

CHAPTER 2: THE PROCESSING OF THE DETAINEES AT CAMP ABU NAJI

1. The processing of detainees at Camp Abu Naji

3.122 Shortly after the detainees arrived at Camp Abu Naji, a procedure was followed in respect of each of them that has been invariably referred to as “Processing” throughout this Inquiry. For convenience, I have continued to use the same term in this Report to describe this particular procedure at Camp Abu Naji and, subsequently, at the Divisional Temporary Detention Facility (“DTDF”) at Shaibah.

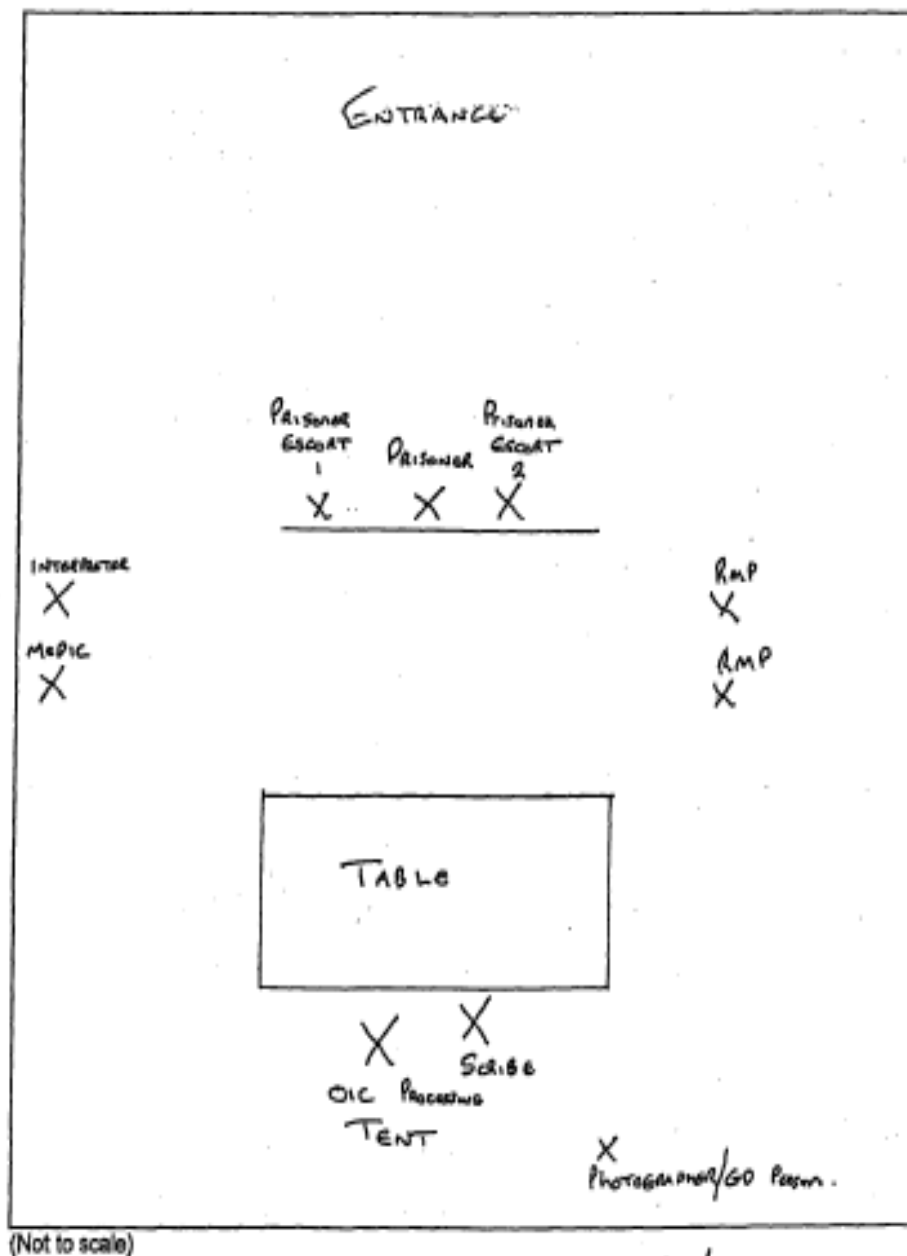
3.123 Processing appears to have served a number of purposes with regard to the detention of these and other Iraqi men by the British military authorities. Those purposes included the following:

- a. making a record of the names and basic biographical information of each detainee;
- b. making a record of the clothing/possessions of each detainee;
- c. explaining to each detainee the reasons for his detention;
- d. photographing each detainee; and
- e. carrying out a medical examination of each detainee and, where necessary, treating or arranging for the treatment of any detainee who required it.

3.124 At Camp Abu Naji, the processing of detainees was carried out in a 12 foot by 12 foot tent, located approximately 10 metres from the shower block that functioned as a cell block in which the detainees were held whilst at Camp Abu Naji.³³⁷² When he gave a statement to the Royal Military Police (“RMP”) in 2008, the 1st Battalion, Princess of Wales’ Royal Regiment (“1PWRR”) Regimental Sergeant Major, WO1 Shaun Whyte, produced a sketch showing the layout of the processing tent and the location of the various individuals involved in the processing. This sketch is reproduced below as Figure 82. I am satisfied that it accurately depicts the layout and occupants of the processing tent on 14 May 2004.

³³⁷² See detail on the layout of Camp Abu Naji at paragraphs 3.6 to 3.13

Figure 82: MOD009241



- 3.125** Having regard to the evidence which I have seen, heard and read, in the paragraphs that follow I set out the details of the various individuals who carried out the various roles identified in WO1 Whyte's sketch on 14 May 2004.
- 3.126** The Officer in Charge ("O/C") of processing on 14 May 2004 was WO2 Darran Cornhill.³³⁷³ WO2 Cornhill was the "Camp" Sergeant Major ("CSM") at Camp Abu Naji at the time.³³⁷⁴ During 1PWRR's tour, responsibility for taking charge of processing was shared on a rota system between WO2 Cornhill, WO2 Wayne Sibthorpe and WO1 Whyte.³³⁷⁵ WO1 Whyte attended the processing of at least some of the detainees on 14 May 2004. However, I am satisfied that he attended merely as an observer on 14 May 2004 and that WO2 Cornhill was in charge of processing throughout.

³³⁷³ WO2 Cornhill (ASI013364) [81]

³³⁷⁴ WO2 Cornhill (ASI013345) [7]

³³⁷⁵ WO1 Whyte (ASI015956) [14]

3.127 The “scribe” on 14 May 2004 was Sergeant Martin Lane. Sergeant Lane was responsible for completing the paperwork generated by the processing of each of the detainees. This involved noting down the answers given by each of the detainees to the questions that WO2 Cornhill asked them and recording them on the pro forma Internment/Detainment Records.³³⁷⁶

3.128 The “medic” on 14 May 2004 was Corporal Shaun Carroll, a Class 1 Regimental Medical Assistant (“RMA”).³³⁷⁷

3.129 WO1 Whyte noted the presence of two members of the RMP on his sketch. On 14 May 2004, they were Corporal John Everett and Lance Corporal Gordon Higson. In his written Inquiry statement, Corporal Everett explained that their role was:

“...to conduct the searches of each detainee and to restrain them as necessary should they be non-compliant.”³³⁷⁸

3.130 Three different soldiers remembered having been the photographer during processing on 14 May 2004, namely Corporal Shaun Wildgoose, Lance Corporal Nicholas Collins and Sergeant Philip Gidley.³³⁷⁹ This is somewhat surprising. Although unlikely, it is possible that each of these witnesses photographed some of the detainees that evening. I am unable to say with any certainty which of them did, in fact, take the photographs in question. However, I am satisfied that nothing of any significance turns on the actual identity of the photographer.

3.131 There was also some inconsistency in the evidence with regard to the identity of the interpreter who had been present in the tent during the processing of these detainees on 14 May 2004. Some witnesses recalled that the interpreter had been female,³³⁸⁰ whilst others recalled that the interpreter had been male.³³⁸¹ In the event, I am satisfied that the interpreter throughout the entire processing of the detainees on 14 May 2004 was a man, M013, who I considered to be a truthful and reliable witness. M013 was convincingly emphatic in his evidence that he had been the interpreter in the processing tent for the whole of the processing of the nine detainees on the evening of 14 May 2004. During his oral evidence to the Inquiry, M013 was directed to paragraph 23 of his written Inquiry statement, in which he had said this:

“I was the interpreter during the processing of all 9 detainees who arrived on 14 May [2004] and no other interpreters participated in the processing sessions.”

M013 responded to the questions he was then asked about this paragraph, as follows:

“Q. Right. Paragraph 23, we’ve touched on this already. You were the interpreter during the processing of all nine [detainees]. How are you so sure that you were present for all nine?”

A. I am 100 per cent sure because when ... the processing started, I was there.

Q. Yes.

A. And when it finished I was there.

Q. Okay.

³³⁷⁶ Sergeant Lane (ASI020029-30) [32]

³³⁷⁷ Corporal Carroll (ASI016076-77) [110]

³³⁷⁸ Corporal Everett (ASI009401) [146.6]

³³⁷⁹ Corporal Wildgoose [123/43-44]; Lance Corporal Collins [128/129-130]; Sergeant Gidley [114/9]

³³⁸⁰ See, for example, WO2 Cornhill [115/82/24-25]; Corporal Carroll [116/38/3-4]

³³⁸¹ See, for example, Corporal Bowden [120/203/9-10]; Private Johnston [123/153/11-12]

*A. Simple as that, yes.*³³⁸²

3.132 The soldiers who acted as escorting guards differed from detainee to detainee. Based on the photographs that were taken during the processing of the nine detainees, it would appear that they were escorted to and from the processing tent by the following soldiers:

- a. Hamzah Almalje: detainee 772 – not known;³³⁸³
- b. Mahdi Al-Behadili: detainee 773 – escorted by Lance Corporal Christopher Vince³³⁸⁴ and Sergeant Samuel McKee;³³⁸⁵
- c. Ibrahim Al-Ismaeli: detainee 774 – escorted by Corporal Stuart Bowden³³⁸⁶ and Private Matthew Morris;³³⁸⁷
- d. Kadhim Al-Behadili: detainee 775 – escorted by Corporal Daniel Marshall³³⁸⁸ and Corporal Jeremy Edgar;³³⁸⁹
- e. Abbas Al-Hameedawi: detainee 776 – escorted by Lance Corporal Raymond Edwards³³⁹⁰ and Lance Corporal Richard Garner;³³⁹¹
- f. Ahmed Al-Purajji: detainee 777 – escorted by Corporal Michael Taylor³³⁹² and Lance Corporal Andrew Tongue;³³⁹³
- g. Hussein Al-Behadili: detainee 778 – not known;³³⁹⁴
- h. Atiyah Al-Baidhani: detainee 779 – escorted by Lance Corporal Andrew Tongue³³⁹⁵ and Corporal Jeremy Edgar;³³⁹⁶ and
- i. Hussein Al-Lami: detainee 780 – escorted by Corporal Andrew Nicholls³³⁹⁷ and Corporal Daniel Marshall.³³⁹⁸

