili (detainee 778) (MOD006562-63) [43]; [19/55/23]

⁴⁵⁶⁶ (MOD040061)

Hameedawi , Hussein Al-Behadili, Atiyah Al-Baidhani and Hussein Al-Lami were escorted to the ablutions block at the following times:

Abbas Abd Ali Abdulridha Al-Hameedawi (Detainee 776):

15 May: 18:53-19:02 hours;
 16 May: 08:17-08:23, 12:29-12:50, 16:24-16:30, 19:16-19:23;
 17 May: 08:16-08:20, 12:16-12:17, 15:08-15:09, 19:43-19:48;
 18 May: 05:42-05:47, 08:10-08:11, 09:45-09:48, 12:21-12:31, 15:07-15:10, 19:16-19:20, 20:47-20:49;
 19 May: 04:40-04:43, 08:06-08:09, 09:03-09:43, 09:50-10:00, 12:49-12:51, 17:02-17:07, 19:32-19:36, 22:10-22:13;
 20 May: 01:13-01:17, 07:05-07:15, 08:25-08:29, 10:02-10:06, 12:13-12:17, 14:37-14:45, 17:31-17:35, 17:42-17:46;
 21 May: 07:45-07:50, 08:25-08:32, 10:06-10:11, 12:09-12:14, 17:44-17:49, 19:18-19:21.

Hussein Fadhil Abass Al-Behadili (Detainee 778):

15 May: 17:39-17:42;
 16 May: 20:09-20:11;
 17 May: 07:56-08:01, 15:31-15:36;
 18 May: 07:19-07:27, 10:22-10:23, 16:46-16:50, 20:02-20:02, 22:15-22:20;
 19 May: 05:55-05:59, 14:16-14:20, 16:54-16:58, 20:23-20:30;
 20 May: 07:59-08:06, 11:21-11:24, 13:41-13:44, 21:20-21:21;
 21 May: 13:53-14:10, 22:45-22:55;
 22 May: 06:40-06:46, 08:50-[no return time is recorded].

Atiyah Sayyid Abdulridha Al-Baidhani (Detainee 779):

15 May: 18:14-18:18;
 16 May: 06:22-[no return time recorded], 12:50-13:00, 16:53-16:57, 20:39-20:43;
 17 May: 06:55-07:07, 10:02-10:07, 18:53-19:02;
 18 May: 06:30-06:38, 09:50-09:56, 12:58-13:05, 18:58-19:06;
 19 May: 05:59-06:04, 09:17-09:18, 14:21-14:25, 17:12-17:19;
 20 May: 08:40-08:49, 15:27-15:30;
 21 May: 06:09-06:16, 12:32-12:33, 16:10-16:17, 17:50-17:54, 19:26-19:28.

Hussein Gubari Ali Al-Lami (Detainee 780):

15 May: 18:07-18:10, 19:04-19:06, 20:40-20:45;
16 May: 06:59-07:00, 08:51-08:57, 13:05-13:10, 16:41-16:50, 19:46-19:50;
17 May: 06:41-06:48, 09:52-09:59, 17:27-[no return time recorded], 19:37-19:42;
18 May: 05:32-05:40, 07:55-08:00, 12:14-12:20, 15:19-15:22, 17:42-17:48, 20:49-20:50;
19 May: 04:30-04:33, 08:00-08:05, 15:56-16:00, 17:47-17:52, 20:56-21:05;
20 May: 04:42-04:44, 07:48-07:52, 09:07-09:10, 11:12-11:15, 13:15-13:20, 15:32-15:37, 17:17-17:30, 18:22-18:25, 21:12-21:13;
21 May: 06:46-06:50, 08:00-08:02, 09:31-09:33, 12:04-12:06, 13:45-13:46, 16:58-17:01, 17:41-17:43.

4.250 Hamzah Joudah Faraj Almalje (detainee 772) also stated in his evidence that initially he had difficulty in getting the guards to take him to the lavatory. He said that when he called the guards they wanted him to state his detainee number, but he did not understand. As a result there was a delay. An interpreter subsequently explained to him that he had to say “seven seven two”. When he understood that, he was taken to the lavatory more promptly.⁴⁵⁶⁷

4.251 Fusilier Sevanaia Ratunaceva was on duty as a guard in the JFIT compound when the detainees arrived there. In his evidence to the Inquiry, Fusilier Ratunaceva denied that detainees would only be escorted to the lavatory at times that suited the guards. He said the detainees were allowed to use the lavatory whenever they wanted. The detainees would knock on their cell door to attract the guards’ attention. A guard would then escort the detainee to the lavatory. Fusilier Ratunaceva explained that detainees had to be escorted individually. Therefore, if several detainees wanted to use the lavatory at the same, they may have to wait for their turn.⁴⁵⁶⁸

4.252 Corporal Malcolm Neil told the Inquiry that some detainees were able to speak English well enough to make it clear to the guards what they wanted. Other detainees used gestures to indicate that they wanted to go to the lavatory, although Corporal Neil could not recall the specific gestures they used.⁴⁵⁶⁹

4.253 I am satisfied that the Incident Log accurately records the detainees’ access to the ablutions block. I find that there was no deliberate denial of access to the lavatory. All genuine requests were granted, although Hamzah Almalje may have encountered some initial difficulty in making himself understood. I do not believe that those detainees whose evidence is controverted by the Incident Log were deliberately lying in their evidence. The difference may be one of perception, and in Abbas Al-Hameedawi’s and Atiyah Al-Baidhani’s cases, an element of exaggeration.

Exercise

4.254 The JFIT compound contained an outdoor exercise yard located between the building housing the single cells and five-man cells and the building housing the 10-man cell and

⁴⁵⁶⁷ Hamzah Joudah Faraj Almalje (detainee 772) (PIL000694) [55]; [20/20]

⁴⁵⁶⁸ Fusilier Ratunaceva [150/14/20]; [150/34]

⁴⁵⁶⁹ Corporal Neil (ASI024285) [31]

three interrogation rooms. The JFIT Operational Directive recognised at paragraph 16 that detainees in the JFIT compound were entitled to exercise:

*“In principle internees held within JFIT are to be treated no differently to those in the main DTF population. They are entitled to all the rights accorded to other internees within the DTF (including exercise) [...]”*⁴⁵⁷⁰

4.255 JFIT Operations SOP 18 confirmed that the detainees’ entitlement to exercise in the JFIT compound was limited insofar as the detainees were not entitled to exercise communally:

*“[...] Their restrictions during their [...] in JFIT disallow visits, cigarettes and communal exercise. [...]”*⁴⁵⁷¹

4.256 In his written evidence to the Inquiry, Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) stated that he had no fresh air while he was held in the single cell at the JFIT compound.⁴⁵⁷² In his oral evidence, Abbas Al-Hameedawi repeated that none of the detainees were allowed to go outside except to use the lavatory.⁴⁵⁷³

4.257 The Incident Log⁴⁵⁷⁴ records that during their time in the JFIT compound, Hussein Fadhil Abass Al-Behadili (detainee 778) and Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) were never taken out of their cells specifically for exercise. Hamzah Joudah Faraj Almalje (detainee 772), who was unwell throughout his time in the JFIT compound, was taken out for exercise on only one occasion on 19 May 2004. Mahdi Jasim Abdullah Al-Behadili (detainee 773) was exercised only once on 20 May 2004 for a period of 4 minutes. Kadhim Abbas Lafta Al-Behadili (detainee 775) was exercised only once on 20 May 2004 for a period of 5 minutes. According to the log, Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) was exercised four days in a row from 17 to 20 May 2004, usually for approximately 10 minutes with one longer period of 19 minutes. When Abbas Al-Hameedawi was questioned about the record in the log, he disputed its accuracy and stated he was never taken for exercise.⁴⁵⁷⁵ However, I have no doubt that the log entries accurately record both the number and duration of the four occasions when Abbas Al-Hameedawi was permitted to exercise. In denying that he had ever been allowed to exercise, Abbas Al-Hameedawi deliberately lied in order to lend substance to his allegations of ill-treatment by the British military. Ahmed Jabbar Hammood Al-Furaiji (detainee 777) was only exercised once on 20 May 2004 for a period of five minutes. Hussein Gubari Ali Al-Lami (detainee 780) was exercised on three occasions for short periods of time.

4.258 In his oral evidence to the Inquiry, Lance Corporal James Higgins said that if the detainees “chapped on the cell door” and they wanted access to the open area for exercise, then they would be permitted to exercise. He said there was no rota in place to ensure the detainees were exercised on a regular basis. If the detainees wanted exercise, they would point to outside. Lance Corporal Higgins said no such request was ever refused.⁴⁵⁷⁶

4.259 Fusilier Brien Strathern said in oral evidence that the detainees were entitled to access the exercise yard if they wanted to. However the onus was on the detainees to request access; exercise would not be offered as a matter of routine. Fusilier Strathern said the detainees

⁴⁵⁷⁰ (MOD046800)

⁴⁵⁷¹ (MOD046812)

⁴⁵⁷² Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) (ASI000867) [70]

⁴⁵⁷³ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) [15/33/5]

⁴⁵⁷⁴ (MOD040061)

⁴⁵⁷⁵ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) [15/33/11]

⁴⁵⁷⁶ Lance Corporal Higgins [159/83-84]

knew the exercise yard was there and they knew they could use the exercise yard if they wanted to.⁴⁵⁷⁷

4.260 Corporal Ronald Hughes said in his oral evidence that the detainees in JFIT were given exercise.⁴⁵⁷⁸ He could not recall whether the exercise was given on the detainees' demand, or whether the guards were required to give the detainees exercise.⁴⁵⁷⁹

4.261 Undoubtedly, it is very unsatisfactory that the detainees received little or no exercise during their time in the JFIT compound. However, I am satisfied that the limited amount of exercise they received was not the result of any form of deliberate ill-treatment. Rather, it was the result of inadequate facilities at the JFIT compound. The operation of the JFIT compound was focused on preventing communication between the detainees and ensuring detainees were readily available for interrogation. It may be that the situation was exacerbated by the realisation among those who operated the JFIT compound that the detainees would only remain there for a relatively short period before being moved to the main DTDF compound, where they would receive ample exercise.⁴⁵⁸⁰

Medical Care

Hamzah Joudah Faraj Almalje (detainee 772)

4.262 As I indicated earlier in my report, the initial medical examination of Hamzah Almalje on 15 May 2004 did not identify a large laceration to his head, which had been noted by Corporal Shaun Carroll the previous day at Camp Abu Naji.⁴⁵⁸¹ In his oral evidence, Major Winfield agreed that a patient with such an injury should be observed for possible concussion symptoms.⁴⁵⁸²

4.263 Hamzah Almalje's medical records indicate that on 16 May 2004, he complained of stomach pain, however he was lying back with his feet up smiling. The detainee reported that he had the pain for three days prior to his arrest. He said he had not eaten since being detained and would not tell the interpreter about his symptoms. He was advised about eating and drinking and was to be reviewed in one day if not better.⁴⁵⁸³

4.264 Later that same day, Hamzah Almalje complained of vomiting and stomach pain. The notes records that the JFIT interpreter had seen him vomit blood. On examination he did not look particularly unwell. His temperature was 36.9, blood pressure 134/74, pulse 74 and oxygen saturation 100 percent. There was a very small amount of blood mixed with saliva on the walkway. Various puddles of bile were seen. The patient was referred to the Regimental Medical Officer, Major David Winfield.⁴⁵⁸⁴

⁴⁵⁷⁷ Fusilier Strathern [158/111/11]; [158/141/12]

⁴⁵⁷⁸ Corporal Hughes [140/10/1]; [140/33/11]

⁴⁵⁷⁹ Corporal Hughes [140/55/3]

⁴⁵⁸⁰ In its letter to the Inquiry dated 20 November 2014, the Ministry of Defence made it clear that the latest version of Joint Doctrine Publication 1-10 *Captured Persons (CPERS)* was published on October 2011. This Doctrine would prevent similar incidents happening now. The Ministry of Defence went on to point out that the assurance regime has also been greatly enhanced. The detention facilities in theatre are now run by a professional cadre of personnel (principally drawn from the Military Provost Staff, and reinforced by the Royal Military Police). These have been scrutinised both by internal inspections by the Provost Marshal (every six months) and the Army Inspector (in July 2010 and October 2012) and by external inspections by the International Committee of the Red Cross. I have no reason to doubt the accuracy and reliability of that assertion.

⁴⁵⁸¹ (MOD043360); Major Winfield (ASI019073) [97]

⁴⁵⁸² Major Winfield [144/98/5]

⁴⁵⁸³ (MOD043360); Major Winfield [144/98-99]

⁴⁵⁸⁴ (MOD043360); Major Winfield [144/99]

- 4.265** On 18 May 2004, the medical records indicate that Hamzah Almalje complained again of vomiting and stomach pains. The medics were called because the detainee was being sick in his cell. The patient had been vomiting all day and had not eaten. Major Winfield advised the detainee should be given Stemetil injections, an anti-nausea medication.⁴⁵⁸⁵
- 4.266** The medical notes record that later on 18 May 2004, Hamzah Almalje complained again of stomach pain and vomiting. He asked to see the medic. The detainee had vomited and urinated over himself in the cell. He had not been to the lavatory for at least 24 hours. He was refusing to eat as it made him ill. He was taken to the Medical Centre to see Major Winfield. The notes indicate the detainee looked ill and reported pain in the abdomen in the umbilical area. Measurements were taken. An 18 gauge cannula was inserted into his left antecubital fossa. Hartmann's solution was up and running through. Major Winfield instructed reassurance, 15 minute observations, to keep the detainee for 30 minutes and then return him to the cell with advice on eating and drinking.⁴⁵⁸⁶
- 4.267** A retrospective entry in the medical notes for 18 May 2004 indicates there was a conflicting story insofar as the guard said Hamzah Almalje had vomited once and was not eating and the detainee's bowels had not opened since yesterday. Whereas the detainee reported that he was vomiting profusely and had not eaten for six days because it made him feel ill. He denied any diarrhoea. He was normally fit and well, tolerating water, no previous medical problems. On examination he was slightly dehydrated. His blood pressure, pulse, oxygen saturation and blood sugar were measured. Major Winfield listened to the detainee's chest and stomach. The detainee's abdomen was soft, no obvious tenderness, no masses, bowel sounds were present. The treatment plan was intravenous fluids and monitor progress. The detainee felt improved and was discharged back to JFIT.⁴⁵⁸⁷
- 4.268** The medical records for 21 May 2004, indicate Hamzah Almalje was complaining of a sore head, stomach and back. Medics were called to JFIT. Initially the detainee said he was passing blood in his stools, and then he changed his mind and said there was no per rectum bleeding. He had pain in his stomach, still not eating, not drinking much water. He was advised that he could not receive medication on an empty stomach. He was also advised on fluid intake.⁴⁵⁸⁸
- 4.269** In his first statement to the Inquiry, Hamzah Almalje said he had the impression that at first his complaints were not considered to be real and only after a period of time were they treated seriously. He denied that he was smiling when visited, unless it was because he was pleased to see a medical professional, or that he refused to tell the interpreter his symptoms.⁴⁵⁸⁹
- 4.270** In his oral evidence, Major Winfield said a young, otherwise healthy young man with no apparent significant past medical history who suffered from a week or so of intermittent vomiting and headache would be lucky to receive on the National Health Service ("NHS") the same level of treatment that Hamzah Almalje received at the DTDF.⁴⁵⁹⁰
- 4.271** Dr Jason Payne-James, a forensic physician, was asked to comment on the assertion that Hamzah Almalje would have been fortunate to receive the same level of treatment on the NHS. He said:

