



**ARMY**

# FOLLOW-UP REVIEW INTO THE HANDLING OF CAPTURED PERSONS (CPERS)



## Final Report by The Army Inspector

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Personnel involved in the review:

Colonel B J W Green (Late RTR)

Mr Mark Lewindon

[REDACTED]

[REDACTED]

Deputy Army Inspector

Independent Member

SO1a Pan Army

SO3a Pan Army

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## ARMY INSPECTORATE FOLLOW-UP REVIEW INTO THE HANDLING OF CAPTURED PERSONS (CPERS)

### EXECUTIVE SUMMARY

1. The Armed Forces have a moral and legal duty to ensure that CPERS are, at all times, treated humanely and held in a safe and secure environment. The Army's handling of CPERS has come under considerable scrutiny following several notorious cases from 2003 and early 2004; the death of Baha Mousa led to an independent Public Inquiry that reported in Sep 11. Prior to the Baha Mousa Inquiry (BMI) reporting, a number of internal reviews were also conducted, the most significant of which were the Aitken Report in 2008 and the Army Inspector's Review in 2010. After SofS accepted the recommendations of the BMI<sup>1</sup>, CGS directed that those specific recommendations relating to the Army should be implemented.
2. **Aim.** The aim of this Review was to examine the implementation of policy, training and conduct of CPERS handling in order to confirm that behaviours have changed as a result of previous reviews and that CPERS continue to be treated humanely and in accordance with UK and international law at all times and in all circumstances.
3. **Key Findings.** The key findings of the Review are:
  - a. On **Op HERRICK**, substantial evidence exists that demonstrates behaviours of personnel handling CPERS meet the high standards expected by the Defence and external bodies. This is driven by strong leadership and clear, consistent doctrine that is understood across all ranks. As far as can be reasonably expected, UK Armed Forces understand the need to treat others humanely and with respect.
  - b. In terms of **governance**, a strong oversight mechanism for detention has been established that stretches from the UK to Afghanistan. A direct link between authority, responsibility and accountability is evident throughout the Chain of Command (CoC). A culture that encourages detention-related decisions to be scrutinised and challenged at every level of the CoC also exists. An auditable trail of CPERS detention records is held with processes established to pass information quickly and eliminate delay. The structures in use today will be equally relevant for future operations and must be sustained as the Army and Defence prepares to reset for contingency.
  - c. For the contingency era, **engraining the right behaviour** into the DNA of our personnel requires long-term investment in effective individual and collective CPERS training based on strong links to leadership, ethics and the Army's Values and Standards (V&S). A clear authority to direct training and development is required to embed these elements and

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<sup>1</sup> With the exception of one recommendation concerning techniques used during tactical questioning.

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ensure that the hard-won lessons of Iraq and Afghanistan are not forgotten when preparing personnel to handle CPERS on future operations.

d. At present, too many in the Army believe that handling CPERS is not a core military skill but the preserve of the specialist suggesting that the **management of detention as a capability within the Army** is sub-optimal. Director General Capability (DG Cap) should review the management arrangements within the Army in order to ensure full and cross DLOD coherence in line with the management arrangements for other capabilities across the Army and appropriate CoC engagement.

e. In terms of implementing the **BMI recommendations**, the Army has not fully complied with recommendation 40 (appointment of unit Detention Officers) and is in potential breach of recommendations 10, 13 and 39 (concerning sight deprivation). These findings have been extensively discussed with PM(A) and others, notably the Operations Directorate (Ops Dir) in MOD, and a way forward to ensure full compliance has been agreed.

4. **The Conceptual Framework.** A strong **governance** mechanism for detention has been established across MOD encapsulated in the CDS Directives which clearly lay down a robust framework of authority, responsibility and accountability. This framework provides the necessary elements of oversight and assurance and it is essential that these key elements endure as Defence, and the Army, reset for contingency. JDP 1-10 provides an excellent capstone document for all CPERS activities and is reviewed regularly. Across the Defence Medical Services significant improvements have been made for the oversight and governance of all the medical aspects of handling CPERS. However the **management of detention as a capability across the Army** is sub-optimal. Current arrangements place proponency with PM(A) inferring that handling CPERS is a specialist provost role rather than a core military skill for all soldiers. It also calls into question the investigative independence of PM(A). DG Cap should therefore review the Army's management arrangements in order to ensure that this capability is given the right emphasis and cross DLoD coherence.

5. **Training. Initial and continuation CPERS education and training** is firmly established throughout the careers of all Regular Army officers and soldiers. Initial soldier training places great emphasis on the handling of CPERS as a key component of 'Respect for Others' within the V&S framework while this training is taken to a higher level for officers and included as a key component in leadership, operational law and tactics training. Refresher training is provided through MATT 7 and all officer and soldier CLM courses. However training for TA personnel is considerably less rigorous and it is common for TA recruits to only cover the basic rules of handling CPERS during their initial training but not to do the 'top-up' from MATTs or CLM with the risk only mitigated when those personnel complete MST for Op HERRICK. With the integrated force under A2020 and FR20, there is a danger of establishing a clear difference in CPERS skill levels between Regular and Reserve soldiers. **For operations**, MST delivers a comprehensive package of individual and collective CPERS training for all Force Elements (FE) including Reserves and members of the other Services. Efforts now need to be focussed on the reset to contingency as the luxury of a well-resourced and well-practised pre-deployment training package may not be available prior to the next crisis. To reduce the reliance on MST, in particular the safety net provided during RSOI, it is important that the All-Arms Individual CPERS Training plan is both enforced across the Army and is developed through positive engagement with units and Training Delivery Organisations. Training

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for **unit Detention Officers** is now in place but seems poorly targeted and understood; further guidance is required to determine which units need to appoint and train a unit Detention Officer. Finally some **CPERS training has inadvertently focussed** on the five prohibited techniques at the expense of other concepts such as the need to treat CPERS humanely.

6. **Conduct on Op HERRICK.** Personnel deployed on Op HERRICK have a clear understanding of the basic tenet of humane treatment of CPERS and their personal responsibilities. Commanders of those engaged in handling CPERS have a clear understanding of their duties and personal responsibilities. Behaviours have changed since the last Army Inspectorate Review and risk associated with the handling of CPERS in Afghanistan has been mitigated as far as can be reasonably expected. Processes for the medical assessment and treatment of CPERS are strictly enforced at both unit holding areas and at the THFs. Medical staff also have a good understanding of their responsibilities and have demonstrated a willingness to place medical need above the requirement to undertake interrogation. Considering **sight deprivation**, JDP 1-10 has been re-written to comply with several BMI recommendations and states that goggles should only be used as a means of sight deprivation as a matter of last resort where there exists a genuine sensitivity about seeing equipment or facilities; their use should not become routine and must always be justifiable on the grounds of operational circumstances on the ground to ensure the safety and anonymity of the CPERS. During the Review the routine use of blacked-out goggles by the MPS and Detainee Handlers was seen within the THFs and on flights and this might appear to contravene current policy; SOPs that direct this approach require independent review to avoid the suggestion that UK Armed Forces are operating outside current policy. With regard to **TQ and Interrogation**, all personnel understand that TQ and interrogation can only be conducted by those with current qualifications awarded by the Defence School of Intelligence (DSI). Understanding of the terminology was found to be poor and many personnel felt reluctant to ask detainees any questions if they were not TQ-trained. At the BG-level, it was clear that units that had engaged with the IEF (or PJHQ J2X staff) early during MST gained significant benefit as they understood, and trained, the need to capture evidence during detention operations. **In-theatre oversight** procedures were found to be robust and effective; checks and balances are provided at each level of command and there exists a healthy challenge process at the Detention Review Committee. Moreover, there is a healthy tension and environment of challenge between the roles of military provost staff and those responsible for intelligence exploitation as a facet of good governance. For **in-theatre assurance**, PM(A) plays a vital role in the inspection and assurance of the deployed detention facilities as a core part of CJO's 1<sup>st</sup> party assurance framework; these inspections are effective and risk has been mitigated substantially within these locations. Further independent assurance is also necessary; this has been provided by the Army Inspectorate (2<sup>nd</sup> party assurance) through regular reviews but would be strengthened further when, where practical, HMCIP visits (3<sup>rd</sup> party assurance). The ICRC will also continue to play an important, external role.

7. **Recommendations.** It is recommended that:

- a. The key elements of the existing governance structure must endure as Defence and the Army resets for contingency.
- b. DG Cap should review the management of detention as a capability within the Army.

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- c. Initial and continuation CPERS training for TA personnel should be improved to bring it more into line with that given to Regular personnel.
- d. Training to handle CPERS should be conducted within the broader context of low-level leadership, basic tactics, operational law and the understanding of ethics and the application of V&S. The approach used at RMAS merits further investigation across Army training as a means of sustaining this capability more broadly during the contingency era.
- e. JDP 1-10 should be amended to provide guidance and clarity on the implementation of the BMI recommendation to appoint unit Detention Officers across all deployed Force Elements.
- f. Any SOP that directs the routine use of sight deprivation must be subject to rigorous, legal review. The review should be conducted by the Ops Dir, with support from CLS and PJHQ, on an annual basis to ensure compliance with UK policy. For Op HERRICK, the existing SOPs relating to the THFs, air movements and the Role 3 hospital must be subject to this analysis as a matter of priority.
- g. The Army Inspector conducts a further review in 2015 and, in the meantime, continues to maintain an oversight of this subject through attendance at the MOD 2\* and 1\* Detention groups.

8. **Reconciliation of BMI Recommendations.** As the Review took place so has there been an underlying reconciliation of compliance with the recommendations made in the BMI report. Where appropriate, evidence found demonstrating compliance has been highlighted to the MOD's Ops Dir as they oversee this capability across MOD as part of the governance arrangements for detention. But in a very small number of instances, non-compliance with BMI recommendations has been identified, commented on in this report and brought to the attention of the appropriate responsible individual in the chain of command. These are all shown in an Annex of the main report as part of an auditable trail of evidence.



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### ARMY INSPECTORATE FOLLOW-UP REVIEW INTO THE HANDLING OF CAPTURED PERSONS (CPERS)

*"The shameful circumstances of Baha Mousa's death have cast a dark shadow on the Army's reputation at home and abroad. This must not happen again".<sup>2</sup>*

*"Anyone with a shred of human decency would be revolted by what is contained in those pictures. The actions of you and those responsible for these acts have undoubtedly tarnished the international reputation of the British Army and, to some extent, the British nation too, and it will no doubt hamper the efforts of those who are now risking their lives striving to achieve stability in the Gulf region".<sup>3</sup>*

### CONTEXT

1. The Armed Forces have a moral and legal duty to ensure that CPERS are, at all times, treated humanely and held in a safe and secure environment. The Army's handling of CPERS has come under considerable scrutiny following several notorious cases of deliberate abuse and unlawful killings in Iraq in 2003 and early 2004. The death of Baha Mousa led to an independent Public Inquiry chaired by the Sir William Gage that reported in Sep 11. Prior to the Baha Mousa Inquiry (BMI) reporting, a number of internal reviews were also conducted, the most significant of which were the Aitken Report in 2008 and the Army Inspector's Review in 2010. After the SofS accepted the recommendations of the BMI<sup>4</sup>, CGS directed that those specific recommendations relating to the Army should be implemented. This review has measured progress against each of these recommendations and how they have changed behaviour as well as looking at broader aspects of the capability to handle CPERS as the Army prepares to reset for contingency.
2. It was not the role of this Review to examine the circumstances surrounding specific allegations or into any ongoing investigations. Also, the Review did not question current MOD policy but did examine its practical implementation across the land environment. The Terms of Reference are at Annex A.
3. Notwithstanding the independent status of the Army Inspector within the Chain of Command (CoC), the requirement for the Review to be demonstrably independent led to the engagement of an external expert<sup>5</sup> with relevant experience to provide an alternative perspective. His comments are included within this report. A Statement of Independent Assurance and his CV are included at Annex B.

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<sup>2</sup> CGS response to the publication of the Baha Mousa Inquiry (BMI) report dated 8 Sep 11.

<sup>3</sup> Judge Advocate Michael Hunter's comments at the Court Martial of members of 1RRF found guilty of abusing looters at Camp Breadbasket in May 2003.