3.133 In addition to the men identified on WO1 Whyte's sketch, I am satisfied that Staff Sergeant David Gutter was also present during the processing of the nine detainees on the evening of 14 May 2004. Staff Sergeant Gutter was in command of the Prisoner Handling Team, including the escorts. His role was to instruct his men to bring the individual detainees to and from the tent for processing as required.³³⁹⁹

³³⁸² M013 [137/25]

³³⁸³ No photograph is available

³³⁸⁴ Lance Corporal Vince (ASI009937) [70]

³³⁸⁵ Sergeant McKee (ASI014660) [41]

³³⁸⁶ Corporal Bowden (ASI010614) [49]

³³⁸⁷ Private Morris (ASI010887) [58]

³³⁸⁸ Corporal Marshall (ASI011087) [54]

³³⁸⁹ Corporal Edgar (ASI020377) [54]

³³⁹⁰ Lance Corporal Edwards (ASI011785) [59]

³³⁹¹ Lance Corporal Garner (ASI009441) [23]

³³⁹² Corporal M. Taylor (ASI018110) [52]

³³⁹³ Lance Corporal Tongue (ASI015571) [25]

³³⁹⁴ No photograph is available

³³⁹⁵ Lance Corporal Tongue (ASI015571) [25]

³³⁹⁶ Corporal Edgar (ASI020377) [54]

³³⁹⁷ Corporal Nicholls (ASI011455) [48]

³³⁹⁸ Corporal Marshall (ASI011088) [60]

³³⁹⁹ Staff Sergeant Gutter (ASI012969) [102]

3.134 The time at which each detainee was taken for processing was recorded on the Prisoner Information Sheets for each detainee. Based on those records, I am satisfied that each of the detainees went through the processing procedure on 14 May 2004 at the following times:

- a. Hamzah Joudah Faraj Almalje (detainee 772) – 21:03 hours – 21:10 hours;³⁴⁰⁰
- b. Mahdi Jasim Abdullah Al-Behadili (detainee 773) – 21:16 hours – 21:23 hours;³⁴⁰¹
- c. Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) – 21:25 hours – 21:35 hours;³⁴⁰²
- d. Kadhim Abbas Lafta Al-Behadili (detainee 775) – 21:50 hours – 21:58 hours;³⁴⁰³
- e. Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) – 21:58 hours – until some time just after 22:02 hours;^{3404, 3405}
- f. Ahmed Jabbar Hammood Al-Furaiji (detainee 777) – 22:37 hours – 22:48 hours;³⁴⁰⁶
- g. Hussein Fadhil Abbas Al-Behadili (detainee 778) – 22:51 hours – 22:59 hours;³⁴⁰⁷
- h. Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) – 23:06 hours – 23:16 hours;³⁴⁰⁸ and
- i. Hussein Gubari Ali Al-Lami (detainee 780) – 23:20 hours – 23:27 hours.³⁴⁰⁹

3.135 The following four principal tasks were completed during processing on the evening of 14 May 2004:

- a. the name and personal details of each detainee were taken;
- b. each detainee and his clothes were searched;
- c. each detainee was medically examined; and
- d. each detainee was photographed.

In the paragraphs that follow, I summarise the way in which each of these various tasks were actually carried out on 14 May 2004.

The taking of personal details of the nine detainees

3.136 In his written Inquiry statement, WO2 Darran Cornhill described the way in which this particular task was carried out, as follows:

“...I would ask the detainee a series of questions such as their name, date of birth and tribal name. The interpreter would then ask the question in Arabic and feed back the response given by the detainee. I would write down their answers on a laminated piece of card with a marker for identification purposes. The photographs of the detainees provided by the Inquiry [MOD032672 to MOD032676] show pictures of the detainees

³⁴⁰⁰ (MOD024467)

³⁴⁰¹ (MOD024469)

³⁴⁰² (MOD024471)

³⁴⁰³ (MOD024473)

³⁴⁰⁴ The recorded time on the Prisoner Information Sheet is missing a digit

³⁴⁰⁵ (MOD024475)

³⁴⁰⁶ (MOD024477)

³⁴⁰⁷ (MOD024479)

³⁴⁰⁸ (MOD024481)

³⁴⁰⁹ (MOD024483)

holding up the laminated card, and I can confirm that the card they are holding is the one on which I wrote their details.”³⁴¹⁰

3.137 After this had been done, WO2 Cornhill read to each detainee the first section of the Apprehension Notice, Annex I to SOI³⁴¹¹ 390.³⁴¹² This informed the detainee why had he had been detained and why he was viewed as a threat to Coalition Forces.³⁴¹³ Each detainee was then asked to read the remainder of the Apprehension Notice and to sign it.³⁴¹⁴ This ensured that the detainee in question was aware of his right to inform somebody of his whereabouts. The Inquiry has obtained copies of the Apprehension Notices signed by the nine detainees during their processing at Camp Abu Naji on 14 May 2004.³⁴¹⁵

3.138 WO2 Cornhill observed that, on occasions, detainees would protest their innocence at this stage, but that any such denials or other comments were not recorded.³⁴¹⁶

The searches and medical examination of the nine detainees

3.139 The next two stages of processing, namely the searching and the medical examination of each detainee, are dealt with together in the paragraphs that follow.

3.140 Each detainee was first asked to remove his clothes. It would appear that the majority of the nine detainees complied with this instruction, although with reluctance and because they had given way to the inevitable.³⁴¹⁷ However, three of the detainees, namely Mahdi Jasim Abdullah Al-Behadili (detainee 773), Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) and Ahmed Jabbar Hammood Al-Furaiji (detainee 777) each alleged that he had been forcibly stripped of all or some of his clothing in the processing tent.

3.141 In his second Inquiry statement, Mahdi Al-Behadili (detainee 773) described what had happened to him, as follows:

“I was told to take of [sic] my clothes but I refused. The interrogator kept on shouting at me and I continued to refuse to take off my clothes as it was disrespectful to my beliefs to be naked in front of these people and would have caused me great humiliation. The interrogator then ordered the soldiers to take off my clothes. I realised that it was more sensible for me not to resist even though I would be humiliated and so I let them take off my clothes.”³⁴¹⁸

3.142 In his Judicial Review statement, Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) gave a description of what had occurred in his case, in the following terms:

“Then the interrogator ordered the soldiers to strip me without my consent. I was stripped of my shirt. While they were taking off my shirt they cut my plasticuffs. I

³⁴¹⁰ WO2 Cornhill (ASI013365) [85]

³⁴¹¹ Standard Operating Instruction

³⁴¹² (MOD039462-63)

³⁴¹³ WO2 Cornhill (ASI013365) [86]

³⁴¹⁴ Ibid.

³⁴¹⁵ See, for example, for Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) (MOD043483)

³⁴¹⁶ WO2 Cornhill (ASI013366) [87]

³⁴¹⁷ See, for example, Hussein Fadhil Abbas Al-Behadili (detainee 778) (PIL000366) [25]; Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000184) [90]; Hussein Gubari Ali Al-Lami (detainee 780) and paragraph 3.147

³⁴¹⁸ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000784) [37]

tried to keep my trousers on by holding them but they stripped me naked and then photographed me while I was made to hold a piece of paper in front of me.”³⁴¹⁹

3.143 Abbas Al-Hameedawi repeated this allegation in his third written Inquiry statement. However, he did go on to say that he had been allowed to put his clothes back on before his photograph was taken.³⁴²⁰

3.144 For his part, in his first written Inquiry statement Ahmed Jabbar Hammood Al-Furaiji (detainee 777) described what had occurred in the following terms:

“I was instructed to remove my clothes. I did so with the exception of my underwear which I refused to take off. These were forcibly removed by the two soldiers that had brought me to the tent.”³⁴²¹

3.145 There was also some military evidence with regard to the forcible stripping of one of the detainees during processing on 14 May 2004, mainly from Corporal John Everett, who was one of the two Royal Military Police (“RMP”) soldiers present in the tent. In the course of his oral evidence to the Inquiry, Corporal Everett said that, at the start of the processing he had briefed the other soldiers that, if any of detainees resisted, they should step aside and allow him and the other RMP soldier present, Lance Corporal Gordon Higson, to take over.³⁴²²

3.146 In his written Inquiry statement, Corporal Everett gave the following account of how he and Lance Corporal Higson had forcibly stripped one of the detainees during the processing procedure on 14 May 2004. Corporal Everett believed that the detainee in question was Hussein Fadhil Abbas Al-Behadili (detainee 778), and he described what happened in the following terms:

“I do remember a little bit more about this detainee as I recall him to be the most non-compliant of the nine. I recall that this detainee refused to remove any clothing other than his shirt and that one of the guards intervened (I cannot recall whether he was ordered to intervene or not) and started to forcibly remove detainee 7’s [i.e. detainee 778’s] trousers, but again he refused to comply and struggled against the guard. As I had instructed earlier that day, the guards then took a step back (I cannot recall whether I instructed them to or whether they simply asked me to intervene), and Lance Corporal Higson and I stepped forward and each took one arm of the detainee and forced him to the floor. We both put the detainee into an arm lock behind his back, and with him in this position we were able to remove his clothing and once that had been done we stood him up and released him from the arm lock.”³⁴²³

3.147 However, Hussein Al-Behadili’s (detainee 778) own evidence was that, whilst he had found the process of taking off his clothes in front of others to be humiliating and had initially resisted it, in the event he had bowed to the inevitable and had removed his clothes himself.³⁴²⁴

I am therefore satisfied that, if Corporal Everett was describing an incident that had actually occurred during the processing of the nine detainees on 14 May 2004, he must have been mistaken as to the identity of the detainee involved.

³⁴¹⁹ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) (PIL000006) [16]

³⁴²⁰ Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) (PIL000477) [99]

³⁴²¹ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (ASI000883) [50]

³⁴²² Corporal Everett [117/106]

³⁴²³ Corporal Everett (ASI009407)

³⁴²⁴ Hussein Fadhil Abbas Al-Behadili (detainee 778) (PIL000366) [25]

3.148 It is noteworthy that none of the three detainees, who claimed to have been forcibly stripped during processing on 14 May 2004, suggested that the soldiers involved had used anything like the level of force that Corporal Everett described in his evidence. Furthermore, there was little support for Corporal Everett's account in the evidence of the other soldiers who had been present during the processing of the detainees on 14 May 2004, at least insofar Corporal Everett described how a detainee had been forced down on to the floor in order to remove his clothes. Such support as there was, for Corporal Everett's description of the forcible removal of one of the detainee's clothing on that occasion, is to be found in the evidence of the other Royal Military Police ("RMP") soldier present in the processing tent on 14 May 2004, Lance Corporal Higson.

