

## **The UK, Interrogation and Iraq, 2003-8**

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Intelligence relating to Iraq has been the subject of official and press scrutiny since the US and the UK began preparing for the 2003 invasion. The publication of the UK Joint Intelligence Committee's paper on Iraqi Weapons of Mass Destruction (WMD) in September 2002 was the first aspect to be given this attention.<sup>1</sup> This interest peaked again when the UK's Butler Inquiry into intelligence on WMD was commissioned and reported in 2004.<sup>2</sup> In the same year the use of interrogation as a method of collecting intelligence in Iraq began to receive attention when pictures of prisoners being abused at the US military prison at Abu Ghraib were published.<sup>3</sup> The UK's own public record of interrogation in Iraq has also been tarnished, not least by the death of Baha Mousa, a detainee who died whilst being held for questioning at the Temporary Detention Facility in Basra in September 2003. A video showing Baha Mousa and his fellow detainees handcuffed, hooded with sandbags, forced to stand in painful positions and being verbally abused was broadcast on the TV news. The use of hooding and 'stress positions' proved particularly controversial as the video demonstrated that the 1972 ban on these techniques had either been forgotten or ignored.<sup>4</sup> Yet not all interrogations carried out by the UK in Iraq during combat operations there were as aggressive as those seen in this video.

British forces used interrogation extensively after the March 2003 invasion. They continued to do so – apart from a period in 2005-6 – until December 2008, four months before the end of UK combat operations there. Interrogation can be a valuable source of intelligence in conflict, but has proved controversial. In addition to the Baha Mousa case outlined above, High Court proceedings drew attention to the interrogation practices the UK employed in Iraq. In November 2010 it was reported that High Court proceedings had been brought on behalf of 222 former detainees who alleged they were mistreated by the UK military's Joint Forward Interrogation Team (JFIT). Amongst the allegations were claims that detainees had been hooded and subjected to electric shocks, sound deprivation by use of ear muffs, sleep deprivation and sight deprivation.<sup>5</sup> The Court was given two videos showing the JFIT interrogate a suspected insurgent. They show the interrogator seeking a confession by swearing and using insults, threats and intimidation.<sup>6</sup> Evidence suggests that over 2,500 recordings of the JFIT's interrogations were made.<sup>7</sup> It has been commented that '[t]here is reason to believe ... [the videos] show other JFIT detainees being treated in a similar manner' but that '[n]ot all the videos show scenes of abuse.'<sup>8</sup>

The treatment of Iraqi prisoners became the subject of public attention once again when more than 140 Iraqis, including some who had been held in the JFIT's custody, brought a case to the Court of Appeal.<sup>9</sup> The Court ruled in November 2011 that the Iraq Historical Allegations Team (IHAT), set up 'to investigate the allegations of abuse of Iraqi citizens by British service personnel', was not sufficiently independent because it included members of the Royal Military Police, an organisation that had been involved in detention in Iraq.<sup>10</sup> The High Court then investigated the reconstituted IHAT, ruling in May 2013 that it was sufficiently independent.<sup>11</sup>

The conflict's growing unpopularity may have encouraged false allegations of mistreatment to be made against British forces and heightened the British public and media's interest, and even belief, in such allegations. It was claimed, for instance, that some of the dead collected after the Battle of Danny Boy in May 2004 had been taken alive and then unlawfully killed by British troops before being returned to locals. These serious allegations have been found to be untrue.<sup>12</sup>

The kind of treatment alleged to have taken place during the JFIT's interrogations and seen in the two videos that were made public remains, and always will remain, deplorable. Many of the Ministry of Defence's compensation awards to Iraqis detained during combat operations relate to the JFIT.<sup>13</sup> But it should not be assumed that the JFIT always used such aggressive techniques. A small handful of monographs published since 2012 address British interrogation practices in Iraq.<sup>14</sup> Material collected by the Al Sweady Inquiry of 2009-14 into allegations made against British soldiers in connection with events of 2004 and a focus on the JFIT's work provides the opportunity to identify and evaluate the British military's interrogation operations in Iraq in more depth and breadth than has been attempted to date.

The Inquiry was commissioned in 2009 to investigate 'allegations made by the Claimants in the Al Sweady Judicial Review proceedings'.<sup>15</sup> British soldiers had been ambushed by insurgents on 14 May 2004 at the 'Danny Boy' vehicle check point around five kilometres north-east of the town of Al Majar al'Kabir, Maysan province, and a battle ensued. The allegations that followed included that Iraqi nationals had been taken into custody after the battle and unlawfully killed. As mentioned above, the Al Sweady Inquiry dismissed these allegations. It was also claimed that certain individuals detained in the aftermath of the Battle of Danny Boy, as it became known, were ill-treated during their subsequent detention at the Camp Abu Naji British military base and the Shaibah Logistics Base.<sup>16</sup> Allegations concerning their time at Camp Abu Naji included that they were strip searched in a way that was intended to humiliate or to prepare them for questioning, that a tent peg was banged on a table with the intention of scaring them and that they were shouted at during questioning. These allegations were upheld by the Inquiry. In a particularly sensational group of allegations detainees claimed they heard and saw indications that prisoners were being beaten, tortured and executed at the camp. The Inquiry found these to be deliberate lies.<sup>17</sup> Claims that they heard recordings of torture upon arrival at the Shaibah Logistics Base were also found to be deliberate lies and various of their allegations concerning questioning at the JFIT compound were judged to have been fabricated.<sup>18</sup> Evidence on interrogation made public by the press and by the Inquiry into Baha Mousa's death understandably tends to be skewed towards controversial treatment. But the Al Sweady Inquiry material shows that the interrogation of the detainees captured at Danny Boy was not as contentious as had been alleged.

By focusing on the practice of interrogation rather than allegations of mistreatment connected with it this article contests the accuracy of the common portrayal of interrogation in the 'War on Terror' as relying on torture. The first part of the article identifies the nature of the UK's involvement in interrogation in Iraq between 2003 and 2008, expanding understanding of this widespread practice. It will show that of the UK's security and intelligence organisations it was the military who were most involved. It will then evaluate Britain's interrogation operations in Iraq, specifically those conducted by the JFIT, and, therefore, Britain's interrogation capability. Some success in collecting intelligence was had. Interrogation's effectiveness was constrained, however, by a shortage of trained interrogators and interpreters, limitations in the interpreters' skill levels, the availability of written materials and analytic support, and weaknesses in written guidance. It will be argued that to a large extent these constraints stemmed from insufficient preparations. This could have been partially avoided by maintaining permanent, higher levels of preparedness. Restrictions on resources may affect the chances of establishing and maintaining these capabilities.

Given that intelligence influenced coalition policies and the military's actions, and that this in turn affected the Iraqi people's opinion of the coalition, the UK and its armed forces, intelligence in Iraq deserves greater study. As a particularly controversial method of collecting intelligence, and one that has received much public scrutiny, interrogation is an aspect of intelligence that is particularly worthy of further research. This is made even more

true by the rise of the self-styled 'Islamic State' in Iraq and Syria that has once again put the possibility of military intervention in the region on the British government's agenda. Indeed, British military training teams have already been sent and air strikes carried out. Increased involvement may once again mean involvement in interrogation. Identifying lessons from past operations can help inform any future operations.

