

## **SYSTEMIC ISSUES IDENTIFIED FROM INVESTIGATIONS INTO MILITARY OPERATIONS OVERSEAS: JULY 2015**

### **BACKGROUND**

The Ministry of Defence (MOD) is committed to a continuous process of review and improvement in all matters arising from operational activity, including ensuring that mechanisms are in place to prevent the recurrence of any incidents of wrongdoing. To this end it has put in place a robust process for identifying, reviewing, and correcting areas where its doctrine, policy and training have been insufficient to prevent practices or individual conduct that breach its obligations under domestic and/or international law. These shortcomings of procedure are commonly termed systemic issues.<sup>1</sup> This is the second account of that work.

The first account, which was published in July 2014, dealt exclusively with systemic issues that had been identified through Service Police investigations or reviews of incidents that had occurred in UK-controlled detention facilities, or while in the custody of UK Forces, in Iraq. In all cases these systemic issues had been corrected through changes to doctrine, policy, training, or oversight arrangements.

Since then, MOD has expanded the scope of its systemic issues review processes. As well as continuing to review incidents in Iraq, including a number of non-detention cases, the Systemic Issues Working Group (SIWG) has started to review incidents from Afghanistan. This is a necessary part of ensuring continuous improvement; it would be self-defeating to correct systemic issues in one theatre if a lack of similar scrutiny in another theatre resulted in issues there going unchecked.

The SIWG has also reviewed the findings of the Al-Sweady Inquiry, chaired by Sir Thayne Forbes, which reported in December 2014, and of two fatality investigations, chaired by Sir George Newman, which reported in March 2015.

### **The SIWG**

The SIWG is the principal MOD body responsible for identifying systemic issues and ensuring that effective corrective action is taken. It does not possess its own investigative capabilities, and is largely reliant on the Service Police or judicial proceedings (e.g. public inquiries) to obtain the evidence base necessary to determine what happened and why. However, the SIWG will make or commission appropriate inquiries (through subject-matter experts across Defence) to ascertain how identified systemic issues were able to occur and how they have been, or should be, remedied.

The review of non-detention cases has demonstrated the difficulty in determining in all cases whether or not a contributing factor is a systemic issue on the basis of a single incident. This has highlighted the need for consistent categorisation, and effective tracking, of potential issues. The SIWG has adapted its processes to this evolving role.

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<sup>1</sup> The term "systemic issues" primarily envisages shortcomings of doctrine, policy, training, or supervision that result in unintentional breaches. It encompasses *inter alia* situations where an individual has complied with policy and training, but these have been flawed; where policies issued at different levels have been contradictory, leaving individuals unable to determine whether their actions are correct; and where supervision has been insufficient to identify and address such confusion, or failure to understand and apply training correctly. Deliberate acts by individuals in knowing contravention of the law and of doctrine, policy or training are not systemic issues, and are punishable through the Service Justice system.

The SIWG has established a small review group, comprising a subset of its members, to study the evidence uncovered in the course of a Service Police investigation or judicial process – and, in the case of a public inquiry, any findings and/or recommendations that the Chairman may make. This review group requests additional information from subject-matter experts as necessary, in order to present to the SIWG its recommendations both as to the issues that the incident<sup>2</sup> reveals and any further enquiries or actions that should be taken.

Recognising the importance of identifying connections between incidents – as these may indicate a systemic issue that might not be apparent when considering each case in isolation – the review group has agreed various categories and sub-categories to enable potential or systemic issues to be grouped together. This classification schema will be modified and updated as necessary.

The review group also maintains a case tracker, which records details of every incident that has been considered by the SIWG (including the service personnel, units, and locations involved) and the potential or systemic issues that have been identified.

The review group presents its recommendations to the SIWG, which discusses the issues and agrees any actions to be taken. The SIWG is not constrained by the review group's recommendations: in some cases it has come to a different conclusion – either identifying an additional potential issue for the review group to track, or seeing a different underlying cause; in others it has directed the review group to obtain further information from subject-matter experts before deciding on the appropriate action.

When considering these incidents, the review group and the SIWG aim to filter out those issues that are not systemic, to identify and track those that may be systemic, and to identify an effective remedy for those that are systemic. The SIWG will designate an issue as:

- **New** – This indicates that the SIWG has only recently received an incident and either has not yet reviewed it or has not yet discussed any issues identified from such a review.
- **Decision pending** – This indicates that the SIWG has requested further information regarding an issue, or is considering information that has recently been provided by the subject-matter expert(s), and is not yet able to make a decision as to whether or not it is systemic.
- **Not accepted (Outside remit of SIWG)** – This indicates that the SIWG has decided that an issue that has been identified does not fall within its Terms of Reference and will not be considered further.
- **Not accepted (Not systemic)** – This indicates that the SIWG has decided that an issue is not systemic, and does not need to be considered further.
- **Noted (Resolved)** – This indicates that the SIWG has decided that an issue is systemic but that, since appropriate and effective remedial action has been taken since the incident occurred, it does not need to be considered again.
- **Overtaken by events** – This indicates that the issue arose in the context of a practice that has since been discontinued, and that the SIWG has decided that it is not necessary to examine it.
- **Retained (Possible systemic)** – This indicates that the SIWG considers that the issue may be systemic, but is unable on the evidence base to reach a firm conclusion.
- **Closed** – This indicates that the SIWG has decided that an issue it has accepted as being within its remit is systemic, and has either identified and caused to be implemented remedial action to prevent its recurrence or is satisfied that such action has been taken since the incident occurred.