3.149 In the original version of his written Inquiry statement, Lance Corporal Higson gave the following account of how one of the detainees had been forcibly stripped of his clothing during processing on 14 May 2004:

"I think that on 14 May 2004 one of the detainees refused to remove his clothes. I think he indicated his resistance by shrugging his shoulders and saying in Arabic that he did not want to remove his clothes. I do not speak Arabic, and what he said was translated into English by the interpreter. In response to this, the detainee's clothes were pulled off him by one or two military personnel. I cannot recall whether Cpl Everett or the guards removed his clothes, but I expect it would have been Cpl Everett in accordance with his instruction that the RMP would take over if the detainees refused to comply (as noted in my October 2008 RMP statement [MOD014016]). I do not think I was involved in removing the detainee's clothes, but I observed it happening. I think it unlikely that I was involved as I was responsible for completing the property receipt logs."³⁴²⁵

*The detainee did not flail about or otherwise physically resist. No excessive force was used and the detainee did not struggle or go down to the floor. His clothes were simply removed."*³⁴²⁶ [emphasis added]

3.150 However, when he came to give his oral evidence to the Inquiry, Lance Corporal Higson notified me that he wished to amend his original written Inquiry statement. He sought to replace the words underlined in the passage quoted above with the following:

*"I initially did not have any recollection of having assisted in undressing this detainee, nor did I recall whether John Everett was involved. However, having seen John's written evidence I now think it likely that both he and I assisted in removing the detainee's clothes and that in the process of doing so, we forced him to the floor."*³⁴²⁷

3.151 It is evident that Lance Corporal Higson's revised recollection was, by his own admission, heavily influenced by the fact that he had recently read the written evidence of Corporal Everett. Accordingly, I do not consider that Lance Corporal Higson's evidence provides any significant corroboration of Corporal Everett's account, particularly with regard to the description of the detainee being forced to the floor in order to be stripped.

3.152 Having regard to the evidence as a whole, I have come to the conclusion that it is likely that Mahdi Al-Behadili (detainee 773), Abbas Al-Hameedawi (detainee 776) and Ahmed Al-Furaiji (detainee 777) had all or some of their clothing forcibly removed during processing on 14 May 2004. Furthermore, I am satisfied that this was done in a manner akin to that described by

³⁴²⁵ Underlining added

³⁴²⁶ Lance Corporal Higson (ASI017196) [90]-[91]

³⁴²⁷ Lance Corporal Higson (ASI017196); [118/12/13]

those detainees themselves, rather than in the manner described by Corporal Everett. In my view, either Corporal Everett exaggerated what happened to some extent or, which I consider to be more likely, he has confused it with an incident that took place during the processing of a different detainee on some other date.

- 3.153** There were two main reasons why the detainees were asked to remove their clothing during processing, although not all the witnesses mentioned both reasons when giving evidence to the Inquiry. The clearest account of the reasons for requiring detainees to take off their clothing during processing was provided by Corporal Everett in his oral evidence to the Inquiry, as follows:

“The purpose of the strip-search was not solely for the medical examination. It was also to ensure a full search and examination of each individual was conducted, so there was nothing that could either harm them, us or aid their escape or could be evidence of an offence that was committed out on the ground.”³⁴²⁸

- 3.154** In my view, the two matters identified by Corporal Everett do provide obvious and sound reasons for requiring each detainee to remove his clothing at an appropriate stage and in appropriate circumstances during the processing procedure. It is also clear from the evidence, about what was done during the time each detainee was unclothed, that both reasons did apply in the case of the nine detainees on the evening of 14 May 2004. I draw no adverse conclusions from the fact that not all the military witnesses mentioned both reasons or from the fact that some of the witnesses considered that satisfying those reasons did not make it necessary for a detainee to be completely naked. I also have no hesitation in rejecting any suggestion that the detainees were deliberately forced to strip in order to humiliate them or as part of some process of “conditioning” or “softening up”.

- 3.155** Nevertheless, a number of the detainees described how they had, in fact, felt greatly humiliated and demeaned by having to remove all their clothes and/or by having had them forcibly removed during processing on 14 May 2004. I have no doubt that they did experience such feelings at the time and that the feelings were entirely understandable in the circumstances.

- 3.156** Thus, in his second written Inquiry statement, Mahdi Al-Behadili (detainee 773) graphically described how he felt after his clothes had been removed, as follows:

“I was left naked for about five minutes as the doctor examined me. I was so humiliated that I started crying.”³⁴²⁹

- 3.157** In his second written Inquiry statement, Ahmed Al-Furaiji (detainee 777) gave the following dramatic description of having experienced very similar feelings and emotions after he had been stripped of his underwear by the soldiers:

“I was stood in this place naked. I kept my head down and I could not look up when I was talked to. I tried to explain that this was not culturally acceptable. I was very humiliated, embarrassed and offended because of this situation. I felt very demeaned by this situation.”³⁴³⁰

³⁴²⁸ Corporal Everett [117/197/14-20]

³⁴²⁹ Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000784) [37]

³⁴³⁰ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (PIL000317) [76]

- 3.158** In his second written Inquiry statement, Atiyah Al-Baidhani (detainee 779) described his feelings in the following terms:

*"They watched me while I undressed. It is hard to describe how I felt at that time. It was a complete insult and humiliation. It distresses me to think about it now and makes me angry."*³⁴³¹

- 3.159** I have no doubt that these feelings were fully shared by Abbas Al-Hameedawi (detainee 776). However, I am satisfied that his actual account of the matter included a number of false details that not only exaggerated what had occurred but also introduced an element of deliberate and malicious ill-treatment by the soldiers in the processing tent. In his oral evidence to the Inquiry, Abbas Al-Hameedawi described how he had been forcibly stripped and then went on to say this:

*"And when that was done, they asked me to turn around, a complete round, and they forced me to do that, the soldiers did, while they were ridiculing and laughing at me because I was naked. They were laughing at my being naked."*³⁴³²

- 3.160** There was nothing in the evidence of the various military witnesses, who were present during processing on 14 May 2004, which provides any confirmation of or support for this particular passage in Abbas Al-Hameedawi's evidence. However, when the interpreter, M013, gave his oral evidence to the Inquiry, the following exchange took place, when he was questioned by Counsel to the Inquiry:

"Q. Whilst they were naked, was anything unpleasant, belittling or sarcastic said to them?"

A. Not to them. I can remember one incident where a soldier made a silly comment, but, um, I can't say that it is related to this day and these detainees.

Q. No. What was the silly comment?"

A. Um, laughing, made a silly comment about the size of one detainee's testicle, I think, yes.

Q. Did you translate that to the detainee?"

*A. No. No, of course not, no."*³⁴³³

- 3.161** As M013 was at pains to point out, there is no reason to assume that this particular incident actually took place during the processing of the nine detainees on 14 May 2004. In any event, M013's candid and credible description of the individual soldier's objectionable behaviour fell some way short of the sort of concerted and deliberate humiliation that Abbas Al-Hameedawi claims to have suffered at the hands of a number of soldiers. The fact that M013 recalled this evidence, but made no mention of having seen ill-treatment such as that described by Abbas Al-Hameedawi, leads me to conclude that it did not actually occur. In my view, conduct of this sort would have been at odds with the brisk and businesslike atmosphere that I am satisfied prevailed in the tent during the processing of the nine detainees on 14 May 2004.

³⁴³¹ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000184) [90]

³⁴³² Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776) [14/18/1-5]

³⁴³³ M013 [137/33/4-13]

3.162 Notwithstanding my conclusion, that requiring detainees to remove their clothing during processing was based on sound reasons,³⁴³⁴ and the fact that the soldiers present at the time did not taunt or deliberately seek to humiliate the detainees,³⁴³⁵ I accept that most, if not all, of the detainees did feel greatly humiliated by being required to strip and/or by being forcibly stripped naked during processing. I suspect that most men, if subjected to such treatment, would experience very similar feelings. However, I heard credible evidence from a number of sources that such an experience would have been particularly humiliating for an Iraqi Muslim man³⁴³⁶ and I have no doubt that such is indeed the case.

3.163 WO2 Darran Cornhill and WO1 Shaun Whyte each told me that he was unaware that the procedure would have caused any additional humiliation for an Iraqi Muslim man.³⁴³⁷ Whilst I have no reason to doubt the fundamental honesty and integrity of either witness, it seems to me that both ought to have had a better awareness of the particular sensitivities of the situation when Iraqi Muslim men were involved. During the course of his oral evidence, M013 made it clear that he was fully aware of the obvious injury to cultural sensitivities that would be involved in requiring the detainees, all of whom were Muslims, to remove all their clothes in the presence of strangers. What M013 said was this:

“Q. Were you aware of Muslim sensitivities about appearing naked other than in front of family members?”

A. Of course. Yes.

Q. Did you ever mention those sensitivities to the processing officer?”

A. Not that I’m aware of, no.

Q. No. Paragraph 36, you say generally they were reluctant to remove their clothing?”

A. Yes, correct.

Q. Did you think that was because of their sensitivity about being naked in front of people who were not members of their family?”

A. I have to admit, normally detainees would strip down to their underwear. It was always the last piece of clothing that was the issue. Um, and I think anyone would be reluctant to remove their clothes in front of a tent full of people that they don’t know.”³⁴³⁸

3.164 I do not criticise M013 for not having taken any steps to draw the attention of either WO2 Cornhill or WO1 Whyte to his concerns about the cultural sensitivities involved in requiring an Iraqi Muslim man to strip naked in the crowded Processing tent. However, in my view, M013’s evidence makes it clear that the cultural sensitivities involved should have been readily apparent to those in command of processing at Camp Abu Naji, because of their previous experience in processing Iraqi Muslim men, if for no other reason. The fact that both admitted to having been wholly unaware of any such cultural sensitivities in the case of Iraqi Muslim men, clearly suggests that neither had ever given any real consideration to the

³⁴³⁴ See paragraph 3.154 above

³⁴³⁵ See paragraph 3.161 above

³⁴³⁶ See, for example, Hussein Gubari Ali Al-Lami (detainee 780) [11/12/20-25]; Mahdi Jasim Abdullah Al-Behadili (detainee 773) (PIL000784) [37]

³⁴³⁷ WO2 Cornhill [115/84/14-24]; WO1 Whyte [106/95/4-8]

³⁴³⁸ M013 [137/30/24]-[31/15]

likely emotional impact that requiring an Iraqi Muslim man to strip naked in front of strangers would actually have on him.