### **The nature of Britain's involvement in interrogation in Iraq**

Many of the UK's security and intelligence organisations were involved with interrogation in Iraq. The armed forces, Security Service (MI5) and Secret Intelligence Service (SIS) all conducted interrogations after the 2003 invasion.<sup>19</sup> GCHQ – the UK's signals intelligence organisation – was involved in at least two instances. In one, an employee took notes and provided 'guidance to the interrogators on questions to ask and the veracity of the answers given.'<sup>20</sup> Support was provided to the Iraq Survey Group (ISG) by SIS and the Ministry of Defence's civilian Defence Intelligence Staff.<sup>21</sup> Active from June 2003 until September 2004, the ISG was staffed by US, UK and Australian personnel who conducted interrogations and debriefings, including that of Saddam Hussein, and analysed millions of pages of documents to produce 'a unique perspective on the intentions, policies, programs, and mechanisms of the former Regime's WMD programs and international policy.'<sup>22</sup> International cooperation on intelligence went beyond the ISG's work. For instance, in 2003 SIS officers questioned a detainee held at a US facility, and three members of military intelligence stationed at Abu Ghraib prison between January and April 2004 interrogated prisoners there.<sup>23</sup>

Of all these UK agencies it was the armed forces who were most extensively involved in interrogation. The military uses the term 'interrogation' to refer to four types of questioning, one of which is also called interrogation in a narrower sense of the term. Processing is the questioning of prisoners upon their arrival at a detention facility to confirm their identity.<sup>24</sup> The further questioning of those who are willing to share their knowledge is known as debriefing.<sup>25</sup> Notes from an interrogation training course delivered to members of the armed forces states that ideally debriefing should be carried out by trained debriefers but that 'should the tactical situation require it' it can be conducted by unit tactical questioners.<sup>26</sup> Of the members of the JFIT active in May 2004, the two who were trained debriefers were reservists.<sup>27</sup> Detainees who are unwilling to share the information they possess are subject first to tactical questioning, which takes place in the hours after capture and seeks intelligence 'the value of which would deteriorate or be lost altogether if the questioning was delayed until a trained interrogator could be made available'. Tactical questioning was to be carried out by trained members of the capturing unit.<sup>28</sup> Neither of the two tactical questioners active at the Temporary Detention Facility in Basra while Baha Mousa was held there were full-time tactical questioners and this was likely to have been the case elsewhere in the British Army.<sup>29</sup> Interrogation, in the narrow sense of the term, sometimes follows and consists of 'systematic questioning ... by a trained interrogator'.<sup>30</sup> This article focuses on interrogation in this final, narrow sense as much of the questioning carried out by the British military was of this type and it is the type most strongly associated with mistreatment and the popular image of interrogation.

It was the Joint Forward Interrogation Team that was tasked with providing the British military's main interrogation capability in Iraq.<sup>31</sup> When the JFIT's existence was publicised by the press in 2010, their compound was described as 'shadowy'.<sup>32</sup> They established and ran facilities 'in the Basra area between March 2003 and December 2008.'<sup>33</sup> The JFIT's Operations Officer deployed to Kuwait in mid-late February 2003, and was joined by two members of the Joint Services Intelligence Organisation's (JSIO) training branch on 28 February.<sup>34</sup> The JSIO is based at the Defence Intelligence and Security Centre in

Chicksands, Bedfordshire, where intelligence training is delivered to the armed forces. The rest of the JFIT deployed in mid-March.<sup>35</sup> They crossed the Iraqi border together on 20 March 2003, just a few hours after the invasion force, and set up a JFIT compound within the Temporary Internment Facility at Camp Bucca near Um Qasr, a port that serves Basra.<sup>36</sup> Perhaps unsurprisingly, there were inadequacies in the JFIT's facilities at this early stage of the conflict. They began operating not only before the compound had power or water, but before it had dedicated buildings, with prisoners 'just held in the open'.<sup>37</sup> The facilities, as far as there were any, could hold between ten and twenty-five prisoners, but held around sixty for a short period.<sup>38</sup> By July 2003 the JFIT had moved into 'a collection of rough tents'. By January 2004 the facilities had been improved by a move 'into prefabricated structures'.<sup>39</sup>

The Theatre Internment Facility was controlled by the US between April and September 2003.<sup>40</sup> The UK maintained responsibility for the work of the JFIT at this time and the team handled only British prisoners.<sup>41</sup> Given that the two states' forces were working together as part of the coalition in Iraq it is not surprising that intelligence obtained by the JFIT in this period was shared with the US.<sup>42</sup> But cooperation went further than this: although only methods of questioning routinely used by JFIT personnel were used at this time, these approaches were 'considered jointly'.<sup>43</sup> The US may have had interrogation experts at the Theatre Internment Facility whilst it was under their control, though it is not known where the impetus for their cooperation on interrogation approaches originated.

In December 2003 the JFIT relocated to the Divisional Temporary Detention Facility (DTDF) at the Shaibah Logistics Base, thirteen miles from Basra, where it remained until 2007, though for reasons unknown it did not operate between April or May 2005 and November 2006.<sup>44</sup> *The Times* has reported that hundreds of detainees passed through the JFIT's Shaibah facility.<sup>45</sup> The facilities were, once again, far from ideal. There was no sound-proofing, for instance.<sup>46</sup> To comply with the requirement set out in the JFIT's Operational Directive that detainees be prevented from corroborating cover stories, detainees were therefore kept in single-occupancy cells whenever possible.<sup>47</sup>

The JFIT's final year in Iraq was spent at Basra Airport.<sup>48</sup> Their departure in December 2008 was linked to the expiration of the UN mandate that allowed the UK military to remain in Iraq. Coalition forces were allowed to remain in Iraq longer, with the permission of the Iraqi government.<sup>49</sup> Accordingly, UK combat operations in Iraq continued, formally ending on 30 April 2009.<sup>50</sup> Now that these features of Britain's involvement in interrogation in Iraq have been identified the nature of the JFIT's work can be explored and evaluated in more detail.

### **Evaluating British interrogation in Iraq**

The JFIT's performance can be evaluated by focusing on the specifics of one interrogation operation. Comments on the JFIT's wider interrogation capability can, and will, also be made wherever sources allow. The Al Sweady Inquiry investigated allegations made by nine Iraqis arrested in the aftermath of the Battle of Danny Boy in connection with their time in detention between 15 and 24 May 2004.<sup>51</sup> Amongst the allegations relating to their time at the JFIT compound are claims that the military guards, who were not members of the JFIT, deprived them of sleep by banging on cell doors, shouting and playing music, that they lacked exercise provision and access to a lavatory, that requests for medical assistance were refused and that they could hear screaming, which they realised was a tape recording.<sup>52</sup> One detainee has since described how '[i]n the cells we were all calling out to each other our names and our families' details, in case one of us died [so that] our families could be told.'<sup>53</sup> The International Committee of the Red Cross visited these detainees in the JFIT compound and concluded that three of them had injuries consistent with allegations of manhandling at the point of arrest.<sup>54</sup> In the words of Lieutenant Colonel David Wakefield, the Commander

Legal, '[t]he ICRC was at pains to emphasise that they had no suspicion whatsoever that any abuse had happened at the DTDF [at the Shaibah Logistics Base, within which the JFIT was based] and that any injuries the internees had they had arrived with.'<sup>55</sup> The Al Sweady Inquiry dismissed many allegations completely. As a result of investigating others, chiefly including the deprivation of sleep and lack of access to a lavatory, the Inquiry admitted that some aspects of the conditions and the detainees' treatment were unsatisfactory but that this was unintentional.<sup>56</sup>

After being detained in the aftermath of the Battle of Danny Boy these men were taken to Camp Abu Naji for processing.<sup>57</sup> They went through tactical questioning there before being taken by helicopter to the JFIT compound at Shaibah for more detailed interrogation.<sup>58</sup> A detainee who had a gunshot wound spent one night at Shaibah before being transferred to a hospital, five detainees were kept there for six days, and the remainder for seven days.<sup>59</sup> Using the Al Sweady Inquiry's material it is possible to identify and assess the JFIT's interrogation capability, how well prepared and resourced they were, and their level of success.