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<sup>2</sup> The review group examines evidence from investigations into *incidents* to ascertain whether these give rise to any *issues* that may disclose a systemic problem. A single incident may give rise to multiple issues, and the same issue may be observed in more than one incident.

The status of an issue may change as the SIWG obtains additional information, either in relation to that incident or about further similar incidents.

### **The report**

During the reporting period, the SIWG has reviewed 6 incidents arising from operations in Iraq and 28 from Afghanistan. Of the Iraq cases, three have been subject to criminal investigation by the Iraq Historic Allegations Team (IHAT), one was the subject of the Al-Sweady Inquiry, and two have been examined in the course of fatality investigations chaired by Sir George Newman. All of the Afghan cases (of which the SIWG decided that 8 do not give rise to systemic issues) have been subject to criminal investigation by the Special Investigations Branch (SIB) of the Royal Military Police (RMP).

MOD has committed to publishing reports of its work to identify and address systemic issues arising from operations in Iraq. In addition, the SIWG has expanded its scope to review incidents arising from Afghanistan; this has been done to ensure the process is robust and effective, and that changes implemented by the Armed Forces since 2003 have prevented a recurrence of known issues. The narrative section of this report focuses on issues which have been identified from operations in Iraq, or which have arisen in both Iraq and Afghanistan. A list of all of the issues considered to date is provided at Annex A.

In the event that the SIWG decides in a future reporting period that an incident from Iraq provides evidence of an issue that had previously been identified only in the context of Afghanistan, details of the Afghan incident would be included in the next annual report.

## ISSUES AND ACTIONS

### 1. Systemic issues

#### 1.1. Systemic issues not previously identified

The SIWG decided that none of the incidents it reviewed in this period gave rise to any definite systemic issues that had not previously been addressed. A number of issues have been designated as potential systemic issues, as there is currently an insufficient evidential basis for the SIWG to conclude whether or not they are systemic.

#### 1.2. Systemic issues previously resolved

##### ISSUE 9 – NEED TO PREVENT THE IMPROPER USE OF BLINDFOLDS

This issue was reported on in 2014.<sup>3</sup> The SIWG has considered four further instances of this issue. The first (9b) involved the hooding of two Iraqi men who had been taken to an Iraqi police station (IHAT 107); it is not clear who applied the sandbags, which were loosely secured with adhesive tape. The other three incidents occurred in the context of the Al-Sweady Inquiry, which noted: that sight deprivation may have been used to make captured persons more susceptible to tactical questioning (TQ) (9c);<sup>4</sup> the inadequate arrangements to mitigate the security risks that necessitated this prolonged sight deprivation (9d);<sup>5</sup> and the lack of blacked-out goggles (9e), which led soldiers to improvise blindfolds on the battlefield.<sup>6</sup>

The SIWG considered these incidents, and noted that Sir Thayne Forbes had decided against making any recommendations in relation to this issue, accepting that it had been the subject of recommendations by the Baha Mousa Inquiry that have been implemented by MOD. Changes to doctrine, training and monitoring arrangements have been implemented since 2003, and the Army Inspector's two inspections have verified their implementation. Consequently, the SIWG decided that this issue has been resolved.

##### ISSUE 12 – NEED FOR TIMELY PROVISION OF WATER TO DETAINEES

This issue was reported on in 2014.<sup>7</sup> The SIWG has considered one further instance of this issue. This (12b) involved a failure by UK personnel to provide water to two Iraqi men who had been taken to an Iraqi police station (IHAT 107); it appears, however, that water may have been provided by the Iraqi police.

The SIWG considered this case and concluded that this would require further action if it occurred today. Changes to doctrine, training and monitoring arrangements have however been implemented since 2003, and the Army Inspector's two inspections have verified their implementation. Consequently, the SIWG decided that this issue has been resolved.

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<sup>3</sup> Whereas the SIWG has now adopted a practice of recording all instances of an issue under the same number and using letters to differentiate them, it previously assigned a different issue number to each instance. As these were then combined in the 2014 report, the issue number in that report differs from the number used by MOD to track these issues. Thus, this issue appears in the 2014 report as Issue 6.

<sup>4</sup> The Report of the Al-Sweady Inquiry, paragraphs 3.337-3.343.

<sup>5</sup> Ibid, paragraphs 3.767-3.778.

<sup>6</sup> Ibid, paragraphs 2.632-2.635 and 3.749-3.750.

<sup>7</sup> This issue, which had manifested itself in two cases, appears in the 2014 report as Issue 7.

## ISSUE 15 – NEED TO ENSURE THAT THE TREATMENT OF CAPTURED PERSONS COMPLIES WITH RECOGNISED NORMS

This issue was reported on in 2014.<sup>8</sup> The SIWG has considered three further instances of this issue. These arose in the context of the Al-Sweady Inquiry, which noted the contradictory standard operating instructions (SOI) issued at different levels (15b);<sup>9</sup> the failure to comply with policies and procedures within the SOI (15c);<sup>10</sup> and a lack of understanding of policies regarding the “shock of capture” (15d).<sup>11</sup>

The SIWG considered these instances, and noted that Sir Thayne Forbes had decided against making any recommendations in relation to this issue, accepting that all three manifestations of this issue had been the subject of recommendations by the Baha Mousa Inquiry that have been implemented by MOD. Consequently, the SIWG decided that this issue has been resolved.