<sup>4</sup> With the exception of one recommendation concerning techniques used during tactical questioning.

<sup>5</sup> Mr Mark Lewindon is a former detective superintendent with significant experience in the Metropolitan Police Service and Her Majesty's Inspectorate of Constabulary.

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### AIM

4. The aim of this Review was to examine the implementation of policy, training and conduct of CPERS handling in order to confirm that behaviours have changed as a result of previous reviews and that CPERS continue to be treated humanely and in accordance with UK and international law at all times and in all circumstances.

### KEY FINDINGS

- On **Op HERRICK**, substantial evidence exists that demonstrates behaviours of personnel handling CPERS meet the high standards expected by Defence and external bodies. This is driven by strong leadership and clear, consistent doctrine that is understood across all ranks. As far as can be reasonable expected, UK Armed Forces understand the need to treat others humanely and with respect.
- In terms of **governance**, a strong oversight mechanism for detention has been established that stretches from the UK to Afghanistan. A direct link between authority, responsibility and accountability is evident throughout the Chain of Command (CoC). A culture that encourages detention-related decisions to be scrutinised and challenged at every level of the CoC also exists. An auditable trail of CPERS detention records is held with processes established to pass information quickly and eliminate delay. The structures in use today will be equally relevant for future operations and must be sustained as the Army and Defence prepares to reset for contingency.
- For the contingency era, **engraining the right behaviour** into the DNA of our personnel requires long-term investment in effective individual and collective CPERS training based on strong links to leadership, ethics and the Army's Values and Standards (V&S). A clear authority to direct training and development is required to embed these elements and ensure that the hard-won lessons of Iraq and Afghanistan are not forgotten when preparing personnel to handle CPERS on future operations.
- At present, too many in the Army believe that handling CPERS is not a core military skill but the preserve of the specialist suggesting that the **management of detention as a capability within the Army** is sub-optimal. Director General Capability (DG Cap) should review the management arrangements within the Army in order to ensure full and cross DLOD coherence in line with the management arrangements for other capabilities across the Army and appropriate CoC engagement.
- In terms of implementing the **BMI recommendations**, the Army has not fully complied with recommendation 40 (appointment of unit Detention Officers) and is in potential breach of recommendations 10, 13 and 39 (concerning sight deprivation). These findings have been extensively discussed with PM(A) and others, notably the Operations Directorate (Ops Dir) in MOD, and a way forward to ensure full compliance has been agreed.

THIS REPORT

**Work Strands**

5. This Follow-up Review was structured along three work strands which are reflected in the format of this report. Within each of the three strands, the lessons process was tested to ensure that observations from either training or operations were learned effectively. Also, within each strand, governance mechanisms were identified to validate that they were fit for purpose, that a healthy 'challenge' process existed at all levels and that points of authority, responsibility and accountability were in place throughout the CoC.

6. **Strand 1 – The Conceptual Framework.** This strand examined the integrity of the conceptual framework so as to validate current doctrine and tactics, techniques and procedures (TTPs). It involved the validation of the hierarchical chain from law, through policy to doctrine and TTPs, such that an individual who adheres to TTPs will both do all that should be done and nothing that should not. It confirms that the recommendations of previous reviews have been incorporated into not just our documentation but also our mindset in preparation for both current and contingent operations.

7. **Strand 2 – Training.** This strand involved the design and validation of training specification (in accordance with the valid TTPs) for handling CPERS; confirmation that the training is being properly delivered; and assessment of the effectiveness of the training through engagement with land Force Elements (FE) and individuals under training. It included both individual and collective training at all stages of an officer or soldier's career including Mission Specific Training (MST) for Op HERRICK.

8. **Strand 3 – Conduct on operations.** This strand concerned the current application of the handling of CPERS on Op HERRICK from point of capture through to release or transfer to the Afghan authorities.

**Methodology**

9. **Evidence collection.** Evidence was collected through first-hand examination of Army activity: CPERS training was observed, exercises were witnessed and documentation was studied. Progress in the implementation of the BMI recommendations was tested and not taken at face value. To achieve this, several hundred Servicemen and women were interviewed either at their place of work, during training or on operations in Afghanistan. Whilst the same level of scrutiny was not applied when visiting the other Services, practitioners were interviewed and documents reviewed to understand processes. The team accompanied PM(A) during his inspection of operational detention facilities in early Feb 12 and conducted a separate operational visit during which significant numbers of personnel drawn from across the Armed Forces and the Civil Service deployed on Op HERRICK were interviewed. A list of those formations and units consulted is given at Annex C.

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10. **Review team composition.** The Review Team consisted of members of the Army Inspectorate plus an external member, Mr Mark Lewindon. Colonel Green and Mr Lewindon were involved in the previous Army Inspectorate Review of 2010 thus allowing direct comparisons in behavioural attitudes, and change, to be made.

11. **Values and Standards.** The 2010 Army Inspectorate review included a strand of work to assess the Army's V&S<sup>6</sup> as it was applied to handling detainees. This has not been included in detail in this follow-up report as Director General Personnel (DG Pers) has conducted a separate review into the inculcation of the Army's V&S through career<sup>7</sup>. Where appropriate, V&S issues were incorporated into each work strand.

12. **Minor observations.** During the course of the Review, a number of minor issues were identified. These were fed back to the CoC for remedial action and are the subject of ongoing work. The details of these issues are not raised in the body of this report but are shown at Annex D as part of an auditable trail of evidence.

13. **Definitions<sup>8</sup>.**

a. **CPERS.** Captured Persons (CPERS) is the generic term given to all individuals who are captured and held by UK Armed Forces on operations overseas. There are three categories of CPERS: prisoners of war; internees; and, detainees.

b. **Tactical Questioning.** The obtaining of information of a tactical nature from CPERS, the value of which would deteriorate or be lost altogether if the questioning was delayed.

c. **Interrogation.** The systematic longer-term questioning of a selected individual by a trained and qualified interrogator.

## REVIEW FINDINGS

### STRAND 1 – THE CONCEPTUAL FRAMEWORK

14. **Aim.** The aim of this strand was to test evidence against a hypothesis:

*'Every Service person who follows the direction concerning handling of CPERS contained in applicable law, through policy and doctrine, to tactics techniques and procedures will both do everything they should and nothing they should not do'.*

15. **Detention as a Capability.** There is no recognised definition of detention as a military capability. Therefore, for the purposes of this Review, it has been codified as follows.

“As a capability, detention comprises numerous strands of activity which are broadly:

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<sup>6</sup> The Army's Core Values are: Courage, Discipline, Respect for others, Integrity, Loyalty and Selfless commitment; the Army's Standards are: Lawful, Appropriate behaviour and Total professionalism.

<sup>7</sup> APRC/P(12)28 dated 2 Jul 12.

<sup>8</sup> JDP 1-10, 2<sup>nd</sup> Edition Lexicon - Terms and Definitions.

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- either **enabling** such as the provision of doctrine, legal interpretation and advice, operational planning, liaison with external bodies, custodial procedures, medical support, infrastructure;
- or, **skill-based activities** such as handling of CPERS and the associated training and practical application of those skills.

Each of these strands draws on the expertise of separate SMEs, brought together within a governance framework covered below.”

### Governance across MOD

16. A strong governance mechanism for detention has been established that stretches from Whitehall to the Forward Operating Bases (FOBs) in Afghanistan. Governance is built around a consistent set of higher-level policy documents derived from UK and international law including Cabinet Office guidance, the MOD Strategic Detention Policy, CDS Directive (Cat 1) on the Handling of CPERS on Operations and CDS Directive (Cat 2) to CJO for Specialist Intelligence Acquisition Operations. Responsibility is embedded within the Ops Dir in D Op Pol's functional area; at present a specialist Detention Cell has been set up to reflect the scale of work required to sustain today's level of operational activity. In addition to providing clear accountability and allocating individual responsibilities, the policy framework facilitates governance through the establishment of the MOD 2\* Detention Steering Group and the 1\* Detention Working Group. Communication channels between these meetings, PJHQ and the Detention Review Committee (DRC) held in Afghanistan ensure that timely and relevant information flows effectively and those charged with providing strategic direction are kept well informed with tactical reality and vice-versa. As far as can be reasonably expected, risk in relation to handling of CPERS has been mitigated and decision-making is subject to critical analysis and questioning at each level.

17. **Policy and guidance.** The publication of Joint Doctrine Publication (JDP) 1-10 (2<sup>nd</sup> Edition) Captured Persons in October 2011 provided a single capstone document for all CPERS activities<sup>9</sup>. In turn, the Op HERRICK Standard Operating Instruction<sup>10</sup> was amended to provide clear theatre-specific direction relating to detention activities in Afghanistan. These two documents are now in use across the Army and the Review found no evidence of outdated policy or doctrine being used. JDP 1-10 is a well-written, thorough and readable document that captures all aspects of detention and fully incorporates the recommendations of the BMI. It also contains information previously held in other documents such as medical policy that was previously provided through Surgeon General Policy Letters (SGPL). The Development, Concepts and Doctrine Centre (DCDC) has established a committee to regularly review the doctrine to ensure it remains current and relevant. The Operational Law Branch is leading an Army-wide review of all CPERS-related tactical doctrine to confirm consistency with JDP 1-10. This process will take some time to complete but will ensure that publications, aide-memoires and teaching material remains consistent with current policy.

18. **Assurance.** Assurance of the handling of CPERS from the Point of Capture to their handover at a Temporary Holding Facility (THF) remains the preserve of the CoC and is

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<sup>9</sup> JDP 1-10 is consistent with the NATO equivalent, Allied Joint Publication 2.5 – Handling of CPERS, Equipment and Documentation.

<sup>10</sup> PJHQ Standard Operating Instruction (SOI) J3-9.

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recognised as the area of greatest risk in JDP 1-10. This is currently supported by PM(A) conducting inspections on behalf of CJO. Within the THFs this could be construed as PM(A) 'marking his own homework' as he both inspects the facilities and commands the personnel that run them. A degree of independent assurance is necessary. This can be achieved through 2<sup>nd</sup> Party assurance visits by the Army Inspectorate and, when practicable, 3<sup>rd</sup> Party advisory visits by Her Majesty's Inspectorate of Prisons (HMIP). In addition, the International Committee of the Red Cross (ICRC) retains the right<sup>11</sup> to visit CPERS holding facilities. ICRC visits are now established within our doctrine, exercised during MST and they occur on Op HERRICK. HMIP visits to the THFs in Afghanistan (BMI Recommendation 44) are yet to be established.

19. **Enduring risk.** JDP 1-10 illustrates<sup>12</sup> the reduction in risk from the Point of Capture to the detention facility and the measures that need to be applied at each stage to manage, mitigate and reduce risk. In addition to well-trained soldiers, the use of Service police and the fast onward movement of CPERS, it is the oversight provided by the CoC that remains the most important mitigating factor. Through the new governance arrangements across MOD this topic is actively managed and overseen.

**Recommendation 1: The key elements of the existing governance structure should endure as Defence and the Army resets for contingency.**

### Governance within the Army

20. **PM(A).** PM(A), independent of the CoC<sup>13</sup>, holds a number of specific responsibilities relating to handling CPERS:

- a. He is the ACA&I for custody.
- b. He has Operational Command (OPCOM) of Royal Military Police (RMP) and Military Provost Staff (MPS) personnel, including those deployed on operations.
- c. He has been made Defence SME for CPERS handling on overseas operations<sup>14</sup> and CJO's Advisor on Operational Custody and Detention Practice<sup>15</sup>. In this capacity, he sits on both the 1\* and, when required, 2\* Detention Groups in MOD. He also provides inspection of all handling of CPERS and reports to CJO, the MOD 2\* Detention Steering Group and, ultimately, VCDS, the capability owner for MOD.

In addition, following an internal Army review<sup>16</sup> of policy, training and conduct for detainee handling in 2010, Director General Land Warfare (DGLW)<sup>17</sup> concluded that PM(A)'s responsibilities should extend beyond 'Custody and Detention' to become the proponent for CPERS as a capability across

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<sup>11</sup> Through a combination of international law (Geneva Conventions) during International Armed Conflict and UK policy during Non-International Armed Conflicts.