The JFIT's mission was to extract information and intelligence from selected prisoners in a 'timely and systematic' fashion.<sup>60</sup> Tactical questioning of the Danny Boy detainees aimed to establish whether they should be further questioned, passed to the Iraqi police or released. The tactical questioning report for one detainee stated he '[k]nows more than he is letting on, [interrogation by the] JFIT is recommended.'<sup>61</sup> Interrogation was believed to be a potentially good source of vital, urgently needed intelligence. The Officer Commanding the JFIT at this time told the Inquiry

I have to absolutely make this clear: we were under a massive pressure from the whole of the Brigade to extract information or intelligence that potentially could be a secondary attack, there could be weapons out there that were about to be used on an attack tomorrow, next hour, next minute.<sup>62</sup>

In early 2004 the Priority Intelligence Requirements for the JFIT – and for personnel across the South-East of Iraq – were the military threat to coalition forces, the civil situation in Basra and Former Regime elements. They were also issued with requirements that were not priorities, namely organisations, leading personalities, '[f]unding and procurement of groups', '[r]ecruitment and reward of terrorists and militia', and views on the coalition forces. The JFIT were also issued Specific Requests for Information, which gave them questions to pose to particular prisoners.<sup>63</sup> The JFIT had some degree of success in fulfilling these aims when interrogating the Danny Boy detainees.

So as to make the best use of resources, interrogators were matched to detainees. The detainees expected to possess more intelligence, as established by the JFIT's Operations Officer on the basis of all available information on the detainee, would be allocated the most skilled interrogators.<sup>64</sup> When planning their interrogations, interrogators could benefit from access to a range of resources. The JFIT's Standard Operating Procedures (SOPs), for example, stated they were to be supported by an intelligence team, who could be telephoned to check names and dates.<sup>65</sup> Written materials included, where available, the target pack drawn up in advance of a planned arrest operation, tactical questioning reports for the detainees, capture reports and the detainee's personal belongings.<sup>66</sup> Interrogators use these resources to form a preliminary opinion on what information the detainees possess and which interrogation approaches are likely to be most effective. In practice, interrogators did not always have access to all of the resources they might have benefited from. They did not always receive written materials promptly, either: sometimes it was emailed straight away and at others it arrived by email two to three days after the detainees' arrival.<sup>67</sup> Such delays can cause interrogations to be postponed or hinder the interrogators' preparations, thereby delaying or preventing the collection of intelligence that the JFIT was under pressure to

collect. That these delays were able to happen frequently suggests that there was either a lack of procedure for passing this material on to interrogators or that there were factors such as high workloads that were preventing procedures from being followed.

Detainees were asked direct questions in accordance with authorised interrogation approaches listed in the Standard Operating Procedure for JFIT interrogators.<sup>68</sup> Four such approaches were available to interrogators. In the ‘neutral’ approach they were expected to ‘[b]e bland’ and treat the interrogation like an administrative process.<sup>69</sup> Guidance on the ‘friendly’ approach instructed interrogators to appear interested, attentive and ‘on the prisoner’s side.’<sup>70</sup> The ‘firm’ approach involved acting like the ‘firm but fair Headmaster or Sergeant Major.’<sup>71</sup> In the words of a JFIT interrogator, the attitude of interrogators using this approach was, ‘I’m not going to be here as your best mate, let’s get this over and done with as quickly and painlessly as possible’.<sup>72</sup>

The final authorised approach – the ‘harsh’ approach – has proved most controversial. It is sarcastic, cynical, loud or vicious.<sup>73</sup> It can be seen in use in a video recording of a JFIT interrogation.<sup>74</sup> Although the JFIT’s Operational Directive of May 2004 stated this approach was permissible, it also noted that experience gained in Iraq to date showed that the harsh approach ‘merely shuts the ... [prisoner] up further.’<sup>75</sup> The Directive goes on to note that the harsh and firm approaches could still be useful, but only ‘to close down a subject and control ... [a prisoner’s] waffling or deflection.’<sup>76</sup> The harsh approach was the subject of public attention in 2011 when the Baha Mousa Inquiry recommended it be forbidden for tactical questioning.<sup>77</sup> Responding to this recommendation, the Ministry of Defence defended its continued support of the approach, arguing that it was necessary in order ‘to secure swiftly ... the intelligence that can save lives.’<sup>78</sup> Nonetheless, legal challenges saw the approach replaced with the more restrictive ‘challenge direct’ in 2012.<sup>79</sup>

The Danny Boy detainees were exposed to neutral, firm and, in one case, ‘firm to strong’ approaches.<sup>80</sup> Six of them alleged that they were shouted at and questioned aggressively and angrily, and two further alleged that they were threatened during interrogation.<sup>81</sup> One told the Al Sweady Inquiry that he was physically pushed around, that the interrogator yelled constantly and that he eventually made a false admission to stop the interrogator’s accusations.<sup>82</sup> These detainees had previously suffered ill-treatment and ‘threatening and oppressive tactical questioning’ at Camp Abu Naji, which gave them an incentive to try to end the JFIT’s interrogations quickly by telling the interrogators what they wanted to hear.<sup>83</sup> The Al Sweady Inquiry rejected the allegations that they were shouted at and questioned aggressively during the JFIT’s interrogations, concluding that these claims were lies and exaggerations.<sup>84</sup> Their interrogations, although uncomfortable, were not as extreme as the commonly-held conception of interrogation in the ‘War on Terror’. The alleged and actual extreme practices used in connection with interrogation in the ‘War on Terror’ have received much media attention. Given their seriousness, this is right: pressure should arguably be placed on governments to investigate allegations of mistreatment, ascertain the truth and take action to prevent reoccurrences of unjustified and illegal practices. However, findings that allegations are untrue are often deemed less newsworthy than the original allegations, leaving the public with an inaccurate picture of the treatment of detainees held for interrogation.