## ISSUE 33 – NEED FOR SERVICE PERSONNEL TO BE FAMILIAR WITH THE RULES OF ENGAGEMENT, INCLUDING ANY CHANGES THAT ARE MADE WHILE THEY ARE IN THEATRE.

The SIWG has considered five instances of this issue. Four occurred in the context of shooting incidents in Afghanistan: in the first (33a) a Marine fired a Javelin missile, which struck an Afghan National Army checkpoint (83105/08); in the second (33b) a UK patrol that had come under small arms fire subsequently observed and, without firing any warning shots, opened fire on a vehicle (59503/02); in the third (33c) a UK patrol became involved in a firefist at an Afghan police checkpoint (83125/08); in the fourth (33d) a Reservist shot an Afghan man 200m from a patrol base (83178/10). The fifth (33e) occurred in the context of the fatality investigation into the death of Mr Said; Sir George Newman’s report indicates that the RoE had been changed the previous month, but there was no record to show whether the troops in theatre had been briefed on, or given an opportunity to rehearse, the amended RoE.

In relation to the first two instances (33a and 33b) the SIWG concluded that, as the SIB appears to have suspected that the service personnel involved had intentionally breached the RoE, they did not constitute evidence of this issue, which relates to the effective dissemination and training of changes to the RoE.

In relation to the third instance (33c), the SIWG wondered whether by setting their weapons to burst fire rather than single shot the soldiers providing top cover were in breach of the Rules of Engagement (RoE). The SIWG asked subject-matter experts at the Permanent Joint Headquarters (PJHQ) and the Operational Training and Advisory Group (OPTAG) to confirm which version of the RoE was in force at the time, whether all soldiers were adequately briefed on that version, and how long it takes to disseminate new versions.

These enquiries confirmed that neither the RoE in force at the time nor ‘Card Alpha’ specified whether weapons should be set to single shot or automatic, and that this is necessarily left to soldiers’ discretion based on the situation on the ground.

While the materials used during the soldiers’ pre-deployment training have not been preserved, all soldiers will have received an All Ranks legal brief covering RoE and the use of force (delivered by a military lawyer) and judgment training in relation to ‘Card Alpha’ (delivered by the RMP), while junior commanders and above will additionally have taken part in a Tactical Commanders Cadre (delivered by the Army Legal Service and the RMP) which will have included use of force issues.

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<sup>8</sup> This issue appears in the 2014 report as Issue 15.

<sup>9</sup> The Report of the Al-Sweady Inquiry, paragraphs 3.188 and 3.490.

<sup>10</sup> Ibid, paragraphs 3.628, 3.705 and 4.233.

<sup>11</sup> Ibid, paragraphs 3.48-3.49, 3.57-3.58, and 4.97-4.98.

On arrival in theatre, all personnel will have received a further legal brief as part of the 7-day Reception, Staging and Onward Integration (RSOI) training; this was designed to highlight any changes that may have occurred between pre-deployment training and arrival in theatre.

Changes to the RoE are normally disseminated by signal or secure e-mail; on this occasion it took 2 hours for the new RoE to reach headquarters in theatre. The legal advisers within Joint Force Support (Afghanistan) will have amended the RSOI training package. It can take some time for changes to be briefed to forward deployed units.

Towards the latter stages of Operation HERRICK, further judgement training was also conducted for all soldiers in theatre every two weeks by individuals who had attended and passed the Judgemental Train the Trainer course. This provided a further opportunity for the legal adviser within Task Force Helmand to highlight any changes in the RoE to those out on the ground.

On this basis, the SIWG decided that the use of burst fire did not amount to a breach of the RoE, and consequently did not constitute evidence of this issue.

This response led the SIWG to conclude that instance (33c) did not constitute evidence of a systemic issue, and that issue (33e) had been resolved.

#### ISSUE 40 – NEED TO ENSURE THAT TACTICAL QUESTIONING IS ONLY CONDUCTED USING AUTHORISED TECHNIQUES.

The SIWG considered four instances of this issue. The first (40a) involved an implied death threat to a captured person (83178/09). The other three incidents occurred in the context of the Al-Sweady Inquiry, which noted that the TQer: banged a tent pole against a table (40b);<sup>12</sup> invaded the detainees' personal space, blowing on their necks (40c),<sup>13</sup> and employed the so-called harsh technique, including shouting in their ears (40d).<sup>14</sup>

The SIWG noted that both incidents predated publication of the Baha Mousa Inquiry report, and decided that the systemic issues evidenced by these two incidents had been addressed by the extensive changes to policy, training, and monitoring as part of the implementation of the recommendations. Consequently, the SIWG decided that this issue has been resolved.

#### ISSUE 44 – NEED TO ENSURE THAT THE ABSOLUTE PROHIBITION ON THE USE OF STRESS POSITIONS IS ADEQUATELY TRAINED.

The SIWG considered one instance (44a) of this issue. While in an Iraqi police cell, two Iraqi men who had been captured by UK Forces and taken to the police station were placed in a stress position (IHAT 107).

Changes to doctrine, training and monitoring arrangements have been implemented since 2003 to deal with abuses of this kind, and the Army Inspector's two inspections have verified their implementation. Consequently, the SIWG decided that this issue has been resolved.

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<sup>12</sup> The Report of the Al-Sweady Inquiry, paragraphs 3.351-3.362.

<sup>13</sup> Ibid, paragraphs 3.345-3.350.

<sup>14</sup> Ibid, paragraphs 3.365-3.372.