⁴⁵⁸⁵ (MOD043361); Major Winfield [144/99-100]

⁴⁵⁸⁶ (MOD043361); Major Winfield [144/100-101]

⁴⁵⁸⁷ (MOD043362)

⁴⁵⁸⁸ (MOD043362)

⁴⁵⁸⁹ Hamzah Joudah Faraj Almalje (detainee 772) (PIL000697)

⁴⁵⁹⁰ Major Winfield [144/166/3]

*"I believe that an undiagnosed 8 day episode of intermittent headache and vomiting would generally precipitate referral to hospital for assessment and possible admission, and additional tests in order to make a diagnosis, even in the presence of normal blood pressure, pulse, temperature and oxygen saturation. I would be very surprised if anyone administered intravenous fluids to such a patient in a primary care setting."*⁴⁵⁹¹

4.272 Counsel for the Iraqi Core Participants in their Closing Submissions (see for example paragraphs 2482-2614) made a sustained and detailed attack on Major Winfield. I am limited by my Terms of Reference which is to "investigate and report on the allegations.....of ill-treatment" at the DTDF. Although I have indicated in Chapter 2 of Part 4 of this Report,⁴⁵⁹² that I found Major Winfield's approach to the medical examinations that he carried out during Processing to have been less than satisfactory, I accept, as argued by Counsel for the Treasury Solicitor, (at paragraph 850 of their Written Closing Submissions) 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.⁴⁵⁹³ Accordingly, I make no findings in response to the submissions made by the Iraqi Core Participants regarding whether Major Winfield's care fell below an appropriate standard.

Detainee Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774)

4.273 Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) spent one night in the JFIT compound before he was transferred to the Field Hospital.

4.274 Ibrahim Al-Ismaeeli said his leg began to turn blue whilst he was in the JFIT cell. He said he may have been offered a small cup of medicine but he refused to drink it. He said he could not speak because he was in so much pain and he remained in his cell until Sunday or Monday when some people from the Red Cross came. He said he was then taken into hospital.⁴⁵⁹⁴ Kadhim Abbas Lafta Al-Behadili (detainee 775) said that Ibrahim Al-Ismaeeli was moaning and screaming in pain and his leg was bleeding. He said soldiers came into the cell to give the detainees a meal. They saw that Ibrahim Al-Ismaeeli was in pain but they did nothing.⁴⁵⁹⁵

4.275 In his Judicial Review statement, Ahmed Jabbar Hammood Al-Furaiji (detainee 777) said that he asked Ibrahim Al-Ismaeeli what had happened to him. Ibrahim Al-Ismaeeli told him he had been shot by a British soldier and he had been refused medical treatment so far. Ahmed Al-Furaiji said he asked for a doctor, although he could not speak English. The guard refused, shouting that they would have to wait. Later that day another soldier came to the cell and said they would bring the doctor the next morning.⁴⁵⁹⁶

4.276 Lance Corporal James Higgins was on guard duty in the JFIT compound on the night of 15 May 2004, beginning at 20:25 hours.⁴⁵⁹⁷ He said he did not recall being told about a

⁴⁵⁹¹ Dr Payne-James (ASI025432) [1110]

⁴⁵⁹² See paragraph 4.150

⁴⁵⁹³ Bolam v. Friern Hospital Management Committee [1957] 1 WLR 582: The House of Lords formulated the appropriate test in the following words "a medical professional is not guilty of negligence if he has acted in accordance with a practice accepted as proper by a responsible body of medical men skilled in that particular art ... Putting it the other way round, a man is not negligent if he is acting in accordance with such a practice, merely because there is a body of opinion who would take a contrary view."

⁴⁵⁹⁴ Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) (ASI001074) [65]

⁴⁵⁹⁵ Kadhim Abbas Lafta Al-Behadili (detainee 775) (PIL000738) [78]

⁴⁵⁹⁶ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (MOD006536-37) [28-29]

⁴⁵⁹⁷ (MOD040074)

detainee with possible gunshot wounds to his leg.⁴⁵⁹⁸ Neither did he recall there being lots of calls for attention to the multi-occupancy cell, nor did he ignore such calls.⁴⁵⁹⁹

4.277 Fusilier Brien Strathern was also on guard duty in the JFIT compound on the night of 15 May 2004.⁴⁶⁰⁰ He told the Inquiry that he did not recall seeing a detainee with abrasions, gunshot wounds, or shrapnel wounds to his right leg and foot. Neither did he recall the detainees in the multiple occupancy cell requesting a medic, nor did he recall them making a lot of noise to try and get his attention that night. He denied that he had ignored detainees who were trying to request a medic.⁴⁶⁰¹

4.278 Fusilier Raymond Hutchinson came on guard duty at JFIT on the morning of 16 May 2004.⁴⁶⁰² Fusilier Hutchinson told the Inquiry that he did not recall seeing a detainee with a gunshot or shrapnel wound to his leg.⁴⁶⁰³

4.279 As set out below, the Incident Log and medical records indicate that Ibrahim Gattan Hasan Al-Ismaeeli left the JFIT compound at 09:55 hours on 16 May 2004 and was admitted into the Field Hospital at 10:50 hours. The Incident Log records that the International Committee of the Red Cross visited the JFIT compound at 16:28 hours on 17 May 2004, eighteen hours after Ibrahim Al-Ismaeeli was transferred to the Field Hospital. I therefore have no doubt that Ibrahim Al-Ismaeeli deliberately lied in alleging that he had stayed in his cell until some people from the Red Cross had come. He did so in order to lend substance to his claim to have been ill-treated by the British Military.

4.280 The Incident Log sets out the following chronology in respect of Ibrahim Al-Ismaeeli:

- a. At 16:02 hours on 15 May 2004, Ibrahim Al-Ismaeeli arrived in the JFIT compound.⁴⁶⁰⁴
- b. At 17:31 hours, the detainees were given a meal.⁴⁶⁰⁵
- c. At 17:49 hours, Ibrahim Al-Ismaeeli was taken to the lavatory.⁴⁶⁰⁶
- d. At 20:02 hours, Major Richmond toured the JFIT compound with a group of Dutch visitors. In his evidence, Major Richmond said he would almost certainly have looked in on the detainee cells during his tour. If he had seen Ibrahim Al-Ismaeeli was in pain, he would have ensured he was attended to.⁴⁶⁰⁷
- e. At 07:25 hours on 16 May 2004, the detainees were given a meal.⁴⁶⁰⁸
- f. At 08:18 hours, all detainees were given water.⁴⁶⁰⁹
- g. Between 09:04 and 09:20 hours, photographs were taken of the detainees' injuries.⁴⁶¹⁰
- h. At 09:55 hours, Ibrahim Al-Ismaeeli was sent for an x-ray.⁴⁶¹¹

⁴⁵⁹⁸ Lance Corporal Higgins [159/126/20]

⁴⁵⁹⁹ Lance Corporal Higgins [159/127/1-25]

⁴⁶⁰⁰ (MOD040074)

⁴⁶⁰¹ Fusilier Strathern [158/97-99]

⁴⁶⁰² (MOD040076); Fusilier Hutchinson [159/43-44]

⁴⁶⁰³ Fusilier Hutchinson [159/48/2]

⁴⁶⁰⁴ (MOD040072)

⁴⁶⁰⁵ (MOD040072)

⁴⁶⁰⁶ (MOD040073)

⁴⁶⁰⁷ Major Richmond [155/150-151]

⁴⁶⁰⁸ (MOD040076)

⁴⁶⁰⁹ (MOD040076)

⁴⁶¹⁰ (MOD040077)

⁴⁶¹¹ (MOD040077)

- i. Regular checks were made on the detainees throughout the period set out above.⁴⁶¹²

- 4.281** Sergeant Raymond Mepsted gave evidence that when he came on duty on the morning of 16 May 2004 and delivered a meal to the detainees, he noticed the injury to Ibrahim Al-Ismaeeli's foot. The injury was no longer bleeding, but it was swollen. Sergeant Mepsted took photographs of the injury. He recalled that he later saw those photographs on the detainee's AP3 Ryan electronic record, however the Ministry of Defence have informed the Inquiry that they are currently unable to locate those photographs. Sergeant Mepsted informed M010 about the injury and arranged for Ibrahim Al-Ismaeeli to be admitted to the Field Hospital.⁴⁶¹³
- 4.282** The Field Hospital Casualty Card indicates that Ibrahim Al-Ismaeeli arrived at the Field Hospital at 10:50 hours on 16 May 2004.⁴⁶¹⁴ He was seen by Dr Wright at 11:00 hours.⁴⁶¹⁵ At 11:40 hours, Ibrahim Al-Ismaeeli was referred for a surgical opinion.⁴⁶¹⁶ He was examined by Captain Eardley who recommended that his knee should be x-rayed.⁴⁶¹⁷
- 4.283** Wing Commander Gora Pathak, a consultant orthopaedic surgeon, examined Ibrahim Al-Ismaeeli at the Field Hospital some time after 13:40 hours, by which time the wound had been cleaned and Ibrahim Al-Ismaeeli had been started on intravenous antibiotics. Wing Commander Pathak diagnosed shrapnel wounds to Ibrahim Al-Ismaeeli's 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. That meant Ibrahim Al-Ismaeeli could wait 24 hours or more before receiving surgical treatment.⁴⁶¹⁸
- 4.284** As I have set out earlier (in Chapter 2 of Part 4), the medical examination Major David Winfield conducted during initial processing did not indicate that Ibrahim Al-Ismaeeli required urgent medical attention.⁴⁶¹⁹ The significant nature of Ibrahim Al-Ismaeeli's injury was first noticed early on 16 May 2004 in the JFIT compound and appropriate action was then taken reasonably promptly, as set out above. When Ibrahim Al-Ismaeeli arrived at the Field Hospital, he received prompt and efficient treatment.

Photographs of Detainees' Injuries

- 4.285** The Incident Log contains the following entry at 09:04 hours on 16 May 2004: "MPS arrive to take photos of injuries of Internees 772, 773, 774, 775, 776, 777, 778, 779, 780". At 09:20 hours, the log records that the "MPS depart".⁴⁶²⁰
- 4.286** This record is consistent with an email that Major David Richmond sent to Lieutenant Colonel David Wakefield and others the previous afternoon, on 15 May 2004 at 16:23 hours. In the email, Major Richmond wrote:

"1. We are currently in-processing 9 new arrivals following the fire fight at Al Amarah yesterday. They have the appearance of men who have had a serious fight, all appear shocked (and, no doubt, wishing they hadn't fired the first shot!) and some have

⁴⁶¹² (MOD040072-77)

⁴⁶¹³ Sergeant Mepsted (ASI011832-34) [93-97]

⁴⁶¹⁴ (MOD032932); Wing Commander Gora Pathak [166/162/22]

⁴⁶¹⁵ (MOD032933)

⁴⁶¹⁶ (MOD032934)

⁴⁶¹⁷ (MOD032856)

⁴⁶¹⁸ (MOD032857); Wing Commander Gora Pathak [166/206/9]

⁴⁶¹⁹ (MOD043507); Major Winfield (ASI019077) [111]

⁴⁶²⁰ (MOD040077)

miscellaneous wounds. I have asked the RMO and MPS WO to ensure that all their wounds, bruises and marks are meticulously documented and that front and rear view photos are taken of each of them to ensure that we have a clear record of their condition on arrival.

2. I hasten to add that none of the injuries appear to be inconsistent with the circumstances surrounding their arrest. My concern is that the bruises will still be visible when these men later move into the main compound, where there is potential for rumour and false/malicious allegation to abound, especially with some of our regular DTDF agitators continuing to look for opportunities to exploit the current international outcry about abuses of internees.”⁴⁶²¹

4.287 WO2 David Parrott recalled having a conversation with Major David Richmond about taking photographs to record the detainees’ injuries upon arrival at the DTDF.⁴⁶²² WO2 Parrott said the reference in the Incident Log to “MPS” was likely to refer to his unit, the Military Provost Staff.⁴⁶²³ WO2 Parrott said the camera in the processing area would not have been used because it was attached to a computer.⁴⁶²⁴ He recalled that they sourced another camera from their stores.⁴⁶²⁵ When he was asked about the email from Major Richmond and the record in the Incident Log, WO2 Parrott said he had no doubt photographs were taken of the detainees’ injuries.⁴⁶²⁶

4.288 I am satisfied that on the morning of 16 May 2004, photographs were taken in the JFIT compound to record the detainees’ injuries. The photographs were taken as a precaution in case the British Forces were required to refute an allegation that the detainees sustained those injuries whilst interned at the DTDF. The Inquiry has been unable to locate those photographs.

Allegations of Sleep Deprivation

4.289 In their evidence six detainees said they were deliberately deprived of sleep while they were held in the JFIT compound. The sleep deprivation was allegedly orchestrated by two means, as detailed below: First, Mahdi Jasim Abdullah Al-Behadili (detainee 773), Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776), Ahmed Jabbar Hammood Al-Furaiji (detainee 777), Hussein Fadhil Abass Al-Behadili (detainee 778), Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) and Hussein Gubari Ali Al-Lami (detainee 780) said they were kept awake by the guards banging on their cell doors throughout the night; Second, detainees Abbas Al-Hameedawi and Atiyah Al-Baidhani further complained that the guards played loud music at night time.