- 3.165** Although the humiliation involved in requiring them to strip naked during processing was not deliberately or maliciously inflicted on the nine detainees, I am satisfied that their sense of humiliation was actually exacerbated in each case by the unsatisfactory procedure that was followed at the time.
- 3.166** In my view, the first unsatisfactory feature of the procedure, which was adopted during the processing of the nine detainees on 14 May 2004, was the failure to offer or provide any form of adequate privacy for the detainees while their clothes were removed and while they were being medically examined naked. The detainees were made to remove their clothes and were medically examined naked in the centre of a 12 foot by 12 foot tent, without any attempt being made to provide them with any form of screening or other means of preserving their modesty. As a result, each of the detainees was rendered completely naked in front of every soldier who happened to be present in the processing tent at the time. This appears to have been up to as many as nine military personnel. In my view, appropriate steps should have been taken, by the provision of screens or some such, so that each detainee was afforded some degree of privacy whilst his clothes were removed and whilst he was naked. However, as I have already stated, there was no such provision.
- 3.167** As I have already indicated,³⁴³⁹ there was some, though not consistent, evidence that the military personnel in the processing tent may have included a female interpreter for some, if not all, of the time. Although I am satisfied that such was not the case during the processing of the nine detainees on 14 May 2004, for the reasons already stated,³⁴⁴⁰ I have no doubt that it did occur on some of the other occasions when a detainee or detainees were processed at Camp Abu Naji during 1st Battalion, Princess of Wales' Royal Regiment's ("1PWRR") tour in 2004. On any such occasion, I have no doubt that the presence of a female interpreter would have greatly increased any feelings of anxiety or humiliation that a detainee was experiencing at the time.
- 3.168** Some of the military witnesses, such as WO2 Cornhill and Corporal Shaun Carroll, suggested that the female interpreter would have looked away, whilst a detainee's medical examination was being carried out.³⁴⁴¹ I very much doubt if this would have done anything whatsoever to alleviate the detainee's feelings of anxiety and humiliation at the time. It merely serves to highlight the fact that those in charge of the processing procedure did have some awareness of the sensitivities of the situation, but that their way of dealing with it was purely nominal and wholly lacking in any real empathy. In my view, this was a wholly inadequate and unsatisfactory response to such recognition as they did have of the need to afford some degree of privacy to the detainee in question.
- 3.169** Secondly, it seems to me that the inevitable anxiety and sense of humiliation that was felt by each detainee might have been mitigated to some extent if he had been given an adequate explanation as to why it was necessary to him to remove his clothes. Thus, it seems to me possible that some reassurance might have been provided to each detainee, if he had been told that the removal of his clothes would help the medic carry out a thorough physical examination in order to safeguard his medical well-being.

³⁴³⁹ See paragraph 3.131 above

³⁴⁴⁰ Ibid.

³⁴⁴¹ WO2 Cornhill (ASI013366) [88]; Corporal Carroll (ASI016072) [92]

- 3.170** The evidence as to whether any such explanation was ever given was rather patchy. Corporal Carroll's evidence was that the detainees were told why they were being asked to strip by the interpreter.³⁴⁴² However, the interpreter who was present during the processing of the nine detainees on 14 May 2004, M013, said *"I cannot recall specifically explaining why they had to undress."*³⁴⁴³ In all the circumstances, therefore, it seems to me that no real or adequate explanation was actually given to any detainee on 14 May 2004, beyond being told to remove his clothes and also being told he would be examined by a doctor. Although M013 recalled in oral evidence saying *"Remove clothing now and the doctor will examine you"*, he went on to observe that he did not remember it being given as a reason for the clothing to be removed.
- 3.171** In my view, appropriate steps should have been taken to ensure that each detainee fully understood why he was being told to remove his clothes. This could have been done by preparing a simple but clear explanatory message, which could then have then been read carefully to each detainee before being asked to remove his clothing. It seems to me possible that such a message might have gone some way towards reassuring the detainee in question and might have mitigated his sense of humiliation at being naked, particularly if combined with adequate provision for undressing and being medically examined in conditions of reasonable privacy. However, I am satisfied that no such explanatory message was ever prepared or used.
- 3.172** Finally, the way in which some of the detainees were forcibly stripped of their clothes during processing on 14 May 2004 would have undoubtedly added to the sense of humiliation that these detainees felt. As I have already observed, a simple and clear explanatory message might have obviated the need for forcible stripping, particularly if coupled with the provision of adequate screening and a degree of privacy. However, instead of taking reasonable and considerate steps such as these, those in charge of the processing procedure quickly resorted to the use of force in order to remove the detainees' clothing. In my view, this was far from being a satisfactory way of dealing with a particularly sensitive issue.
- 3.173** As I have already indicated,³⁴⁴⁴ I am satisfied that there were sound reasons for requiring each detainee to remove his clothing at an appropriate stage during the processing of the nine detainees on 14 May 2004. However, it seems to me that the manner and circumstances, in which this requirement was actually put into effect, did amount to a form of ill-treatment, when the various unsatisfactory features of the procedure actually adopted to achieve that end, as set out above, are considered as a whole.
- 3.174** Whilst each detainee was naked, his clothes were searched by Corporal Everett and Lance Corporal Higson. Corporal Everett described the searching process as follows:

*"Our search of the clothing involved going through each item of clothing to check for any possessions, particularly for any weapons the detainee may have been in possession of. Usually the possessions included money and occasionally jewellery, and the items taken from the detainees would be placed into a black bag by Lance Corporal Higson and myself, and a tag would be placed on the bag to correspond with the ID tag placed around the neck of the detainee when he arrived at the cells. Once the clothing was searched, it was placed back on the detainee, save for the outer clothing, which would then be placed in the plastic bag."*³⁴⁴⁵

³⁴⁴² Corporal Carroll (ASI016070) [83]

³⁴⁴³ M013 (ASI023630) [35]

³⁴⁴⁴ See paragraph 3.154 above

³⁴⁴⁵ Corporal Everett (ASI009403-04) [156]

3.175 Lance Corporal Higson then produced property receipt logs that recorded the items removed from each of the nine detainees during processing on 14 May 2004.³⁴⁴⁶ Lance Corporal Higson used the form found at Annex E to SOI³⁴⁴⁷ 390 to log these items at the time.³⁴⁴⁸ I am completely satisfied that Lance Corporal Higson completed the log accurately in each case. Accordingly, based on the logs that have been disclosed to the Inquiry, I am satisfied that the following items were removed from each of the detainees, as detailed below.

Hamzah Joudah Faraj Almalje (detainee 772)

3.176 The search process resulted in the recovery of the following items of clothing from Hamzah Joudah Faraj Almalje (detainee 772):

- a. one pair of black trousers,
- b. one black robe and
- c. one black undergarment.³⁴⁴⁹

Mahdi Jasim Abdullah Al-Behadili (detainee 773)

3.177 The search process resulted in the recovery of the following items from Mahdi Jasim Abdullah Al-Behadili (detainee 773):

- a. one pair of grey trousers,
- b. one grey checked shirt,
- c. one blood-stained white top,
- d. one dark blue t-shirt,
- e. two 50 Dinar notes and
- f. one set of religious beads.³⁴⁵⁰

Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774)

3.178 The search process resulted in the recovery of the following items from Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774):

- a. one pair of black trousers,
- b. one long-sleeved black top,
- c. one black t-shirt,
- d. five 1,000 Dinar notes and
- e. one small silver lighter.³⁴⁵¹

³⁴⁴⁶ Lance Corporal Higson (ASI017199) [102]

³⁴⁴⁷ Standard Operating Instruction

³⁴⁴⁸ Lance Corporal Higson (ASI017199-01) [102] – [103]

³⁴⁴⁹ (MOD024251)

³⁴⁵⁰ (MOD024257)

³⁴⁵¹ (MOD024265)

Kadhim Abbas Lafta Al-Behadili (detainee 775)

3.179 The search process resulted in the recovery of the following items from Kadhim Abbas Lafta Al-Behadili (detainee 775):

- a. one pair of white trousers,
- b. one blue checked shirt,
- c. one white t-shirt,
- d. one “Ablux” gold watch,
- e. four 250 Dinar notes,
- f. one pair of white under-trousers,
- g. one pair of blue underpants and
- h. one gold-coloured ring.³⁴⁵²

Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776)

3.180 The search process resulted in the recovery of the following items from Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776):

- a. one pair of black trousers,
- b. one black top,
- c. one white t-shirt and
- d. one gold-coloured ring.³⁴⁵³

Ahmed Jabbar Hammood Al-Furaiji (detainee 777)

3.181 The search process resulted in the recovery of the following items from Ahmed Jabbar Hammood Al-Furaiji (detainee 777):

- a. one pair of grey trousers,
- b. one pair of black slip-on shoes,
- c. one grey/blue tracksuit top apparently marked with the word “Monter”,
- d. one black t-shirt,
- e. one [illegible] undergarment,
- f. one pair of brown socks,
- g. two 1,000 Dinar notes, seven 250 Dinar notes and
- h. two “invitation” cards.³⁴⁵⁴

³⁴⁵² (MOD024273)

³⁴⁵³ (MOD024281)

³⁴⁵⁴ (MOD024289)

Hussein Fadhil Abbas Al-Behadili (detainee 778)

3.182 The search process resulted in the recovery of the following items from Hussein Fadhil Abbas Al-Behadili (detainee 778):

- a. one pair of black trousers,
- b. one brown checked shirt,
- c. one pair of white trainers,
- d. one white-coloured ring,
- e. one gold-coloured ring and
- f. one blue undergarment.³⁴⁵⁵

Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779)

3.183 The search process resulted in the removal of the following items from Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779):

- a. one white t-shirt,
- b. one pair of black trousers,
- c. one ring, one watch 'QMAX',
- d. one black shirt,
- e. one white undergarment and
- f. three 250 Dinar notes.³⁴⁵⁶

Hussein Gubari Ali Al-Lami (detainee 780)

3.184 The search process resulted in the removal of the following items from Hussein Gubari Ali Al-Lami (detainee 780):

- a. one white t-shirt and
- b. one pair of green three-quarter length shorts.³⁴⁵⁷

3.185 While Corporal Everett and Lance Corporal Higson were carrying out their tasks of searching and recording each detainee's clothing and effects, Corporal Shaun Carroll carried out a medical examination of the detainee in question.³⁴⁵⁸

3.186 Two policy documents have a bearing upon the medical examinations that were conducted by Corporal Carroll during the processing of the nine detainees on 14 May 2004 at Camp Abu Naji. The first is Annex G to HQ MND (SE) SOI 390, a Divisional level document (hereafter

³⁴⁵⁵ (MOD024297)

³⁴⁵⁶ (MOD024305)

³⁴⁵⁷ (MOD024313)

³⁴⁵⁸ Corporal Carroll (ASI016079) [120]

“SOI 390”). The version of SOI 390 that was in force on 14 May 2004 is dated 25 March 2004. Section 4 of Annex G to SOI 390 was in the following terms:

“TQ [Tactical Questioning] can not be undertaken without the internee first being examined by a suitably qualified Medic. This should be at the first practical opportunity and the following must occur:

The MO [Medical Officer] is to sign a fit for detention and questioning form.