<sup>12</sup> Figure 4.1, page 4-4.

<sup>13</sup> In order to allow him to conduct his principal, investigative role.

<sup>14</sup> Beyond UK territorial waters.

<sup>15</sup> CDS 08/11 dated 10 Feb 11 – CDS Directive (Cat 1) on the Handling of CPERS on Operations (CONFIDENTIAL).

<sup>16</sup> LWC/G7 dated 17 Feb 10.

<sup>17</sup> This post no longer exists with the majority of these functions now undertaken by DG Cap.

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the Army. He therefore became responsible for all aspects of detainee handling 'including Point of Capture through detention to release or charge by the host nation'. At the time it was recognised that this function would require additional resources to discharge this 'capability director' role in HQ PM(A) but these have not been forthcoming<sup>18</sup>. Of note, this appointment was made prior to the formation of DG Cap and his CDs.

21. **Capability Management within the Army.** Throughout the Review a consistent theme was present as to whether PM(A) was the most *appropriate* appointment to manage this capability within the Army. It was underpinned by various factors and evidence.

a. It was clear some personnel still believe that handling CPERS is not a core military skill but the preserve of the specialist (RMP and MPS). To some extent, this idea is reinforced by PM(A)'s current responsibility as the Army's proponent. Just as arrest is second-nature to a military policeman, so the handling of CPERS should be second-nature for all other soldiers on the battlefield alongside their other basic military skills such as fieldcraft and marksmanship. This notion is further underlined by examples such as the poor take up on the Unit Detention Officers Course<sup>19</sup> and a reluctance to conduct 'patrol chat-up' CPERS at the point of capture.

b. PM(A) discharges his duties in relation to providing assurance of the THFs to a very high level but, inevitably, to a lesser degree for CPERS between the point of capture and arrival at a THF where considerations about CPERS must be balanced with a range of other operational priorities.

c. PM(A), outside the chain of command, has limited influence on some aspects of CPERS activity such as the delivery of dismounted close combat training and the practical execution and delivery of individual and collective training for handling CPERS.

d. The formation of CDs under DG Cap has placed the management of capabilities within the Army on a pan and cross-DLoD basis, drawing coherence to the development and integration of that capability led by force design<sup>20</sup>. Nonetheless CDs are advised by a range of SMEs.

e. Within MOD the Ops Dir fulfils the capability management role on behalf of VCDS, as SRO, firmly within the operational CoC. To do so, they draw on the breadth of advice from appropriate SMEs, of whom PM(A) is but one.

f. The tension between the need to be able to demonstrate the independence of PM(A) on the one hand while remaining in command for the specialist custody staff (MPS) on operations (and in the UK).

g. By way of comparison, the management of detention (as a capability) within Naval Command is carried out by ACOS Warfare on behalf of COS Capability in NCHQ. The

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<sup>18</sup> As a result, several MOD Detention Action Plan issues remain unresolved or incomplete.

<sup>19</sup> Covered in paragraph 33 (a) and footnote 28.

<sup>20</sup> ECAB paper 'P(11)/16 dated 19 May 11 - The Development and Integration of Land Force Capabilities.

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principal reason is due, within the Navy, to the linkage between detention (as the outcome of an operation) and the boarding of ships. A secondary consideration is to preserve the independence of PM(N).

Further it has already been acknowledged that a separate 'proponent' would have to be found within Land Forces to deliver the full detention capability pan-DLOD and ensure enforcement of training needs. It is also noteworthy that CLF is not represented on the on internal working groups reviewing the implementation of BMI recommendations. It is the opinion of this Review that the management of this capability should be undertaken within DG Cap's own area of responsibility.

**Recommendation 2: DG Cap should review the management of detention as a capability within the Army.**

### Other Conceptual Issues

22. **Governance of medical policy and practice.** The Defence Medical Services (DMS) have made significant improvements to their policies, training and processes to prepare medical staff for their specialist responsibilities in relation to handling CPERS. This includes a detailed chapter within JDP 1-10 and the establishment of: the DMS Professional Conduct and Ethics Committee that will consider the handling of CPERS as a standing agenda item; and, the DMS CPERS Policy Military Judgement Panel. Some difficult ethical and practical issues remain including the provision of patient confidentiality, obtaining consent, medical staff confidentiality<sup>21</sup>, accurate aging of children/juveniles and the provision of sustainable treatment in Developing Countries where medical standards are not comparable with those provided to UK Forces. It is encouraging that these issues are being tackled proactively and sensible measures are being put in place to protect both medical staff and the CPERS whom they examine and treat.

23. **Capturing lessons.** An effective mechanism for identifying CPERS lessons from both training and operations does exist. Examples of this affecting subsequent training were witnessed during the Review including Reception Staging and Onward Integration (RSOI) training serials incorporating recent examples of problems encountered by UK Forces conducting body searches. The regular reviews being established by DCDC will allow lessons to be incorporated quickly into doctrine. However, some of these lessons are not currently being captured on the Defence Lessons Information Management System (DLIMS) and therefore there is a danger that the detail and reasoning behind the doctrinal change may be lost.

### Strand 1 Conclusions

24. With regard to the Conceptual Framework, the Review has found that:

- a. **Governance across MOD.** A strong governance mechanism for detention matters has been established as a result of experience in Iraq and Afghanistan. It is essential that the key elements of this structure endure as Defence, and the Army, resets for contingency. JDP 1-10 (2<sup>nd</sup> Edition) provides an excellent capstone document for all CPERS activities. The Army should continue to participate in DCDC's regular reviews of JDP 1-10 to ensure it

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<sup>21</sup> Medical staff are required to identify themselves when signing F Med 1026 (Annex 3A to JDP 1-10).



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remains current and relevant. Within the Army, OpLaw Branch's review of CPERS-related tactical doctrine is an important supporting activity. DMS has established a Military Judgement Panel to review, on a regular basis, the medical aspects of handling CPERS.

b. **Assurance.** PM(A) plays a vital role in the inspection and assurance of the deployed detention facilities (this should be considered as part of the 1<sup>st</sup> party assurance framework). Further independent assurance is also necessary and this should be conducted by the Army Inspectorate (2<sup>nd</sup> party assurance) through regular reviews and, when practical, by HMIP visits (3<sup>rd</sup> party assurance). The ICRC will continue to play an important, external role.

c. **Capability Management in the Army.** Capability management of detention is sub-optimal across the Army, with the chain of command not fully engaged. The current arrangements have a tendency to infer that handling CPERS remains a specialist provost role rather than a core military skill for all soldiers. In order to achieve full and cross DLoD coherence, DG Cap should review the management arrangements within the Army, drawing on best practice within his own organic CDs working to the chain of command. This should bring the management of detention as a capability into 'centre stage' and reinforce the notion that handling CPERS is a core military skill and not a specialist task.

d. **Governance of medical policy and practice.** DMS have made significant improvements to their policies, training and processes to prepare medical staff for their specialist CPERS-handling responsibilities.

## STRAND 2 – TRAINING

25. **Aim.** The aim of this strand was to test evidence against a hypothesis:

*'The Army conducts effective training for all officers and soldiers with regards to handling CPERS such that they are adequately prepared both for current and contingent operations.'*

### Non-operational Training

26. **Regular Army.**

a. **Initial training.** Initial soldier training, with its clear focus on the Army's V&S, uses handling of CPERS as one of the areas to promote the Core Value 'Respect for others' to good effect. The message is well understood among new recruits who know both what to do and why it is important to do so. Initial officer training at RMAS provides an exemplar in the integration of training for handling CPERS within the context of broader officer-skills such as low-level leadership, V&S, operational law as well as basic tactics. RMAS instructors do not teach handling of CPERS in isolation, as a set of rules that one must follow, but as a core military skill alongside others like physical fitness and weapon handling. It is assessed that the educational foundations for soldiers are good and for the current junior officer cohort are even stronger.

b. **Continuation training.** Refresher training within the Field Army should be conducted through completion of the Military Annual Training Test (MATT) 7, Section 8. This is

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complemented with more in-depth attention during Command, Leadership and Management (CLM) training at key points<sup>22</sup> through a soldier's career. Combined, this training and education should ensure that the Army is systematically engraining good behaviour in the DNA of all ranks. However, recorded completion of MATT 7 remains low so this remains difficult to verify (see below). The Junior Officer Tactics Course (JOTAC) delivers additional, progressive training to ensure that officers are well-equipped to deal with future contingencies. Our officers are left in no doubt as to their personal responsibilities or the action they are required to take.

### 27. Territorial Army.

a. **Initial Training.** Training for Territorial Army<sup>23</sup> (TA) personnel is considerably less rigorous and often includes little more than consideration of the key basics during initial training. One illustration of the gap between the training of Regular and TA personnel is provided by the respective course programmes at RMAS – the Commissioning Course (CC) includes 21 CPERS serials (including presentations, syndicate discussions and exercise serials) whereas the TACC includes just 2 serials.

b. **Continuation Training.** TA personnel are only required to pass the Law of Armed Conflict (LOAC) element<sup>24</sup> of MATT 7 each year and not the Search and Prisoner Handling element<sup>25</sup> unless they are warned for operations or are serving with Regular Army units. Currently, this risk is mitigated prior to operational deployment through the requirement for individuals to complete the full MATTs package at the Reinforcements Training and Mobilisation Centre (RTMC) plus the inclusion of CPERS lessons during MST.

The lack of depth of CPERS training for TA personnel remains an area of significant concern, especially as we move towards an integrated force structure of A2020/FR20.

**Recommendation 3: Initial and continuation CPERS training for TA personnel should be improved to bring it more into line with their Regular Army colleagues.**

28. **Policy compliance.** Compliance with the Army's training policy was found to be lacking in some areas<sup>26</sup>; this has been addressed directly by the relevant branches within the Army HQ and further direction has been issued by D Trg(A). In order to reduce our reliance on MST providing a training 'safety net', it is important that existing policy is enforced and progressively developed through constructive engagement with units and Training Delivery Organisations. Despite the profile afforded to handling CPERS, non-compliance with relevant policy remains evident. This is a critical imperative to keep the issue alive to ensure that current skills levels do not fade post-Afghanistan.

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<sup>22</sup> For soldiers, this is prior to promotion to corporal, sergeant and warrant officer. For officers, this is prior to promotion to captain.

<sup>23</sup> The term Territorial Army is used in this report to distinguish the part of the Army Reserve providing the bulk of Reservists training for, and deployed on, current operations. It is acknowledged that terminology may change as a result of recent announcements.

<sup>24</sup> Section 3 of MATT 7.

<sup>25</sup> Section 8 of MATT 7.

<sup>26</sup> In particular the All-Arms Individual CPERS Training policy dated 1 Dec 11.

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29. **Contingency.** The greatest training challenge is to maintain the current high level of skills as we reset for contingency. 'Keeping the flame alive' will require units as well as individual and collective training establishments to maintain demanding training objectives and to invest time and resources into imaginative serials that practice and test skills in all aspects of detention. Much of this can be achieved within low-level unit training (CT levels 1-2) if the All-Arms Individual CPERS Training Plan is followed with qualified officers and SNCOs delivering the required Battle Lessons. Also, the current practise of RMP NCOs delivering CPERS training within units during MST is a useful reminder of how Provost staff support the chain of command to handle CPERS on operations; this should be encouraged more widely while stressing that it is everybody's business. In line with the training at RMAS, skills in the handling of CPERS should not be taught in isolation but considered within existing leadership training, when discussing the Army's V&S and throughout tactical exercises. At the end of a section attack, it should become as normal to deal with CPERS from the point of capture through the unit holding facilities, as it currently is to deal with enemy dead.

**Recommendation 4: Training to handle CPERS should be conducted within the broader context of low-level leadership, basic tactics, operational law and the understanding of ethics and the application of V&S. The approach used at RMAS merits further investigation across Army training as a means of sustaining this capability more broadly during the contingency era.**

### Preparation for Op HERRICK

30. **Mission Specific Training.** The Review found significant evidence that MST ensures that all deployed force elements, including those from the other Services, receive appropriate levels of individual and collective training to handle CPERS appropriately. There is room for fine-tuning in some areas which OPTAG has in hand but preparation of individuals and units for Afghanistan is not an area of notable risk.