The number of personnel in the JFIT, their training and skills affected their effectiveness as collectors of intelligence. Over the course of its existence the JFIT had 124 interrogators.<sup>85</sup> The JFIT’s first Officer Commanding (OC) wrote that some of the team met for the first time only the day before their deployment and that the JFIT was ‘untrained and unexercised in its war role’.<sup>86</sup> In May 2004 the team consisted of an OC, a Second in Command and Operations Officer (a role jointly held by one individual), interrogators, debriefers, interpreters and a collator.<sup>87</sup>

The collator supported interrogation by cross-referencing interrogation reports to check for ‘holes’ in the stories they contained or further lines of enquiry and was responsible for the secure storage of information at the JFIT compound.<sup>88</sup> Along with the Operations Officer the collator analysed information gained during interrogation and fed this back to interrogators for use in further sessions.<sup>89</sup> The JFIT had some success in passing relevant information gained in a particular interrogation to other interrogators working with the same group of detainees.<sup>90</sup>

For the collator to perform their duties at the highest possible standard it was desirable that they were experienced not just in collation but in intelligence analysis as well.<sup>91</sup> It is not known to what extent this was realised in practice. The JFIT’s Operational Directive added that ‘[i]deally, analyst support should be available from J2X [an intelligence team] but unfortunately they are neither staffed adequately nor close enough to the JFIT [compound] to give this support effectively.’<sup>92</sup> Once more, the availability of resources was not optimal.

The team active in May 2004 was recruited from the Army, the Navy and the RAF.<sup>93</sup> When the Danny Boy detainees were held at the JFIT compound all the interrogators were reservists.<sup>94</sup> This was not unique: when the JFIT first deployed to Iraq all its members were reservists except for the OC and the Second in Command.<sup>95</sup> In May 2004 the JFIT had less than the full-complement of trained interrogators.<sup>96</sup> The OC has since said they were short of people, short of people trained in interrogation and that they also would have benefited from a reach-back capability where documents found with the individuals – whether it be phones, or paper, pocket litter – be exploited back in the UK, and forensic capabilities so that we could then go through a more systematic and detailed form of interrogation.<sup>97</sup>

These limitations might have led to acts of desperation by the team. But instead, in the OC’s words, it led to demoralisation and a feeling of defeat.<sup>98</sup> Limitations in the armed forces’ level of preparedness for interrogation, specifically in sufficient numbers of trained interrogators and in analytical support for interrogation, highlight the need to consider how to maintain a higher level of preparedness in future.

Although some detainees could speak English,<sup>99</sup> interpreters were crucial members of the JFIT. Without them little would have been achieved. The JFIT’s first OC argued that without ‘a one-to-one ratio of interrogators to interpreters, the interrogators can not be fully utilised.’<sup>100</sup> The first JFIT deployed without sufficient linguists, and the team that deployed in July 2003 had only one interpreter for five interrogators, meaning the interrogation of detainees who needed an interpreter would have to wait until the interpreter was available, despite the readiness of the interrogators.<sup>101</sup> A greater number of interpreters would have improved the UK’s interrogation capability, but training personnel in a variety of languages and dialects in anticipation of involvement in new conflicts is subject to considerable unavoidable limitations because of the amount of available resources. Iraqis were used as interpreters for tactical questioning at the Temporary Detention Facility in Basra in the autumn of 2003, at least, but the intelligence sought during the JFIT’s interrogations was so sensitive that Iraqis were not permitted to interpret for them.<sup>102</sup> Employing Iraqi interpreters was not without its own issues though: interpreters were among those who came under threat from anti-British militias and were subsequently relocated to Britain in 2008-9.<sup>103</sup>

As well as a shortage of interpreters, there were deficiencies in the language training and skill of some interpreters. This had a negative impact on the JFIT’s work. Frank Ledwidge, a former military intelligence officer who served in Iraq, persuasively argues that it is important not only to understand the words of detainees but to have cultural awareness in order to identify anything that is implicit in their words.<sup>104</sup> This understanding takes at least three years to develop, Ledwidge suggests.<sup>105</sup> The three interpreters who assisted in the Danny Boy detainee interrogations recall that more advanced language and interpreting skills

would have been of benefit.<sup>106</sup> Their task was made more difficult by detainees' accents and detainees themselves recall difficulty understanding the interpreters.<sup>107</sup> There is no quick solution to the problem of imbuing interpreters with advanced skills in language and cultural awareness, suggesting there is a need to maintain permanent capabilities in a range of languages and cultures despite the resource implications.

The Operations Officer confirmed that when the standard of interpreters went down, operational effectiveness decreased.<sup>108</sup> It is easy to argue that interpreters should have been better trained in Iraqi Arabic. To what extent it is realistic to claim that this should have been the case at the time of the invasion of Iraq is open to debate. How quickly interpreters should have been trained and deployed after this date depends not only on how quickly training can be delivered, but on the availability of suitable trainees and expectations around how many interpreters trained in Iraqi Arabic would be needed and for how long. Efforts were certainly made to alleviate weaknesses. Interrogators involved interpreters in their preparations so they could prepare the necessary vocabulary in advance.<sup>109</sup> Further, interrogators were advised to keep their questions short and simple so as to aid the interpreters and to simplify the question in the event that an interpreter could not communicate it.<sup>110</sup>

The wording and completeness of written guidelines affect the training and practice that draw upon them. Further, there have been times when practice has shown that the guidelines need to be amended. The introduction of a new interrogation directive in 1972 demonstrates this point: it replaced the 1965 version, that itself was amended in 1967 in response to the Bowen Inquiry into procedures relating to the arrest, interrogation and detention of terror suspects during the Aden Emergency. The 1972 directive included the ban on certain interrogation techniques that had been used in Northern Ireland months earlier. This directive, and therefore the ban on these techniques, was still in force at the time of Baha Mousa's questioning in Iraq, but had fallen from the Ministry of Defence's corporate memory.<sup>111</sup> While international conventions such as the Geneva Conventions and the European Convention on Human Rights apply to some interrogation operations, national military guidelines specific to interrogation can also apply.

The first JFIT Operational Directive was drawn up by the OC in May 2004 and 'codified the procedures that had been developed and put into practice prior to that date.'<sup>112</sup> A series of Standard Operating Procedures were included as annexes. The Al Sweady Inquiry found that in places 'the language used in the SOPs ... [was] highly regrettable and wholly ill-conceived. There ... [was] a significant risk that the SOPs could have been interpreted by staff working in the JFIT as authorising conduct which contravenes provisions of international law'.<sup>113</sup> There were also shortcomings in doctrine, with the first OC noting that there was no interrogation doctrine for the JFIT to use to base its practices on.<sup>114</sup> But the team was also governed by Standard Operating Instruction 390 on the apprehending, handling and processing of prisoners, and international agreements relevant to the treatment of detainees, such as the United Nations Convention Against Torture.<sup>115</sup> Further research is required before a more extensive assessment of the appropriateness of the guidelines governing the JFIT's practices can be made.

Interrogation capability, and therefore intelligence-gathering capability, depends on the delivery of training that creates skilled personnel familiar with the relevant laws and guidelines. The Al Sweady Inquiry judged that the JFIT's effectiveness was impeded by the 'limited training that some members ... had received.'<sup>116</sup> In the late 1990s and early 2000s interrogation training consisted of a two-week course delivered at the Defence Intelligence and Security Centre.<sup>117</sup> The two interrogators belonging to the JFIT in May 2004 had completed this course and had experience of conducting interrogations, albeit on exercise.<sup>118</sup> The other two staff questioning detainees were trained only in debriefing,<sup>119</sup> in which the detainee is willing and cooperative,<sup>120</sup> and neither had practiced debriefing before deploying



to Iraq.<sup>121</sup> While it is desirable that interrogators, debriefers and tactical questioners are experienced, Britain's military commitments, or the relative lack of them, may mean there is little to no opportunity to gain this experience. Training compensates for this to some extent. Research into whether those trained and experienced in these practices are staying in the military for the long-term, and if not, why not, may be beneficial.