Any medical attention that is required should be administered. If necessary, the internee should be removed to local medical facilities.

If any detainee is found to be unfit for detention or questioning then they are to be removed to a safe place until such time as they are fit for questioning.

It is important to note the timeliness of the information is critical and if the period of recovery should extend past a point when any intelligence gained is of no tactical value the internee should be released or transported to the [Divisional Temporary Detention Facility] DTDF.”³⁴⁵⁹

3.187 The second relevant policy document is the 1st Battalion, Princess of Wales’ Royal Regiment (“1PWRR”) SOI 207 of 11 March 2004 (hereafter “SOI 207”). This document provided as follows:

“Suspects must be examined by a Doctor before TQ can commence. The first examination must be complete as soon as is practical. Subsequent reviews must occur at the 3, 6 and 12 hour point after initial arrest. The MO is to sign a fit for detention and questioning form, any suspect being unfit for questioning should receive the necessary treatment from qualified medical staff.”³⁴⁶⁰

3.188 It can be seen that both SOIs³⁴⁶¹ required 1PWRR’s Medical Officer, who happened to be Captain Kevin Bailey on 14 May 2004, to sign a “fit for detention and questioning form” before any tactical questioning (“TQ”) took place. However, the two SOIs differ with regard to the identity of the person who is to carry out the medical examination of each detainee. In Annex G to Division’s SOI 390 that role falls to a “suitably qualified medic”, whilst 1PWRR’s SOI 207 provides that a detainee must be examined by “a Doctor”.

3.189 It should be noted that Sir William Gage expressed reservation, in the Baha Mousa Report with regard to a medical professional declaring a detainee fit for detention and questioning because of possible ethical problems involved in making such a declaration. I have put this aspect of the Baha Mousa Report to one side for the purpose of considering the extent to which the medical examinations on 14 May 2004 complied with the relevant SOIs as they were at that time. However, it is clear to me, as discussed further in the Recommendations section of this Report, that insofar as there were unsatisfactory parts of this procedure that ought properly to be addressed, any appropriate form for future use would need to be expressed in a way that complies with the observations and recommendation of Sir William Gage in the Baha Mousa Report.³⁴⁶²

³⁴⁵⁹ (MOD046754)

³⁴⁶⁰ (MOD015807)

³⁴⁶¹ Standard Operating Instruction

³⁴⁶² Report of the Baha Mousa Inquiry (Volume III) [Part XVII]

3.190 At the start of 1PWRR's tour, Captain Bailey was solely responsible for performing the medical examinations of detainees during processing. Accordingly and unsurprisingly, it appears that the requirements of 1PWRR's SOI 207 in this regard were being followed to the letter at first. However, Captain Bailey fairly quickly discovered that he did not have capacity to perform this role in addition to all his other medical duties. Accordingly, he sought and obtained permission from Brigade for the medical examinations of detainees during processing to be carried out by any Class 1 medic.³⁴⁶³ It was for this reason that the medical examinations of the nine detainees, during their processing on 14 May 2004, were performed by Corporal Carroll. In any event, quite apart from the fact that Brigade had authorised this departure from the requirements of 1PWRR's SOI 207 by granting the permission sought earlier by Captain Bailey, it seems to me that it probably would have been in order for Corporal Carroll to carry out the medical examinations, because he would have been acting fully in accordance with the then current requirements of a higher ranking policy document, namely Annex G to Division's SOI 390.

3.191 In fact, Annex G to SOI 390 was amended a short time after the nine detainees with whom this Inquiry is concerned had passed through Camp Abu Naji. The 24 May 2004 version of Annex G was amended to include the following additional provision, Section 5:

"It would be quite impractical to require that every person MND(SE) detains, no matter for how short a period, must be examined by a MO. A balance needs to be struck.

a. Whenever any person who has been detained by MND(SE) is brought to a fixed MND(SE) location for any period of time then that person should be examined by a Medical Officer (MO) at the earliest opportunity and a record made by that MO to confirm or otherwise whether the detained person has any injuries. If such a person is transferred to the DTDF they will be subject to a further medical examination at the DTDF.

b. Whenever any person is detained by MND(SE), no matter how temporarily, and there is any evidence whatsoever to suggest that the detained person has sustained physical injury either immediately before or during their apprehension then that person must be examined by an MO at the earliest opportunity in order that a record of those injuries be made.

*c. MOs are reminded that where they find any injuries on a detained person which give rise to a suggestion that the injuries may have been obtained as a result of physical mistreatment or excessive force by MND(SE) forces then it is incumbent on the MO to report his concerns to the chain of command with a view to the matter being investigated. Such investigations are not witch-hunts but an essential part of MND(SE) forces preserving the moral high-ground and initiative by countering malicious or false allegations of improper conduct by MND(SE). If we have done no wrong then such investigations will go some way to proving it."*³⁴⁶⁴

3.192 The 24 May 2004 amended version of Annex G to SOI 390 therefore introduced a requirement that detainees were to be medically examined, even in circumstances when tactical questioning was not envisaged. Furthermore, the 24 May 2004 amended version provided that the medical examination conducted in anticipation of tactical questioning was to be

³⁴⁶³ Corporal Carroll (ASI016068) [70]; Captain Bailey [105/61/14]-[62/23]

³⁴⁶⁴ (MOD042775-76)

conducted by a “*suitably qualified MO*” rather than the “*suitably qualified medic*” for which provision had been made in the 25 March 2004 version.³⁴⁶⁵

- 3.193** It therefore seems to me that Corporal Carroll was properly authorised to conduct the medical examinations of the nine detainees during their processing at Camp Abu Naji on 14 May 2004. I reach that conclusion because Brigade had given 1PWRR effective permission for him to do so, in response to Captain Bailey’s earlier request, and because Corporal Carroll was a “*suitably qualified Medic*” within the terms of the 25 March 2004 version of Annex G to Division’s SOI 390 in any event. In my view, the latter aspect of the matter was not retrospectively affected by the subsequent policy changes that were carried into effect by the 24 May 2004 amended version of Division’s SOI 390.
- 3.194** As it happened, Corporal Carroll was unable to recall the specific medical examinations that he conducted during the processing of the nine detainees on 14 May 2004. However, he assumed that he had followed his usual procedure³⁴⁶⁶ and I am therefore satisfied that what follows is an accurate description of the procedure followed on 14 May 2004.
- 3.195** Corporal Carroll explained that he would first conduct a visual examination of the detainee while naked, in order to identify any visible physical injuries.³⁴⁶⁷
- 3.196** Once he had completed his visual examination of the detainee, Corporal Carroll would ask him, through the interpreter, to adopt what he described as a “*normal anatomical position*”.³⁴⁶⁸ This involved the detainee standing with his legs, fingers and toes spread and his arms raised, facing forwards. Corporal Carroll explained that this was done so that he could check all parts of the body for injuries that might otherwise have been concealed.³⁴⁶⁹
- 3.197** Corporal Carroll explained that it was his normal practice to touch a detainee only if the detainee in question had an obvious injury to his body that required treatment. In such circumstances, Corporal Carroll would explain to the detainee, through the interpreter, that he was going to touch the detainee and he would also explain the treatment he was going to administer to the injury in question.³⁴⁷⁰ He went on to explain that one exception to his usual practice was when a detainee had long hair that might be concealing an injury. In such circumstances, Corporal Carroll said that he would approach the detainee and run his hands over his head to check for blood.³⁴⁷¹
- 3.198** Any detainee who was uninjured was allowed to put his clothes back on at this stage.³⁴⁷² Any detainee who required treatment was left naked whilst the medical treatment was conducted, in order to avoid any contamination from dirty clothing.³⁴⁷³ Corporal Carroll explained that he would treat any injuries that he found on the detainee’s body, but that he would not ask the detainee how he had received such an injury.³⁴⁷⁴
- 3.199** While he was conducting the medical examination in question, Corporal Carroll would ask the detainee questions about his medical history. He would also ask if he had any current medical

³⁴⁶⁵ (MOD042776)

³⁴⁶⁶ Corporal Carroll (ASI016079) [121]

³⁴⁶⁷ Corporal Carroll (ASI016070) [81]

³⁴⁶⁸ Corporal Carroll (ASI016070) [84]

³⁴⁶⁹ Ibid.

³⁴⁷⁰ Corporal Carroll (ASI016071) [85]

³⁴⁷¹ Ibid.

³⁴⁷² Corporal Carroll (ASI016071) [87]

³⁴⁷³ Corporal Carroll (ASI016071) [86]

³⁴⁷⁴ Corporal Carroll (ASI016071) [88]

complaints or conditions, if he was in pain, if he took any medication – and, if so, what – and if he had any present medical requirements.³⁴⁷⁵

3.200 Once he had completed his medical examination of the detainee in question, Corporal Carroll would complete a written “Prisoner Medical Report.” On 14 May 2004, Corporal Carroll completed such a record for each of the nine detainees. On each Prisoner Medical Report, Corporal Carroll noted the detainee’s name, date of birth, any visible injuries, any treatment administered to the detainee and any relevant details about the detainee’s medical history.³⁴⁷⁶

3.201 Corporal Carroll also contributed where necessary to the Prisoner Information Sheets for the detainees. Prisoner Information Sheets were filled out by Staff Sergeant David Gutcher, who was in charge of the Prisoner Handling Team. He noted down injuries identified by and reported to him by Corporal Carroll, during the course of his medical examination. Once the medical examinations of the detainees had been completed, Corporal Carroll signed the Prisoner Information Sheets, alongside the entries recording the results of the medical examinations, and Staff Sergeant David Gutcher countersigned.³⁴⁷⁷

3.202 In addition, the “scribe”, Sergeant Martin Lane, noted any injuries that he had seen on the Internment/Detainment Records produced for each of the detainees.³⁴⁷⁸ The notes he made on these documents represented observations that he made directly of the detainees concurrently with the medical examinations being conducted by Corporal Carroll.³⁴⁷⁹

3.203 Considering the Prisoner Medical Reports for each of the nine detainees, their Prisoner Information Sheets and the notes added to the Internment/Detainment Records, it appears that Corporal Carroll’s medical examination identified the following injuries in respect of each:

Hamzah Joudah Faraj Almalje (detainee 772)

Prisoner Medical Report (MOD043336)

- Large laceration to the left side of his head.
- Wound to the upper right leg.
- A bloody nose.

Prisoner Information Sheet (MOD024467)

- Cut to head and upper left thigh.