4.290 Mahdi Al-Behadili said the guards would deliberately keep the detainees awake by making a lot of noise and by taking it in turns to kick the cell doors with their heavy boots. The soldiers would look through the hatch in the cell door and if they thought the detainees were sleeping they would try to wake the detainees by shouting and banging on the cell doors. This happened every hour or every half an hour throughout the night for about one week.⁴⁶²⁷

⁴⁶²¹ (MOD045020)

⁴⁶²² WO2 Parrott [141/82/25]

⁴⁶²³ WO2 Parrott [141/87/22]

⁴⁶²⁴ WO2 Parrott [141/83/20]

⁴⁶²⁵ WO2 Parrott [141/85/1]

⁴⁶²⁶ WO2 Parrott [141/88/9]

⁴⁶²⁷ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (MOD006496) [31]; (PIL000792) [58]; (ASI001123) [84]; [8/28/2]

- 4.291** Abbas Al-Hameedawi said some of the guards would annoy the detainees by thumping on the cells doors and shouting at night. It would happen once a night. Abbas Al-Hameedawi thought it was done deliberately to prevent the detainees from sleeping.⁴⁶²⁸ He also said the guards would play loud music at night, which he thought was part of the psychological torture he said the detainees were subjected to.⁴⁶²⁹
- 4.292** Ahmed Al-Furaiji said the guards would look to see when the detainees were sleeping and then they would bang on the cell doors to wake up the detainees. He estimated that he did not sleep for more than one hour at a time while he was held in the JFIT compound.⁴⁶³⁰
- 4.293** Hussein Al-Behadili said that throughout the night the guards would bash on the cell doors and ask the detainees to shout out their prisoner numbers. He said the guards would also enter the cells with the excuse of checking the numbers of the detainees. The detainees did not understand what the soldiers were saying. The soldiers would shout and get angry. Hussein Al-Behadili said he was exhausted but he was not allowed to sleep. Sometimes he became hysterical.⁴⁶³¹
- 4.294** Atiyah Al-Baidhani said the guards would shout and bang on the cell doors constantly.⁴⁶³² He also said the guards played very loud disco music during the night. He said the music was also played during the day, but at night it would really be turned up.⁴⁶³³
- 4.295** Hussein Al-Lami said that the guards continually deprived him of sleep while he was held in the JFIT compound. Every time the detainees tried to sleep, a guard would bang on their cell doors and tell them to stand up and shout out their prisoner numbers.⁴⁶³⁴
- 4.296** Kadhim Al-Behadili gave evidence that was, on its face, inconsistent with the allegations set out above. Kadhim Al-Behadili was in a shared cell with Mahdi Al-Behadili, Ibrahim Al-Ismaeeli (for one night), Ahmed Al-Furaiji and Hussein Al-Behadili. He said that after the guards served the detainees a meal on 15 May 2004, the detainees fell asleep. He did not remember any attempt by the guards to prevent the detainees sleeping, aside from the fact that they would knock on the cell doors when they served meals to the detainees.⁴⁶³⁵ He later said the detainees spent a lot of time sleeping. He was asked whether the detainees spoke to each other in the JFIT cells. He said, *"I was sleeping. We were sleeping all the time. How would I be talking? We spent all the time sleeping."*⁴⁶³⁶
- 4.297** Hamzah Almalje also gave an account in his written Inquiry statement which was inconsistent with the allegations set out above. He said the JFIT compound seemed to be a quiet place and he heard little noise.⁴⁶³⁷

⁴⁶²⁸ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) (ASI000867) [70]; (PIL000451) [18]

⁴⁶²⁹ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) [14/85-86]; [15/34-35]

⁴⁶³⁰ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (MOD006538) [35]; (PIL000324) [95]

⁴⁶³¹ Hussein Fadhil Abass Al-Behadili (detainee 778) (MOD006563) [43]; (PIL000371) [43] [60]; [19/55/21]

⁴⁶³² Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (ASI000956-57) [60]; (PIL000171) [50] & [53]

⁴⁶³³ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (MOD006682) [44]; (ASI000956) [60]

⁴⁶³⁴ Hussein Gubari Ali Al-Lami (detainee 780) (ASI004820) [102]; (ASI004824) [118]; [12/28/11]

⁴⁶³⁵ Kadhim Abbas Lafta Al-Behadili (detainee 775) [13/31-32]

⁴⁶³⁶ Mahdi Jasim Abdullah Al-Behadili (detainee 773) [13/53/13]

⁴⁶³⁷ Hamzah Joudah Faraj Almalje (detainee 772) (PIL000693) [53]

Detainee checks at night time

- 4.298** The Incident Log indicates that checks were made on detainees at frequent intervals, sometimes every 15 or 30 minutes, throughout the night.⁴⁶³⁸ The checks were recorded with the words “block in order”. I am satisfied that the record in the Incident Log accurately reflects the frequency of the checks.
- 4.299** As one would expect given the time that has passed since these incidents took place, there was some variation in the guards’ recollections as to the detail of the night time checks. However, they were consistent in their recollections that there was no policy to deliberately disturb the detainees’ sleep. In his evidence to the Inquiry, Fusilier Francis Thom said the detainees were permitted to sleep whenever they wanted, except when they were either needed for interrogation or when meals were served.⁴⁶³⁹
- 4.300** Fusilier Sevanaia Ratunaceva recalled that during the night, the guards would patrol the corridor and open the hatches to check on the detainees. Fusilier Ratunaceva’s recollection was that guards would switch on the cell light briefly so they could see the detainee. He said there was no policy to deliberately disturb the detainees’ sleep.⁴⁶⁴⁰
- 4.301** Lance Corporal Thomas Campbell recalled that when he conducted night time checks, he would look through the cell door hatches to check that each detainee was present in his cell and that he was breathing. Lance Corporal Campbell recalled that it was light enough to observe the detainee through the hatch. If it was not obvious that a particular detainee was breathing by the rise and fall of his chest, he would enter the cell to check more closely. Lance Corporal Campbell said that the sound of opening the cell door would usually wake up the detainees and he would leave the cell once satisfied that the detainee was breathing. He said he did not wake the detainees deliberately.⁴⁶⁴¹
- 4.302** Fusilier Joseph Grimley said that he would enter the detainees’ cells with an electric torch at night time. During the day, he would ask the detainees to stand and recite their prison number when conducting checks, but he did not do that at night time.⁴⁶⁴²
- 4.303** Fusilier Brien Strathern’s recollection of the night time checks was unclear. He said he would occasionally enter the detainees’ cells at night, but not every time he conducted a check. He said he may have kicked the door before he entered the cell.⁴⁶⁴³
- 4.304** Corporal Malcolm Neil, explained that the detainees in JFIT could sleep whenever they wanted to. He said it was possible that the regular 15 minute checks may have disturbed their sleep, as the door and peep-hole cover were made of metal. However, the checks were carried out as quietly as possible, and Corporal Neil could not recall the detainees being woken up when he made a regular check.⁴⁶⁴⁴
- 4.305** I am satisfied that there was no policy to knock on the cell doors with the intention of keeping prisoners awake. I cannot rule out the possibility that, occasionally, a soldier may have knocked on or kicked at the cell door at night in order to attract a prisoner’s attention and that the prisoner in question was woken and/or disturbed as a result. If that happened, I am satisfied

⁴⁶³⁸ (MOD040061)

⁴⁶³⁹ Fusilier Thom [151/19/3]

⁴⁶⁴⁰ Fusilier Ratunaceva (ASI020902) [37]

⁴⁶⁴¹ Lance Corporal Thomas (ASI020520) [49-50]

⁴⁶⁴² Fusilier Grimley (ASI015239) [52-53]

⁴⁶⁴³ Fusilier Strathern [158/102-103]

⁴⁶⁴⁴ Corporal Neil (ASI024286) [35]

that it was part of the process of checking the welfare of the detainees and the security of the compound. However, despite the perception of some of the detainees to the contrary effect, I am satisfied that there was no deliberate attempt to deprive any of them of sleep.

Music

- 4.306** The Inquiry heard evidence that some guards would listen to a radio whilst on duty. Others would watch DVDs.
- 4.307** One of the JFIT interpreters, M030, recalled that some guards would listen to music. She recalled that a detainee complained to her about being disturbed by the music. She said that when she acted as duty officer, she would check on the detainees at night time. On several occasions, she had to tell the guards to turn their music down. She would have reported this up the chain of command.⁴⁶⁴⁵
- 4.308** M018 was Second-in-Command at the JFIT while the detainees were held there. He recalled hearing about a complaint from detainees about the guards playing music or chatting loudly at night.⁴⁶⁴⁶ M003, the Officer Commanding, also recalled the complaint about guards playing music too loudly.⁴⁶⁴⁷
- 4.309** One of the JFIT guards, Fusilier Mark Galbraith, said they were not permitted to take personal possessions into the JFIT. The only exception was that they were permitted a radio or DVD player on night duty. Fusilier Galbraith did not have a radio or DVD player himself.⁴⁶⁴⁸
- 4.310** Lance Corporal James Higgins said he had a DVD player that he would occasionally use while on night duty, but it would not have been very loud.⁴⁶⁴⁹
- 4.311** Other than detainees Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) and Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779), no other detainee has mentioned hearing music at night time whilst they were detained in the JFIT compound.
- 4.312** It is possible that detainees Abbas Al-Hameedawi and Atiyah Al-Baidhani were disturbed by music from the guards' radio at night time. The evidence indicates that some guards may have played music to entertain themselves whilst working through the night. However, I am satisfied that the guards did not play the music to deliberately disturb the detainees sleep. If detainees Abbas Al-Hameedawi and Atiyah Al-Baidhani were disturbed as a result of the music, it was because the guards had acted thoughtlessly and inconsiderately. However, it was entirely unintentional.

3. Interrogations

- 4.313** As I explain below, the British Armed Forces makes a distinction between an "interrogation" and a "debrief". However, for convenience in this section of my Report, I use the term "interview" from time to time to refer collectively to the formal questioning that was undertaken in respect of these detainees by the JFIT irrespective of whether the questioning was conducted as an interrogation or as a debrief.

⁴⁶⁴⁵ M030 (ASI023672) [67]; [167/75/5]

⁴⁶⁴⁶ M018 [168/52/2]

⁴⁶⁴⁷ M003 (ASI024606) [49]

⁴⁶⁴⁸ Fusilier Galbraith (ASI015371) [12]

⁴⁶⁴⁹ Lance Corporal Higgins (ASI014424) [27]; [148/34/22]

- 4.314** M002, a qualified interrogator, explained that the purpose of a JFIT interrogation is to help build an accurate intelligence picture:

“The specific aim of an interrogation was to determine whether it was likely that a detainee represented a threat, or had knowledge of a threat to coalition forces or indeed had just committed a crime which may affect Coalition Forces.”⁴⁶⁵⁰

- 4.315** Indeed, that explanation echoes the purpose set out in the JFIT Standard Operating Procedures issued on 31 May 2004:

Interrogator SOP 1:

“1. Introduction. The Operational Mission of the Interrogator within the JFIT is to facilitate the production of intelligence for the GOC⁴⁶⁵¹ within the AOR⁴⁶⁵². The Interrogator interfaces with an unwilling subject, extracting information and responding to RFIs⁴⁶⁵³, which are processed into intelligence, fundamentally contributing to the decision making process of the GOC. The extraction of information by the Interrogator will directly enhance the effectiveness of the J2 effort, assisting with the dissemination of intelligence received by all Units within the AOR. The information which the Interrogator extracts will contribute to the production of further Ops within the AOR and supports the Intelligence Cycle.”

- 4.316** M006, a qualified debriefer, explained his understanding of a “debrief”:

“Debriefing is the interviewing of willing and cooperative detainees in an attempt to corroborate any information already obtained through tactical questioning and to gather as much further information as possible about them and the circumstances of their capture. By ‘willing and cooperative’ I do not necessarily mean detainees who were innocent of all wrongdoing and who gave truthful accounts, but detainees who were willing to talk to us.”⁴⁶⁵⁴

- 4.317** Each of the nine detainees except Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) was interviewed in the JFIT compound. I set out at below a chronology of the interviews. Ibrahim Al-Ismaeeli was not interviewed by the JFIT as he was transferred to the Field Hospital before the interviews began on 16 May 2004.

16 May 2004:

Detainee	Time	Interviewer	Interpreter
772	10:00-10:20 ⁴⁶⁵⁵	M005	M030
779	10:35-11:50 ⁴⁶⁵⁶	M005	M030
776	11:30-12:30 ⁴⁶⁵⁷	M002	M029
772	15:15-16:35 ⁴⁶⁵⁸	M005	M030

⁴⁶⁵⁰ M005 (ASI023373) [15]

⁴⁶⁵¹ General Officer Commanding

⁴⁶⁵² Area of Responsibility

⁴⁶⁵³ Requests for Information

⁴⁶⁵⁴ M006 (ASI018761-62) [4-5]

⁴⁶⁵⁵ (MOD040902)

⁴⁶⁵⁶ (MOD040940)

⁴⁶⁵⁷ (MOD040920)

⁴⁶⁵⁸ (MOD040902)

775	17:25-18:55 ⁴⁶⁵⁹	M002	M030
	20:30-21:55 ⁴⁶⁶⁰	M002	M012

17 May 2004:

Detainee	Time	Interviewer	Interpreter
778	09:00-10:30 ⁴⁶⁶¹	M006	M029
773	11:00-12:15 ⁴⁶⁶²	M002	M029

19 May 2004:

Detainee	Time	Interviewer	Interpreter
777	10:55-11:50 ⁴⁶⁶³	M006	M012
780	13:45-14:50 ⁴⁶⁶⁴	M006	M012

21 May 2004:

Detainee	Time	Interviewer	Interpreter
778	10:30-11:55 ⁴⁶⁶⁵	M007	M012
775	11:20-12:00 ⁴⁶⁶⁶	M002	M030
778	12:25-13:30 ⁴⁶⁶⁷	M007	M012
775	15:50-16:20 ⁴⁶⁶⁸	M002	M012
772	16:50-18:20 ⁴⁶⁶⁹	M005	M030

4.318 At the conclusion of each interview, the interviewer would prepare an interrogation report, which would record the details of the interview. The interpreter would also review the report. Any notes taken during the interview would be destroyed securely after the report had been prepared.⁴⁶⁷⁰

Training

4.319 In May 2004, the JFIT had to cope with a number of impediments to their effective operation. One was the limited training that some members of the JFIT had received. In his evidence, M003 said he had raised concerns about training with the higher command at the beginning of his tour. He later received a visit from a team headed by a Colonel. M003 said that at the conclusion of the visit, he was left with the distinct impression that his concerns had been addressed and he should do his best with the resources available to him.⁴⁶⁷¹

4.320 Another impediment was the limited ability of the JFIT interpreters to understand and interpret the Arabic language, particularly in the local Iraqi dialect. One of the interpreters,

⁴⁶⁵⁹ (MOD046224)

⁴⁶⁶⁰ (MOD046224)

⁴⁶⁶¹ (MOD046232)