The extent to which interrogation training in the lead up to and during combat operations in Iraq did or did not make clear which interrogation techniques were permissible has been discussed elsewhere.<sup>122</sup> The complaints related to training concerning the JFIT were more general, citing insufficient numbers of trained interrogators. As with the training of interpreters, we might ask why there were insufficient numbers of trained interrogators once the conflict in Iraq was underway and after the time when it might reasonably be expected that the military would have realised that the need for interrogators was going to continue. The government accepted the recommendations of the 2011 report into the death of Baha Mousa concerning improvements to training, including training in prisoner handling, interrogation and tactical questioning.<sup>123</sup>

The availability of suitable personnel, and of instructors, may help explain limitations in the number of trained interrogators. Lieutenant Colonel Graham Le Fevre, a senior intelligence officer, commented in the autumn of 2003 that the UK military's interrogation capability 'is only held in the reserves and it has frankly languished for many years. We need more and we need it now'. He added, '[t]hat being said our problems pale into insignificance compared to the Americans who have only interrogated a small fraction of the people they have detained.'<sup>124</sup> The UK was, therefore, not the only country with an interrogation capability that was less than ideal. A variety of issues are raised by the siting of interrogation capability amongst reservists, chiefly the level of experience and how recently this experience was gained, though reservists remain a vital element of the UK's security apparatus.

Asking what intelligence was gained from the Danny Boy detainees is one further, and valuable, way in which to assess the JFIT's, and therefore the UK's, interrogation capability in Iraq. After each interrogation the JFIT's interrogators prepared a report for dissemination.<sup>125</sup> Most of the reports for the interrogations of the Danny Boy detainees are publicly available. Despite being incomplete, these records give an indication of what intelligence the JFIT collected.

Basic information about the detainees' employment and immediate family members was gained. The interrogations tended to focus on the ambush of coalition forces that led to the detainees' arrests, asking, for instance, whether they knew the other detainees arrested with them.<sup>126</sup> Two of the detainees, at least, were asked about prominent personalities in Al Majar al'Kabir, a town whose population was 'openly hostile' to coalition forces.<sup>127</sup> Detainee Hussein Fadhil Abbas Al-Behadili provided information about the tribes in the area, including on a dispute between tribes, and about who worked in the local office of the Shiite political party Office of the Martyr Sadr.<sup>128</sup> This detainee was one of three who were interrogated for a second time. In his case it was judged that more information should be sought from him 'on how the ambushes are being planned and conducted, who is controlling them', the general threat, the Office of the Martyr Sadr, tribal disputes and personalities in the area.<sup>129</sup> The information obtained from the resulting two and a half hours of interrogations filled around three and a half pages of the Interrogation Report and includes comments on how the level of unemployment in the area affected the relationship between Iraqis and coalition forces.<sup>130</sup>

This intelligence was potentially useful. Exactly how useful it had the potential to be is difficult to judge without knowing how much intelligence of this sort was already in the UK's possession. The general effectiveness of the JFIT's attempts to gain intelligence

through interrogation can, however, be identified. In an internal email dated September 2003, Le Fevre told Lieutenant Colonel Edward Fenton, Chief of Staff to 19 Mechanised Brigade, that '[m]any of the people [interrogated by the JFIT] do not talk – our techniques are governed by the Geneva Convention and [are] clearly somewhat less “pointed” than those used by the previous [Iraqi] regime.'<sup>131</sup> Yet there are indications that there was some cooperation from the Danny Boy detainees.<sup>132</sup> Detainee Abbas Al-Hameedawi has since confirmed that he answered the interrogators' questions truthfully.<sup>133</sup> In contrast, another has claimed he said almost anything he could think of, 'almost nonsense', because he was so tired and wanted to keep talking until the interrogation was over.<sup>134</sup> Another has said he withheld information as he 'wanted the interrogation to come to an end and did not want' to be asked more questions.<sup>135</sup>

The legal team representing 480 soldiers before the Al Sweady Inquiry suggested that evidence given by the detainees may be unreliable because it 'is tainted by an anti-Western and anti-British bias'.<sup>136</sup> Similarly, some of the detainees have contested the accuracy of the Interrogation Reports.<sup>137</sup> Potential explanations for these differences of opinion are numerous. These differences aside, the volume and type of intelligence in the Interrogation Reports has not been contested. Yet useful intelligence will have no effect on decision-making unless it is passed to decision-makers in a timely fashion and used. It has been commented by a tactical questioner working in Iraq in late 2003 that in general very little intelligence was passed from the JFIT back to the soldiers who had arrested the detainees and the intelligence that was passed on was out of date.<sup>138</sup> It is not known to what extent intelligence collected by the British military's interrogators in Iraq was passed up the chain of command to their own decision-makers or to the British government.

## **Conclusion**

Many of the details of the JFIT's work during combat operations in Iraq remain secret. This secrecy is likely to continue unless further allegations prompt legal, official or press investigations. Generalising from the details that are known – whether they be those publicised by the press or those of the Danny Boy detainees' interrogations – can lead to false impressions of this sometimes valuable method of collecting intelligence. Yet understanding of British interrogation practices in Iraq is expanded by this examination of the case of the Danny Boy detainees.

It must be acknowledged that these detainees had a series of distressing experiences. They were 'very frightened and confused' when they arrived at Camp Abu Naji after being arrested on the battlefield after the Battle of Danny Boy.<sup>139</sup> The ill-treatment the Al Sweady Inquiry found they were exposed to during tactical questioning at this camp included shouting and striking the table in a way that implied a threat of physical violence, and left them vulnerable. That they arrived at the JFIT compound in a state of fear is evident from the reports of them calling their names to each other between their cells so their details could be passed to family members in the event of their deaths. But many of the allegations concerning interrogation, including that they were shouted at, threatened and pushed, were rejected by the Al Sweady Inquiry. The inquiry went so far as to judge that the treatment they received during interrogation at the JFIT compound was not ill-treatment.<sup>140</sup>

The treatment of other detainees interrogated by the JFIT reported by the press falls further along the spectrum of controversial treatment. These detainees allege their treatment included electric shocks and hooding, and videos show the use of highly intimidating behaviour during interrogation. Most of the interrogations of the Danny Boy detainees used the neutral or firm approaches, not the apparent use of the harsh technique seen in the public videos of the JFIT's interrogations. Details of the Danny Boy interrogation operation expand the still somewhat patchy knowledge of the JFIT's work in Iraq and therefore expands

knowledge of the UK's interrogation capability and practices, and of the UK's activities in Iraq more widely.

Through the Al Sweady Inquiry's investigations much is now known about not only the JFIT's interrogation approaches, but wider aspects of their role in Iraq. They entered the country hours after the main invasion force, showing that interrogation was a planned part of the war and suggesting that it was hoped, or expected, that it would prove a valuable source of intelligence. They were under pressure to produce intelligence in line with the priorities and requirements issued to personnel in the South-East of Iraq, chiefly on the military and civil situation in the region, details of a variety of organisations and public opinion. Their efforts were supported by practices that included matching interrogators to detainees and access to written materials such as capture reports and tactical questioning reports. Although they had a collator, the team would have benefited from greater analytical support to establish the reliability and accuracy of intelligence obtained in interrogation and to exploit documents captured with the detainees, then to combine this with intelligence from other sources to create reports that could be disseminated to decision-makers.