31. **RSOI.** Training during RSOI provides a highly effective safety net to ensure that all personnel, including Civil Servants and members of the other Services, receive appropriate lessons in the handling of CPERS. The RSOI Day 2 package, for all personnel, is delivered by a MPS SNCO and a RMP NCO and covers the basic elements of humane treatment, the five prohibited techniques, search procedures and evidence collection. The RSOI Day 5 package, for Category 2 and 3 personnel who may be required to deploy outside the Main Operating Bases, is a hands-on search and detention lesson set in a patrolling scenario. Both these training serials were witnessed on several occasions with different instructors giving the lessons; all the lessons were assessed to be very good. For the vast majority of Army personnel undertaking RSOI, this training was revision. Many soldiers, especially those deploying as individuals and not part of a formed unit, reported that they had not undertaken a search on another person, they had merely watched the theory lesson. Members of the other Services often reported that they had not received any previous CPERS training unless they had deployed previously. It is clear that RSOI remains the only effective way to ensure that everyone receives the same level of basic training, though for some there will be an element of repetition.

32. **Tactical Questioning and Interrogation Training.** There is a good understanding that intelligence exploitation of CPERS by Tactical Questioning (TQ) and interrogation is a specialist

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skill that is only to be carried out by qualified and current staff. The selection of candidates and training of soldiers to carry out TQ has improved significantly since the last Army Inspectorate Review in 2010. Some areas for minor improvement have been addressed with JFC and the Army CoC; these are captured at Annex C.

33. **Unit Detention Officers.** Appointing and training personnel as Unit Detention Officers is key to ensuring handling CPERS endures as a core skill once Op HERRICK concludes.

a. **Training.** BMI Recommendation 40 led to a change in JDP 1-10<sup>27</sup> requiring each Battlegroup to appoint a Detention Officer responsible for: coordinating and managing all CPERS; acting as a focus for CPERS matters during MST; ensuring compliance with MATT 7; assisting the CO during operations; and acting as a clear point of focus for all CPERS related issues within the unit. The Review found some units deployed on Op HERRICK 15 and most on HERRICK 16 had appointed someone to fill the post but that they were untrained. Officers currently serving in Afghanistan reported that they felt “*exposed*” and that they had “*been given the responsibility but not the necessary support to accompany it*”. The Army’s intent to provide training for Detention Officers was given as evidence to the BMI two years ago yet the first course did not occur until Sep 12<sup>28</sup>; this was too late to affect training and preparation of FE deploying on Op HERRICK 17.

**Comment: The delay in setting up a training course for unit Detention Officers exposed the Army to unnecessary reputational risk.**

b. **Doctrinal guidance.** In addition, the wording of the JDP 1-10 in relation to the need to appoint a unit Detention Officer has been repeated verbatim from the BMI report and so has been interpreted by different organisations in different ways. It is unclear whether the recommendation applies only to those units forming Battlegroups immediately prior to and during operations or whether it should apply to all Major units at all times. Units without a conventional ground-holding role who may equally become involved in handling CPERS<sup>29</sup> are left unclear whether the appointment is necessary or not.

**Recommendation 5: JDP 1-10 should be amended to provide guidance and clarity on the implementation of the BMI recommendation to appoint unit Detention Officers across all deployed Force Elements.**

34. **Breadth of training.** Training for handling CPERS must test the end-to-end process (as required by BMI Recommendation 48). Officers and soldiers interviewed in Afghanistan raised a number of minor concerns relating to the training they had received prior to deployment though almost without exception they praised the overall package. These comments have been relayed to OPTAG and, as a result, MST has been adjusted. Examples include:

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<sup>27</sup> JDP 1-10, paragraph 428.

<sup>28</sup> The course has been designed to train both unit Detention Officers and unit Holding Officers. Five officers, ranging in rank from 2Lt to Capt, attended the first course but none were due to deploy on Op HERRICK. In contrast NCHQ has directed that all ship’s XO’s should attend the course.

<sup>29</sup> For example, on Op HERRICK this could currently apply to the Brigade Recce Force, Close Support Logistic Regiment or the Close Support Medical Regiment.

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a. Concern that CPERS training serials during MST were too straightforward and failed to test the true complexity of detention in Afghanistan. In particular, the decision to detain or otherwise was considered as being 'black and white' during training but significantly more 'grey' in reality.

b. Training concentrates upon drills to be performed at the point of capture and should be expanded to include those in the planning process and those that deal with the logistic burden of holding a CPERS at unit level for an extended period. Concern that detention serials are not run to their full conclusion, to the point when the detainees are handed over in Camp Bastion to the MPS, was mentioned repeatedly. The issue was raised as a 'Significant' observation during Op HERRICK 15 and, through DLIMS<sup>30</sup>, work is already in hand to improve current training. However, the Review team did observe the end-to-end detention process being exercised in a highly effective manner on Ex PASHTUN PANTHER for Op HERRICK 17. This is clear evidence that OPTAG responds quickly to operational lessons and that positive progress has already been made in this regard for Op HERRICK 17.

c. There is a very widespread view that much of the training contains too little 'hands-on' practical serials, instead being overly reliant on briefing and instructor-led demonstrations. Handling CPERS is a practical task and there must be sufficient 'imitate' and 'demonstrate'<sup>31</sup> within all aspects of this training.

35. **Focus of training.** In concentrating on implementing the specific recommendations of the BMI, some CPERS training has focussed inadvertently on the five prohibited techniques rather than the core concept of humane treatment. HQ PM(A) are responsible for authorising CPERS training material and have taken action to correct this imbalance.

36. **Command engagement.** The Review found that all Brigade and Battalion commanders displayed a very keen personal interest in the humane treatment of CPERS within their commands and took a close interest in all CPERS issues. The importance of strong leadership at all levels was clearly understood.

37. **Operational Deployability Record.** Whilst complimentary training supports the effective embedding of CPERS handling requirements within the military staff consciousness, the recording of MATTs completion on JPA remains poor. The Operational Deployability Record (ODR), currently on trial with 4 Mech Bde and 16 AA Bde, offers significant advantages in provision of accurate management information. Stronger assurance could be achieved if CPERS training delivered within units, in accordance with the All-Arms Individual CPERS Training policy or training delivered

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<sup>30</sup> DLIMS ID 16727 dated 12 Jul 12, Op HERRICK 15 observation from CF NES(S) states: 'Detainee handling is extensively covered but the complexities in the evidential process, onward movement and information exchange from facilities and CFs is only lightly covered. Detainee handling in MST needs to go a long way beyond searches, evidence handling and tactical questioning'.

<sup>31</sup> Drawn from EDIP: explain, demonstrate, imitate and practice. This is a cornerstone principle of the Defence Systems Approach to Training (DSAT).

by RMP NCOs attached to units<sup>32</sup>, was captured in the ODR in addition to OPTAG-delivered training<sup>33</sup>.

## Strand 2 Conclusions

38. With regard to Training, the Review has found that:

a. **Initial and Continuation Training.**

(1) **Regular Army.** High quality CPERS education and training is firmly established throughout the careers of all Regular Army officers and soldiers. Initial soldier training places great emphasis on the handling of CPERS as a key component of 'Respect for Others' within the V&S framework. For officers, this training is taken further and is included as a key component in leadership, operational law and tactics training. Refresher training is provided through MATT 7 and all officer and soldier CLM courses.

(2) **TA.** Training for TA personnel is considerably less rigorous than for their Regular Army counterparts and is an area of risk. It is common for TA recruits to cover the basic rules of handling CPERS during initial training but this is not reinforced by MATTs or CLM training throughout the duration of their Army career. Currently, the operational risk is mitigated through completion of MST. However, as we move to an integrated force under A2020/FR20, there is a danger of establishing a clear difference in skill levels between Regular and Reservist soldiers.

b. **MST.** MST delivers a comprehensive package of individual and collective CPERS training for all Force Elements including Reservists and members of the other Services. Efforts now need to be focussed on the reset to contingency as the luxury of a well-resourced and well-practised pre-deployment training package may not be available prior to the next crisis. To reduce the reliance on MST, in particular the safety net provided during RSOI, it is important that the All-Arms Individual CPERS Training plan is both enforced across the Army and developed through positive engagement with units and Training Delivery Organisations.

c. **RSOI.** Currently, RSOI provides a necessary safety net to ensure that all deployed personnel receive basic instruction in handling CPERS. In the future, the ODR may allow this to be reduced as soldiers will be able to provide evidence that training has already been received.

d. **Unit Detention Officers.** Appropriate training for unit Detention Officers is still not in place and exposes the Army to unnecessary reputational risk. Further guidance is required to determine which units need to appoint and train a unit Detention Officer.

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<sup>32</sup> During MST, RMP NCOs selected to be detached to units complete Ex REDCAP SAFEGUARD to confirm they have the necessary skills teach CPERS handling at unit level.

<sup>33</sup> BMI Recommendation 54 states – 'There needs to be better recording of the take-up of MATT 7 (and equivalent training) to avoid the need to rely on RSOI training in CPERS handling'.

- e. **Focus of CPERS training.** Some CPERS training has focussed inadvertently on the five prohibited techniques at the expense of other concepts such as the need to treat CPERS humanely.

### STRAND 3 – CONDUCT ON OPERATIONS

39. **Aim.** The aim of this strand was to test evidence against a hypothesis:

*'On Op HERRICK, UK Forces handle CPERS in accordance with applicable law and in line with current doctrine and training'.*

40. **General.** The Review found overwhelming evidence that soldiers deployed on Op HERRICK have a clear understanding of the basic tenet of humane treatment of CPERS. They also recognised the personal responsibility for all officers and soldiers to report incidents of abuse that they witnessed. There is no doubt that behaviours have changed since the last Army Inspectorate Review in 2010 and that the risks associated with the handling of CPERS in Afghanistan have been mitigated as far as can be reasonably expected.

41. **Medical care.** The medical care and treatment provided to detainees throughout the handling process, including those admitted to the Bastion Role 3 hospital, was found to be excellent<sup>34</sup>. All medical staff, and especially those charged with conducting medical assessments at the forward bases, understood their role and the policy laid down in JDP 1-10 and SOI J3-9. [REDACTED]

[REDACTED] This was not witnessed during the Review as the UK had no detainees in the KAF hospital at the time of the visit. Comd Med and PM(A) routinely review the handling of UK detainees in the [REDACTED] as part of in-theatre governance.

42. **Purposeful activity for CPERS.** Based on the format of their UK inspections, it is likely that any future HMIP inspection of the THFs will examine three specific areas: safety, respect for human dignity and that detainees are able, and expected to, engage in purposeful activity. With regards to the latter of these, the ongoing construction of improved exercise and communal facilities within the UK THF<sup>35</sup> at Camp Bastion is a positive improvement. It will allow purposeful activity to be developed for detainees on a case-by-case basis.

#### Sight Deprivation

43. The routine use of blacked-out goggles as a means of sight deprivation was witnessed during the two visits to Op HERRICK during this review. It was seen within the THFs, the Role 3 hospital and while detainees were in transit. In the judgement of the Review team, this could be interpreted as being in contravention of current policy and the spirit behind several BMI recommendations on the subject.

<sup>34</sup> It is acknowledged that no-one in the Review team was competent to express an opinion on specific medical matters.

<sup>35</sup> This THF is for detainees that have completed the interrogation process and are awaiting transfer to the Afghan authorities.

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44. **Policy.** The use of blacked-out goggles as a means of sight deprivation is a complex issue that was subject to comment in several BMI recommendations<sup>36</sup>. SOI J3-9 (and JDP 1-10) provides direction<sup>37</sup> that goggles should “*only be employed as a last resort*” where there exists “*a genuine sensitivity about the facilities or equipment*” being seen; their use “*should not become routine*”; “*must always be capable of being justified by the operational circumstances on the ground to ensure the safety and anonymity of the CPERS*”; and “*should not be used as a means of segregating CPERS*”.

45. **Task Force Helmand (TFH) Area of Operations (AO).** The Review found that TFH units operated effectively within the constraints of SOI J3-9 and only applied goggles when absolutely necessary between the point of capture and handover to the MPS at either of the UK detention facilities<sup>38</sup>. In most circumstances units were, quite rightly, reluctant to apply goggles as CPERS became significantly slower, more difficult to handle and additional information had to be captured and recorded. Goggles were found to only be used when absolutely necessary such as when moving from the entrance of a FOB to a Unit Holding Area.