⁴⁶⁶² (MOD002604)

⁴⁶⁶³ (MOD040925)

⁴⁶⁶⁴ (MOD040946)

⁴⁶⁶⁵ (MOD040931)

⁴⁶⁶⁶ (MOD040917)

⁴⁶⁶⁷ (MOD020931)

⁴⁶⁶⁸ (MOD040917)

⁴⁶⁶⁹ (MOD040909)

⁴⁶⁷⁰ M003 (ASI024614-15) [76]

⁴⁶⁷¹ M003 (ASI024599) [23]

M029, explained that the interpreters had to make frequent use of a bilingual dictionary during interviews.⁴⁶⁷² Some detainees also commented in their evidence that they found it difficult to communicate with the JFIT interpreters.⁴⁶⁷³

4.321 By May 2004, members of the JFIT had received varying levels of interrogation training. Only three members of the JFIT were qualified interrogators, namely M018 (Second-in-Command at the JFIT),⁴⁶⁷⁴ M005⁴⁶⁷⁵ and M002.⁴⁶⁷⁶ Two other members of the team, M006⁴⁶⁷⁷ and M007,⁴⁶⁷⁸ were also required to question detainees, although they were only qualified to debrief rather than to interrogate. The Officer Commanding the JFIT, M003, had received training in tactical questioning and debriefing, but not in interrogation.⁴⁶⁷⁹

4.322 M006, a qualified debriefer, explained the difference between tactical questioning, interrogation and debriefing:

“Tactical questioning is a term used to describe obtaining basic information from detainees very shortly after their initial detention. [...] Interrogation is the questioning of unwilling and uncooperative detainees in order to obtain intelligence. [...] Debriefing is the interviewing of willing and cooperative detainees in an attempt to corroborate any information already obtained through tactical questioning and to gather as much further information as possible about them and the circumstances of their capture. By ‘willing and cooperative’ I do not necessarily mean detainees who were innocent of all wrongdoing and who gave truthful accounts, but detainees who were willing to talk to us.”⁴⁶⁸⁰

4.323 Although M006 and M007 were only qualified to debrief willing and cooperative detainees, the JFIT Standard Operating Procedures (“SOPs”) indicate that all detainees were assumed to be “unwilling subjects”.⁴⁶⁸¹

4.324 In his evidence to the Inquiry, M006 said that by May 2004 he had been conducting regular interviews with detainees for nearly six months, so he was quite experienced and fairly comfortable with the task.⁴⁶⁸²

4.325 M007, also a qualified debriefer, said that strictly speaking the interviews that she conducted were “debriefs” rather than “interrogations” as she only applied the techniques on which she had been trained.⁴⁶⁸³

4.326 By reference to the Terms of Reference and the List of Issues circulated in respect of the Terms of Reference, it is irrelevant whether or not the interviews with the detainees were carried out by those who were trained to debrief or those who were trained to interrogate. The salient issue is whether or not there was ill-treatment.

⁴⁶⁷² M029 [156/187-189]

⁴⁶⁷³ Hamzah Joudah Faraj Almalje (detainee 772) (PIL000694-95) [60]; Hussein Gubari Ali Al-Lami (detainee 780) [12/74/21]; Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) [15/56/20]; Hussein Fadhil Abass Al-Behadili (detainee 778) [18/37-38] [19/55/8]

⁴⁶⁷⁴ M018 (ASI024941) [9]

⁴⁶⁷⁵ M005 (ASI021212) [10]

⁴⁶⁷⁶ M002 (ASI023370) [6]

⁴⁶⁷⁷ M006 (ASI018761) [3]

⁴⁶⁷⁸ M007 (ASI019329) [5]

⁴⁶⁷⁹ M003 (ASI024595) [7]

⁴⁶⁸⁰ M006 (ASI018761) [4-5]

⁴⁶⁸¹ (MOD046813) [19]

⁴⁶⁸² M006 (ASI018762) [8]

⁴⁶⁸³ M007 (ASI019331) [14]

Interrogation policy and procedure

4.327 On 31 May 2004, shortly after the nine detainees were transferred to the main DTDF compound, M003 issued a number of Standard Operating Procedures (“SOPs”) for the JFIT. They were annexed to the Operational Directive.⁴⁶⁸⁴ Annex B was titled “JFIT SOPs – OPERATIONS”.⁴⁶⁸⁵ Annex C was titled “JFIT SOPs – INTERROGATOR”.⁴⁶⁸⁶ Both annexes contain a number of SOPs that are pertinent to the JFIT interrogations with which this Inquiry is concerned. As I indicated earlier in this Report, the author of the SOPs, M003, was not a qualified interrogator. However, the JFIT staff did include a number of qualified interrogators such as M002. In his evidence to the Inquiry, M002 said he did not recall having seen the SOPs when he worked within the JFIT. He indicated that in his opinion, some of the approaches set out in the SOPs would not have been effective. In particular, M002 disagreed with the following suggestions that: Arabs are a difficult race to question; that the only way to win in the interrogation room is to outwit the detainee; that interrogators should convince detainees that they would be there for a very long time unless they tell the truth; and that interrogators should try to trick detainees into making an admission.⁴⁶⁸⁷

4.328 In the paragraphs which follow, I set out the material provisions from within the Operations SOPs.

4.329 Operations SOP 19: Interrogation approaches

19. “All internees are unwilling subjects. Given the constraints on the JFIT this makes information and intelligence difficult to gather. Arabs are a difficult race to question. They often require closed questions to pin down an answer. They will frequently play on the language ability of the interpreter and deflect the interrogator’s questions. Games of ‘We know you are involved’ – ‘no I’m not’ ensue and the interrogator benefits from maximum information on the Internee and having confidence in the MX.”⁴⁶⁸⁸ The only way to win in the interrogation room is to out-wit the Internee. This can be achieved through convincing them that they will stay here for a very long time unless they tell the truth, tricking them into admission and playing Internees off one another. The post-Op analysis adds volumes to these stages of interrogation.”⁴⁶⁸⁹

4.330 Operations SOP 20 and 21: Stages of interrogation

21. “All Internees are screened as soon as possible after their arrival and their background information has been collated. A maximum of 90 minutes should be spent on a screening interrogation where the aim is to confirm the Internee’s identity, gather some biographical information, military background, and links to the former Regime and establish the events around their arrest. The interrogator should always be neutral in the screening and be on the look out for drop-out information, but not DLP it unless it is vital intelligence. This should be highlighted in the report and followed-up in subsequent interrogations.”

22. “Once all screeners have been completed it is the Ops Officer’s job to construct the plan of attack. The Ops Officer needs to prioritise and select those who warrant further interrogation, on what areas and in which manner. Approaches used in the I

⁴⁶⁸⁴ (MOD046796)

⁴⁶⁸⁵ (MOD046809)

⁴⁶⁸⁶ (MOD046815)

⁴⁶⁸⁷ M002 [156/58-61]; (MOD046813) [19]

⁴⁶⁸⁸ Military Intelligence Report

⁴⁶⁸⁹ (MOD046813)

Rooms after the screener can be neutral, friendly, firm or harsh and are often taken from the previous recommendation. From the experience of both TELIC 2 and 3 harsh approaches do not achieve that which a Long I⁴⁶⁹⁰ trained interrogator might expect, but merely shuts the Internee up further. Firm and harsh approaches are only effective to close down a subject and control an Internee's waffling or deflection. The best tool the interrogator has in the I Rooms is the power to keep the Internee in isolation not seeing his family and their ability to out-wit the Internee. These can both be exploited very effectively.”⁴⁶⁹¹

4.331 Operations SOP 24: MX and Interrogation Reports

24. “During the back-brief the Ops Officer and interrogator should discuss recommendations and identify areas that need to be pursued in subsequent interrogations. The interpreter should also be fully involved in this to aid the interrogator, especially with Arabic names and places, also performing a proof read before the interrogator passes their report to the Ops Officer.”⁴⁶⁹²

4.332 Interrogator SOP 10: Prior to Interrogation

10. “Switch the air conditioning units on in the I Rooms. It is advised that they are switched off during the Interrogation, because they make too much noise and the information from the Internee is inaudible.”⁴⁶⁹³

4.333 Interrogator SOP 12, 18, 19: Prior to entering the I room

12. “Make sure you remove watches, rank slides and any weapons i.e. leatherman or penknives.”

18. “Ensure that there is a guard in the JFIT corridor before starting an interrogation, and that he has plenty of water/coffee etc. to make sure he is alert in the high temperatures, where the heat, boredom and dehydration can be very soporific.”

19. “Ensure that you set up the I room how you want it. If you are going to be moving around a lot do not sit behind a table. Make sure your Interpreter can follow your movements if you are going to invade the Internees body space. Getting into the personal space of an Iraqi male makes them feel incredibly uncomfortable – again review Arabic culture.”⁴⁶⁹⁴

4.334 Interrogator SOP 23, 24, 27, 28, 30, 31, 34, 35, 36, 40, 45: The interrogation

23. “At all times abide by the Geneva Convention; a handbook is available in the Ops Room.”

24. “The Interrogator will receive direction from the Ops Officer prior to the interrogation, but during a screener (initial interrogation) the Interrogator should be neutral, unless they feel the need to change the approach, using a firmer method with the Internee. Each interrogation is different, value your own judgement when assessing your approach and use your instincts. How will I achieve my aim most effectively?”

⁴⁶⁹⁰ Long Interrogation

⁴⁶⁹¹ (MOD046813)

⁴⁶⁹² (MOD046814)

⁴⁶⁹³ (MOD046816)

⁴⁶⁹⁴ (MOD046816-7)

27. *"Remember that you are in charge in the I room. Do not let the Interpreter and the Internee get caught up in conversation that you are not controlling. It is easy to become a third person. Use the room to your advantage, make sure the Internee is directly in front of the Interrogator so that they clearly understand that you are the person directing the interrogation, that you determine the questions and you are the authority in the I room."*

28. *"Ensure that the Interpreter mirrors your tone of voice. If they do not, the effect will be lost. It is easy to get frustrated in the I rooms, do not let the Interpreter direct the Interrogation, they should never raise their voice or smile unless the Interrogators have deemed this a necessity. Keep an eye on your interpreter's body language for if they look bored and are finding the interrogation a chore, it will only be a matter of time before the Internee does the same. Likewise monitor yourself as well and do not be afraid to terminate or take a break from the interrogation if you or your interpreter are struggling; it is better to keep control of the room and therefore your Internee, than to keep fighting a losing battle, you can always go back in with him when you are ready. If there is a break down in the relationship between the Interrogator and the Interpreter, the Internee will use this to their full advantage and the Interrogator will lose all credibility."*

30. *"Make the best use of your ability to play one Internee off against another. Tell lies to try to make one Internee feel that he is being 'set-up' by another. Manipulate each Internee as best you see fit to suit your own ends. Do not worry about upsetting them."*

31. *"Iraqis are emotional and will cry if they think that you will feel sorry for them. Do not feel sorry for Internees!"*

34. *"Use any ploys you feel will work. Be whoever you want to be e.g. the Boss, Officer etc. They will not know who you are. Never wear your rank slides in the I room and never refer to first names between the Interrogator and Interpreter."*

35. *"Internees can be given water and cigarettes if you think that this will make them more likely to talk or if they are being helpful. However, you can always use this to your advantage, many Internees smoke. Always have a packet of cigarettes available in the I room, if the Interrogator smokes, use this to your advantage when questioning the Internee. If the Internee smokes, he will often ask for a cigarette, it is up to you whether they deserve one or not, or you can use the tobacco as a 'carrot.'"*

36. *"Remember that just because the Internee is not giving you the answers you want to hear, it does not mean that they are lying. Information can be lost in translation, always be flexible. Assess the Internee's response, if you feel that he is trying to be helpful, but you are not receiving the answers to the questions; phrase them in a different way. If the Interrogator feels that the Internee is being deliberately difficult, you can apply more pressure."*

40. *"Never make any promises. You can lie as much as you like, you can always say maybe, possibly etc. but never PROMISE anything."*

45. *"If at any time you need to leave the I room and the Internee is to remain, make sure the guard comes in to keep an eye on him. You can actually monitor the Internee*

from the office, while you are out of the I room – monitoring his body language could prove to be very useful.”⁴⁶⁹⁵

- 4.335** Some of the language used in the SOPs is highly regrettable and wholly ill-conceived. There is a significant risk that the SOPs could have been interpreted by staff working in the JFIT as authorising conduct which contravenes provisions of international law, in particular Article 17 of the Third Geneva Convention 1949.⁴⁶⁹⁶
- 4.336** Responsibility for this language must lie with M003. When he gave oral evidence, M003 explained that he personally drafted the majority of the JFIT Operational Directive and the annexed SOPs. Where he tasked others to draft annexes, he confirmed that he edited their drafts.⁴⁶⁹⁷ Whilst this represented a clear and regrettable failing on the part of M003, for the reasons which I will set out in the paragraphs which follow, it does not appear that this language led to any actual ill-treatment of the eight detainees with whom this Inquiry is concerned who were interrogated during their detention in the JFIT compound.

Interrogation rooms

- 4.337** The JFIT compound contained four interrogation rooms, known as “I rooms”. M002 estimated that two interrogation rooms were approximately 7 metres long by 3 metres wide and the other two rooms were 7 metres long by 4 metres wide.⁴⁶⁹⁸
- 4.338** One interrogation room close to M003’s office was set up as a soft room, which was intended to provide a comfortable environment. The soft room contained soft furnishings including a couch, armchairs, a rug, and coffee table.⁴⁶⁹⁹ The three other interrogation rooms were more basic. They contained a desk and three chairs; one each for the interrogator, interpreter and detainee. They had windows covered with hessian. They also had air conditioning.⁴⁷⁰⁰ Interrogator SOP 10 advised interrogators to switch on the air conditioners prior to an interrogation to cool the room down, and then to turn them off during the interrogation because they are noisy.⁴⁷⁰¹
- 4.339** The interrogation rooms also contained a video camera on a tripod. The video camera had a built in microphone.⁴⁷⁰² The video cameras were not hidden from view. They transmitted a live feed to a monitor set up in M003’s office. M003, M018 and other members of the team could watch interrogations on screens. In practice, only a small proportion of the interviews were followed from M003’s office.⁴⁷⁰³ M002 recalled that efforts had been made to set the system up so they could record the interrogations, but they experienced technical problems which prevented the system from being able to record. Those problems were not resolved during M002’s tours in Iraq.⁴⁷⁰⁴

⁴⁶⁹⁵ (MOD046817-9)

⁴⁶⁹⁶ Of particular concern in this regard are “Operations SOP 19” (MOD046813), “Interrogator SOP 19” (MOD046817), “Interrogator SOP 30” (MOD046818), “Interrogator SOP 31” (MOD046818), “Interrogator SOP 35” (MOD046818), “Interrogator SOP 40” (MOD046819).