#### ISSUE 45 – NEED TO ENSURE THE TIMELY PROVISION OF TOILET FACILITIES FOR CAPTURED PERSONS.

The SIWG considered one instance (45a) of this issue. While in an Iraqi police cell, two Iraqi men who had been captured by UK Forces and taken to the police station were not given access to toilet facilities; one of the men urinated on himself (IHAT 107).

Again, changes to doctrine, training and monitoring arrangements have been implemented since 2003, and the Army Inspector's two inspections have verified their implementation. Consequently, the SIWG decided that this issue has been resolved.

#### ISSUE 48 – NEED TO ENSURE THAT, WHEREVER POSSIBLE, CAPTURED PERSONS ARE TREATED IN A CULTURALLY APPROPRIATE MANNER.

The SIWG considered one instance (48a) of this issue. The Al-Sweady Inquiry heard that, as part of in-processing at Camp Abu Naji, captured persons were required to strip naked. Their embarrassment was exacerbated by the presence of female interpreters, and a lack of privacy.<sup>15</sup> This issue is the subject of a recommendation (Recommendation 7).

The SIWG considered that the new paragraph 707 to JDP 1-10 is sufficient to rectify this issue.

*707. Strip searches. Strip searches constitute removing CPERS [captured persons'] clothing layers to the skin. Therefore, such a search should not be conducted at the point of capture, but may be required at semi-permanent locations such as a unit holding area or theatre CPERS facilities, where dedicated CPERS personnel will be operating. The process and reasons for conducting a strip search must be covered in theatre standard operating procedures. Strip searches will only be carried out in the following circumstances.*

- a. After the reason for the search has been explained to the CPERS (an interpreter may be required), the CPERS cooperation should be requested. (A record must be made that the reason for the search and subsequent use of information was explained to the CPERS and whether the CPERS was cooperative or non-cooperative.)*
- b. There must be a minimum of two search personnel of the same sex of the CPERS to conduct the search. Strip searches by any personnel of a different sex to that of the CPERS must be authorised in advance by the Force Provost Marshall. Only if it is necessary to use force to conduct a strip search may more than two search personnel be used to assist the search.*
- c. The search should be conducted in a location where privacy from persons not conducting the search can be afforded; screening from non-search personnel may be required to afford additional privacy.*
- d. The CPERS should never be fully naked – above the waist and below the waist clothing should be removed separately.*
- e. Using force to remove clothing should be seen as a last resort and only when strictly necessary and proportionate. A strip search requiring the use of force must be authorised in advance by the Force Provost Marshal.<sup>16</sup>*

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<sup>15</sup> The Report of the Al-Sweady Inquiry, paragraphs 3.162-3.173.

<sup>16</sup> Joint Doctrine Publication 1-10: Captured Persons (CPERS) at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397788/20150122-JDP\\_1\\_10\\_Ed3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397788/20150122-JDP_1_10_Ed3.pdf).

The SIWG noted that the guidance on strip searches will be further expanded in the next edition of JDP 1-10, and diagrams included to explain better the correct search procedures to be adopted. Consequently, the SIWG decided that this issue has been resolved.

#### ISSUE 50 – NEED TO ENSURE THAT POLICY ON THE CARRIAGE AND USE OF PERSONAL CAMERAS IS SUFFICIENTLY CLEAR.

The SIWG considered one instance (50a) of this issue. The Al-Sweady Inquiry report notes that personal cameras were carried on the battlefield, and used to take unauthorised photographs of captured persons. While doctrine does not expressly prohibit the carriage of personal cameras, the SIWG considered that the prohibition on unauthorised photographs in paragraph 211 and following paragraph 213 of JDP 1-10 is sufficient to prevent this issue occurring today.

*211. The following section sets out the minimum standards and requirements for our Armed Forces dealing with CPERS. These minimum standards apply at all times and in all environments except as qualified by operational constraints or the exigencies of the situation. ...*

*j. Protection from curiosity. At all times, CPERS shall be protected against insults and public or media curiosity. Photographs are only to be taken for official purposes, for example, intelligence gathering, establishing identity and evidence gathering.<sup>17</sup>*

And

*It is forbidden to take or distribute photographs, or otherwise make images, of CPERS (dead or alive) for personal reasons.<sup>18</sup>*

Consequently, the SIWG decided that this issue has been resolved.

#### ISSUE 54 – NEED TO ENSURE THAT ALL SERVICE PERSONNEL ARE PROPERLY TRAINED IN THE CORRECT APPLICATION OF PLASTICUFFS OR OTHER PHYSICAL RESTRAINTS.

The SIWG considered one instance (54a) of this issue. The Al-Sweady Inquiry found evidence that service personnel had used plasticuffs to restrain captured persons' hands to the rear rather than the front;<sup>19</sup> this left them unable to break their fall when they stumbled. The SIWG concluded that the requirement in paragraph 221(c) of JDP 1-10 for any restraints to be applied to the front rather than the rear, combined with the photograph showing the correct application of plasticuffs, is sufficient to prevent a recurrence of this issue.

*c. Restraint equipment. Circumstances may also require using restraining equipment, for example plasticuffs, specifically issued for such purposes to personnel engaged in CPERS handling. These must only be applied to the hands in front of the body as shown and must in all circumstances allow for normal blood circulation.<sup>20</sup>*

The SIWG, therefore, decided that this issue had been resolved.

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<sup>17</sup> Joint Doctrine Publication 1-10: Captured Persons (CPERS).

<sup>18</sup> Ibid.