The JFIT's effectiveness was also hampered by deficiencies in their facilities, even at Shaibah where they operated for around two years in total. There was also a shortage of skilled, experienced interpreters and interrogators, at times at least. This may be partially explained by the limited preparations by coalition forces for what became a descent into insurgency and lawlessness after the collapse of Saddam Hussein's regime in April 2003. Other possible explanations include the UK's relatively limited involvement in conflicts in the years before 2003 and resource restrictions. The extent to which observers can reasonably comment that these limitations should not have been present at the time of the invasion of Iraq is open to debate. Nonetheless, higher levels of preparedness for interrogation could have provided more trained interrogators, interpreters and analytical support, making interrogation a more effective intelligence-gathering tool. Despite these weaknesses, the cooperation of the Danny Boy detainees was achieved. When enough interrogations are conducted success can accumulate to the extent that this becomes a particularly valuable source of intelligence.

Interrogation personnel benefit when decision-makers, the press and the public have realistic expectations about what they can achieve. Imposing impossible targets upon these personnel can lower morale, leading to feelings of desperation that in turn can lead to unacceptable treatment of prisoners. More realistic expectations can flow from accurate understanding of interrogation practices and of the challenges facing interrogation teams, though this is necessarily limited by official secrecy.

This examination of the interrogation of the Danny Boy detainees has expanded knowledge of the JFIT's role in Iraq, and therefore of the UK's involvement in interrogation between the March 2003 invasion and the JFIT's withdrawal in December 2008. This is one of many of the secretive interrogation operations that have been used extensively by western states in the 'War on Terror'. Knowledge may expand further if new allegations concerning British interrogation practices in Iraq are made. A question that may remain difficult to answer is to what extent the variety of practices we are aware of are typical of British interrogation practices during combat operations in Iraq. While public knowledge of interrogation practices can damage their effectiveness by forewarning the targets of what to expect after capture, investigations of allegations can benefit the complainants, the accused and future detainees. Allegations can receive much publicity, while the findings of investigations into which are true and which are not can receive less. The informal oversight of these practices that comes from press coverage of the allegations and the findings of official investigations can be an important part of the workings of a democratic state. But a

balance must be struck, and a compromise made, between educating the public about secret practices whilst protecting that secrecy.

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## Notes

<sup>1</sup> For example, *The Guardian*, 'Iraq dossier'.

<sup>2</sup> For example see Cracknell, 'Blair hit by new weapons evidence'; and Leppard and Nathan, 'Spy bosses damned in Iraq probe'.

<sup>3</sup> Hersh, 'Torture at Abu Ghraib'.

<sup>4</sup> For more on the Baha Mousa case, including on how these techniques came to be used at the Temporary Detention Facility in Basra by members of First Battalion The Queen's Lancashire Regiment, see Newbery, *Interrogation, Intelligence and Security*.

<sup>5</sup> Cobain, 'Iraqi prisoners were abused at "UK's Abu Ghraib", court hears'; Cobain, 'Abuse claims lift cloak of secrecy over Britain's Iraq interrogation base'.

<sup>6</sup> Cobain, 'Servicemen at "UK's Abu Ghraib" may be guilty of war crimes, court hears'; Cobain, 'Iraqi prisoners were abused at "UK's Abu Ghraib", court hears'.

<sup>7</sup> Cobain, *Cruel Britannia*, 293.

<sup>8</sup> Cobain, 'Abuse claims lift cloak of secrecy over Britain's Iraq interrogation base'; Cobain, *Cruel Britannia*, 293.

<sup>9</sup> Cobain and Norton-Taylor, 'Iraqi prisoners move closer to inquiry into mistreatment claims'.

<sup>10</sup> Harvey, Written Ministerial Statements; Approved Judgment, Court of Appeal.

<sup>11</sup> Smith, 'In brief'.

<sup>12</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 3.

<sup>13</sup> Cobain, 'Ministry pays out millions to torture victims'.

<sup>14</sup> Cobain, *Cruel Britannia*; Moran, *From Northern Ireland to Afghanistan*; and Newbery, *Interrogation, Intelligence and Security*.

<sup>15</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 4.

<sup>16</sup> Terms of Reference, *The Al Sweady Inquiry*, <http://www.alsweadyinquiry.org/>.

<sup>17</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 45, 50, 52.

<sup>18</sup> *Ibid.*, 73, 79.

<sup>19</sup> Cobain, *Cruel Britannia*, 292-3; *The Report of the Detainee Inquiry (Gibson Report)*, 13; Intelligence and Security Committee, *The Handling of Detainees*, 22-3.

<sup>20</sup> *The Report of the Detainee Inquiry (Gibson Report)*, 68.

<sup>21</sup> Duelfer, *Comprehensive Report of the Special Advisor to the DCI*, Acknowledgements.

<sup>22</sup> Duelfer, *Comprehensive Report of the Special Advisor to the DCI*, Scope Note; Duelfer, 'Iraqi detainees', 1.