⁴⁶⁹⁷ M003 [158/160]

⁴⁶⁹⁸ M002 (ASI023379) [42]

⁴⁶⁹⁹ M007 [154/31/3]; M003 (ASI024613) [72]; M029 [156/189/13]

⁴⁷⁰⁰ M003 (ASI024614) [73]

⁴⁷⁰¹ (MOD046816)

⁴⁷⁰² M002 (ASI023379) [44]

⁴⁷⁰³ M003 (ASI024614) [74]

⁴⁷⁰⁴ M002 [156/83/20]

- 4.340** All the interviews relevant to this Inquiry took place in one of the three ordinary interrogation rooms, rather than the soft room. M002 explained that the interrogator would decide how to set up the interrogation room prior to each session.⁴⁷⁰⁵ Often the table would be placed between the interrogator and the detainee.⁴⁷⁰⁶
- 4.341** Interrogators SOP 18 reminds interrogators to ensure there is a guard in the JFIT corridor before starting an interrogation.⁴⁷⁰⁷ The interrogators were all in agreement that a guard would remain seated outside the interrogation rooms while a detainee was being questioned.⁴⁷⁰⁸ The guards' recollections differed as to whether they would remain outside the room or return to the guards' desk. For example, Fusilier Allan McClure said that after a guard had taken a detainee to the interview room, the guard would wait around the corner or back at the guard area until the interview was finished.⁴⁷⁰⁹ Corporal Ronald Hughes said it was possible that the fusiliers had to sit outside an interview room, but he did not recall that happening.⁴⁷¹⁰ Fusilier Raymond Hutchinson said he did not recall ever being left on his own during guard duty while another guard waited outside an interview room.⁴⁷¹¹ Whereas Lance Corporal James Higgins said he recalled that a guard would wait outside the interview room while detainees were interviewed. Fusiliers Brien Strathern⁴⁷¹² and Francis Thom⁴⁷¹³ also recalled that they were instructed to wait outside the interview room.

Hamzah Joudah Faraj Almalje (detainee 772)

- 4.342** On 16 May 2004, Hamzah Joudah Faraj Almalje (detainee 772) was interviewed for 20 minutes between 10:00 and 10:20 hours and for 1 hour and 20 minutes between 15:15 and 16:35 hours.⁴⁷¹⁴ On 21 May 2004, he was interviewed again for 1 hour 30 minutes from 16:50-18:20 hours.⁴⁷¹⁵ On each occasion, the interrogator was M005, a qualified interrogator, and the interpreter was M030.
- 4.343** The first interrogation session was cut short. The interrogation report states that Hamzah Almalje *"appeared to be in great pain and unable to stay upright. During his first session he had to be taken out and back to his cell. When he recovered he was brought back and he was more alert but still looked concussed. Although he was difficult to understand he answered all questions put to him. As time wore on he became more confused [...] He was answering yes to all the questions regardless. [...] due to his injuries he appears to be confused and unable to maintain a straight forward conversation for too long. Once he is rested, he should be spoken to again."*⁴⁷¹⁶
- 4.344** The Incident Log records that following the first interrogation session, at 10:23 hours, Hamzah Almalje was returned to his cell and he required a medic. The Incident Log records that at 10:30 hours a medic arrived, checked Hamzah Almalje and then left.⁴⁷¹⁷ From

⁴⁷⁰⁵ M002 [156/40/4]

⁴⁷⁰⁶ M002 [156/39/14]

⁴⁷⁰⁷ (MOD046817)

⁴⁷⁰⁸ M002 [156/66/18]

⁴⁷⁰⁹ Fusilier McClure [150/61/1]

⁴⁷¹⁰ Corporal Hughes [140/28/22]

⁴⁷¹¹ Fusilier Hutchinson [159/35/15]

⁴⁷¹² Fusilier Strathern [158/117/17]

⁴⁷¹³ Fusilier Thom [151/70/6]

⁴⁷¹⁴ See paragraph 4.317

⁴⁷¹⁵ See paragraph 4.317

⁴⁷¹⁶ (MOD040907-8)

⁴⁷¹⁷ (MOD040077)

13:40-13:42 hours, Hamzah Almalje was taken to the lavatory.⁴⁷¹⁸ The Incident Log records that at 15:09 hours, Hamzah Almalje was requested by JFIT.⁴⁷¹⁹ He was returned to his cell at 16:40 hours.⁴⁷²⁰ At 17:58 hours, after the second interrogation session, Hamzah Almalje was sick and refusing to eat.⁴⁷²¹ At 18:08 hours, he was attended to by the duty medic.⁴⁷²² The medical records indicate that the medic spoke to the Regimental Medical Officer, Major David Winfield, who advised a Stemetil injection.⁴⁷²³ In his evidence to the Inquiry, Major Winfield explained that Stemetil is an anti-nausea medication.⁴⁷²⁴ The references to vomiting continue in the medical notes until 23 May 2004. Then on 24 May 2004 the notes record that the patient still had a headache, but was not vomiting. He looked considerably better and a lot more alert. He said the medication made him feel better.⁴⁷²⁵

- 4.345** The interrogation report for 21 May 2004 records that the *“Internee appeared again to be in pain and unable to stay upright for long. He answered all questions without hesitation but was very difficult to understand. It did not appear to be a ploy to avoid answering questions; it was more because of his simple upbringing. All questions had to be kept simple and to the point.”*⁴⁷²⁶
- 4.346** In her evidence to the Inquiry, M005 recalled that her first impression of Hamzah Almalje was that he seemed very frightened. When he was first presented for interrogation, he was dirty and had dried blood covering his face.⁴⁷²⁷ He sat sideways and hunched forward in the chair that was provided for him. M005 assessed that Hamzah Almalje was not ready to be interrogated. She asked the guards to take Hamzah Almalje back to his cell and clean him up before the interrogation continued.⁴⁷²⁸ In her oral evidence, M005 said that when she used the word *“concussed”* in her report, she must have meant *“confused”*.⁴⁷²⁹
- 4.347** The interpreter, M030, could not recall the interrogations of Hamzah Almalje. She said the comment in the interrogation report that the detainee *“was very difficult to understand”* was probably her assessment, which she communicated to the interrogator.⁴⁷³⁰
- 4.348** In his first statement to the Inquiry, Hamzah Almalje said that neither M005 nor M030 shouted at him during the interrogation. He was not threatened. Nor was he aware of the interrogator or interpreter becoming angry at any stage. He recalled that during one session he was told to go and get cleaned up because he had vomited over his clothes. He also recalled that he was slumped forward in his chair because his stomach was hurting.⁴⁷³¹ In his oral evidence, Hamzah Almalje said that at Shaibah there was *“no pressure at all, only talking person to person”*.⁴⁷³² He said *“I can assure you no one touched me. No one talked to me at all in a bad way.”*⁴⁷³³ It was suggested to Hamzah Almalje that he was looked after at Shaibah. He replied

⁴⁷¹⁸ (MOD040078)

⁴⁷¹⁹ (MOD040079)

⁴⁷²⁰ (MOD040079)

⁴⁷²¹ (MOD040079)

⁴⁷²² (MOD040080)

⁴⁷²³ (MOD043361)

⁴⁷²⁴ Major Winfield [144/100/10]

⁴⁷²⁵ (MOD043363)

⁴⁷²⁶ (MOD040913)

⁴⁷²⁷ M005 (ASI021225) [63]

⁴⁷²⁸ M005 (ASI021225) [63]; (ASI021227) [70]

⁴⁷²⁹ M005 [164/233/11]

⁴⁷³⁰ M030 (ASI023669) [52]

⁴⁷³¹ Hamzah Joudah Faraj Almalje (detainee 772) (PIL000695) [60]

⁴⁷³² Hamzah Joudah Faraj Almalje (detainee 772) [19/81/24]

⁴⁷³³ Hamzah Joudah Faraj Almalje (detainee 772) [20/19/22]

*"Yes, yes, yes, yes. They were nice."*⁴⁷³⁴ He confirmed that he was suffering with stomach problems at the time of his interrogation, which he said continued to affect him for about a month.⁴⁷³⁵

4.349 Hamzah Almalje said that he was told at some stage during interrogation that if he helped the interrogator, the interrogator would help him; if not, he would remain in prison.⁴⁷³⁶ It may be that given the passage of time since these events occurred, Hamzah Almalje had become confused with something that was said to him during the tactical questioning session at Camp Abu Naji.

4.350 With the assistance of the Incident Log,⁴⁷³⁷ Fusilier Mark Galbraith recalled that he had escorted Hamzah Almalje and Kadhim Abbas Lafta Al-Behadili (detainee 775) to their interrogations sessions on 21 May 2004. He said he heard a burst of shouting, probably a male voice, coming from inside the room that Hamzah Almalje was in. He recalled the hearing words *"I'm fucking talking to you"* and *"look at me!"* followed by a quiet male interpreter's voice.⁴⁷³⁸ In fact, both the interrogator and interpreter in Hamzah Almalje's sessions were female. I am satisfied that Fusilier Galbraith was mistaken in his recollection. That is no criticism of the Fusilier: he probably did hear shouting coming from an interrogation room, but it was not an interrogation involving Hamzah Almalje.

Mahdi Jasim Abdullah Al-Behadili (detainee 773)

4.351 On 17 May 2004, Mahdi Jasim Abdullah Al-Behadili (detainee 773) was interviewed for 1 hour and 15 minutes between 11:00 and 12:15 hours.⁴⁷³⁹ The interrogator was M002, a qualified interrogator, and the interpreter was M029.⁴⁷⁴⁰

4.352 It appears that Mahdi Al-Behadili may have been under 18 years of age on 15 May 2004. The Inquiry has received a copy of Mahdi Al-Behadili's passport, which records that he was born on 19 October 1986.⁴⁷⁴¹ During the administrative part of the admission procedure, his date of birth was recorded as 1 September 1986.⁴⁷⁴² On the Initial Medical form, his date of birth is recorded as 1 July 1986.⁴⁷⁴³ According to the other Initial Medical forms, Hamzah Almalje, Kadhim Abbas Lafta Al-Behadili (detainee 775), Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776), Ahmed Jabbar Hammood Al-Furaiji (detainee 777), Hussein Fadhil Abass Al-Behadili (detainee 778) and Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) were also recorded as having their birthday on 1 July. When Major David Winfield was asked about the dates of birth on the Initial Medical forms, he said that many Iraqis did not know the day and month they were born. Therefore, it appears 1 July was entered as a default date if the patient did not know his actual date of birth.⁴⁷⁴⁴ Lance Corporal Bronwyn Davis, a medic on Major Winfield's team, also told the Inquiry that because most of the detainees were unable to tell the medics their birthday, the medics had been instructed to record them as the middle of the year.⁴⁷⁴⁵ If the date on the passport is correct, then Mahdi Al-Behadili would have been

⁴⁷³⁴ Hamzah Joudah Faraj Almalje (detainee 772) [19/50/24]

⁴⁷³⁵ Hamzah Joudah Faraj Almalje (detainee 772) [20/83/12]

⁴⁷³⁶ Hamzah Joudah Faraj Almalje (detainee 772) (PIL000696) [63]

⁴⁷³⁷ (MOD040117)

⁴⁷³⁸ Fusilier Galbraith (ASI015387) [74]

⁴⁷³⁹ See paragraph 4.317

⁴⁷⁴⁰ (MOD002604)

⁴⁷⁴¹ (PIL000801)

⁴⁷⁴² (MOD043427)

⁴⁷⁴³ (MOD043434)

⁴⁷⁴⁴ Major Winfield [144/112/12]

⁴⁷⁴⁵ Lance Corporal Davis [145/79/23]

approximately 5 months short of his eighteenth birthday. If the date recorded during the first part of the processing is correct, then Mahdi Al-Behadili would have been approximately 3½ months short of his eighteenth birthday when he arrived at the DTDF. If the date on the Initial Medical form is correct, he would have been 7 weeks short of his eighteenth birthday. Therefore, if any of the available dates are accurate, it appears that Mahdi Al-Behadili was under 18 years of age when he arrived at the DTDF.

- 4.353** Paragraph 19 (12) of the JFIT Operational Directive dated 31 May 2004 indicates that juveniles under 18 must be segregated from other prisoners unless to do so would impose solitary confinement on the individual. It further indicated that they are allowed to be questioned provided they are over the age of 15.⁴⁷⁴⁶ Mahdi Al-Behadili was in fact placed in a shared cell, so it would appear the Operational Directive was complied with. From a practical perspective, it appears Mahdi Al-Behadili was treated in the same way as the other eight detainees he was interned with.
- 4.354** In his evidence to the Inquiry, Mahdi Al-Behadili said the JFIT interrogator acted in an angry and aggressive manner throughout the interrogation.⁴⁷⁴⁷ He said the interrogation was conducted in fear and amid shouting. He said that the interrogator did not come physically close to him.⁴⁷⁴⁸
- 4.355** The interrogation report from 17 May 2004 indicates that a “*neutral to firm admin approach*” was used throughout the interrogation.⁴⁷⁴⁹ The interrogator, M002, said that indicated he adopted an approach that was neither overly friendly nor confrontational, but business like and focused on process and administrative information such as the detainee’s personal details.⁴⁷⁵⁰
- 4.356** When explaining the various approaches to an interrogation, M002 explained that there were situations when an interrogator would raise his voice, for example to express his apparent frustration. He said that is something he would do when adopting a “*firm to strong*” approach.⁴⁷⁵¹ However, when M002 was asked if he used angry or aggressive questioning when interrogating Mahdi Al-Behadili, he said it was not that kind of interrogation. He described Mahdi Al-Behadili as “*quite a compliant little chap, answering questions. [...] He was just pretty normal.*” M002 continued, “*I wasn’t angry with the guy and wouldn’t even portray that because it was a neutral firm approach. I am in there to get the basic information, set the scene, work out what is going on.*”⁴⁷⁵²
- 4.357** The interpreter, M029, could not recall this specific interrogation. However, she indicated that a “*neutral to firm approach*” meant the interrogation would be carried out in a “*matter of fact*” manner.⁴⁷⁵³
- 4.358** I have no doubt that the evidence of M002, which is supported by the interrogation record, was both truthful and accurate. I have no doubt that Mahdi Al-Behadili deliberately lied when describing the interrogation as one conducted in fear and amid shouting. He did so in order to lend substance to his allegations of ill-treatment at the hands of the British Military.