<sup>19</sup> The Report of the Al-Sweady Inquiry, paragraphs 2.850, 2.921 and 3.749-3.750.

<sup>20</sup> Joint Doctrine Publication 1-10: Captured Persons (CPERS).

## 2. Potential systemic issues

### ISSUE 37 – NEED TO ENSURE FULL AND ACCURATE CONTEMPORANEOUS RECORDS ARE PRODUCED, AND ARE PRESERVED IN ACCORDANCE WITH MOD RECORDS MANAGEMENT POLICY.

The SIWG has considered five instances of this issue, and had previously retained for future consideration a sixth instance which was not accepted as a systemic issue for the 2014 report.

The first (37b) occurred in the context of a shooting incident (83178/10); the log book contained no entries for the relevant day, and the SIB report noted the “variable and poor” quality of log entries at the patrol base. The SIWG asked the subject-matter expert for information both as to the training that is provided to service personnel regarding the completion of log books, and what quality control checks are carried out. The Operational Training and Advisory Group (OPTAG) explained that training in Operations Room procedures, including the use of log books, forms part of foundation training. Further training will have been provided during the Mission-Specific Training (MST) element of pre-deployment training. This included an exercise, for which the unit would have needed to set up and run an Operations room. Following deployment, the unit would have been required to adhere to the theatre Standing Operating Instructions.

On the basis of the information provided, the SIWG decided that this incident is not evidence of a systemic issue.

Two issues (37c and 37d) arose in the context of the Al-Sweady Inquiry, which uncovered evidence of poor record keeping in relation to orders transmitted by radio,<sup>21</sup> and encountered difficulties locating photographs and other records relating to the treatment of the nine detainees.<sup>22</sup> The SIWG considered the Chairman’s Recommendation 1 and Recommendation 5, which relate to the preservation of operational and training records. The SIWG concluded on the basis of the response in relation to issue 37b that issue 37c has been resolved, and that issue 37d will have been fully addressed by the changes to operational record keeping since 2004 and the work to implement these recommendations. It decided that the incident should be retained to enable the issue to be reconsidered should further instances come to light.

The fourth (37e) occurred in the context of Sir George Newman’s fatality investigation into the death of Nadheem Abdullah. This also found evidence that the radio log did not constitute a full record of events.<sup>23</sup> As with 37c, the SIWG decided on the basis of the information provided in relation to 37b that this issue has been resolved.

The fifth (37f) was identified as a result of the SIWG’s enquiries in relation to a shooting incident (83125/08), the case file for which did not record whether any action had been taken against the service personnel involved. As a result of questions to units regarding this and other incidents, the SIWG discovered that, notwithstanding a requirement for Commanding Officers to consider Administrative Action in connection with any criminal or service offence, units do not always have a record of having done so. The SIWG noted that it cannot safely conclude from the absence of a record of Administrative Action having been taken that the commanding officer has made a positive decision that such action would be inappropriate. Nor in the absence of such records can the SIWG probe the reasons why the commanding officer decided against action. The SIWG decided that this may be evidence of a possible systemic issue. The SIWG is still considering whether action to address this issue is required.

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<sup>21</sup> The Report of the Al-Sweady Inquiry, paragraphs 2.234-2.236 and 2.1758.

<sup>22</sup> Ibid, paragraphs 4.281-4.288.

<sup>23</sup> Consolidated Report into the death of Nadheem Abdullah and the death of Hassan Abbas Said, paragraphs 9.22-9.25

One further instance (37a) had occurred in the context of the IHAT's review of an RAF Police investigation (Operation RAKER).<sup>24</sup> The SIWG noted that written materials had routinely been destroyed once the tasks to which they related were complete, as a consequence of which they will not be available to Service Police investigations or inquiries. While it was felt that no specific action was required as the policy<sup>25</sup> had been sufficiently improved since that incident, the SIWG decided that the issue should be retained.

#### ISSUE 42 – NEED TO ENSURE THAT THOSE RESPONSIBLE FOR GUARDING CAPTURED PERSONS ARE APPROPRIATELY TRAINED.

The SIWG considered four instances of this issue.

The first three (42a, 42b, and 42c) occurred in the context of an alleged assault by an Able Seaman on an Afghan detainee (83188/11). He denied pulling the man's hair and other allegations, but admitted pushing down his head to prevent him looking out from under blacked-out goggles – a technique he claimed to have been taught on the Detainee Handlers Course. The SIWG noted that the Detainee Handlers' Course is part of pre-deployment training, not a qualification; there are no records as to whether an individual has passed the course, or is competent to guard captured persons, and it appears that attendance on the course is not recorded in a serviceperson's personnel record. The SIWG also noted that, although policy required a member of the Military Provost Staff to supervise the movement of detainees, the lack of corroboration for the Able Seaman's account might indicate that this had not happened on this occasion.

The SIWG was unable, on the basis of this incident, to determine whether or not the issues are systemic. It decided that the incident should be retained to enable these issues to be reconsidered should further instances come to light.

The fourth (42d) occurred in the context of an assault on an unidentified captured person (IHAT 97). The soldier admitted striking the Iraqi man while they were seated in the rear of an armoured vehicle, but told investigators that he had "not really" been given training as to how to handle captured persons, or the actions to be taken if a captured person attempted to escape.

The SIWG considered this case and concluded that this would require further action if it occurred today. But changes to doctrine, training and monitoring arrangements have been implemented since 2003 as a result of the Baha Mousa Inquiry, and the Army Inspector's two inspections have verified their implementation.