46. **JFSp(A) AO.** In line with the approach at the Military Corrective and Training Centre (MCTC) (and civilian prisons), PM(A) is of the opinion that detention practices in the BSN and KAF THFs should operate on the basis of strict conformity to Standard Operating Procedures (SOPs). As such, any activity can appear to be *routine* as the same procedure is repeated on a regular basis. The use of goggles is mandated by Detention Standing Orders<sup>39</sup> as follows:

- a. **Within detention facilities:** “*Blacked out goggles are to be applied to detainees for all internal movement within a THF, unless in the event of an emergency eg fire evacuation.*”<sup>40</sup>
- b. **In transit:** “*Detainees being transferred by air are to have blacked-out goggles fitted throughout the duration of the flight; the goggles should only be removed once safe to do so, which is usually on arrival at the intended destination.*”<sup>41</sup>
- c. **In the Role 3 hospital.** Goggles are applied to detainees within the Role 3 hospital for all movement outside the curtained section of their ward. PM(A) identified that this was not covered by a suitable hospital SOP during his inspection in Jul 12<sup>42</sup>. Work to amend hospital SOPs is not complete.

47. **SME advice.** As CJO’s Advisor on Operational Custody and Detention Practice, PM(A) reviews the use of blacked out goggles on each of his 6-monthly visits to Op HERRICK. The current approach is robustly defended on the grounds that “*it is essential to have simple, straightforward TTPs that are understood by all Service personnel deployed on operations.*”<sup>43</sup> Furthermore, PM(A) has advised CJO that it is not practical, realistic or safe to delegate risk

<sup>36</sup> BMI Recommendations 10, 13, 14, 32, 33, 34 and 39.

<sup>37</sup> JDP 1-10 paragraph 221d and SOI J3-9 paragraph 35e(4).

<sup>38</sup> THFs at Camp Bastion (BSN) and KAF.

<sup>39</sup> Standing Order 34 – The use of blacked-out goggles.

<sup>40</sup> Detention Standing Order 34, para 6.

<sup>41</sup> Ibid para 8.

<sup>42</sup> PM(A) Inspection of operational detention facilities in Afghanistan 25 Jun – 3 Jul 12, paragraph 18.

<sup>43</sup> HQ PM(A)/03/04/02 dated 28 May 12.



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assessments to the lowest level and expect personnel to justify their use on a case-by-case basis. It might appear anomalous that soldiers on patrol can make judgements on whether goggles are necessary but that professional custodian experts of the MPS cannot do so within the THFs and must operate within rigid Standing Orders; it is therefore imperative that their actions are subject to external scrutiny.

48. **SOPs.** The Review concluded that, on all operations, it is essential that any SOP that directs the routine use of sight deprivation is subject to rigorous, legal review. For Op HERRICK, this would include the current SOPs in relation to detainee handling in the THFs, during air movements and as patients in the Camp Bastion Role 3 hospital. Each SOP must be supported by detailed evidence to justify sight deprivation as a matter of routine and demonstrate how this is compliant with current policy. It would seem appropriate that scrutiny of the SOPs and their supporting evidence is conducted by the Ops Dir, with support from Central Legal Services (CLS) and PJHQ, on an annual basis. In this way, it would be possible to close the apparent gap between our policy and our practice.

**Recommendation 6: Any SOP that directs the routine use of sight deprivation must be subject to rigorous, legal review. The review should be conducted by the Ops Dir, with support from CLS and PJHQ, on an annual basis to ensure compliance with UK policy. For Op HERRICK, the existing SOPs relating to the THFs, air movements and the Role 3 hospital must be subject to this analysis as a matter of priority.**

### Tactical Questioning and Interrogation

49. **Understanding the terminology.** There exists strong evidence that soldiers understand that TQ and interrogation can only be conducted by those with current qualifications awarded by the Defence School of Intelligence (DSI). However, for those that have not attended specialist training at DSI, their understanding of the difference between permissible patrol questioning, TQ and interrogation was poor. Even some members of the MPS could not explain the difference between TQ and interrogation and used the terms incorrectly during RSOI and All-Rank Briefings (ARB) briefings. One consequence of this is that soldiers feel afraid to question willing Afghan civilians during the detention process on matters relating to Force Protection (FP) despite this being permitted within our doctrine<sup>44</sup>; the art of the patrol 'chat-up', very familiar to those with Northern Ireland or Bosnia experience and relevant in the contingency era, is in danger of being lost.

50. **Escorts.** Interrogators working in the IEF raised some concerns about the selection of soldiers used to escort CPERS to the THF. The need to provide accurate and detailed information on the tactical situation leading to the decision to detain is vital in order that interrogators can proceed effectively from the start within the limited time available to them. Ideally, the capturing soldier (and preferably the tactical questioner also) should escort the CPERS to the THF to undertake the Battlefield Interrogation Team (BIT) debrief<sup>45</sup>. The reality is that the tactical situation

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<sup>44</sup> JDP 1-10 paragraph 1106 – 'All Service personnel may question a *willing* individual to establish identity, status, age and any information directly and immediately pertaining to force protection. This questioning of an individual during, for example, stop and search procedures, may then lead to a decision to deprive the individual of his liberty and him therefore becoming a CPERS. If the CPERS is unwilling to speak they should be passed on to the tactical questioners or interrogators.'

<sup>45</sup> JDP 1-10 Annex 11A or SOI J3-9 Part 1 Annex I.

does not always allow this. However units should, wherever possible, plan for this eventuality and understand that there is sometimes little point in detaining someone if the relevant information does not accompany them to the IEF. The key here is to educate Battlegroup planning staff on the role and capabilities of the IEF, early within MST, so that detention does not become an end in itself but the means that leads to conviction and permanent removal from the battlefield.

## Governance

51. **Detention Review Committee.** The current governance structure provides ample opportunity for CPERS-related decisions to be critically-analysed and questioned at each level of the CoC. The most important element of this on Op HERRICK is the Detention Review Committee (DRC) under the chair of the Detention Authority (DA)<sup>46</sup>. The Review found that the process encouraged a challenging atmosphere and a healthy tension between the Intelligence Exploitation Force (IEF), the FPM, the Political Advisor (POLAD) and the legal advisor (LEGAD). Routinely, the DRC is chaired by the Deputy DA and not the DA himself and this is an area where governance could be improved. Comd JFSp(A) does not work on the detail of these detention cases routinely throughout the day and can therefore bring an element of independence to the meeting. Minutes are not taken at the DRC as decisions on individual detainees are captured in the relevant Annex of their Detention Record. The current arrangements are less than satisfactory as they do not allow easy identification of which detainees were discussed at each meeting of the DRC and which members were present.

52. **Monitoring CPERS.** It is inevitable that handling of CPERS will be subjected to challenge and legal scrutiny. The MOD maintains a comprehensive, auditable record of individual CPERS case histories that would strengthen its position in the event of future legal challenges. However, it is important that those responsible for the system are able to demonstrably understand how each component of the process is working. There is no evidence that the system is objectively monitored through analysing trends and decision-making at each point in the process; in effect, no 'dashboard' is available to monitor activity and determine, for example, how many CPERS are being held (by location, tribe, length of detention etc) or allegations concerning mistreatment (by location, type of incident, unit involved etc). Such a tool could prove useful in the early identification of anomalies and weak signals thereby providing commanders, and the governance mechanism across MOD, with an ability to oversee the breadth of CPERS issues and, where necessary, intervene. It is understood that the low numbers of detainees in Afghanistan makes such a tool of limited value at present but work to determine what such a tool would look like and the signals it measures could prove useful for future operations.

53. **Ensuring humane treatment during interrogation.** Within the THFs, there was good evidence of healthy challenge between the IEF staff and the MPS and Detainee Handlers<sup>47</sup>. Examples were provided of MPS questioning interactions between interrogators and detainees witnessed through video monitoring and declining requests for access to detainees in the interests of their welfare (for example medical treatment, allowance of rest periods and meals). A level of professional tension between the roles of detention and interrogation is positive in ensuring the humane treatment of detainees in the hands of UK Armed Forces.

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<sup>46</sup> This role is filled by Comd JFSp(A).

<sup>47</sup> Detainee Handlers are members of the RN and RAF deployed with limited custodial training to work under supervision of the MPS.

54. **Auditing the interrogation process.** Procedures to govern interrogators as they conduct their duties are strong and well-rehearsed. The exception to this is the full Implementation of BMI Recommendation 27 that requires, '*as part of the auditing process, a review of a selection of video recordings of interrogations of the inspector's choosing*'. Commencing in Aug 12, an inspection team, drawn from PJHQ and Defence Intelligence, will review a sample of video recordings archived at DHU, Chicksands. The delay in implementation has been for technical reasons as a server capable of storing the footage has only just been installed. The team will maintain a degree of independence as the member drawn from Defence Intelligence will be from ICSP HUMINT<sup>48</sup> Policy Branch and as such will not be a trained interrogator from DHU.

55. **Assurance.** In line with his custodial and detention appointments<sup>49</sup>, PM(A) conducts 6-monthly visits to Afghanistan to inspect operational detention facilities. These visits, in addition to the constant over-watch provided by the deployed Force Provost Marshal and their staff, provide a thorough level of assurance. However, PM(A)'s focus is, quite understandably, on the areas of lowest risk, ie the THFs. It remains a function of leadership throughout the CoC to mitigate the risk from the point of capture to the unit holding areas and while in transit back to the main facilities at Camp Bastion and Kandahar. The message that handling CPERS is a core military skill and not just the remit of specialists must not, therefore, be lost.

### Strand 3 conclusions

56. With regard to Conduct on Operations, the Review found that:

- a. **Understanding the basics.** Soldiers deployed on Op HERRICK have a clear understanding of the basic tenet of humane treatment of CPERS and their personal responsibilities. Behaviours have changed since the last Army Inspectorate Review and risk associated with the handling of CPERS in Afghanistan has been mitigated as far as can be reasonably expected.
- b. **Medical Care.** Processes for the medical assessment and treatment of CPERS are strictly enforced at both unit holding areas and at the THFs. Medical staff have a good understanding of their responsibilities and have demonstrated a willingness to place medical need above the CoC's requirement to undertake interrogation.
- c. **Sight deprivation.** SOPs that direct the routine use of sight deprivation procedures require greater, independent review to avoid the suggestion that UK Armed Forces are operating outside current policy. JDP 1-10, written in compliance with several BMI recommendations, states that goggles should only be used as a means of sight deprivation as a matter of last resort where there exists a genuine sensitivity about seeing equipment or facilities; their use should not become routine and must always be justifiable on the grounds of operational circumstances or to ensure the safety and anonymity of the CPERS. Against this, the routine use of blacked-out goggles by the MPS and Detainee Handlers for all internal moves within the THFs and for the duration of all flights requires review.

<sup>48</sup> Intelligence Capability Strategy and Policy Division, Human Intelligence Policy.

<sup>49</sup> Defence SME for CPERS handling on overseas operations, CJO Advisor on Operational Custody and Detention Practice and Army Competent Advisor & Inspector (ACA&I) for Custody.

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d. **TQ and Interrogation.** Soldiers understand that TQ and interrogation can only be conducted by those with current qualifications awarded by the Defence School of Intelligence (DSI). Understanding the terminology was found to be poor with many soldiers reluctant to conduct patrol 'chat-up' if they were not TQ-trained. At the BG-level, it was clear that units that had engaged with the IEF (or PJHQ J2X staff) early during MST gained significant benefit as they understood, and trained, the need to capture evidence during detention operations.

e. **Governance.** Current governance procedures are robust and effective. Checks and balances are provided at each level of command and there exists a healthy challenge process at the Detention Review Committee. PM(A) inspections of the detention facilities are effective and risk has been mitigated substantially within these locations. Forward of the THFs, commanders of those engaged in handling CPERS have a clear understanding of their duties and personal responsibilities.