⁴⁷⁴⁶ (MOD046801)

⁴⁷⁴⁷ Mahdi Jasim Abdullah Al-Behadili (detainee 773) PIL000793 [60-61]; [9/67/5]

⁴⁷⁴⁸ Mahdi Jasim Abdullah Al-Behadili (detainee 773) [9/67-68]

⁴⁷⁴⁹ (MOD002607)

⁴⁷⁵⁰ M002 (ASI023383) [59]

⁴⁷⁵¹ M002 [156/102/24]

⁴⁷⁵² M002 [156/125/13-24]

⁴⁷⁵³ M029 [156/210/22]

Kadhim Abbas Lafta Al-Behadili (detainee 775)

- 4.359** On 16 May 2004, Kadhim Abbas Lafta Al-Behadili (detainee 775) was interviewed for 1 hour and 30 minutes between 17:25 and 18:55 hours,⁴⁷⁵⁴ and for 1 hour and 25 minutes between 20:30 and 21:55 hours.⁴⁷⁵⁵ The guards' Incident Log records that Kadhim Al-Behadili was returned to his cell between the two interrogation sessions.⁴⁷⁵⁶ On 21 May 2004, he was interviewed for 40 minutes between 11:20 and 12:00 hours, and for 30 minutes between 15:50 and 16:20 hours. The guards' Incident Log records that the detainee was returned to his cell between the two interviews.⁴⁷⁵⁷ The interrogator on each occasion was M002, a qualified interrogator. The interpreting work was shared between M030 and M012.
- 4.360** In his written evidence, Kadhim Al-Behadili said he was made to stand throughout all the interrogations.⁴⁷⁵⁸ However, in his oral evidence Kadhim Al-Behadili said the interrogator would stand him up, turn him around and then sit him back down again.⁴⁷⁵⁹ He said the interrogator stood close to him and told him not to move.⁴⁷⁶⁰ He said the interrogator yelled at him constantly, causing spit to hit his face. He said the interrogator kept pushing him in the stomach and pushed his face and body into the detainee's face and body so they were touching. He said the interrogator pushed him backwards towards the wall and then dragged him back to the centre of the room before pushing him back to the wall again, going back and forth. He said the interrogator would yell "*look at me!*" and then when the detainee did look at the interrogator he would shout "*what are you looking at?*" He said the interrogator called him an idiot many times. Kadhim Al-Behadili said he had the impression that the interrogator had nearly "*slaughtered*" him during the interrogation.⁴⁷⁶¹
- 4.361** In his interview with the RMP on 24 May 2004, Kadhim Al-Behadili described an incident where he was pushed in the head. He was asked to clarify whether that happened at Al-Amarah or where the interview was taking place, namely the DTDF. He replied: "*No, in Al-Amarah... No beating here.*"⁴⁷⁶² In oral evidence, Kadhim Al-Behadili confirmed that there was no beating in the DTDF, including the JFIT compound. He said that what did happen was that the interrogator put his face towards the detainee's face, pushed him towards the wall, stood him up, turned him around, and sat him back down again, but that was not *beating*.⁴⁷⁶³
- 4.362** The interrogation report for 16 May 2004 indicates that during the first session a "neutral to firm" approach was used, rising to a "*firm to strong*" approach in the second session. The report further commented that the detainee "*does not like to be in close proximity to the interrogator and shies away at the first hints of anger. His emotion trigger is his family*".⁴⁷⁶⁴ The interrogation report for 21 May 2004, records the detainee's name, "*Khazhim 'Abbas Lafta Khafee Al-Bahaadlee*", although it erroneously records his number as 776.⁴⁷⁶⁵ The Incident Log confirms that JFIT requested "775" at 11:12 hours, and he returned to his cell at 12:00 hours.⁴⁷⁶⁶ "775" was requested again at 15:53 hours, and was returned to his cell

⁴⁷⁵⁴ See paragraph 4.317

⁴⁷⁵⁵ See paragraph 4.317

⁴⁷⁵⁶ (MOD040080)

⁴⁷⁵⁷ (MOD040117)

⁴⁷⁵⁸ Kadhim Abbas Lafta Al-Behadili (detainee 775) (PIL000746) [113]

⁴⁷⁵⁹ Kadhim Abbas Lafta Al-Behadili (detainee 775) [13/29/13]

⁴⁷⁶⁰ Kadhim Abbas Lafta Al-Behadili (detainee 775) [12/103/7]

⁴⁷⁶¹ Kadhim Abbas Lafta Al-Behadili (detainee 775) (PIL000747) [117]; [13/93/15]

⁴⁷⁶² (MOD032734)

⁴⁷⁶³ Kadhim Abbas Lafta Al-Behadili [13/29]

⁴⁷⁶⁴ (MOD040918)

⁴⁷⁶⁵ (MOD040916)

⁴⁷⁶⁶ (MOD040115-6)

at 16:26 hours.⁴⁷⁶⁷ The interrogation report indicates that a “neutral to firm” approach was used throughout the interrogations that day. It also states that *“the Internee was forthcoming with general information [...] He is fully aware of the severity of the situation in which he has placed himself, but does not seem to be fully reconciled with the consequences”*.⁴⁷⁶⁸

- 4.363** In his oral evidence, M002 explained how he would usually approach the first interrogation of a new prisoner, as follows:

“For the first interrogation, normally the individual will be standing up in the room if you are not already there. I tended, from memory – I would have the chap in the room, then I would follow in afterwards, then close the door. He would start in a standing position. I would ask him a couple of questions, whether I’m seated or standing at that point – normally I would sit down at that point just for my convenience – ask him the questions, “Are you okay?”, “Are you English?”, “Yes, fine”, “Your name is ...”, and then basically sit the guy down.

*If you are doing neutral, you might as well sit him down. If he’s being argumentative with you or he’s not being friendly to you or being helpful in any way, stand him a little bit longer, but eventually just sit him down. But none of these characters were that way inclined. We just sat them down.”*⁴⁷⁶⁹

- 4.364** M002 recalled that the interrogation room was set up with three chairs and a table. The interrogator sat at the table with the interpreter sitting to his right, as usual.⁴⁷⁷⁰ He said his general approach to interrogating Kadhim Al-Behadili was the same as for the other detainees he questioned. The first part of the interrogation was conducted in a “neutral to firm” manner, as recorded in the interrogation report.⁴⁷⁷¹ In his oral evidence, M002 was asked to explain what that meant. He said:

*“Again, back to what I said earlier on neutral to firm. Neutral, “I need the information”; firm, “I’m not going to be here as your best mate, let’s get this over and done with as quickly and painlessly as possible”, by being straight with the guy. I’m not there to be his best friend. We’re there to work together to get what we need.”*⁴⁷⁷²

- 4.365** The interrogation was split into two parts with a break in between. Given the timings on the report, M002 thought the reason for the break was to allow the detainee, the interrogator and interpreter an opportunity to eat and to recharge, and to enable M002 to review how the interrogation was going.⁴⁷⁷³ M002 recalled that the detainee was being cooperative during the first session.⁴⁷⁷⁴

- 4.366** With reference to the interrogation report⁴⁷⁷⁵, M002 recalled that the second half of the interrogation on 21 May 2004 was conducted in a “firm to strong” manner. He said that involved a shorter, sharper questioning style, with an emphasis on the seriousness of the situation and the consequences of not cooperating. It was explained to the detainee that he needed to answer M002’s questions so that he did not remain in detention, as a coalition

⁴⁷⁶⁷ (MOD040117)

⁴⁷⁶⁸ (MOD046229)

⁴⁷⁶⁹ M002 [156/78/22]-[78/13]

⁴⁷⁷⁰ M002 (ASI023385) [68]

⁴⁷⁷¹ M002 (ASI023385) [68]; (MOD046229) [13]

⁴⁷⁷² M002 [156/97/15]

⁴⁷⁷³ M002 (ASI023385) [68-69]

⁴⁷⁷⁴ M002 [156/93/12]

⁴⁷⁷⁵ (MOD040918) [5]

threat, for a long time, or be handed over the Iraqi police. M002 said it was possible that he would have raised his voice and adopted an angry tone whilst questioning the detainee. M002 believed he changed his approach because the detainee had changed his story and was being far less forthcoming and responsive than during the first half of the interrogation.⁴⁷⁷⁶

4.367 M002 was asked what he meant when he said in the report that the detainee *“was fully aware of the severity of the situation in which he has placed himself, but does not seem to be fully reconciled with the consequences.”* M002 explained that he meant the detainee was apparently involved in an attack on coalition forces but did not appreciate that he would inevitably be passed on to the Iraqi Police Service.⁴⁷⁷⁷

4.368 M002 was asked what he meant when he wrote in the interrogation report that the detainee *“does not like to be in close proximity to the interrogator and shies away at the first hint of anger”*. He explained that proximity is relative to the detainee’s sense of personal space at that moment. If the detainee’s sensitivities are heightened, an interrogator can be in his personal space at 3 or 4 feet away. The interrogator only has to break into that space by a tiny amount and the person will naturally move, for example by leaning back in his chair or, if he was standing, by taking a step backwards. Interrogators are trained to watch and evaluate a detainee’s body language.⁴⁷⁷⁸

4.369 In his written evidence, M002 explained what he meant when he wrote in the report, *“His emotion trigger is his family”*. M002 said he would ask the detainee about how his family would feel about what he had done, and how they would be coping in his absence. He recalled that when the detainee was asked about his family he became very upset.⁴⁷⁷⁹ In oral evidence, M002 said the detainee may have cried or he may have just welled up, or it might be that his bottom lip quivered.⁴⁷⁸⁰ M002 said he would not deliberately try to upset a detainee by asking about his family because that would put a wall up with the detainee.⁴⁷⁸¹

4.370 M002 responded to the specific allegations made by Kadhim Al-Behadili. He said that Kadhim Al-Behadili was probably sitting during the interrogation because it appeared from the interrogation report that he was providing information willingly.⁴⁷⁸² M002 said that during the second part of the interrogation on 16 May 2004, he may have shouted or raised his voice and he may have moved around the room.⁴⁷⁸³ M002 denied that he pushed or even touched any detainee. He said he would not have held the detainee against a wall.⁴⁷⁸⁴ He denied that he yelled at the detainee causing saliva and spit to hit the detainee’s face.⁴⁷⁸⁵ He denied that his stomach ever touched Kadhim Al-Behadili⁴⁷⁸⁶ or that he pushed the detainee back to the wall with his stomach.⁴⁷⁸⁷ He said he would never touch a detainee unless the detainee offered out his hand to shake at the end of a session.⁴⁷⁸⁸

⁴⁷⁷⁶ M002 (ASI023386) [71-72]

⁴⁷⁷⁷ M002 [156/98/3]

⁴⁷⁷⁸ M002 [156/104-105]; (ASI023386-87) [73]

⁴⁷⁷⁹ M004 (ASI023387) [74]

⁴⁷⁸⁰ M004 [156/111/20]

⁴⁷⁸¹ M004 [156/109]

⁴⁷⁸² M004 (ASI023388) [79]

⁴⁷⁸³ M004 [156/107/8]

⁴⁷⁸⁴ M004 [156/107/23]; [156/112/17]

⁴⁷⁸⁵ M004 [156/157/22]

⁴⁷⁸⁶ M004 [156/112/21]

⁴⁷⁸⁷ M004 [156/158/4]

⁴⁷⁸⁸ M004 [156/69/3]

- 4.371** M012 was the interpreter for the second part of the interrogation on 16 May 2004 when the interrogation report indicates a “*strong to firm*” approach was used.⁴⁷⁸⁹ M012 could not recall whether Kadhim Al-Behadili stood during some or all of the session, although the use of the term “*strong approach*” suggested to her that the detainee possibly stood during the part of the session where that approach was used.⁴⁷⁹⁰ M012 said the reference in the report to “*hints of anger*” were likely to mean that the interrogator acted as though he was at the beginning of an argument. A step forward might have been taken, for instance.⁴⁷⁹¹ She did not recall the interrogator shouting at the detainee so that saliva landed on the detainee’s face.⁴⁷⁹² She said that M002 might have unintentionally touched stomach to stomach with Kadhim Al-Behadili because at that time M002 was a portly man who had quite a large stomach.⁴⁷⁹³
- 4.372** I have no doubt that the evidence of M002 and M012 was both truthful and accurate. I am, therefore, sure that Kadhim Al-Behadili’s account of his interrogations by M002 contained a significant degree of exaggeration on his part, intended to mislead the Inquiry into believing that the interrogations were conducted in a highly aggressive and violent manner, which simply was not the case.

Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776)

- 4.373** On 16 May 2004, Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) was interviewed for 1 hour between 11:30 and 12:30 hours.⁴⁷⁹⁴ The interrogator was M002, a qualified interrogator.⁴⁷⁹⁵ The interpreter was M029.
- 4.374** In his evidence to the Inquiry, Abbas Al-Hameedawi said that the interrogation was calm at times but the interrogator became angry and aggressive. He said he was standing throughout the first interrogation and was tired from standing.⁴⁷⁹⁶ In his oral evidence, Abbas Al-Hameedawi said he was made to stand in the corner of the room and the interrogator came towards him using a hard voice.⁴⁷⁹⁷ He said the interrogator got very angry and shouted at him. He said the interrogator yelled at him and called him a liar.⁴⁷⁹⁸ He said the interrogator came very close to him as though he was going to hit him.⁴⁷⁹⁹
- 4.375** The interrogation report indicates that the interrogator adopted a “*neutral to firm*” approach throughout the interrogation. The reports further noted that “*the Internee was confident and forthcoming with general information.*”⁴⁸⁰⁰
- 4.376** The interrogator, M002, recalled that this detainee was a policeman. M002 said he adopted the “*neutral to firm*” approach, which was standard for a first interrogation. I have already set out M002’s explanation of the “*neutral to firm*” approach at paragraph 4.363 above. M002 was asked about the specific allegations made by Abbas Al-Hameedawi. M002 did not believe that he shouted or raised his voice whilst questioning Abbas Al-Hameedawi as that would not be consistent with the neutral to firm approach he recorded in the interrogation report.