#### ISSUE 47 – NEED TO ENSURE THAT ARMED FORCES CULTURE DOES NOT PERPETUATE INAPPROPRIATE CONDUCT.

The SIWG considered three instances of this issue.

In the first (47a) three Marines – a Lance Corporal and two Marines – initially declined to tell Service Police which of the more senior Marines (a 2<sup>nd</sup> Lieutenant and a Sergeant) present had assaulted the Afghan detainee (83115/09). The SIWG was unable to determine, on the basis of this one incident, whether there is a persisting culture among officers and/or NCOs to contravene

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<sup>24</sup> For other issues identified from the IHAT's review of Op RAKER, see the 2014 report.

<sup>25</sup> MOD records management policy is set in Joint Service Publication 441: Defence Records Management Policy and Procedures. The protocols for operational records are set by MOD's Chief Information Officer in Information Management Protocol 50 of Joint Service Publication 747: Information Policy.

rules prohibiting the mistreatment of captured persons. It decided that the incident should be retained to enable the issue to be reconsidered should further instances come to light.

In the fatality investigation into the death of Mr Abdullah, Sir George Newman characterised as “self-serving” and “self-perpetuating”<sup>26</sup> the inability by some of the soldiers to recall details of the incident (47b). The SIWG noted that a similar observation about a “wall of silence” was made in the context of the Baha Mousa Inquiry. However, the SIWG was unable to determine from this one incident whether this issue persists, or whether it has been rectified by changes to policy and training. It decided that the incident should be retained to enable the issue to be reconsidered should further instances come to light.

In the Al-Sweady Inquiry, the Chairman categorised as “trophy” photographs of captured persons taken on the battlefield using personal cameras (47c).<sup>27</sup> The Army Inspector, in his 2010 report, also expressed concern about unauthorised photography of captured persons.

The SIWG considered that the standards of treatment required by paragraph 211, and the explicit prohibition on unauthorised photographs following paragraph 213, of JDP 1-10 are sufficient to prevent this issue occurring today.

*211. The following section sets out the minimum standards and requirements for our Armed Forces dealing with CPERS. These minimum standards apply at all times and in all environments except as qualified by operational constraints or the exigencies of the situation. ...*

*j. Protection from curiosity. At all times, CPERS shall be protected against insults and public or media curiosity. Photographs are only to be taken for official purposes, for example, intelligence gathering, establishing identity and evidence gathering.<sup>28</sup>*

And

*It is forbidden to take or distribute photographs, or otherwise make images, of CPERS (dead or alive) for personal reasons.<sup>29</sup>*

Consequently, the SIWG decided that this issue has been resolved.

#### **ISSUE 49 – NEED TO ENSURE THAT POLICY AND TRAINING ON THE USE OF BAYONETS IS SUFFICIENTLY CLEAR.**

The SIWG considered one instance (49a) of this issue. The Al-Sweady Inquiry heard conflicting evidence as to whether or not soldiers affixed bayonets, which are provided for use in close-quarters fighting of the kind encountered during this battle, where soldiers entered drainage ditches to overpower and detain enemy gunmen; some appear to have left their bayonets in the vehicles.<sup>30</sup>

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<sup>26</sup> Consolidated Report into the death of Nadheem Abdullah and the death of Hassan Abbas Said, paragraphs 9.86-9.90.

<sup>27</sup> The Report of the Al-Sweady Inquiry, paragraphs 2.862-2.866.

<sup>28</sup> Joint Doctrine Publication 1-10: Captured Persons (CPERS).

<sup>29</sup> Ibid.

<sup>30</sup> The Report of the Al-Sweady Inquiry, paragraphs 2.793-2.795 and 2.797.

The SIWG requires more information regarding policy and training before it can reach a decision as to whether this is a systemic issue. A decision as to whether or not this issue is systemic is pending.

#### ISSUE 51 – NEED TO ENSURE THAT PROCEDURES FOR HANDLING ENEMY DEAD ARE INCLUDED IN OPERATIONAL PLANNING OR THEATRE STANDING ORDERS.

The SIWG considered one instance (51a) of this issue. The Al-Sweady Inquiry heard that there was no set procedure for receiving enemy dead at Camp Abu Naji, certifying death, and ensuring that they were treated in a culturally appropriate manner.<sup>31</sup>

The SIWG requires more information regarding policy and training before it can reach a decision as to whether this is a systemic issue. A decision as to whether or not this issue is systemic is pending.

#### ISSUE 52 – NEED TO ENSURE THAT THE MANDATORY MILITARY ANNUAL TRAINING TESTS ARE ADEQUATE AND ARE COMPLETED BY ALL ARMY PERSONNEL.

The SIWG considered one instance (52a) of this issue. The fatality investigation into the death of Mr Abdullah ascertained that the annual training on the Law of Armed Conflict consisted of a video and a presentation.<sup>32</sup>

The SIWG noted that Individual Training Directives have been replaced by Military Annual Training Tests, within which MATT 7 (Operational Law) covers the Law of Armed Conflict. The SIWG further noted that the Army Inspector had identified in 2010 and 2011 the following shortcomings: (i) a failure to adhere to the policy requirement to complete this training annually; (ii) a failure to record whether this training had been completed; and (iii) a failure to verify that service personnel had understood the training.

The SIWG was unable on the basis of this incident, which predated both the current training regime and remedial action to address the Army Inspector's findings, to reach any firm conclusion as to whether this issue is systemic. It decided that the incident should be retained to enable the issue to be reconsidered should further instances come to light.