### RECONCILIATION WITH BMI RECOMMENDATIONS

57. As the Review took place so has there been an underlying reconciliation of compliance with the recommendations made in the BMI report. Where appropriate, evidence found demonstrating compliance has been highlighted to the Ops Dir who have overseen this activity across MOD as part of the governance arrangements for detention. But in a very small number of instances, non-compliance with BMI recommendations has been identified, commented on in this report and brought to the attention of the appropriate responsible individual in the CoC. These are all shown at Annex E as part of an auditable trail of evidence.

### FURTHER WORK

58. Despite the significant progress that has been made in recent years, there remains a need to independently review detention and handling of CPERS on a regular basis. In particular, future reviews should focus on measures being taken to prepare Land Forces for the reset to contingency.

**Recommendation 7: The Army Inspector conducts a further review in 2015 and, in the meantime, continues to maintain an oversight of this subject through attendance at the MOD 2\* and 1\* Detention groups.**

Annexes:

- A. Terms of Reference.
- B. Statement of Independent Assurance and CV - Mr Mark Lewindon.
- C. List of those consulted.
- D. Minor Issues being addressed by the Chain of Command.
- E. Non-compliance with BMI Recommendations.
- F. Abbreviations used in this report.

**ARMY INSPECTORATE FOLLOW-UP REVIEW INTO THE HANDLING OF CAPTURED PERSONS (CPERS)****BACKGROUND**

1. Policy, training and the handling of Captured Persons (CPERS)<sup>50</sup> have come under considerable and frequent scrutiny since 2008. The principal reviews have been:
  - a. The Aitken report<sup>51</sup> in 2008.
  - b. DGLW's internal review across Land Forces at the end of 2009<sup>52</sup>.
  - c. The Army Inspector's review in 2010<sup>53</sup>. This covered the handling of CPERS in the Land Environment.
  - d. PM(A)'s bi-annual inspection reports (Feb and Aug annually) for detainee handling on operations<sup>54</sup>.
  - e. The report from the Baha Mousa Public Inquiry in Sep 2011<sup>55</sup>.

All have, to a greater or lesser degree, had an impact on the way CPERS, and specifically detainees, are now handled. All have generated a range of important recommendations, especially those arising from the Baha Mousa Public Inquiry. In order to ensure the Army's reputation remains as high as possible, it is vital both that CPERS are handled appropriately in accordance with our policies and doctrine and also that the recommendations made to address previous shortcomings have been implemented.

2. The governance of detention across MOD has improved. A governance framework has been introduced from the SofS downwards; with policy, training and practice on operations now routinely overseen at 2\* and 1\* levels across MOD and through the single Services and PJHQ. Ongoing work is managed through the MOD Detention Action Plan.

3. Having reviewed this topic in 2010 you would have ordinarily carried out a follow-up review in 2012. As part of the Army's response to the Baha Mousa Public Inquiry report, I directed<sup>56</sup> you to test the Army's progress in implementing the recommendations arising from that Inquiry from Feb 12 onwards.

**TERMS OF REFERENCE**

4. You are to review the implementation of policy, training and conduct of CPERS handling in order to confirm to me, in order that I can confirm to VCDS<sup>57</sup> and Ministers, that behaviours have

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<sup>50</sup> Captured Persons (CPERS) is the generic term given to all individuals who are captured and held by UK Armed Forces on operations overseas, whether they are prisoners of war, internees or detainees.

<sup>51</sup> 'An Investigation into cases of deliberate abuse and unlawful killing in Iraq in 2003 and 2004'. Published 25 Jan 08.

<sup>52</sup> LWC/G7 note dated 17 Feb 10.

<sup>53</sup> CGS/ArmyInsp/DH/01 dated 15 July 10.

<sup>54</sup> PM(A) Inspection of Operational Detention Facilities 4-11 Aug 11.

<sup>55</sup> The Report of the Baha Mousa Inquiry, 8 September 2011 ([www.bahamousainquiry.org](http://www.bahamousainquiry.org)).

<sup>56</sup> ECAB-G(11)36 dated 8 Sep 11.

<sup>57</sup> In his capacity exercising strategic oversight, on behalf of Min(AF), of the MOD's CPERS handling capability (CDS Directive 01/10 refers).

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changed as a result of previous reviews and that CPERS continue to be treated humanely and in accordance with UK and international law at all times and in all circumstances.

5. Specifically the review should:

- a. Examine the progress made in implementing the recommendations of previous reviews and test this progress during force preparation for, and deployment on, current operations.
- b. Assess the degree to which the handling of CPERS, from point of capture onwards and including interrogation, is now embedded routinely in both individual and collective training as the Army prepares to return to contingency.
- c. Assess how ANSF and other host nation personnel are being mentored in CPERS handling in advance of the drawdown of UK forces on Op HERRICK.
- d. Assess the effectiveness of processes to learn lessons relating to CPERS handling from operational experiences.
- e. Examine the assurance and governance mechanisms regarding all aspects of CPERS in order to confirm their integrity and objectivity.
- f. Make recommendations for any further action considered necessary to address any identified shortcomings.

6. **Linkage to Other Work.** In undertaking this review you should draw on other work as follows:

- a. PM(A)'s biannual in-theatre inspection of handling of CPERS.
- b. Work by the Permanent Joint HQ (PJHQ) and the Land Warfare Centre (LWC) to review policy, standing operating instructions and standing operating procedures.
- c. Work by Detention Policy Team, Operations Directorate MOD on overseeing whether the recommendations of other reports have been or are being implemented appropriately.
- d. Work undertaken by Comd FDT in the Army HQ overseeing the implementation of the recommendations from the Baha Mousa Public Inquiry.
- e. Ongoing work by DPS(A) on how to inculcate Army values and standards through-career.
- f. PM(A)'s review of his responsibilities for detention within the Army<sup>58</sup>.
- g. Any relevant issues arising from your Review of the Army as a Learning Organisation.

7. **Freedoms and Constraints.** The following freedoms and constraints apply:

- a. Your work should specifically assess compliance across the Army, including those serving in UKSF as I retain FULL COMD<sup>59</sup> of all Army personnel irrespective of where they are serving. This is because the reputational, ethical and moral implications arising from this activity falls back onto to me to deal with. Pertinent points arising from FORCEPREP activities conducted elsewhere across Defence for Army personnel serving in multi-national, Joint or other single Service organisations, and in Navy and Air Commands for their personnel should be considered given those commands generate individuals and formed

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<sup>58</sup> CGS/01/05/02 dated 12 Jan 12.

<sup>59</sup> AAP-6 Definition: The military authority and responsibility of a commander to issue orders to subordinates. It covers every aspect of military operations and administration and exists only within national resources.

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units to operate in the land environment. Points arising are to be passed across to the relevant Command HQ.

b. You are not to investigate specific allegations of abuse, including those that are subject to ongoing public inquiry or legal process. However, the allegations made may be used by the Review as an indicator of issues to consider.

c. You are not to consider the ongoing investigation into evidence contained in the Baha Mousa Public Inquiry report.

d. Your work should not assess whether the recommendations made in the other reviews were correct.

e. Your work should draw on current MOD policy for detention and handling detainees and CPERS. You should not question whether or not that policy is correct and / or appropriate. However you may comment on the practical implementation of this policy in the Land Environment if you deem it relevant.

8. **Consultation.** You should consult the following (as a minimum):

a. MOD:

- (1) Operations Directorate (Ops Dir).
- (2) Director Judicial Engagement Policy (DJEP).
- (3) Central Legal Services (CLS).
- (4) Joint Capability (Jt Cap).

b. Joint Forces Command:

- (1) PJHQ.
- (2) DSF [REDACTED]
- (3) HQ Surgeon General (and HQ Joint Medical Command (JMC) and Defence Medical Services Training Group (DMSTG) as required).
- (4) Development Concepts and Doctrine Centre (DCDC).
- (5) Defence Intelligence and Security Centre (DISC).
- (6) Defence HUMINT Unit (DHU).

c. Army HQ:

- (1) CLF:
  - (a) HQ 1(UK) Armd Div.
  - (b) HQ 3 (UK) Div – as FORCEGEN HQ for H16 & H17.
  - (c) HQ Th Tps.
  - (d) HQ JHC & HQ 16 AA Bde.
  - (e) HQ 12 Mech Bde (Op HERRICK 16).
  - (f) HQ 4 Mech Bde (Op HERRICK 17).

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- (2) FDT:
  - (a) DG Cap.
  - (b) D Trg(A).
  - (c) HQ ARTD.
  - (d) CTG.
  - (e) RMAS.
  - (f) OPTAG (incl RTMC).
  - (g) Infantry Trg Centre (Catterick) (ITC(C)).

- (3) AG:
  - (a) DG Pers.
  - (b) DPS(A).
  - (c) DG ALS.

- (4) PM(A) & MCTC.

d. Navy Command:

- (1) Navy Command HQ (incl HQ COMUKAMPHIBFOR)
- (2) RN Pre-Deployment Training and Mounting Centre.
- (3) Commando Training Centre Royal Marines.

e. Air Command:

- (1) HQ Air Command.
- (2) HQ 22 (Training) Group.
- (3) RAF Force Protection Force HQ.

f. Op HERRICK (In theatre visits):

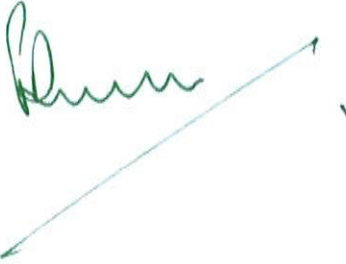
- (1) HQ Task Force Helmand.
- (2) HQ Joint Force Support (Afghanistan).
- (3) UK Temporary Holding Facilities.
- (4) Intelligence Exploitation Facilities.
- (5) Theatre Medical Group.
- (6) Bastion Training Centre.

9. **Support.** This review should be undertaken by your own staff within the Army Inspectorate. It is to include an independent, and external to MOD, expert with relevant knowledge and experience in order to provide an independent perspective on the review's work. DGALS and PM(A) are to be prepared to support it with appropriate SMEs as required by you.



10. **Required output.**

- a. An interim briefing note to me by 30 Apr 12.
- b. A report to me by 31 Jul 12.



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## STATEMENT OF INDEPENDENT ASSURANCE AND CV – MR MARK LEWINDON

In 2010 I was invited to act as an independent advisor to the Army Inspectorate, for its 'Review into the Implementation of Policy, Training and Conduct of Detainee Handling'. I was subsequently invited to participate in the 2012 follow up. As for the original review, I remained independent in terms of chain of command and perspective but, in contrast to that piece of work, from the outset I was considered an integral part of the review team. My involvement in both reviews enabled me to assess progress over the two years.

I was offered access to all evidence gathering opportunities but focussed my efforts upon those that I considered presented greatest areas of risk. My access included participation in development of the methodology, access to evidential records, fieldwork visits, access to key individuals involved in policy, training, preparation and leadership of forces engaged in operations in Afghanistan and opportunities to independently speak with military staff.

This document outlines my assessment of the extent to which the findings are supported by evidence. My judgement is informed by professional experience as a police leader and consultant, particularly in terms of prisoner handling, conduct of investigations and Inspection & Review of organisational processes.

The review team worked within terms of reference provided by CGS and developed methodology that comprised five key phases -

- Identification of a framework comprising three work-strands –
  - The Conceptual framework;
  - Training; and
  - Conduct on Operations.
- Development of a question framework;
- Document review;
- Observation and interviews; and
- Formulation of findings.

Army values & standards are key enablers for appropriate CPERS handling practices. The issue was subject to a parallel review being undertaken by Adjutant General's Command. Consideration of values & standards was achieved by liaison with that review. Governance and lessons learned were considered within all three strands throughout the review.

The terms of reference directed that the implementation of policy, training and conduct of CPERS handling was considered within existing policy. I am confident that evidence gathered demonstrated strong progress in terms of doctrinal and individual focus upon ensuring the humane treatment of CPERS. Resilient governance mechanisms have been established that provide for internal challenges and tensions, which ensure that detention of individuals in the hands of British forces are effectively overseen. Defence must ensure that this capability is sustained. The review has identified an opportunity for reviewing ownership of detention within the Army with the intention of mainstreaming it as a capability.