Internment/Detainment Record (MOD043337)

- Cut to head/Cut to left leg

Mahdi Jasim Abdullah Al-Behadili (detainee 773)

Prisoner Medical Report (MOD043411)

- Fit. Nil injuries.

³⁴⁷⁵ Corporal Carroll (ASI016072) [94]

³⁴⁷⁶ Corporal Carroll (ASI016072-73) [95]-[96]

³⁴⁷⁷ Staff Sergeant Gutcher (ASI012973) [123]

³⁴⁷⁸ See, for example, (MOD024246)

³⁴⁷⁹ Sergeant Lane [136/79-81]

Prisoner Information Sheet (MOD024469)

- No comments.

Internment/Detainment Record (MOD043412)

- Nil

Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774)

Prisoner Medical Report (MOD043476)

- Injury to right foot. GSW³⁴⁸⁰ cleaned no exit. Dressed.
- GSW right leg. Lateral aspect knee. Wound cleaned. Dressed. Graze.
- GSW upper right thigh. Cleaned. Dressed. Graze

Prisoner Information Sheet (MOD024471)

- Three gunshot grazes to right leg and foot. Dressed at same time.

Internment/Detainment Record (MOD043477)

- 3 x gunshot wounds to right leg. Wound to right foot.

Kadhim Abbas Lafta Al-Behadili (detainee 775)

Prisoner Medical Report (MOD043541)

- Small laceration to left side of the face in [illegible] line. Wound glued.

Prisoner Information Sheet (MOD024473)

- Small cut to LH³⁴⁸¹ face (glued).

Internment/Detainment Record (MOD043542)

- Nil

Abbas Abd Ali Abdulridha Al-Hameedawi (detainee 776)

Prisoner Medical Report (MOD043604)

- Fit. Nil injuries.

Prisoner Information Sheet (MOD024475)

- No comments.

Internment/Detainment Record (MOD043605)

- Nil

³⁴⁸⁰ Gun shot wound

³⁴⁸¹ Left hand

Ahmed Jabbar Hammood Al-Furaiji (detainee 777)

Prisoner Medical Report (MOD043659)

- Small graze to right knee. Cleaned.

Prisoner Information Sheet (MOD024477)

- Cut below right knee (cleaned).

Internment/Detainment Record (MOD043660)

- Graze to right knee

Hussein Fadhil Abbas Al-Behadili (detainee 778)

Prisoner Medical Report (MOD043938)

- Nil injuries. Fit.

Prisoner Information Sheet (MOD024479)

- No comments.

Internment/Detainment Record (MOD043939)

- Nil

Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779)

Prisoner Medical Report (MOD043999)

- Nil injury.

Prisoner Information Sheet (MOD024481)

- Cleaned face.

Internment/Detainment Record (MOD044000)

- Nil

Hussein Gubari Ali Al-Lami (detainee 780)

Prisoner Medical Report (MOD044052)

- Small piece of shrapnel removed from the left side of face, just in front of ear.
- Graze to the left side of face around eye area. Nil other injuries.

Prisoner Information Sheet (MOD024483)

- No comments/Shrapnel removed left side face.

Internment/Detainment Record (MOD044053)

- Nil

3.204 In their written Closing Submissions, those representing the Iraqi Core Participants made the following submission with regard to the way in which Corporal Carroll carried out his medical examinations of the nine detainees on 14 May 2004:

*“His conduct of the initial and later medical examinations of these detainees was cursory and unprofessional. They can only have lasted a minute or so...”*³⁴⁸²

3.205 Whilst I acknowledge that the medical examinations conducted by Corporal Carroll on 14 May 2004 were brief, I do not consider that they were so cursory or otherwise inadequate as to merit a general criticism of being unprofessional. In my view, the procedure that Corporal Carroll followed was adequate to identify such evident injuries as the detainees had at the time of processing. The procedure also sought to identify any existing medical complaint that was not manifested by visible external injuries. Finally, the procedure sufficed to obtain details from the detainee himself of any pre-existing medical condition that might pose a threat to or was likely to cause an immediate deterioration in the detainee’s health.

3.206 I am satisfied that, in the case of the nine detainees that he examined on 14 May 2004, Corporal Carroll identified virtually all their evident injuries. It seems to me that such injuries as he did fail to note, as identified by those representing the Iraqi Core Participants in their written Closing Submissions at paragraphs [2167]-[2170], are all very trivial and of little, if any, significance.

3.207 However, it does seem to me that Corporal Carroll’s treatment of the injuries he found on Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774), in particular the gunshot wound to his right foot, was less than satisfactory in the circumstances. During the course of his oral evidence to the Inquiry, Corporal Carroll accepted that the Prisoner Medical Report, which he had produced in respect of Ibrahim Al-Ismaeeli, clearly showed that he had identified two gunshot grazes to Ibrahim Al-Ismaeeli’s right leg and a third penetrating gunshot wound to his right foot.³⁴⁸³ The same report showed that the treatment given by Corporal Carroll was to clean and dress each of the wounds, including the wound to the foot.³⁴⁸⁴

3.208 In spite of having identified these significant injuries, during his oral evidence to the Inquiry Corporal Carroll admitted that he had not considered referring Ibrahim Al-Ismaeeli to a doctor.³⁴⁸⁵ This was less than adequate treatment, particularly of the penetrating gunshot wound to Ibrahim Al-Ismaeeli’s right foot. In my view, Ibrahim Al-Ismaeeli required in-patient treatment of this particular gunshot wound, more obviously so because there was no sign of an exit wound. I am satisfied that merely to clean and dress such a wound in such circumstances was insufficient, particularly having regard to the likely presence of a foreign body, possible infection and Ibrahim Al-Ismaeeli’s continued pain and discomfort.³⁴⁸⁶

³⁴⁸² ICP Closing Submissions (641) [2165]

³⁴⁸³ Corporal Carroll [116/72]; and see paragraph 3.203 above

³⁴⁸⁴ See paragraph 3.203 above

³⁴⁸⁵ Corporal Carroll [116/72]

³⁴⁸⁶ During oral evidence [166/187] Wing Commander Gora Pathak, a consultant orthopaedic surgeon who subsequently examined Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) commented that the cleaning and dressing of this wound was successful as infection did not subsequently develop. Whilst I have no doubt that Wing Commander Pathak gave accurate evidence and thus that no infection resulted from Corporal Carroll’s lack of further treatment, it does not alter my finding that merely cleaning and dressing the wound was insufficient at that stage, particularly since it was likely that there would have been pain and discomfort and the possibility of infection from the continued presence of a foreign body in the foot

3.209 Medical facilities were actually available at Camp Abu Naji, which could and should have been used to treat Ibrahim Al-Ismaeeli that evening. In his written Inquiry statement Captain Bailey described the layout of the medical centre at Camp Abu Naji in the following terms:

“Next to the RAP³⁴⁸⁷ was the A&E³⁴⁸⁸ department, where casualties were treated. The A&E department contained two resuscitation bays and medical supplies such as bandages and antibiotics. The resuscitation bays were used to stabilise seriously injured casualties before they were taken by helicopter to the Field Hospital at Shaibah.”³⁴⁸⁹

3.210 It is therefore clear that medical facilities did exist at Camp Abu Naji that could have been used for providing Ibrahim Al-Ismaeeli with appropriate medical treatment for his gunshot wounds, in particular the wound to his right foot. I am not aware of any reason why those facilities could not have been used to provide the necessary medical treatment for Ibrahim Al-Ismaeeli’s wounds that evening.

3.211 It seems to me likely that the reason why Ibrahim Al-Ismaeeli did not receive adequate medical treatment for his wounds on the evening of 14 May 2004 was that Corporal Carroll significantly underestimated the seriousness of Ibrahim Al-Ismaeeli’s injury to his right foot. Although his oral evidence was not wholly consistent on this point, Corporal Carroll suggested that the wound had seemed to him to have the appearance of a track across the skin rather than of a significant penetrating wound.³⁴⁹⁰

3.212 However, it is clear from the notes of the x-ray examination subsequently taken at the Field Hospital in Shaibah on 16 May 2004, that Ibrahim Al-Ismaeeli had a shrapnel wound to his right foot and an undisplaced fracture of the right second metatarsal. The x-ray also revealed that he had:

“Powdery fragments over the base of the base of the metatarsal and also occasionally scattered throughout the foot.”³⁴⁹¹

3.213 Of course, it would be unrealistic to expect Corporal Carroll to have made such a detailed diagnosis during the sort of medical examination that he was required to carry out during processing, particularly since he did not have the benefit an x-ray photograph of the wound to Ibrahim Al-Ismaeeli’s right foot. Nevertheless, it seems to me that the fact that it was obviously a penetrating gunshot wound with no exit wound should have been sufficient to make Corporal Carroll aware that Ibrahim Al-Ismaeeli was likely to need urgent medical treatment.

3.214 In the event, I am satisfied that this particular shortcoming, in the medical treatment that was afforded to Ibrahim Al-Ismaeeli on the evening of the 14 May 2004, was not the result of any deliberate decision on the part of Corporal Carroll or anybody else to withhold necessary medical treatment from Ibrahim Al-Ismaeeli. Rather, it was due to Corporal Carroll’s failure to give proper consideration to whether the wound to Ibrahim Al-Ismaeeli’s right foot was sufficiently serious as to require further immediate medical treatment.

3.215 Both Annex G to Division’s SOI 390 and 1PWRR’s SOI 207 require a “fit for detention and questioning form” to be signed at the conclusion of the medical examination.³⁴⁹² Surprisingly,

³⁴⁸⁷ Regimental Aid Post

³⁴⁸⁸ Accident and Emergency

³⁴⁸⁹ Captain Bailey (ASI015270-71) [21]

³⁴⁹⁰ Corporal Carroll [116/69/18-25]

³⁴⁹¹ Wing Commander Pathak (ASI021432) [19]; (MOD032857); (MOD032873)

³⁴⁹² See paragraphs 3.186 and 3.187 above

it appears that no such standard form existed in May 2004. That deficiency notwithstanding, I am satisfied that both SOIs required the person conducting the medical examination to confirm whether each detainee was fit for both detention and questioning.

3.216 The approach that Corporal Carroll took to this requirement on 14 May 2004 was undoubtedly haphazard and unsatisfactory. On the Prisoner Medical Reports of five of the detainees, Corporal Carroll explicitly wrote “fit”.³⁴⁹³ On the Prisoner Medical Reports of the other four, he did not.³⁴⁹⁴ In fact, all nine detainees were subsequently detained and all were subjected to tactical questioning at Camp Abu Naji that night.