- <sup>23</sup> *The Report of the Detainee Inquiry* (Gibson Report), 13; Beaumont, Bright and Harris, 'British quizzed Iraqis at torture jail'.
- <sup>24</sup> White card outlining prisoner processing checklist, undated, day 123 of Al Sweady Inquiry's (ASI) hearings.
- <sup>25</sup> M003 (Officer Commanding (OC), Joint Forward Interrogation Team (JFIT), December 2003 – June 2004), transcript of hearing, 6 March 2015, ASI, 167-71.
- <sup>26</sup> F Branch, Joint Services Intelligence Organisation (JSIO), 'Introduction to Interrogation and Tactical Questioning – Course Notes', undated, day 127, ASI, 2.
- <sup>27</sup> M006 (JFIT debriefer, May 2004), witness statement, 25 March 2013, day 157, ASI, 2-3; M007 (JFIT debriefer, May 2004), witness statement, 23 February 2013, day 154, ASI, 2-3.
- <sup>28</sup> F Branch, JSIO, 'Introduction to Interrogation and Tactical Questioning – Course Notes', undated, day 127, ASI, 2.
- <sup>29</sup> Newbery, *Interrogation, Intelligence and Security*, 145
- <sup>30</sup> F Branch, JSIO, 'Introduction to Interrogation and Tactical Questioning – Course Notes', undated, day 127, ASI, 1.
- <sup>31</sup> 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 148, ASI.
- <sup>32</sup> Cobain, 'Iraqi prisoners were abused at "UK's Abu Ghraib", court hears'; Cobain, 'Abuse claims lift cloak of secrecy over Britain's Iraq interrogation base'.
- <sup>33</sup> Cobain, "'Whitewash' claim over Iraq abuse inquiry'.
- <sup>34</sup> SO14 (Operations Officer, February-April 2003), witness statement, 22 January 2010, day 67 of the Baha Mousa Inquiry's (BMI) hearings, 9-10; F Branch, JSIO, 'Op Telic post operation report', 21 May 2003, day 87, BMI, 1.
- <sup>35</sup> SO14, witness statement, 22 January 2010, day 67, BMI, 10.
- <sup>36</sup> *Ibid.*, 13; 'British Army colonel so upset over Iraq abuse he went to top brass', *Belfast Telegraph*; SO14, witness statement, 22 January 2010, day 67, BMI, 13. Detainees were people 'detained on suspicion of a criminal act pending a criminal trial or release.' Internees 'could be detained without the possibility of a criminal trial on the grounds of suspicion that their activities were likely to undermine the CF [coalition forces] mission to stabilise the country.' Both can be referred to as detainees. David Parrott (Military Provost Staff), witness statement, 23 February 2013, day 141, ASI, 17.
- <sup>37</sup> SO14, witness statement, 22 January 2010, day 67, BMI, 14; SO40 (OC, JFIT, March-June 2003), witness statement, 5 February 2010, day 67, BMI, 32.
- <sup>38</sup> SO09 (Commanding Officer, Theatre Internment Facility, March-June 2003), witness statement, 17 August 2009, day 66, BMI, 13; SO14, witness statement, 22 January 2010, day 67, BMI, 16.
- <sup>39</sup> SO15 (member of J2X, an intelligence team, Basra, July 2003 – January 2004), witness statement, 17 December 2009, day 84, BMI, 10.
- <sup>40</sup> *Report of the International Committee of the Red Cross*, 14.
- <sup>41</sup> *The Report of the Baha Mousa Inquiry*, 330.
- <sup>42</sup> SO40, witness statement, 5 February 2010, day 67, BMI, 34.
- <sup>43</sup> *Ibid.*
- <sup>44</sup> Approved Judgment, High Court of Justice, paragraph 57; Brown, 'Former Iraqi prisoners say British Forces used Guantánamo interrogation methods'.
- <sup>45</sup> Brown, 'Former Iraqi prisoners say British Forces used Guantánamo interrogation methods'.
- <sup>46</sup> David Richmond (OC of Divisional Temporary Detention Facility, March/April-July 2004), transcript, 3 March 2014, ASI, 111.
- <sup>47</sup> JFIT SOPs – Operations, 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 156, ASI, B1-2.
- <sup>48</sup> Approved Judgment, High Court of Justice, paragraph 57.
- <sup>49</sup> Taylor, 'The future of coalition forces in Iraq'.
- <sup>50</sup> 'Last US troops withdraw from Iraq', *BBC News*.
- <sup>51</sup> Terms of Reference, The Al Sweady Inquiry, <http://www.alsweadyinquiry.org/>; Acton Davis (counsel), transcript, 7 March 2013, ASI, 49.
- <sup>52</sup> Acton Davis, transcript, 7 March 2013, ASI, 78-80; Patrick O'Connor (representing the Iraqi core participants before the Inquiry), transcript, 11 March 2013, ASI, 60-1.
- <sup>53</sup> Hussein Al-Lami (detained in the aftermath of the Battle of Danny Boy), witness statement, 27 September 2010, day 12, ASI, 25.
- <sup>54</sup> Patrick O'Connor, transcript, 11 March 2013, ASI, 11-12.
- <sup>55</sup> Lt Col David Wakefield (Comd Legal HQ MND(SE)), 'ICRC Visit to DTF 17-19 May 04', 19 May 2004, day 110, ASI.
- <sup>56</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 77, 73, 81, 76, 84.
- <sup>57</sup> Acton Davis, transcript, 4 March 2013, ASI, 5-6.

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- <sup>58</sup> Acton Davis, transcript, 6 March 2013, ASI, 99.
- <sup>59</sup> *The Report of the Al Sweady Inquiry*, 861; Acton Davis, transcript, 6 March 2013, ASI, 25.
- <sup>60</sup> Standard Operating Procedure No: 1, Prisoner of War Handling, Questioning & Interrogation, 'Intelligence Exploitation Base (IEB) Joint Forward Interrogation Team (JFIT), Op TELIC', undated, day 84, BMI, 1.
- <sup>61</sup> 'Tactical Questioning Report of Jabar Ali Alami', 15 May 2004, day 127, ASI.
- <sup>62</sup> M003, transcript, 6 March 2014, ASI, 222.
- <sup>63</sup> JFIT SOPs – Operations, 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 156, ASI, B-4.
- <sup>64</sup> M018 (Second in Command and Operations Officer, JFIT), transcript, 27 March 2014, ASI, 65-6; and M018, witness statement, March 2014, day 168, ASI, 13-14.
- <sup>65</sup> JFIT SOPs – Interrogator, 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 153, ASI, C-2.
- <sup>66</sup> JFIT SOPs – Operations, 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 156, ASI, B-2 – B-3.
- <sup>67</sup> For example see M018, transcript, 27 March 2014, ASI, 46; and M012 (JFIT interpreter, December 2003 – January 2004), transcript, 26 February 2014, ASI, 51-2.
- <sup>68</sup> JFIT SOPs – Operations, 'Operational Directive – Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 87, BMI, B-5.
- <sup>69</sup> Extract from Guidance Document on Interrogation and Tactical Questioning, undated, day 154, ASI.
- <sup>70</sup> Ibid.
- <sup>71</sup> Ibid.
- <sup>72</sup> M002 (interrogator, deployed to Iraq February-July/August 2004), transcript, 4 March 2014, ASI, 97.
- <sup>73</sup> Extract from Guidance Document on Interrogation and Tactical Questioning, undated, day 154, ASI.
- <sup>74</sup> Cobain and Sprenger, 'Secret British military video of interrogation techniques in Iraq'.
- <sup>75</sup> JFIT SOPs – Operations, 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 153, ASI, B-5.
- <sup>76</sup> Ibid.
- <sup>77</sup> *The Report of the Baha Mousa Inquiry*, 1273.
- <sup>78</sup> Fox, 'Statement on the Report into the death of Mr Baha Mousa'.
- <sup>79</sup> Mendick and Ross, 'Don't yell at terrorist suspects, soldiers told'.
- <sup>80</sup> *The Report of the Al Sweady Inquiry*, 887-95.
- <sup>81</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 78-9.
- <sup>82</sup> Kadhim Al-Behadili (detained in the aftermath of the Battle of Danny Boy), witness statement, 18 January 2013, day 12, ASI, 32, 36, 33.
- <sup>83</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 50, 60, 62, 80; Hussein Al-Lami, witness statement, 30 November 2012, day 11, ASI, 3.
- <sup>84</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 78-80.
- <sup>85</sup> Approved Judgment, High Court of Justice, paragraph 58.
- <sup>86</sup> SO40, 'OP TELIC LCC JFIT - Lessons learned to date', 1 March 2003, day 88, BMI, 4.
- <sup>87</sup> M003, witness statement, February 2014, day 158, ASI, 4-5; M003, transcript, 6 March 2014, ASI, 154.
- <sup>88</sup> M049 (JFIT collator, May 2004), read witness statement, 2013, ASI, 2.
- <sup>89</sup> JFIT SOPs – Operations, 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 153, ASI, B-5.
- <sup>90</sup> JFIT SOPs – Interrogator, 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 153, ASI, C-4.
- <sup>91</sup> 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 151, ASI, 4.
- <sup>92</sup> JFIT SOPs – Operations, 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 153, ASI, B-5.
- <sup>93</sup> For example, see M003, witness statement, February 2014, day 158, ASI, 4.
- <sup>94</sup> M006, witness statement, undated, day 157, ASI, 2; M005 (JFIT interrogator, May 2004), witness statement, 11 April 2013, day 164, ASI, 2; M002, witness statement, 16 September 2013, day 156, ASI, 2; M007, witness statement, 23 February 2013, day 154, ASI, 2.
- <sup>95</sup> 'LD/LSL - Post Operational tour report - Land Command Component Joint Forward Interrogation Team', draft, undated (late May, or June, 2003), day 66, BMI, 1.
- <sup>96</sup> M018, transcript, 27 March 2014, ASI, 33.
- <sup>97</sup> M003, transcript, 6 March 2014, ASI, 221.
- <sup>98</sup> Ibid., 223.
- <sup>99</sup> M029 (JFIT interpreter, May 2004), witness statement, undated, day 159, ASI, 12.
- <sup>100</sup> SO40, witness statement, 5 February 2010, day 67, BMI, 30.