⁴⁷⁸⁹ (MOD040918) [5]

⁴⁷⁹⁰ M012 (ASI019301) [74]; [153/71/20]

⁴⁷⁹¹ M012 (ASI019301) [75]

⁴⁷⁹² M012 [153/73/7]

⁴⁷⁹³ M012 [153/73/13]; [153/128/18]

⁴⁷⁹⁴ See paragraph 4.317

⁴⁷⁹⁵ M002 (ASI023370) [6]

⁴⁷⁹⁶ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) (ASI004774) [56]

⁴⁷⁹⁷ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) [15/56/13]

⁴⁷⁹⁸ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) (PIL000456) [33-34]

⁴⁷⁹⁹ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) (ASI004773) [54]; [14/24]

⁴⁸⁰⁰ (MOD040924)

M002 said he did not get angry and he was confident that he did not get close to the detainee as if he was about to hit him.⁴⁸⁰¹ M002 said he could not recall whether Abbas Al-Hameedawi was sitting or standing during the interrogation. However, he thought Abbas Al-Hameedawi was probably sitting as it was a first interrogation and it appeared from the interrogation report that the detainee was providing information willingly.⁴⁸⁰²

4.377 The interpreter, M029, said that she did not recall the interrogator shouting at Abbas Al-Hameedawi or getting close to him. She said those interrogations were usually conducted in a matter of fact way. It would be unusual for an initial interrogation to escalate to shouting and getting close to a detainee, although it was possible that would happen. Given that the interrogation report indicates the detainee was forthcoming with information, M029 thought it was unlikely that M002 shouted.⁴⁸⁰³

4.378 I have no doubt that M002 and M029 gave both truthful and accurate evidence to the Inquiry. I am, therefore, sure that Abbas Al-Hameedawi's account of his interrogation by M002 contained a significant degree of exaggeration on his part, intended to mislead the Inquiry into believing that the interrogation was conducted in a far more aggressive and threatening manner than was actually the case.

Ahmed Jabbar Hammood Al-Furaiji (detainee 777)

4.379 On 19 May 2004, Ahmed Jabbar Hammood Al-Furaiji (detainee 777) was interviewed for 55 minutes between 10:55 and 11:50 hours.⁴⁸⁰⁴ The interviewer was M006, a qualified debriefer. The interpreter was M012.

4.380 In his written evidence to the Inquiry, Ahmed Al-Furaiji said the interrogator did not yell or lose control of himself, but he did tell the detainee to confess otherwise he would spend his life in prison.⁴⁸⁰⁵ In his Judicial Review statement, Ahmed Al-Furaiji said the soldiers sat him on a chair and gave him a glass of water and a cigarette.⁴⁸⁰⁶

4.381 The interrogation report states that the detainee *"was cooperative throughout the interrogation and seemed keen to protest his innocence at all times. He did not hesitate to study or correct maps and diagrams used to aid explanation."*⁴⁸⁰⁷

4.382 M006 said that as far as he could recall, this was a very standard style of interview. He asked the detainee for personal details and for his understanding of why he had been arrested. He then went back over the answers and probed the detainee for more details.⁴⁸⁰⁸ M006 recalled that the detainee was relatively talkative. Although he seemed a bit scared and shocked, the detainee answered all the questions and seemed keen to give his side of the story.⁴⁸⁰⁹ When asked about the detainee's suggestion that he was told to confess or spend his life in prison, M006 said he possibly would tell the detainees that they might spend a long time in prison and not see their families, but that was simply a statement of fact.⁴⁸¹⁰

⁴⁸⁰¹ M002 (ASI023387-88) [78]; [156/118/7]

⁴⁸⁰² M002 (ASI023388) [79]

⁴⁸⁰³ M029 (ASI018826) [52]

⁴⁸⁰⁴ See paragraph 4.317

⁴⁸⁰⁵ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (PIL000323) [94]

⁴⁸⁰⁶ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (MOD006537) [31]

⁴⁸⁰⁷ (MOD040929)

⁴⁸⁰⁸ M006 (ASI018777) [71]

⁴⁸⁰⁹ M006 (ASI018778) [77]

⁴⁸¹⁰ M006 [157/51/6]

- 4.383** The interpreter, M012, said the detainee probably was told he was lying. He might also have been told that the JFIT team could not help him if he did not tell them the truth.⁴⁸¹¹
- 4.384** I have no doubt that both M006 and M012 gave truthful and accurate evidence to the Inquiry. There is a possibility that it may have been pointed out to Ahmed Al-Furaiji that he was at risk of being detained for some time and thus separated from his family. If this was said by either M006 or M012 it was intended as a statement of fact, and in both the context and manner in which it was said,⁴⁸¹² can be reasonably considered to be such.

Hussein Fadhil Abass Al-Behadili (detainee 778)

- 4.385** Hussein Fadhil Abass Al-Behadili (detainee 778) was interviewed on 17 May 2004. There is some discrepancy between the times recorded on the interrogation report and the times shown in the guards' Incident Log.⁴⁸¹³ In any event, the interview lasted somewhere between 1 hour 15 minutes and 1 hour 30 minutes, and it finished by approximately 10:30 hours. The interviewer was M006, a qualified debriefer. The interpreter was M029. On 21 May 2004, Hussein Al-Behadili was interviewed for 1 hour and 25 minutes between 10:30 and 11:55 hours, and for 1 hour and 5 minutes between 12:25 and 13:30 hours.⁴⁸¹⁴ There is no record in the Incident Log to show that the detainee was returned to his cell between interviews.⁴⁸¹⁵ The interviewer was M007, a qualified debriefer. The interpreter was M012.
- 4.386** In his evidence to the Inquiry, Hussein Al-Behadili said he was punched and kicked as he was escorted to the interview session with the JFIT.⁴⁸¹⁶ He said that during the interview, he was told to confess or he would not see his family again and would die in prison. He said the interviewer banged on the desk and acted in a furious manner, shouted in the detainee's face.⁴⁸¹⁷ He said he was not given any water, and was made to stand throughout all the interviews.⁴⁸¹⁸ He said he was made to stand for at least two hours with his feet apart and his hands behind his back in the corner of the room with a heater directed towards him.⁴⁸¹⁹ He said a soldier guarded him in the corner of the room while the interviewer left the room. When he tried to move his foot the soldier kicked his feet to keep them apart and ordered him not to move.⁴⁸²⁰ He said he felt faint and nearly collapsed.⁴⁸²¹
- 4.387** The interrogation report from 17 May 2004 states that the detainee "*seemed to be withholding information [...]. He appeared nervous and did not react well to being shown pictures of the casualties. He has a strong accent which can make translation difficult.*"⁴⁸²² The interrogation report for the 21 May 2004 states the detainee was interviewed in a "*neutral*" manner, occasionally rising to a "*firm approach to apply pressure when he was evasive*". It also stated that the detainee "*occasionally avoided answering questions. [...] He was unemotional and generally calm throughout the interrogation.*"⁴⁸²³

⁴⁸¹¹ M012 (ASI019301) [78]

⁴⁸¹² As to which please see my fuller analysis on the conduct of the JFIT interviews. See paragraphs 4.406 – 4.409

⁴⁸¹³ (MOD040084-5)

⁴⁸¹⁴ See paragraph 4.317

⁴⁸¹⁵ (MOD040116)

⁴⁸¹⁶ Hussein Fadhil Abass Al-Behadili (detainee 778) (PIL000371) [44]; (ASI001045) [53]

⁴⁸¹⁷ Hussein Fadhil Abass Al-Behadili (detainee 778) (MOD006564) [47]; (PIL000371) [45]; [18/27/14]; [19/57/5]

⁴⁸¹⁸ Hussein Fadhil Abass Al-Behadili (detainee 778) (PIL000372) [48]

⁴⁸¹⁹ Hussein Fadhil Abass Al-Behadili (detainee 778) (PIL000372) [47]; (ASI001046) [56]; [18/27/14]; [19/58-59]

⁴⁸²⁰ Hussein Fadhil Abass Al-Behadili (detainee 778) [18/27-28]

⁴⁸²¹ Hussein Fadhil Abass Al-Behadili (detainee 778) PIL000372 [47]

⁴⁸²² (MOD046235)

⁴⁸²³ (MOD040938)

- 4.388** M006 said the interview with Hussein Al-Behadili on 17 May 2004 was a very standard, unremarkable interview. He said the detainee seemed quite young and scared but was talkative and willing to answer questions.⁴⁸²⁴ M006 said that if the detainee was punched and kicked as he was escorted to the interview room, M006 probably would have heard it happen and also seen signs of it having just happened when the detainee entered the room. M006 recalled nothing of that nature.⁴⁸²⁵ He told the Inquiry that it was possible that Hussein Al-Behadili stood during the interview, although he could not remember. The detainee would have been allowed to sit if he had asked. M006 thought the detainee probably had a bottle of water available on the table or on the floor next to him. In any event, if he had asked for water his request would not have been refused.⁴⁸²⁶ M006 did not think he got close to the detainee; it would have been difficult for him to take notes if he was standing up. He would occasionally walk around the table if he wanted to show some material to the detainee, but that was not intended to scare them. There were also occasions when M006 would shout at a detainee if they were not paying attention, but he said he would never shout in their face; the table would always be between them.⁴⁸²⁷
- 4.389** The first interpreter, M029, could not recall Hussein Al-Behadili specifically. However, she said that if a detainee was punched and kicked by guards who were escorting the detainee to an interview, she thought she would have heard it and remembered it as they would wait with the door open for the detainee to be brought into the room.⁴⁸²⁸
- 4.390** M007 told the Inquiry that on 21 May 2004, Hussein Al-Behadili was interrogated in a neutral manner, occasionally rising to a firm approach to apply pressure when he was evasive. She said that meant she would have used a level tone occasionally raising her voice when he was evasive, but not to a shout. Her body language would generally have been neutral.⁴⁸²⁹ M007 said that during the interrogation, she had memories of both her and the detainee sitting down and both standing up. However, she had no recollection of making a detainee stand for any significant period of time. As it was prohibited to put anyone in a stress position, she would not have given such an order. It was not some form of conditioning technique. She may have turned the air conditioner on during the break, but that would have been to cool the room down, not increase the temperature.⁴⁸³⁰ M012 said it was unlikely that the detainee was left to stand for half an hour. She did not recall any detainee being left to stand for half an hour.⁴⁸³¹ M007 denied that she told the detainee that if he did not confess he would not be able to see his family and would remain in prison for a long time.⁴⁸³² She explained that she would sometimes tell detainees that if they provided information that helped to show that they were not involved in the incident that led to their detention, and that evidence could be corroborated, then they could be released from Shaibah.⁴⁸³³
- 4.391** The second interpreter, M012, said in her oral evidence that she could recall that on occasions an interrogator would slap his hand very lightly on the table to emphasise a point or make it clear that an answer was inaccurate.⁴⁸³⁴ M012 said in her written evidence that it was possible that the detainee was left standing in the 30 minute break between interrogations while he

⁴⁸²⁴ M006 (ASI018779) [81]

⁴⁸²⁵ M006 (ASI018779-80) [84]

⁴⁸²⁶ M006 (ASI018780) [85]

⁴⁸²⁷ M006 (ASI018780) [86]

⁴⁸²⁸ M029 (ASI018827) [55]

⁴⁸²⁹ M007 (ASI019346) [66]

⁴⁸³⁰ M007 (ASI019344) [60]; (ASI019347) [72-74]; [154/54/12]; [154/61/10]

⁴⁸³¹ M012 [153/84/21]

⁴⁸³² M007 (ASI019348) [75]

⁴⁸³³ M007 (ASI019339) [41]

⁴⁸³⁴ M012 [153/96/3]

was left in the interrogation room with a guard, Although she did not recall the guard being directed to make the detainee stand.⁴⁸³⁵ She thought the break was probably either for lunch or to put the air conditioning on in the room.⁴⁸³⁶ M012 said she did not know the Arabic word for “confess” and she was never asked to interpret anything along the lines of “confess to this allegation or ...”. The emphasis was always on telling the truth. She said that she may have told the detainee that he was at risk of going to prison for a long time and he may not see his family again.⁴⁸³⁷

4.392 I have no doubt that M006, M029, M007 and M012 all gave both truthful and accurate evidence to the Inquiry. Hussein Al-Behadili deliberately lied when he told the Inquiry that the escorts assaulted him, and that he was made to stand in a painful position for a lengthy period of time, and that he was questioned in an aggressive manner on 17 and 21 May 2004. He did so in order to lend substance to his allegations of ill-treatment at the hands of the British military. If Hussein Al-Behadili was told that he might be released if he provided information that showed he had not been involved in the incident, I am satisfied that this was intended as a statement of fact and can reasonably be considered to be such in both the context and manner in which it was said. If Hussein Al-Behadili understood that to be a threat to the effect he would die in prison if he did not confess, he was plainly mistaken.

Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779)

4.393 On 16 May 2004, Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) was interviewed for 1 hour and 15 minutes between 10:35 and 11:50 hours.⁴⁸³⁸ The interviewer was M005, a qualified interrogator. The interpreter was M030.

4.394 In his evidence to the Inquiry, Atiyah Al-Baidhani said he was dragged from his cell by a guard. As he was escorted to the interrogation room, he said the guard punched him and pushed him into the walls and then into the interrogation room. The guard then pushed him against a wall in the interrogation room.⁴⁸³⁹ He said that during the first interrogation he was made to face the wall. Occasionally he would be told to turn and face the interviewers, and then he would be told to turn back and face the wall.⁴⁸⁴⁰ The first time he was turned around, the interpreter walked over to him and physically turned him around to face the desk. After that, the interpreter would just shout at him to turn around.⁴⁸⁴¹ He said that if the interviewer got angry, she would come within 12 inches of his face and shout at him.⁴⁸⁴² He said he was told to sign a confession otherwise he would remain in prison forever⁴⁸⁴³ or would remain in Shaibah for many years.⁴⁸⁴⁴ He said he was made to stand throughout.⁴⁸⁴⁵

4.395 The interrogation report from 16 May 2004 indicates that a “neutral” approach was adopted throughout the interview. It further recorded that the detainee “*maintained good eye contact and answered all questions clearly and without hesitation. When questioned about the attack he very conveniently said he could not understand the interpreter and was finding it difficult*

⁴⁸³⁵ M012 (ASI019303) [82]

⁴⁸³⁶ M012 (ASI019302) [79]

⁴⁸³⁷ M012 (ASI019303) [85]

⁴⁸³⁸ See paragraph 4.317

⁴⁸³⁹ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000171) [49-50]; (PIL000173) [56]

⁴⁸⁴⁰ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000172) [53]

⁴⁸⁴¹ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000174-75) [56]

⁴⁸⁴² Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000175) [61]

⁴⁸⁴³ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (MOD006681) [40]

⁴⁸⁴⁴ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000174-75) [60]

⁴⁸⁴⁵ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (MOD006681) [40]

*to hear because he had a sore left ear. He complained a couple of times of being very tired and kept yawning.”*⁴⁸⁴⁶

4.396 M005 said all her interrogations at the JFIT were conducted in a neutral manner and the detainee always sat down.⁴⁸⁴⁷ She said it was possible that Atiyah Al-Baidhani thought she was shouting because she does naturally raise her voice when she speaks. However, if she had intentionally shouted, she would have recorded that in her report.⁴⁸⁴⁸ She said it was ridiculous to suggest that she came within 12 inches of Atiyah Al-Baidhani’s face and shouted at him.⁴⁸⁴⁹ M005 denied that the detainee was made to face the wall.⁴⁸⁵⁰ M005 denied the detainee was asked to sign a confession and says that in any event, they had nothing for him to sign.⁴⁸⁵¹ M005 was asked to comment on the detainee’s allegation that he was dragged from his cell, assaulted whilst being escorted to the interrogation room, and then pushed into a wall when he entered the interrogation room. M005 said she did not see any of those incidents occur. She would have been very surprised if they did occur and she would have expected the detainee to mention it to her during the interview, particularly as the detainee did complain of being tired.⁴⁸⁵²

4.397 The interpreter, M030, said she did not recall a detainee ever being made to stand for longer than was necessary at the beginning of an interrogation.⁴⁸⁵³ She also said in her oral evidence that she did not recall Atiyah Al-Baidhani being made to stand for an hour facing a wall.⁴⁸⁵⁴ M030 said it is unlikely that M005 got very close to Atiyah Al-Baidhani because M005 and M030 were quite small women. She did not remember them being within 12 inches of a detainee’s face.⁴⁸⁵⁵ M030 said she did not remember any detainee ever being told that if he did not sign a confession he would be in prison forever.⁴⁸⁵⁶

4.398 I have no doubt that both M005 and M030 gave truthful and accurate evidence to the Inquiry. Atiyah Al-Baidhani lied when he alleged that he was assaulted when he was escorted to and from his interrogations. I am satisfied that, if such assaults had taken place, either M005, M030 or likely both would have been aware of them. Atiyah Al-Baidhani also lied when he alleged that he was told to sign a confession otherwise he would remain in prison forever. This did not happen. The remainder of Atiyah Al-Baidhani’s account of his interrogation contained a significant degree of exaggeration on his part, intended to mislead the Inquiry into believing that the interrogation was conducted in a highly aggressive manner. This simply was not the case. Atiyah Al-Baidhani lied and exaggerated in this fashion in order to lend substance to his allegations of ill-treatment at the hands of the British military.