3.217 I am satisfied that Corporal Carroll did not intend to draw any distinction between those detainees in respect of whom he recorded the word “fit” and those in respect of whom he did not. During his oral evidence to the Inquiry, Corporal Carroll confirmed that he had intended to write “fit” on the Prisoner Medical Reports for all the detainees. I accept that such was the case. He described it as an “oversight” on his part that he had missed the word off the other four.³⁴⁹⁵ Again I am satisfied that this was so.

3.218 Accepting, as I do, that Corporal Carroll intended to declare each of the nine detainees to be “fit” on 14 May 2004, the question remains as to what it was he was declaring them to be “fit” for. As I have already stated, the policy documents governing this procedure required the medical examiner to declare the detainees fit for both detention and questioning.

3.219 During his oral evidence to the Inquiry, Corporal Carroll gave the following answers to questions asked by Counsel to the Inquiry:

“Q. Did you believe this these men – all nine of them – were fit to be questioned?”

A. Yes.

Q. Did you believe that these men – all nine of them – were fit to be tactically questioned?”

A. I don’t know. I didn’t do their medicals for tactical questioning.

Q. If you had known that they were to be tactically questioned, would you have approached the medical in a different way?”

A. Yes. The RMO would have done it.

Q. Major Bailey? [sic] ‘Captain Bailey’?”

A. Yes.

Q. Was that part of the authorisation which he told you he had obtained from Brigade?”

A. Yes, I believe so.”³⁴⁹⁶

3.220 Although it is surprising that Corporal Carroll did not realise that, very shortly after processing, the nine detainees were to be subjected to tactical questioning at Camp Abu Naji that evening, I am not persuaded that he was being deliberately untruthful about the matter. I am satisfied that Corporal Carroll was essentially a truthful witness. He had conducted the

³⁴⁹³ (MOD043411); (MOD043604); (MOD043938); (MOD043541); (MOD043336)

³⁴⁹⁴ (MOD043475); (MOD043659); (MOD043999); (MOD044052)

³⁴⁹⁵ Corporal Carroll [116/50-51]

³⁴⁹⁶ Corporal Carroll [116/94/21]-[95/8]

medical examinations on the basis of assessing whether the detainees were fit for detention. He assumed that this meant that they were also fit for questioning in a general sense, but that he believed that Captain Kevin Bailey would have had to conduct the medical examinations, if the detainees were to be tactically questioned.

3.221 In my view, there was a general failure on the part of those in charge of the medical staff based at Camp Abu Naji at the time, to apply properly the policy requirement that detainees should be certified fit for both detention and questioning. It appears that no attempt was made by any medical examiner or anybody else, either on 14 May 2004 or at any other date, to distinguish between these two different but necessary requirements of the certification process. The result was that there was considerable uncertainty about what it was that the medical examiner was actually required to certify.

3.222 This can be clearly seen in the evidence of 1PWRR's Medical Officer, Captain Bailey. In his written Inquiry statement, Captain Bailey said this:

*"At the 2009 Judicial Review proceedings [ASI005373] I was asked: 'The detainees that were at the camp on that night [14/15 May 2004], they all had to be certified, did they not, as being fit for interrogation by doctors?' to which I replied: 'That was a normal procedure, my Lord'. I was also asked 'Was that one of the functions that you performed', to which I replied 'I performed it on occasions but my Medical Sergeant [Cpl Carroll] was also capable of performing that duty'. I then went on to describe performing 'prisoner checks, medical checks'. On reflection, I should have made clear when giving my evidence that, although it was normal procedure to carry out initial medical examinations of detainees, at no point was I declaring or certifying a detainee fit for any form of questioning which may have had an effect on their physical or mental health. As a doctor, I was not required to certify detainees as being fit for interrogation."*³⁴⁹⁷

3.223 During his oral evidence to the Inquiry, Captain Bailey said that it was understood that, by declaring the nine detainees to be fit for detention, this would have inevitably led to their being tactically questioned without further ado. In my view, this obvious failure on the part of the medical staff, to distinguish between the need to certify each detainee as fit for detention and the need to certify each as fit for questioning and then to give separate consideration to each such requirement of the certification process, as the relevant policy documents plainly demanded, was both unsatisfactory and not satisfactorily explained.

3.224 In his oral evidence to the Inquiry, Corporal Carroll said that he believed that all nine detainees were, in fact, fit to be questioned.³⁴⁹⁸ However, having regard to my foregoing conclusions, I am far from sure that such was the case on the evening of 14 May 2004, at least so far as concerns tactical questioning. In any event, it seems to me that Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) was not fit to be subjected to tactical questioning until after he had received the necessary in-patient treatment for the wound to his right foot.

The photographing of the nine detainees

3.225 There is no doubt that photographs were taken of the majority of the nine detainees during their processing on 14 May 2004 at Camp Abu Naji. The Inquiry has been provided with copies of the photographs taken of seven of the nine detainees.³⁴⁹⁹ The two, in respect of

³⁴⁹⁷ Captain Bailey (ASI015295-96) [121]

³⁴⁹⁸ Corporal Carroll [116/94/18-20]

³⁴⁹⁹ These photos have been included in Dr Payne-James' report at Appendix 9

whom no photographs taken at Camp Abu Naji on 14 May 2004 have been disclosed, are Hamzah Joudah Faraj Almalje (detainee 772) and Hussein Fadhil Abbas Al-Behadili (detainee 778).³⁵⁰⁰

3.226 It seems to me very likely that photographs were also taken of these two detainees during their processing on 14 May 2004 at Camp Abu Naji. Thus, on the Prisoner Information Sheet for Hussein Al-Behadili (detainee 778), there is a record of his photograph having been retaken at 23:04 hours.³⁵⁰¹ Extensive searches to locate copies of these missing photographs have proved to be unsuccessful. However, I have no reason to infer that these photographs are not available for any improper reason.

3.227 Corporal Shaun Carroll³⁵⁰² and WO2 Darran Cornhill³⁵⁰³ both suggested that the photograph of each detainee was taken after his medical examination had been completed. I am satisfied that this is correct and, in any event, it is clear from each of the photographs that have been disclosed to the Inquiry that each detainee was fully clothed at the time his photograph was taken.

2. Allegations made by the detainees during processing

3.228 In addition to the matters that I have already dealt with in the preceding paragraphs of this section of the Report, a number of the detainees made specific allegations of ill-treatment during their processing at Camp Abu Naji on 14 May 2004. These specific allegations are concerned with the following four matters:

- a. the escorting procedure to and from processing;
- b. the requirement to stand during processing;
- c. assaults during processing; and
- d. the presence and use of a firearm during processing.

3.229 By reference to each of the four matters identified above, in the paragraphs that follow I will deal in turn with such allegations of ill-treatment as any of the nine detainees claim to have suffered during their processing at Camp Abu Naji on 14 May 2004.

The escorting procedure to and from processing

3.230 Two detainees made specific allegations of ill-treatment with regard to the way in which they were taken to and from processing. They were Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) and Hussein Gubari Ali Al-Lami (detainee 780).

3.231 In his first written Inquiry statement, Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) said this:

*“On the way to and from the interrogation tent, when I was taken for this medical examination, I was continually hit on the head by the soldiers escorting me. They were forcing me to walk in a zig-zag. I feel they were trying to disorientate me. It worked. It made me dizzy.”*³⁵⁰⁴

³⁵⁰⁰ (MOD032672-76)

³⁵⁰¹ (MOD024479)

³⁵⁰² Corporal Carroll (ASI016072) [93]

³⁵⁰³ WO2 Cornhill (ASI013366) [89]

³⁵⁰⁴ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (ASI000953) [44]

- 3.232** In his second written Inquiry statement, Atiyah Sayyid Abdulridha Al-Baidhani maintained this allegation and added the following:

*"I cannot explain the horror I felt at those beatings. I did not know if I could survive. Whenever I would be taken to or come from the interrogations I feared for my life."*³⁵⁰⁵

- 3.233** Lance Corporal Andrew Tongue and Corporal Jeremy Edgar were the two soldiers who escorted Atiyah Al-Baidhani (detainee 779) to the tent for processing on 14 May 2004.

- 3.234** In his written Inquiry statement, Lance Corporal Tongue gave a detailed account of the way in which he had escorted detainees to the processing tent on 14 May 2004, as follows:

*"When I escorted detainees to the processing tent, I would enter the holding area with the other detainee handler and one of us would go into the cubicle where the detainee was. I do not think it was big enough for both detainee handlers to enter. When I did this I would say 'wagout'³⁵⁰⁶ to the detainee and would help him stand by supporting him on the arm and under his armpit. I would then move the chair to one side and walk him out of the cubicle and the other escort would then take his other arm and we would both guide him...It was only a short distance from the detainee holding area to the tent. I would estimate that it was approximately five to ten metres."*³⁵⁰⁷

- 3.235** Somewhat later in his written Inquiry statement, Lance Corporal Tongue continued as follows:

*"I do remember that detainees were quite hesitant when walking with us and that we had to move them along (which is why I could have said to the RMP that they had to be coaxed) but they did not need to be carried – we just walked with them holding onto their arms and they had to move with us. I would describe this as being a bit like when you have to guide a drunk person somewhere. They would move with you but you have to keep a good hold of them to keep them going. We held them firmly but I do not think we hurt them when doing this – no detainee expressed any pain or discomfort. We did not drag any detainee to the tent. As detainees wore blacked-out goggles and plasticuffs we had to hold them in this way to make sure they did not stumble. At no time did I ever use excessive force in escorting a detainee and I did not see anyone else do so either."*³⁵⁰⁸

- 3.236** For his part, in his written Inquiry statement Corporal Edgar offered a slightly different description of the escorting procedure, as follows:

*"The detainee was quick marched, almost a jog, to the tent, a distance of no more than 15 feet from the entrance to the detention area. Each prisoner was always accompanied by two handlers. I believe that the reason that the detainees were moved at a quick march was to ensure that any struggling on their part was kept to a minimum as it didn't allow any time for them to react. The route from the detention area to the processing tent was very straight with no deviations. On reflection I remember being careful not to stub the toes of one of the detainees that I was handling as he did not have any footwear on."*³⁵⁰⁹

³⁵⁰⁵ Atiyah Sayyid Abdulridha Al-Baidhani (detainee 779) (PIL000184-85) [92]

³⁵⁰⁶ It is believed that this word is similar to the colloquial Arabic word for "stand up"

³⁵⁰⁷ Lance Corporal Tongue (ASI015584) [71]

³⁵⁰⁸ Lance Corporal Tongue (ASI015584-85) [73]

³⁵⁰⁹ Corporal Edgar (ASI020376) [51]

3.237 During their oral evidence to the Inquiry, both Corporal Edgar and Lance Corporal Tongue denied that any detainee was moved in a zigzag fashion in order to disorientate them.³⁵¹⁰

3.238 In his Judicial Review statement, Hussein Gubari Ali Al-Lami (detainee 780) gave the following description of the manner in which he had been escorted to the processing tent at Camp Abu Naji on 14 May 2004:

*“Two soldiers came and lifted me off the chair and walked me to another place. As I was pulled along I was being knocked into the walls.”*³⁵¹¹

3.239 Hussein Al-Lami did not repeat this particular allegation in either of his written Inquiry statements.

3.240 Corporal Andrew Nicholls and Corporal Daniel Marshall were the two soldiers who escorted Hussein Al-Lami to the processing tent on 14 May 2004.