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- <sup>101</sup> Ibid.; SO17 (OC, JFIT), witness statement, 7 January 2010, day 84, BMI, 14.
- <sup>102</sup> M029, transcript, 5 March 2014, ASI, 8-9. A similar point, which refers to the Iraq and Afghanistan conflicts more widely, is made by Frank Ledwidge in *Losing Small Wars*, 197.
- <sup>103</sup> Haynes, 'Iraqi interpreters sue Government over lack of help'; and Haynes, 'Safe at last: Iraqi interpreters fly out to a new life in Britain'.
- <sup>104</sup> Ledwidge, *Losing Small Wars*, 198.
- <sup>105</sup> Ibid., 197.
- <sup>106</sup> M012, witness statement, 5 March 2013, day 153, ASI, 4; M030 (JFIT interpreter, May 2004), witness statement, 2013, day 167, ASI, 3; M029, witness statement, undated, day 157, ASI, 3.
- <sup>107</sup> JFIT Interrogation Report (090778), undated, day 154, ASI, 5; JFIT Report (090777), undated, day 153, ASI, 5; Hussein Al-Lami, witness statement, 27 September 2010, day 12, ASI, 28; and Kadhim Al-Behadili, witness statement, 18 January 2013, day 12, ASI, 35.
- <sup>108</sup> M018, transcript, 27 March 2014, ASI, 41.
- <sup>109</sup> JFIT SOPs – Interrogator, 'Operational Directive – Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 164, ASI, C-1; M007, transcript, 27 February 2014, ASI, 44.
- <sup>110</sup> JFIT SOPs – Interrogator, 'Operational Directive - Joint Forward Interrogation Team (JFIT)', 31 May 2004, day 153, ASI, C-3.
- <sup>111</sup> See Newbery, *Interrogation, Intelligence and Security*.
- <sup>112</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 71.
- <sup>113</sup> Ibid., 77.
- <sup>114</sup> SO40, 'OP TELIC LCC JFIT - Lessons learned to date', 1 March 2003, day 88, BMI, 4.
- <sup>115</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 52; Standard Operating Procedure 390, 'Policy for apprehending, handling and processing of detainees and internees', 30 September 2003, day 83, BMI; Intelligence and Security Committee, *The Handling of Detainees*, 6.
- <sup>116</sup> *The Report of the Al Sweady Inquiry*, 878.
- <sup>117</sup> Newbery, *Interrogation, Intelligence and Security*, 146; M002, witness statement, 16 September 2013, day 156, ASI, 2.
- <sup>118</sup> M005, witness statement, 11 April 2013, day 164, ASI, 3; M002, witness statement, 16 September 2013, day 156, ASI, 2; M005, witness statement, 11 April 2013, day 164, ASI, 4; M002, witness statement, 16 September 2013, day 156, ASI, 4.
- <sup>119</sup> M006, witness statement, undated, day 157, ASI, 2; M007, witness statement, 23 February 2013, day 154, ASI, 3.
- <sup>120</sup> M006, witness statement, undated, day 157, ASI, 2-3.
- <sup>121</sup> Ibid., 3; M007, witness statement, 23 February 2013, day 154, ASI, 3-4.
- <sup>122</sup> Newbery, *Interrogation, Intelligence and Security*.
- <sup>123</sup> *The Report of the Baha Mousa Inquiry*, 'Recommendations'; Fox, 'Statement on the Report into the death of Mr Baha Mousa'.
- <sup>124</sup> Lt Col Graham Le Fevre (a senior intelligence officer) to Lieutenant Colonel Edward Fenton (Chief of Staff to 19 Mechanised Brigade), Detainee handling and tactical questioning, 18 September 2003, day 85, BMI.
- <sup>125</sup> *The Report of the Al Sweady Inquiry*, 878; SO15, witness statement, 17 December 2009, day 84, BMI, 9.
- <sup>126</sup> See for example, JFIT Interrogation Report for first interrogation of detainee 772, undated, day 167, ASI, 3 and undated, day 140, ASI, 6.
- <sup>127</sup> JFIT Interrogation Report, detainee 777, undated, day 157, ASI, 3; Interrogation Report for first interrogation of detainee 778, 17 May 2004, day 157, ASI, 3; JFIT Interrogation Report (090778), undated, day 154, ASI, 3-4; Captain Lucy Bowen (Special Investigation Branch, Royal Military Police), 'Attempted Murder of Coalition Forces: Interim Investigation Summary', 6 September 2004, day 138, ASI, 2.
- <sup>128</sup> JFIT Interrogation Report (090778), undated, day 154, ASI, 3-4; JFIT Interrogation Report for first interrogation of detainee 778, 17 May 2004, day 154, ASI, 6-7.
- <sup>129</sup> JFIT Interrogation Report for first interrogation of detainee 778, 17 May 2004, day 154, ASI, 5-6; JFIT Interrogation Report (090778), undated, day 154, ASI, 3.
- <sup>130</sup> JFIT Interrogation Report (090778), undated, day 154, ASI, 3.
- <sup>131</sup> Le Fevre to Fenton, Detainee handling and tactical questioning, 18 September 2003, day 85, BMI.
- <sup>132</sup> *The Report of the Al Sweady Inquiry*, 895; and JFIT Interrogation Report, detainee 772, undated, day 144, ASI, 5.
- <sup>133</sup> Abbas Al-Hameedawi (detained in the aftermath of the Battle of Danny Boy), witness statement, 24 September 2010, day 14, ASI, 15.
- <sup>134</sup> Atiyah Al-Baidhani (detained in the aftermath of the Battle of Danny Boy), witness statement, 15 March 2012, day 9, ASI, 16.

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<sup>135</sup> Mahdi Al-Behadili (detained in the aftermath of the Battle of Danny Boy), witness statement, 18 January 2013, day 8, ASI, 18.

<sup>136</sup> Neil Garnham (representing the 480 soldiers involved), transcript, 11 March 2013, ASI, 108.

<sup>137</sup> For example see Ahmed Al-Furaiji, witness statement, 20 June 2012, day 17, ASI, 2-8.

<sup>138</sup> Mark Davies (tactical questioner), transcript, 9 December 2009, BMI, 103.

<sup>139</sup> Executive Summary, *The Report of the Al Sweady Inquiry*, 43.

<sup>140</sup> *The Report of the Al Sweady Inquiry*, 898.

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