#### ISSUE 55 – NEED TO ENSURE THAT TRAINING OF MEDICAL PERSONNEL IS SUFFICIENT TO ENSURE CAPTURED PERSONS ARE PROVIDED WITH PROPER, AND CULTURALLY APPROPRIATE, MEDICAL TREATMENT.

The SIWG considered two instances of this issue that arose in the context of the Al-Sweady Inquiry. The first (55a) relates to a failure properly to apply policy requiring medical personnel to certify captured persons fit both for detention and for TQ / interrogation; this resulted in confusion as to what medical personnel should record, and one detainee being questioned despite requiring further medical treatment.<sup>33</sup> The second (55b) relates to a failure to ensure that the medical treatment provided to captured persons was sufficiently comprehensive and culturally appropriate.<sup>34</sup>

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<sup>31</sup> Ibid, paragraphs 2.1998-2.2005.

<sup>32</sup> Consolidated report into the death of Nadheem Abdullah and the death of Hassan Abbas Said, paragraphs 17.3-17.4.

<sup>33</sup> The Report of the Al-Sweady Inquiry, paragraphs 3.221-3.224 and 4.136.

<sup>34</sup> Ibid, paragraphs 4.124, 4.129-4.131, 4.150, 4.158, 4.171-4.172, 4.182, 4.189, 4.194, 4.201, 4.210, and 4.220-4.228.

The SIWG noted that issue 55a is the subject of a recommendation (Recommendation 9). A decision as to whether the changes to doctrine and training are sufficient to prevent a recurrence is pending.

In relation to issue 55b, the SIWG noted that the evidence presented in the Inquiry Report relates primarily to shortcomings in the medical assessments conducted by one doctor. It decided that this was not evidence of a systemic issue.

8 July 2015

## ANNEX A: SUMMARY OF ISSUES IDENTIFIED

Issue #	Category	Sub-Category	Issue	Case in which Issue occurs	Status of Actions	Status of Issue	Report	Issue # in 2014 Report
1	Incident involving captured persons	Interrogation training	Need to practise during training practical aspects of the interrogation courses.	Kammash	Actions Complete	<b>Closed</b>	2014	1
2	Incident involving captured persons	Interrogation training	Need for training courses to make clear that captured persons should not be humiliated or verbally abused such that they feel physically threatened.	Kammash	Actions Complete	<b>Closed</b>	2014	2
3	Incident involving captured persons	Interrogation training	Need for training courses to make clear that captured persons should not be humiliated or verbally abused such that they feel physically threatened.	Kammash	Actions Complete	<b>Closed</b>	2014	2
4	Incident involving captured persons	Interrogation training	Need for clarity in training courses as to what conduct is permissible and impermissible during interrogation.	Kammash	Actions Complete	<b>Closed</b>	2014	3
5	Incident involving captured persons	Interrogation training	Need for clarity in training courses as to what conduct is permissible and impermissible during interrogation.	Kammash	Actions Complete	<b>Closed</b>	2014	3
6	Incident involving captured persons	Interrogation training	Need for interrogation staff to gain experience before they deploy into theatre.	Kammash	Actions Complete	<b>Closed</b>	2014	4
7	Incident involving captured persons	Interrogation training	Need for interrogation staff to gain experience before they deploy into theatre.	Kammash	Actions Complete	<b>Closed</b>	2014	4
8a	Incident involving captured persons	Training on policy, standing orders, and Rules of Engagement	Need for clarity about permitted practices in training and/or briefing in documents detailing the policy approach to interrogation during the UK military intervention in Iraq.	Kammash	Actions Complete	<b>Closed</b>	2014	5
8b	Negligent discharge			83110/09	n/a	<b>Retained (Possible systemic)</b>	n/a	
8c	Shooting incident			83253/10	Actions Complete	<b>Retained (Possible systemic)</b>	n/a	
9a	Incident involving captured persons	Use of Sight restriction	Need to prevent the improper use of blindfolds	Kammash	Actions Complete	<b>Closed</b>	2014	6
9b				IHAT 107	n/a	<b>Noted (Resolved)</b>	2015	
9c				Al-Sweady	n/a	<b>Noted (Resolved)</b>	2015	
9d				Al-Sweady	n/a	<b>Noted (Resolved)</b>	2015	

Issue #	Category	Sub-Category	Issue	Case in which Issue occurs	Status of Actions	Status of Issue	Report	Issue # in 2014 Report
9e				Al-Sweady	n/a	<b>Noted (Resolved)</b>	2015	
10	Incident involving captured persons	Assault of captured persons in Detention facility	Need for training courses to make clear that captured persons should not be humiliated or verbally abused such that they feel physically threatened.	Kammash	Actions Complete	<b>Closed</b>	2014	2
11	Incident involving captured persons	Assault of captured persons in Detention facility	Need for training courses to make clear that captured persons should not be humiliated or verbally abused such that they feel physically threatened.	Kammash	Actions Complete	<b>Closed</b>	2014	2
12a	Incident involving captured persons	Delay or denial of food or water	Need for timely provision of water to detainees	Kammash	Actions Complete	<b>Closed</b>	2014	7
12b				IHAT 107	n/a	<b>Noted (Resolved)</b>	2015	
13	Incident involving captured persons	Delay or denial of food or water	Need for timely provision of food to detainees	Kammash	Actions Complete	<b>Closed</b>	2014	8
14	Incident involving captured persons	Delay or denial of medical attention	Need to ensure that medical complaints are dealt with properly by (i) suspending or stopping interrogations so that medical attention can be provided to the detainees; (ii) adapting interrogation procedures to take account of complaints of physical discomfort made by detainees; and (iii) bringing detainees' medical complaints to the attention of medical staff at the conclusion of interrogations.	Kammash	Actions Complete	<b>Closed</b>	2014	13
15a	Incident involving captured persons	Compliance with policy and standing orders	Need to ensure that, before detainees are interrogated, it has been verified that they have been provided with the recognised norms of food, water and sleep and with medical attention, if necessary.	Kammash	Actions Complete	<b>Closed</b>	2014	15
15b				Al-Sweady		<b>Noted (Resolved)</b>	2015	
15c				Al-Sweady		<b>Noted (Resolved)</b>	2015	
15d		Training		Al-Sweady		<b>Noted (Resolved)</b>	2015	
16	Incident involving captured persons	Monitoring and oversight	Need to ensure that those monitoring the interrogation sessions address issues arising in the course of interrogation.	Kammash	Actions Complete	<b>Closed</b>	2014	16