3.241 In his written Inquiry statement, Corporal Nicholls gave the following description of how he believed Hussein Al-Lami would have been escorted to the processing tent on 14 May 2004:

*“We walked either side of him, holding onto his arms to guide him along, due to the uneven path and also the step, and the fact that he still had goggles and plasticuffs on. The path was narrow and there was not enough room for the three of us to walk shoulder to shoulder, so at least one of us (possibly both of us) had to drop slightly behind the detainee so we could fit down the path. This was how we always escorted detainees and although I do not recall escorting this detainee to the processing tent, we did nothing different on 14 May 2004. The tent was only 10 metres from the cubicle.”*³⁵¹²

3.242 For his part, Corporal Marshall described the procedure that he had been trained to follow when escorting detainees and confirmed that he had followed this policy when he had escorted Hussein Al-Lami on 14 May 2004, thus:³⁵¹³

*“He”³⁵¹⁴ stated that when walking with detainees, we should guide them with one hand on their upper arm and the other on their lower back. Guards should also try not to speak with each other in the presence of prisoners. Prisoners should always be escorted by two soldiers; one at either side. He also stated that there should be no bullying or hitting and that the prisoners should be treated with care.”*³⁵¹⁵

3.243 Hussein Al-Lami’s allegations were put to Corporal Nicholls and Corporal Marshall during their oral evidence to the Inquiry. Both denied having seen and/or having been involved in any such ill-treatment as that alleged by Hussein Al-Lami.³⁵¹⁶ I am satisfied that, in doing so, each told the truth. There is no substance in this particular allegation by Hussein Al-Lami.

3.244 Having carefully considered the evidence of the detainees and that of all the soldiers who described having escorted any of the nine detainees to the processing tent at Camp Abu Naji on 14 May 2004, I am satisfied that the manner, in which the nine detainees were escorted

³⁵¹⁰ Corporal Edgar [128/58/9-11]; Lance Corporal Tongue [134/148/16-19]

³⁵¹¹ Hussein Gubari Ali Al-Lami (detainee 780) (MOD006637) [11]

³⁵¹² Corporal Nicholls (ASIO11456) [50]

³⁵¹³ Corporal Marshall (ASIO11088) [60]

³⁵¹⁴ “He” is a representative of the RMP whose name Corporal Marshall cannot now recall

³⁵¹⁵ Corporal Marshall (ASIO11074) [12]

³⁵¹⁶ Corporal Nicholls [124/39]; Corporal Marshall [130/21]

to the processing tent on the evening in question, can be summarised as follows. Each of the nine detainees, including Atiyah Al-Baidhani (detainee 779) and Hussein Al-Lami (detainee 780), were moved quickly, firmly and robustly from the shower cubicles/cells (where they were being held at the time) to the tent for processing. A similar procedure was used to return them to the shower block holding cells after their processing was complete.

3.245 I am satisfied that the detainees were neither weaved nor zigzagged as they were being escorted to or from the processing tent on the evening in question. Nor was anything done, during the process of escorting the detainees to and from the processing tent that evening, that was deliberately designed to disorientate the detainees or to maintain the shock of capture. I accept that the firm and robust escorting style might have had the effect of disorientating the detainees somewhat, because their sight was restricted at the time, and that this would have had the effect of maintaining the shock of capture to some extent.

3.246 I therefore have no doubt that the allegations of assault by British soldiers, while escorting Atiyah Al-Baidhani (detainee 779) and Hussein Al-Lami (detainee 780) at Camp Abu Naji on 14/15 May 2004, as summarised above, were deliberate lies on the part of both Atiyah Al-Baidhani and Hussein Al-Lami, intended to give substance of their allegations of ill-treatment by the British military.

The requirement to stand during processing

3.247 Hamzah Joudah Faraj Almalje (detainee 772) alleged that he had been ill-treated because he had been to stand throughout the entire “processing” procedure on 14 May 2004, despite the fact that he had suffering from a leg injury.³⁵¹⁷

3.248 WO2 Darran Cornhill confirmed that all the detainees were required to stand during processing and that a chair was not generally provided for detainees. However, he also stressed in his oral evidence, that none of the detainees had indicated that they needed a seat.³⁵¹⁸ I accept WO2 Cornhill’s evidence about the matter and, therefore, that Hamzah Almalje did not actually indicate during his processing that he needed a seat. Had he done so, I think it likely that a seat would have been provided or, at least, that the request would have been properly considered.

3.249 I accept that Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) had a serious injury to his right foot. During his oral evidence to the Inquiry, Ibrahim Al-Ismaeeli claimed to have asked for a seat during the processing procedure.³⁵¹⁹ However, I am not persuaded that he actually did so. It seems to me likely that, if Ibrahim Al-Ismaeeli had asked to sit down, a seat would have been provided for him. Nevertheless, given the nature of his injury, it seems to me that he should have been offered a seat. However, as I have already indicated,³⁵²⁰ Corporal Carroll underestimated the extent of that injury, when he saw it during the course of his medical examination of Ibrahim Al-Ismaeeli. Accordingly, even though he should have been offered one, I am satisfied that Ibrahim Al-Ismaeeli was not deliberately denied a seat in order to exacerbate his suffering at the time.

³⁵¹⁷ Hamzah Joudah Faraj Almalje (detainee 772) (PIL000687-88) [33]; [20/77/19-22]

³⁵¹⁸ WO2 Cornhill [115/66]

³⁵¹⁹ Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) [17/58]

³⁵²⁰ See paragraphs 3.211

Assaults during processing

- 3.250** One of the nine detainees, Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) alleged that he had been physically assaulted during processing on the 14 May 2004 at Camp Abu Naji. In his first written Inquiry statement, Ibrahim Al-Ismaeeli said that he had been hit on the back and on the mouth because he was moaning in pain.³⁵²¹
- 3.251** Ibrahim Al-Ismaeeli seemed to have some difficulty in distinguishing the processing procedure from his subsequent trip to the same tent for tactical questioning. Nevertheless, it appears that he maintained this particular allegation during the course of his oral evidence to the Inquiry.³⁵²²
- 3.252** In the event, I am satisfied that this allegation was quite untrue. There was nothing that lent any substance to or confirmed this allegation in the credible and reliable evidence of the large number of soldiers who were present at the time, including many of senior rank. Furthermore, this particular allegation appears to be entirely at odds with the brisk and businesslike atmosphere that undoubtedly prevailed during the processing of the nine detainees that evening.

The presence and use of a firearm during processing

- 3.253** Two of the detainees alleged that they had been threatened by a firearm during their processing at Camp Abu Naji on 14 May 2004. Ahmed Jabbar Hammood Al-Furaiji (detainee 777) also had some difficulty in distinguishing the processing procedure from tactical questioning. Nevertheless, he made the following allegation in his first written Inquiry statement, in an apparent reference to his processing on 14 May 2004 at Camp Abu Naji:

*“During the interrogation the main interrogator kept playing with the pistol. He did so in a menacing way. He did not point or fire it at me. I felt threatened by it throughout the entire interrogation.”*³⁵²³

- 3.254** Ahmed Al-Furaiji maintained this particular allegation in his second written Inquiry statement and emphasised that the pistol in question had been on the table and not in the soldier’s holster.³⁵²⁴ As I have already indicated, although he travelled to London in April 2013 in order to give oral evidence to the Inquiry, Ahmed Al-Furaiji became unwell and was only able to confirm the truth of his written Inquiry statements.³⁵²⁵ However, he gave that confirmation on oath in public in the Inquiry Hearing room. I am therefore in no doubt that Ahmed Al-Furaiji thereby deliberately and knowingly confirmed the truth of his various allegations of ill-treatment on oath.
- 3.255** For his part, Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) went further. During his oral evidence to the Inquiry, Ibrahim Al-Ismaeeli said that the interrogator had fired his weapon into the floor under his (Ibrahim Al-Ismaeeli’s) leg.³⁵²⁶
- 3.256** I am entirely satisfied that no shots were fired during the processing of the nine detainees on 14 May 2004. Again, none of the soldiers present in the processing tent reported having seen or heard any such incident that evening, nor did any other military witness. Such an

³⁵²¹ Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) (ASI001070) [52]

³⁵²² Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) [16/80]; [17/58]

³⁵²³ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (ASI000883) [56]

³⁵²⁴ Ahmed Jabbar Hammood Al-Furaiji (detainee 777) (PIL000318-19); (ASI000875)

³⁵²⁵ (ASI000875); (PIL000289)

³⁵²⁶ Ibrahim Gattan Hasan Al-Ismaeeli (detainee 774) [16/18/5-11]; [16/83/3-10]

incident would have been highly memorable, extremely dangerous and a very serious breach of military discipline. It would almost certainly have attracted an immediate reaction from soldiers both inside and outside the tent, for obvious security reasons. Yet there was no evidence from any soldier, who had been present in Camp Abu Naji that evening, that he had seen or heard any shots being fired inside the camp. I have no doubt that had any shots been fired inside Camp Abu Naji that evening, there would have been some evidence from the military witnesses that such an incident had occurred. I simply do not accept that such an event would have gone unnoticed and/or unreported.

3.257 In his both his written Inquiry statement and in his oral evidence to the Inquiry, WO1 Shaun Whyte said that, as the officer in charge of the processing and prisoner handling, he would carry a pistol in a holster in order “...to signify that he was in command in accordance with Middle Eastern customs.”³⁵²⁷ WO1 Whyte also believed that WO2 Cornhill adopted the same practice, when acting as the officer commanding processing and prisoner handling, which had been the case on 14 May 2004. However, I am satisfied that WO2 Whyte was mistaken about that because, in the course of his oral evidence to the Inquiry, WO2 Cornhill confirmed that he did not have a pistol with him in the processing tent that evening at all.³⁵²⁸ I accept WO2 Cornhill’s evidence to that effect and have no doubt that he did not have a pistol with him at any stage during the processing of the nine detainees on 14 May 2004 at Camp Abu Naji.

3.258 Accordingly, I have no doubt that these allegations by Ahmed Al-Furaiji (detainee 777) and Ibrahim Al-Ismaeeli (detainee 774) were completely untrue. In my view, in putting forward these particular allegations, each of them told calculated and deliberate lies and, what is more, they did so on oath.

³⁵²⁷ WO1 Whyte (ASI015967) [52]; [106/86]

³⁵²⁸ WO2 Cornhill [115/51-53]