Hussein Gubari Ali Al-Lami (detainee 780)

4.399 On 19 May 2004, Hussein Gubari Ali Al-Lami (detainee 780) was interviewed for 1 hour and 5 minutes between 13:45 and 14:50 hours.⁴⁸⁵⁷ The interviewer was M006, a qualified debriefer. The interpreter was M012.

⁴⁸⁴⁶ (MOD040944)

⁴⁸⁴⁷ M005 [164/227/21]

⁴⁸⁴⁸ M005 (ASI021231) [87]

⁴⁸⁴⁹ M005 (ASI021231) [87]

⁴⁸⁵⁰ M005 [164/260/23]

⁴⁸⁵¹ M005 (ASI021231) [87]

⁴⁸⁵² M005 (ASI021231) [86]

⁴⁸⁵³ M030 [167/87/22]

⁴⁸⁵⁴ M030 [167/61/10]

⁴⁸⁵⁵ M030 (ASI023670) [59]

⁴⁸⁵⁶ M030 (ASI0236700) [59]

⁴⁸⁵⁷ See para 4.316

- 4.400** In his evidence to the Inquiry, Hussein Al-Lami said that at the beginning of the session the interviewer took a handgun out of his holster and placed it on the table. He said he was told to confess or he would remain in prison for a long time, and he was he told that if he provided information he might be released sooner. He said the interviewer acted aggressively and shouted at him. He said the interviewer tried to attack him at one point but was stopped by the interpreter. He said the interviewer picked up the gun from the table and was shouting at him. At that point the guards entered the room and the interviewer sent them back out.⁴⁸⁵⁸
- 4.401** The interviewer, M006, said the allegation about a gun was nonsense; He never had a handgun in Iraq and weapons were strictly prohibited in the JFIT. He said it would have been dangerous to take a gun into an interrogation because it might be used against the interrogator.⁴⁸⁵⁹ He explained that the practice at the JFIT was to leave almost any item behind in M003's office before conducting an interrogation, including multi-tools, pocket knives, keys and watches.⁴⁸⁶⁰ M006 said that he would not use the word "*confess*" although he might have called Hussein Al-Lami a liar in an effort to get to the truth.⁴⁸⁶¹ He also said that he possibly would tell detainees that they might spend a long time in prison and not see their families, but that was simply a statement of fact.⁴⁸⁶² M006 said he never acted as if he was about to attack Hussein Al-Lami.⁴⁸⁶³
- 4.402** The interpreter, M012, said she never saw a weapon in an interrogation room.⁴⁸⁶⁴ M012 said she did not know the Arabic word for "*confess*" and she was never instructed to interpret anything to that effect. The emphasis was always on telling the truth. However, Hussein Al-Lami may have been told that he was a risk of going to prison for a very long time.⁴⁸⁶⁵ M012 said it was highly unlikely that M006 got to Hussein Al-Lami's face or acted aggressively.⁴⁸⁶⁶ She said it was not possible that Hussein Al-Lami thought he was going to be attacked.⁴⁸⁶⁷
- 4.403** Paragraph 25 of the JFIT Operational Directive dated 31 May 2004 is headed "*Weapons*". It states:

*"[...] Weapons for the JFIT personnel will be held in secured ISO container in weapon racks. The ISO key is to be held in the ops room. Weapons will not be brought within the JFIT. [...]"*⁴⁸⁶⁸

- 4.404** The JFIT Operational Directive also includes an Annex J, titled "*JFIT SOPs – Weapons, Ammunition and Morphine*". Annex J includes the following:

*"All weapons must be kept in the armoury, the ISO container facing the JFIT gates, and in line of Sight of the Tower 5. This ISO should be locked with two security approved Abloy padlocks which is the minimum level of security required. [...] Weapons are signed in an out of the armoury when required."*⁴⁸⁶⁹

⁴⁸⁵⁸ Hussein Gubari Ali Al-Lami (detainee 780) (ASI004822) [111-112]; (PIL000395) [6]; (PIL000396) [9]

⁴⁸⁵⁹ M006 (ASI018781) [91]

⁴⁸⁶⁰ M006 (ASI018766) [23]

⁴⁸⁶¹ M006 [157/69/5]

⁴⁸⁶² M006 [157/51/6]

⁴⁸⁶³ M006 [157/75/24-[76/2]

⁴⁸⁶⁴ M012 [153/94/5]

⁴⁸⁶⁵ M012 (ASI019304) [89]

⁴⁸⁶⁶ M013 [153/91/25]

⁴⁸⁶⁷ M013 [153/92/5]

⁴⁸⁶⁸ (MOD046803)

⁴⁸⁶⁹ (MOD046873)

4.405 I have no doubt that both M006 and M012 gave truthful and accurate evidence to the Inquiry. The allegation Hussein Al-Lami made about a handgun is incapable of belief. It was fabricated by Hussein Al-Lami. Hussein Al-Lami also lied when he described M006 attempting to attack him and being restrained by M012. Both lies were told with the intention to mislead the Inquiry into believing that the interrogations were conducted in a highly aggressive and violent manner. This simply was not the case. I accept that the questioning may have been direct in its nature and even that Hussein Al-Lami might have been called a liar. However, whilst Hussein Al-Lami might have been told that if he provided information he might be released sooner, I am satisfied that he was not told to confess. This too was a fabrication on his part designed to substantiate his allegations of ill-treatment by representing the interviews as oppressive.

A comparison of the conduct and content of the interrogations conducted in the JFIT at Shaibah with the tactical questioning sessions conducted at Camp Abu Naji overnight on 14/15 May 2004

4.406 In the preceding paragraphs of this Report I set out the available evidence relating to the interrogations of each of the eight detainees who were interrogated during their time at the JFIT. Where appropriate, I set out my findings as to the manner in which each of those interrogations was conducted. When considered collectively, it is apparent to me that the interrogations conducted in the JFIT bore little resemblance to the tactical questioning sessions which were conducted at Camp Abu Naji overnight on 14/15 May 2004.

4.407 As I have already stated,⁴⁸⁷⁰ a number of the incidents which occurred when the detainees were tactically questioned, as well as the process as a whole, amounted to a form of ill-treatment. By contrast, I am satisfied that no ill-treatment occurred when the detainees were interrogated in the JFIT compound. Each of the interrogators and interpreters who gave evidence about these interrogations described a largely business-like procedure which was not aggressive or threatening towards the detainees. The ‘harsh’ technique was not used during the interrogation of any of the eight detainees with whom this Inquiry is concerned and who were interrogated at the JFIT.

4.408 I found the following passage in the oral evidence of M003 to be both truthful and accurate. It gives a general picture of how the detainees with whom this Inquiry is concerned were treated in their JFIT interviews. M003 was asked if the resource limitations experienced by his team in May 2004 had any adverse consequences for the detainees. He answered:

“A. The consequence was beneficial for the internees. The nine individuals in question — I have to absolutely make this clear: we were under a massive pressure from the whole of the Brigade to extract information or intelligence that potentially could be a secondary attack, there could be weapons out there that were about to be used on an attack tomorrow, next hour, next minute. And these individuals had been caught red handed in an ambush site firing weapons at our soldiers. They had information. And that information potentially could have saved life. And I had all this pressure from the Brigade to get that information.

Now, unfortunately, we didn’t have all the trained individuals, we didn’t have the amount of forensic that we needed. We couldn’t do very much. And a lot of them were medically unfit. So it was — it was pretty limited, and when you know that these individuals have been caught in this type of event, situation, attack, incident it was — it was pretty demoralising.

⁴⁸⁷⁰ See paragraph 3.420

Q. Did that pressure and demoralisation, and no doubt frustration, in having people in front of you who have been caught red handed ever translate into those asking the questions transgressing beyond what was permissible?

A. No, absolutely not. It was the other way round: it was almost defeat.”

4.409 Accordingly, and as specifically identified in relation to each of the detainees who were interviewed in JFIT at Shaibah, I am satisfied that these interviews were not at all like the threatening and oppressive tactical questioning sessions which they had experienced at Camp Abu Naji.

4. Visit from the International Committee of the Red Cross

4.410 On 17 and 18 May 2004, the JFIT received visitors from the International Committee of the Red Cross (“ICRC”). M003 explained that this was a routine visit to allow representatives from the ICRC to speak to the detainees. The ICRC visits occurred according to the ICRC’s own schedule.⁴⁸⁷¹ The guards’ Incident Log records that the ICRC arrived at 16:28 hours on 17 May 2004. The record in the Incident Log indicates that representatives from the ICRC spoke to all the detainees relevant to this Inquiry, except Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779). In his written evidence, Atiyah Al-Baidhani recalled that he was visited by the Red Cross.⁴⁸⁷² It is quite possible that the Incident Log simply failed to record the visit.

4.411 Over the two days of the ICRC visit, the JFIT suspended interviews in order to facilitate the visit and enable the ICRC access to the detainees.⁴⁸⁷³ M003 told the Inquiry that the ICRC was content with the running of the JFIT.⁴⁸⁷⁴ I am satisfied that the JFIT did not intend to conceal ill-treatment from the ICRC.

4.412 The Report produced by the ICRC following this visit included a section devoted to the detainees captured following what was described as the “MAJAR AL KABIR FIREFIGHT”.⁴⁸⁷⁵ I am satisfied that the following matters included in the ICRC Report relate to the detainees with whom this Inquiry is concerned:

“The ICRC had reason to believe that the internees from Majar Al Kabir had been ill-treated, subsequent to their capture. The medical observations made by the ICRC were compatible with the allegations made.

Of the nine internees present in the DTF from this incident, five had been captured in the vicinity of the battle and four had been captured during the fighting. Three of these internees, who were captured mid-May alleged that they had been punched and kicked immediately after capture when they were already handcuffed or restrained. All three had traumatic injuries in different parts of the body and had been repetitively injured in the head, especially in the face. In two cases the lesions were prominent in one side of the face, which was compatible with the allegation that they were already restrained when they were beaten. They refused to allow the ICRC to cite their identities.

⁴⁸⁷¹ M003 (ASI024622-23) [102]

⁴⁸⁷² Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (ASI000956) [58]

⁴⁸⁷³ M003 (ASI024623) [104]

⁴⁸⁷⁴ M003 (ASI024624) [107]

⁴⁸⁷⁵ (MOD032560)

The allegations of ill treatment of the internees were supported by the physical findings. The fact that the same unit captured the three internees in the same place, date and time further supported the allegation.

The ICRC suggested that, in general, any case suspected of being ill treated should be documented and reported to the competent body for further investigation and that the victims of ill treatment should be informed about the right to file a complaint and the right to compensation.

The ICRC recommended establishing a system by which any cases of ill-treatment, suspected or definite, documented by the DTDF doctor can be easily reported for an investigation. It was also stressed that it was the responsibility of the Authorities to determine if this incident had been an isolated event or if it was part of a widespread and systematic behaviour.

The Authorities took note of these allegations and informed the ICRC that they would be included into the ongoing investigation into the Majar Al Kabir incident. They also informed the ICRC that standing orders already existed for cases to be automatically investigated and that doctors had the obligation to report suspicions of ill treatment. A reminder of these orders would be issued.

4.413 In a later Chapter of this Report, I will explain how these complaints recorded by the ICRC precipitated an investigation by the Royal Military Police.⁴⁸⁷⁶ Furthermore, all the allegations to which the ICRC referred in the passage quoted above have been subject to detailed consideration by this Inquiry and dealt with in this Report.

5. Family Visits

4.414 Paragraph 15 of the JFIT Operational Directive made it clear that detainees were not permitted to receive visitors while they remained in the JFIT compound as this would hamper the JFIT's ability to extract intelligence.⁴⁸⁷⁷ However, a SITREP dated 18 May 2004 indicates that, as an exception to the rule, an "extraordinary" visit was being planned for the detainees' relatives to visit the detainees.⁴⁸⁷⁸

4.415 In his evidence to the Inquiry, M003 explained that the extraordinary visit was authorised to address rumours which had begun to circulate in Al Amarah that the survivors of the contact had been murdered or abused at Camp Abu Naji.⁴⁸⁷⁹ However, the Incident Log contains no record of those visits in fact taking place before the detainees were moved to the main DTDF compound on 21 and 22 May 2004.⁴⁸⁸⁰

⁴⁸⁷⁶ See Part 5, Chapter 1

⁴⁸⁷⁷ (MOD046800) [15]

⁴⁸⁷⁸ (MOD041647)

⁴⁸⁷⁹ M003 (ASI024622) [99]

⁴⁸⁸⁰ (MOD040061)