Mark Lewindon BSc(Hons) MSc  
Independent Team Member

## CV AND CREDENTIALS FOR MR MARK LEWINDON

**Overview.** Mark Lewindon served for 31 years in the Police Service retiring as a detective superintendent. His experience included leading teams responsible for developing intelligence in support of counter terrorism & extremism, investigation of serious crimes, working with international policing and intelligence agencies (including a one year secondment to the Russian Ministry of Interior Police (MVD)), and inspection and review. Within Her Majesty's Inspectorate of Constabulary (HMIC) he reviewed Police/Prison Service intelligence management and supported two inspections into the capability of Royal Military Police Special Investigations Branch (RMP SIB) to investigate serious crime. Since retiring from the police service, he continued to work for HMIC undertaking a number of reviews into police counter terrorism capability, both the RAF Police and Royal Navy Police SIB capability to investigate serious crimes. As an Associate, he still supports HMIC in a number of projects, including most recently a review into national capability to tackle serious organised crime. He has also delivered projects facilitating organisational improvement including support to the Care Quality Commission in developing its covert investigations capability and the Croatian police and prison services in establishing arrangements for intelligence gathering in prisons.

**Career Background**

- **Associate Inspector Her Majesty's Inspectorate of Constabulary (HMIC):** January 2012 date: Supported reviews into police practice and made recommendations for improvements in:
  - Interoperability between police and other agencies to ensure safety and security for 2012 London Olympic Games
  - Effect of leadership and organisational culture in police crime fighting
  - national capability to tackle serious organised crime.
- **Inspections of Service Police organisations;** 2009 & 2010. Undertook reviews of Royal Air Force Police and Royal Naval Police Special Investigation Branches' effectiveness in the investigation of serious crime and presented findings to the Ministry of Defence.
- **Support to Croatian Law Enforcement:** 2009 - Assisted EU Project to develop of Police/Prison intelligence protocol.
- **Healthcare Commission Covert Investigations Capability;** 2007 - 2008. Developed policies, procedures and training to the Healthcare Commission on the use of covert tactics in investigations.

**HMIC Specialist Staff Officer (as Detective Superintendent and civil servant)**

- Coordinated national policy development and improvement in police:
  - counter terrorism;
  - conduct of covert investigations;
  - police use of firearms;
  - emergency planning;
  - business continuity and other specialist areas
  - Conducted reviews and delivered reports on –
  - Intelligence gathering and sharing in prisons;
  - Serious Organised Crime Agency (SOCA) firearms capability;
  - Royal Military Police Special Investigations Branch
  - Five strands of police counter terrorism capability -

**Metropolitan Police Special Branch Detective Chief Inspector/Superintendent**

Responsible for development of intelligence strategies to protect t London from terrorism and extremism; Coordinated activity with national and international law enforcement and intelligence agencies; Led teams investigating intelligence on criminal activities of political extremists; Planned, coordinated and authorised covert methods to gather intelligence; Led investigations into security

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and intelligence related crimes and leaks; Assisted improved information security methods in government.

### **Seconded to Russian Ministry of Interior Police 2002 – 2003**

Seconded to the Russian Ministry of Interior University St Petersburg; Liaison with Russian law enforcement and sharing ideas on police counter terrorism and security.

**Constable to Inspector:** Uniform local policing In Essex and Metropolitan Police; Command & control of police operations, public order and security policing, intelligence management and inspection & review.

### **Education**

- MSc in Russian & Post Soviet Studies (London School of Economics)
- BSc (honours) degree in Social Sciences (Open University)
- Qualification of Higher Education from the Ministry of Interior
- University, St Petersburg, Russia in Russian Language, Investigative Processes and Criminal Law.

### **Skills and Professional Qualifications**

- British Standards Institute Lead Auditor.
- Nationally accredited Senior Investigating Officer (Qualified to lead investigations into serious crimes).
- Trained Intelligence Manager.
- Strategic Risk Management Trained at Cabinet Office Emergency Planning College, Easingwold.
- Trained in Health & Safety Leadership.
- Registered Associate of Her Majesty's Inspectorate of Constabulary

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Annex C to  
CGS ArmyInsp/PanArmy/01  
Dated 31 Oct 12

## LIST OF THOSE CONSULTED

MOD	Ops Dir	Detention Policy	
	DJEP		
	CLS	OIHL	
Army	Headquarters	DG Cap	
		D Trg(A)	
		DLW	LWDG
		PM(A)	HQ PM(A) MCTC
		DPS(A)	
		JHC	HQ JHC HQ 16 AA Bde
	1 (UK) Armd Div	HQ 20 Armd Bde	
	3 (UK) Div	HQ 4 Mech Bde	
		HQ 12 Mech Bde	
	ARTD	RMAS	
		School of Infantry	HQ Infantry Battle School Brecon ITC Catterick
		AFTC Winchester	
		Defence College of Policing and Guarding	
		Defence College of Logistics and Personnel Administration	SPS Training School
	CTG	LWS	LXC
		OPTAG	
CeTAC			
JFC	DCDC		
	PJHQ	J2X	
		J3	
		J9	
	DSF		
	Defence Intelligence	ICSP	HUMINT Policy
		DISC	HQ Defence School of Intelligence
		DHU	
	Defence Academy	JSCSC	ACSC ICSC(L)
		Armed Forces Chaplaincy Centre	
		SG	
	Med Pol		
	Med Trg Reqts Authority		
	RCDM		
	JMC	DMSTG	
RN	PM(N)		
	PDTMC		
	CTC RM		
RAF	2 Gp FP Trg		
	FP Centre		

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Op HERRICK	TFH	Comd & HQ staff	
		BRF	
		5 RIFLES	
		BAG	
		PMAG	
		CF LKG	
		CF NDA	
	JFSp(A)	Comd & HQ staff <sup>60</sup>	
		BSN Training Centre	Including interviews with personnel of all 3 Services undertaking RSOI
		IEF	TORCHLIGHT
			VARSIITY
		Temporary Holding Facilities	Bastion
			Kandahar
			UK THF
		TPG	
FP Wing			

<sup>60</sup> Including Deputy Detention Authority, Comd Med, Force Provost Marshal, POLAD, LEGAD and OC MPS.



## MINOR ISSUES BEING ADDRESSED BY THE CHAIN OF COMMAND

Ser	Issue	Explanation	Army Inspectorate Reference	Response
1	Proposed amendment to JDP 1-10.	On the issue of ICRC access to detention facilities, JDP 1-10 paragraphs 221k and 445 require clarity as they appear to contradict each other.	Email AInsp/OpLaw Branch dated 10 Jul 12.	Email OpLaw Branch/AInsp dated 11 Jul 12. Email AInsp/OpLaw Branch dated 18 Jul 12. Email DCDC/AInsp dated 19 Jul 12.  OpLaw Branch to propose a minor amendment to DCDC for inclusion during next review of JDP 1-10. DCDC in agreement that change is required.
2	Compliance with All-Arms CPERS Individual Training policy.	Review determined that there was good quality CPERS training being delivered at Ph 1-3 but much of this was not compliant with the issued Army policy (DTrg(A) ITrgPolPlans 04/04 dated 1 Dec 11).	Email AInsp/DTrg(A) dated 27 Jun 12.	DTrg(A)/ITrgPolPlans/4/4 dated 3 Jul 12.  Clear direction to CoC to ensure that only endorsed Battle Lessons (BL) are delivered in Training Schools.  TACC, LEOC, LEOC(V) and PQO(V) courses to be reviewed to increase CPERS content.  CDs responsible for submitting BL amendments/comments to HQ PM(A).  Training Schools that wish to deviate from the policy are to be report this up the CoC.  Further action required to appoint an ACA&I for CPERS training.
3	Quality of CPERS presentation at All-	Assessed that the training material	Email AInsp/PM(A)	Email PM(A)/AInsp dated 21 Mar 12.

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Ser	Issue	Explanation	Army Inspectorate Reference	Response
	Arms Briefing during MST	used for the ARB requires improvement.	dated 16 Mar 12. ArmyInsp/PanArmy/01 dated 5 Jul 12	HQ PM(A) has resolved the concern about the quality of instructors by only using those selected and trained.  Ongoing improvements to the quality of the presentation including the OPTAG MPS SNCO to suggest improvements.  OPTAG/ArmyInsp email dated 12 Jul 12.
4	Improvements to collective training	3 areas identified for improvements to collective training: - More hands-on search practice - More complex CPERS serials to determine when to detain or otherwise. - Extending more exercise serials beyond the point of capture.	ArmyInsp/PanArmy/01 dated 5 Jul 12	OPTAG/ArmyInsp email dated 12 Jul 12.
5	TQ	Issues concerning TQ: - Unit selection of appropriate TQ and TQ Coordinators. - Understanding that all soldiers can question a willing person on matters of force protection. Loss of the art of patrol 'chat-up'. - Poor understanding of the terminology of TQ and interrogation. - Appointment of appropriate instructors at DISC.	ArmyInsp/PanArmy/01 dated 15 Oct 12.	DI ICSP dated 16 Oct 12.  - Improved guidance to units on selection of TQ now contained in 2012DIN02-012. - HUMINT community drafting doctrine (JDP 2.10.3) for DCDC focussing on 'Casual Contacts' (CASCON) and the requirement for all Service Personnel to engage with, and report back, interactions with local population. - DISC funding 4 x E2 (Infantry) TQ instructors. 1 x PID created so far to be filled in Jan 13. Others in progress.
6	Improvements to the Ops Dir Detention Action Plan (DAP)	Army Inspectorate advice to Ops Dir that the DAP could be improved by organising along thematic lines, removing duplication of similar recommendations from previous reports and focussing on current issues.	Meeting Green/Parmenter dated 31 Mar 12	Ops Dir chaired a DAP WG at desk level on 21 Jun 12.  Suggestions to DAP to be presented at next MOD 1* DWG.

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Ser	Issue	Explanation	Army Inspectorate Reference	Response
7	CPERS lessons process	Observations and lessons from operations and training are being learned effectively. However, they are not all being captured on DLIMS.	Email AInsp/HQ PM(A) dated 19 Jul 12.	HQ PM(A) currently sends assurance visit reports to LXC for capture.
8	Infantry Battle School aide memoire	It is recommended that IBS draft a 1-page CPERS aide memoire to be included in the Brecon Battlebook for PI Comds, PI Sgt and Sect Comds courses.	Email AInsp/IBS dated 31 May 12	Reply Email IBS/AInsp dated 31 May 12.  IBS Chief Instructor to draft version for consideration by OpLaw.
9	Command relationship between the Detention Oversight Team (DOT), the Deputy Detention Authority (DDA) and PJHQ	Lack of clarity in SOI J3-9 (paragraphs 16i and 71b) regarding the C2 arrangements of the DOT. Does the DOT report to the DDA or direct to PJHQ?	Email AInsp/PJHQ J3 dated 11 Jul 12	PJHQ issued new policy via email to confirm that - DOT's visit reports must arrive at PJHQ unadulterated, providing an accurate reflection of the DOT's observations and assessment of the credibility of any allegations made. - If the Detention Authority chooses to provide commentary on the nature of the allegations, this should be included in a separate covering note and not incorporated into the visit report.  SOI J3-9 will be amended to reflect this change as a routine amendment.
10	Role of DComd JFSp(A)	SOI J3-9 fails to provide explicit guidance on the role of DComd JFSp(A) when Comd JFSp(A) is absent on duty or leave. Does the DDA assume the role of the Detention Authority (DA) or does DComd JFSp(A) take this role as the deputy commander?	Email AInsp/PJHQ J3 dated 11 Jul 12	SOI J3-9 will be amended to confirm that the DDA assumes the role of the DA when Comd JFSp(A) is absent on duty/leave.

