

## CHAPTER 3: IN CONCLUSION

- 5.192** As I indicated at the outset of this Report,<sup>5201</sup> the allegations which this Public Inquiry was required to investigate in accordance with its terms of reference were of the most serious possible nature. They included allegations of multiple homicide/murder, torture, mutilation and conduct amounting to inhuman and/or degrading treatment, allegedly perpetrated by British military forces on Iraqi civilians during the summer of 2004.
- 5.193** In Part One of this Report, I described the detailed and exhaustive approach adopted by the Inquiry in carrying out its investigation of these very serious and highly damaging allegations. In Parts Two to Five inclusive of this Report, I have endeavoured to deal with every such allegation and have provided my reasoned conclusions in respect of each of them.
- 5.194** A very large number of allegations were made in the course of the many witness statements, days of oral hearings and the submissions by Core Participants. The total amount of oral, written, documentary and expert evidence considered by the Inquiry in carrying out its task of investigating these allegations was huge, as the Report itself makes clear.<sup>5202</sup>
- 5.195** Unsurprisingly, the task of evaluating all the evidence and submissions proved to be an extremely challenging one. It has taken me a great deal of time and much anxious thought. I have done my best to read, absorb and remind myself of all the relevant evidence in reaching my conclusions. I have been greatly assisted in that task by the well presented Oral Submissions put forward by the Core Participants and other parties and, in particular, by the careful and detailed written Closing Submissions that each put forward, all of which I have read and carefully considered. I have reached my conclusions only after having given full consideration to all the points made by Counsel in their submissions, both oral and written. Inevitably, in an Inquiry of this magnitude and complexity, it is not possible to refer to every point made on behalf of the Core Participants and other parties. However, I emphasise that I have made every possible effort to take all the evidence and all the submissions fully into account in reaching the conclusions that I have and I believe that I have succeeded in doing so.
- 5.196** So it is that, at various stages during this Report, I have come to the conclusion that the conduct of various individual soldiers and some of the procedures being followed by the British military in 2004 fell below the high standards normally to be expected of the British Army. In addition, on a number of other occasions, my findings went further. Thus, as I make clear at various stages of this Report, I have come to the conclusion that certain aspects of the way in which the nine Iraqi detainees, with whom this Inquiry is primarily concerned, were treated by the British military, during the time they were in British custody during 2004, amounted to actual or possible ill-treatment.
- 5.197** However, as I bring this Report to its conclusion, I believe that it is very important to put these adverse findings about the British military and some of its individual soldiers into their proper perspective, by viewing them in the context of the original allegations which the Inquiry was asked to consider.
- 5.198** As can be seen from the main body of this Report, I have come to the firm conclusion that the vast majority of the allegations made against the British military, which this Inquiry was required to investigate (including, without exception, all the most serious allegations), were wholly and entirely without merit or justification. Very many of those baseless allegations were the product of deliberate and calculated lies on the part of those who made them and

<sup>5201</sup> Paragraph 1.1 of Part One (Introduction) to this Report

<sup>5202</sup> Chapter 2, Part One (Introduction) to this Report

who then gave evidence to this Inquiry in order to support and perpetuate them. Other false allegations were the result of inappropriate and reckless speculation on the part of witnesses.

- 5.199** As is made clear in the body of the Report, I have also come to the firm conclusion that the approach of the detainees and that of a number of the other Iraqi witnesses, to the giving of their evidence, was both unprincipled in the extreme and wholly without regard for the truth. Such was the extent to which some of these witnesses told deliberate and calculated lies to this Inquiry, that I felt it necessary to indicate that such was the case, with regard to the evidence of certain individuals, as the Report actually progressed. This was done in order to enable the reader to understand fully the various conclusions that I had reached and to put them into an appropriate overall perspective.
- 5.200** In contrast and except where otherwise expressly stated, for the most part I was generally impressed by the way in which the military witnesses approached the giving of their evidence to this Inquiry. Some of them evidently found the process of giving evidence, including the need to recall the events with which this Inquiry was concerned, very difficult and distressing. Except where otherwise expressly stated, in general I found the military witnesses to be both truthful and reliable. For the most part, they used their best endeavours to recall details of events that had occurred nearly a decade previously. In such circumstances, some inaccuracies were inevitable and I have sought at all times to take account of the risk that their recollections, whilst honestly given, might be incorrect.
- 5.201** In the event, as I have already made abundantly clear, the work of this Inquiry has established beyond doubt that all the most serious allegations, made against the British soldiers involved in the Battle of Danny Boy and its aftermath and which have been hanging over those soldiers for the last 10 years, have been found to be wholly without foundation and entirely the product of deliberate lies, reckless speculation and ingrained hostility.
- 5.202** In my view, it is also worth emphasising, once more, that the events, with which this Inquiry was concerned, commenced with a deadly, planned and co-ordinated armed ambush of British troops on Route 6 on 14 May 2004. That ambush was carried out by a large number of heavily armed Iraqi insurgents, including the nine detainees, who were bent on inflicting as much death, injury and damage upon British forces as they could. Although my terms of reference do not permit me to investigate or comment upon the legality of the conduct of the British soldiers during the resulting battle, it does seem to me that the evidence clearly showed that the British soldiers responded to this deadly ambush with exemplary courage, resolution and professionalism.
- 5.203** Finally, I should mention that, on my behalf, the Inquiry sent warning letters pursuant to Rule 13 of the Inquiry Rules 2006 to 55 persons, who I considered may be subject to criticism in the Report. Those letters complied with the requirements of Rule 15 (1) (a)–(c) of the 2006 Rules. I am also satisfied that each recipient of such a warning letter was given a reasonable opportunity to respond to the warning letter in question.
- 5.204** In the event, the Inquiry received replies to each of the warning letters within the period specified for response.
- 5.205** Before completing my work on this Report, I read each of the replies that I received. I considered afresh all the evidence to which I was referred by the recipients of the warning letters, whether oral or written.
- 5.206** I do not propose to add to the length of this Report by mentioning separately that which I was asked to consider by the recipients of the warning letters. However, wherever criticism is

made in the Report of any person, I have considered afresh whether that criticism is justified, in the light of the response to the warning letter relating to the criticism in question. I am therefore satisfied that wherever a person is subject in the Report to explicit or significant criticism, that criticism is justified in the light of all that I have seen, read and heard in the course of this Inquiry.