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### NON COMPLIANCE WITH BMI RECOMMENDATIONS

The Review identified non-compliance with the following BMI Recommendations:

#### Army-lead Issues

Number	Issue	Recommendation	Organisation Lead <sup>61</sup>	Comments
BMI 40	Unit Detention Officer	Each Battlegroup should have a "Detention Officer" being a commissioned officer within Battlegroup Headquarters. The role should encompass coordination and management of CPERS; acting as a focus on CPERS matters during mission specific training; ensuring that Military Annual Training Test (MATT 7) and other training relevant to CPERS inculcates the vital messages about the correct handling of CPERS; assisting the Commanding Officer during operations by monitoring compliance with timescales, record keeping and other CPERS handling standards; acting as a clear point of contact with Brigade on CPERS matters and liaising as necessary with the Military Provost Staff (MPS); ensuring that the responsibility for CPERS does not 'fall between the cracks' of other Battlegroup level officers. The role must not, however, dilute the responsibility of the Commanding Officer. The role should not be carried out by the intelligence officer or the unit coordinator of tactical questioning. The detention officer would be an existing Battlegroup officer who is given additional responsibilities.	PJHQ J3 and PM(A)	<p>Some Op HERRICK 16 units have not appointed a Detention Officer. For most Op HERRICK 17 units, the appointment has been made but this is little more than a title with no real depth of understanding or influence. The reasons for this shortfall are twofold:</p> <p>The wording of the policy is vague and has been interpreted by different organisations in different ways. It is unclear whether it applies only to those units forming Battlegroups immediately prior to and during operations or whether it should apply to all Major units at all times. Also, units without a conventional ground-holding role who may equally become involved in handling CPERS<sup>62</sup> are left unclear whether the appointment is necessary or not.</p> <p>The appropriate training course, sponsored by HQ PM(A), will not commence until Sep</p>

<sup>61</sup> As appointed by the MOD 1\* Detention Working Group.

<sup>62</sup> As is currently the case on Op HERRICK with the Brigade Recce Force, Close Support Logistics Regiment or the Close Support Medical Regiment.

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Number	Issue	Recommendation	Organisation Lead <sup>63</sup>	Comments
BMI 10	Sight deprivation	<p>Five principles on permitted sight deprivation should be consistently emphasised in JDP 1-10 and subordinate doctrine and instructions:</p> <p>(1) where practicable the need to deprive CPERS of their sight should be avoided in the first place by common sense steps such as appropriate design and layout of facilities, the planning of operations, choice of routes, and covering up equipment;</p> <p>(2) even if it is impracticable to avoid CPERS seeing facilities or equipment in the first place, there must be a genuine sensitivity about the facilities or equipment before sight deprivation can be justified;</p> <p>(3) when sight deprivation does take place it must only be for as long as is strictly necessary;</p> <p>(4) sight deprivation should not become routine; it must always be capable of being justified by the operational circumstances on the ground; and</p> <p>(5) when sight deprivation is used, the fact that it has been used should as soon as practicable be noted in a simple brief record giving the date/time/duration/circumstances/justification for its use.</p>	DCDC	<p>12. Full implementation cannot therefore be assumed until Op HERRICK 18 (April 2013) at the earliest. Most Op HERRICK 17 officers will not be trained and, if they are, it will be too late to influence their unit's MST.</p>
BMI 13	In dealing with segregation, JDP 1-10 should make clear that sight deprivation should not be used as a means of segregating CPERS to prevent them communicating with each other.	<p>PM(A) should formally review whether the current practice of using</p>		<p>1. The principles of sight deprivation have been incorporated into policy/doctrine in JDP 1-10 (paragraph 221d) and SOI J3-9 (Paragraph 35e(4)).</p> <p>2. PM(A) has authorised an SOP<sup>63</sup> that directs the use of black-out goggles in certain circumstances within the THFs to ensure a safe and secure environment for CPERS and military staff. This includes all internal movement of detainees within a THF. Other occasions when goggles are used routinely include all aircraft movements and the movement of patients around the Bastion Role 3 hospital.</p> <p>3. The Review Team consider that use of goggles within THFs and on aircraft is routine and does not always meet the threshold of genuine sensitivity or operational necessity. In some cases, goggles are being applied when the detainee would not be able to see anything sensitive and not as the last resort. The BMI report does not give the safety of military staff as a justification for their use.</p>
BMI 39				<p>4. A sensible balance needs to be struck. The SOP has been issued to overcome the</p>

<sup>63</sup> Op HERRICK Detention Standing Orders SO 34 – Use of Blacked-out Goggles.

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Number	Issue	Recommendation	Organisation Lead <sup>b1</sup>	Comments
		<p>blacked out goggles for all movement of CPERS within Temporary Holding Facilities (THF) in Afghanistan is strictly necessary and ensure that it is not being used in circumstances that are not clearly justified by operational security and/or CPERS own protection.</p> <p>The routine use of blacked out goggles for transfers within a holding facility is not desirable even for short periods of time, but I recognise that there may be circumstances where it is necessary. I am disinclined to make prescriptive recommendations about judgments being made on the ground at THF level in Afghanistan.</p>		<p>requirement for a MPS SNCO to undertake a risk-assessment before each and every CPERS move and to then capture the reasons in writing. PM(A) insists there is a clear need to keep drills simple and common between the holding facilities. However, this leaves an apparent gap between policy and practice.</p> <p>5. <b>Recommendation.</b> Any SOP that directs the routine use of sight deprivation must be subject to rigorous, legal review. The review should be conducted by the Ops Dir, with support from CLS and PJHQ, on an annual basis to ensure compliance with UK policy. For Op HERRICK, the existing SOPs relating to the THFs, air movements and the Role 3 hospital must be subject to this analysis as a matter of priority.</p>

Non-Army Issues

BMI 21	Generic SOI	<p>PJHQ should complete work on a generic theatre-level Standard Operating Instruction (SOI) for CPERS handling. This should stand as the starting template for CPERS handling on future operations. There is currently a gap in the current doctrine below the level of JDP 1-10 and its associated Joint Techniques Tactics and Procedures (JTTP)s. The SOI should reflect the contemplated changes to JDP 1-10, changes introduced as a result of this Report, changes in tactical questioning and interrogation policies, and the lessons learned from Op TELIC and Op HERRICK.</p>	PJHQ J3	<p>The MOD 1* Detention Working Group meeting on 1 Mar 12 decided not to implement this recommendation as stated. Instead, JDP 1-10 will be used as generic template for future operations. Comment – the inclusion of an Annex within JDP 1-10 with suggested headings for any future SOI would better meet the intent of the BMI Recommendation.</p>
BMI 27	Audit of interrogation video recordings	<p>The interrogation policy should require, as part of the auditing process, a review of a selection of video recordings of interrogations of the inspector's choosing. Interrogators should know that the recordings of their interrogations may be inspected in this way.</p>	DI ICSP HUMINT Pol	<p>The updated Interrogation policy is compliant with this recommendation.</p> <p>PJHQ J2X undertake 6-monthly inspections of</p>

<p>BMI 44</p>	<p>External Inspection</p>	<p>In the ongoing deliberations as to what arrangements should be made for external inspection of main operational detention facilities, the fullest consideration should be given to:</p> <p>(1) the significant benefit that Her Majesty's Inspector of Prisons (HMIP) involvement in the inspection process would bring; and</p> <p>(2) the fact that while inspecting operational detention facilities may involve compromises to, and divergence from, HMIP's normal practice, certain practical realities (e.g. inspection only with a warning; CPERS who may very well be distrustful of any inspector from the UK; and limitations on visiting some areas in theatre) would apply to anybody that undertook the inspection role. Were it to be the case that HMIP did not feel able to fulfil the inspection role for the main theatre detention facilities, the MoD should urgently consider other routes to achieving independent inspection/validation of those facilities by the best means that can be achieved short of full HMIP involvement.</p>	<p>Ops Dir</p>	<p>the Intelligence Exploitation Force. Currently, this does not include viewing a significant sample of video recordings.</p> <p>From Aug 12, an inspection team, drawn from PJHQ (J2X and Legal) and ICSP HUMINT Pol, will review a sample of video recordings archived at DHU, Chicksands. The delay in implementation has been for technical reasons as a server capable of storing the footage has only just been installed.</p>
		<p>A submission to Min(AF) on the possible deployment of HMIP to provide independent inspection of the detention facilities has been drafted and currently lies with D Op Pol.</p>		



## ABBREVIATIONS USED IN THIS REPORT

ACA&I	Army Competent Advisor & Inspector
ACSC	Advanced Command and Staff Course
AFCC	Armed Forces Chaplaincy College
AFTC	Army Technical Foundation College
AJP	Allied Joint Publication
ARTD	Army Recruiting and Training Division
BAG	Brigade Advisory Group
BG	Battlegroup
BL	Battle Lesson
BMI	Baha Mousa Inquiry
BRF	Brigade Reconnaissance Force
BSN	Camp Bastion
CC	Commissioning Course
CD	Capability Director
CD Cbt	Capability Director Combat
CDS	Chief of Defence Staff
CGS	Chief of the General Staff
CLM	Command Leadership and Management
CoC	Chain of Command
CPERS	Captured Persons
CeTAC	Collective Training Advisory Cell
CJO	Chief of Joint Operations
CLS	Central Legal Services
CT	Collective Training
CTC RM	Commando Training Centre Royal Marines
CTG	Collective Training Group
DAP	Detention Action Plan
DCDC	Development, Concepts and Doctrine Centre
DCLPA	Defence College of Logistics and Personnel Administration
DCPG	Defence College of Policing and Guarding
DDA	Deputy Detention Authority
DG Cap	Director General Capability
DG Pers	Director General Personnel
DHU	Defence Human Intelligence Unit
DISC	Defence Intelligence and Security Centre
DJEP	Directorate Judicial Engagement Policy
DLoDs	Defence Lines of Development
DLW	Director Land Warfare
DMS	Defence Medical Services
DMSTG	Defence Medical Services Training Group
DOT	Detention Oversight Team
D Op Pol	Director Operational Policy
DPS(A)	Director Personal Services (Army)
DRC	Detention Review Committee
DSI	Defence School of Intelligence
DSF	Directorate Special Forces
D Trg(A)	Director Training (Army)
FOB	Forward Operating Base
FP	Force Protection
FPM	Force Provost Marshal
HMCIP	Her Majesty's Chief Inspector of Prisons
HMIC	Her Majesty's Inspectorate of Constabulary

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HMIP	Her Majesty's Inspectorate of Prisons
HUMINT	Human Intelligence
IBS	Infantry Battle School
ICRC	International Committee of the Red Cross
ICSC(L)	Intermediate Command and Staff Course (Land)
ICSP	Intelligence Capability Strategy and Policy Division
ITC	Infantry Training Centre
JDP	Joint Doctrine Publication
JFC	Joint Forces Command
JHC	Joint Helicopter Command
JFSp(A)	Joint Force Support (Afghanistan)
JMC	Joint Medical Command
JOTAC	Junior Officer Tactics Course
JSCSC	Joint Services Command and Staff Course
KAF	Kandahar Airfield
LEOC	Late Entry Officers Course
LEOC(V)	Late Entry Officers Course (Volunteer)
LWDG	Land Warfare Development Group
LWS	Land Warfare School
LXC	Lessons Exploitation Centre
MATT	Military Annual Training Test
MCTC	Military Corrective and Training Centre
MOD	Ministry of Defence
MPS	Military Provost Staff
MST	Mission Specific Training
ODR	Operational Deployability Record
OIHL	Operational International Humanitarian Law
OPCOM	Operational Command
OpLaw	Operational Law
Ops Dir	Operations Directorate
OPTAG	Operational Training and Advisory Group
PDTMC	Pre-Deployment Training and Mounting Centre
PJHQ	Permanent Joint Headquarters
PMAG	Police Mentoring and Advisory Group
PM(A)	Provost Marshal (Army)
PM(N)	Provost Marshal (Navy)
PQO	Professionally Qualified Officer
PQO(V)	Professionally Qualified Officer (Volunteer)
RCDM	Royal College of Defence Medicine
RMAS	Royal Military Academy Sandhurst
RMP	Royal Military Police
RRF	Royal Regiment of Fusiliers
RSOI	Reception, Staging and Onward Integration
RTMC	Reinforcements Training and Mobilisation Centre
SG	Surgeon General
SGPL	Surgeon General Policy Letter
SME	Subject Matter Expert
SNCO	Senior Non-Commissioned Officer
SOI	Standard Operating Instruction
SOP	Standard Operating Procedure
TACC	Territorial Army Commissioning Course
THF	Temporary Holding Facility
TF	Task Force
TFH	Task Force Helmand
TPG	Theatre Provost Group
TTP	Techniques, Tactics and Procedures
TQ	Tactical Questioning
V&S	Values and Standards

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