Issue #	Category	Sub-Category	Issue	Case in which Issue occurs	Status of Actions	Status of Issue	Report	Issue # in 2014 Report
17	Incident involving captured persons	Threatening behaviour during interrogation	Need for interrogation staff to gain experience before they deploy into theatre.	Kammash	Actions Complete	<b>Closed</b>	2014	4
18	Incident involving captured persons	Compliance with policy and standing orders	Need to avoid delay in the reporting of deaths to Service Police.	IHAT 84	Actions Complete	<b>Closed</b>	2014	17
19	Incident involving captured persons	Delay or denial of medical attention	Need to ensure medical treatment is provided in cases of obvious urgent need.	IHAT 84	Actions Complete	<b>Closed</b>	2014	14
20	Incident involving captured persons	Cultural Insensitivity	Need to ensure humane treatment of individuals in custody.	IHAT 84	Actions Complete	<b>Closed</b>	2014	18
21	Incident involving captured persons	Assault of captured persons during interrogation	Need to prevent threats of physical assault by the use of gestures; and threats of future abuse or attacks on detainees or their families and friends during interrogation.	IHAT Op Twickenham	Actions Complete	<b>Closed</b>	2014	9
22	Incident involving captured persons	Threatening Behaviour during Interrogation	Need to prevent threats of physical assault by the use of gestures; and threats of future abuse or attacks on detainees or their families and friends during interrogation.	IHAT Op Twickenham	Actions Complete	<b>Closed</b>	2014	9
23	Incident involving captured persons	Threatening Behaviour during Interrogation	Need to prevent threats of physical assault by the use of gestures; and threats of future abuse or attacks on detainees or their families and friends during interrogation.	IHAT Op Twickenham	Actions Complete	<b>Closed</b>	2014	9
24	Incident involving captured persons	Denial or Delay of Sleep	Need to prevent detainees suffering sleep deprivation.	IHAT Op Twickenham	Actions Complete	<b>Closed</b>	2014	10
25	Incident involving captured persons	Use of Noise	Need to avoid subjection of detainees to loud noise.	IHAT Op Twickenham	Actions Complete	<b>Closed</b>	2014	11
26	Incident involving captured persons	Denial or Delay of food or water	Need for timely provision of water to detainees	IHAT Op Twickenham	Actions Complete	<b>Closed</b>	2014	7
27	Incident involving captured persons	Assault of captured persons during Interrogation	Need to prevent assaults on detainees.	IHAT Op Twickenham	Actions Complete	<b>Closed</b>	2014	12
28a	Incident involving captured persons	Compliance with policy and standing orders	Need to ensure UK Forces implement UK policy on hooding with regard to persons in their custody who were captured and hooded by another Coalition Force.	IHAT 84	Actions Complete	<b>Closed</b>	2014	19
28b		Use of Sight		IHAT 84	Actions	<b>Closed</b>	2014	

Issue #	Category	Sub-Category	Issue	Case in which Issue occurs	Status of Actions	Status of Issue	Report	Issue # in 2014 Report
		Restriction			Complete			
28c		Training on policy, standing orders, and Rules of Engagement		IHAT 84	Actions Complete	<b>Closed</b>	2014	
29a	Shooting incident	Command & Control	Need for effective command and control while travelling in convoys	83167/07	n/a	<b>Retained (Possible systemic)</b>	n/a	
29b				83125/08	n/a	<b>Retained (Possible systemic)</b>	n/a	
30a	Shooting incident	Training (Corrective)	Need to ensure that effective steps are taken to correct deviation from Rules of Engagement	83167/07	n/a	<b>Retained (Possible systemic)</b>	n/a	
30b				83167/07	n/a	<b>Retained (Possible systemic)</b>	n/a	
30c				83167/07	n/a	<b>Retained (Possible systemic)</b>	n/a	
31a	Shooting incident	Compliance with policy and standing orders	Need to ensure that all personnel requiring corrective lenses are provided with these prior to deployment	83167/07	Actions Complete	<b>Not accepted (Not systemic)</b>	n/a	
32a	Shooting incident	Command and Control Training	Need to ensure that procedures minimise as far as possible the potential for misidentification of targets	83105/08	n/a	<b>Retained (Possible systemic)</b>	n/a	
32b				59503/02	n/a	<b>Retained (Possible systemic)</b>	n/a	
32c				83187/09	Actions Complete	<b>Retained (Possible systemic)</b>	n/a	
33a	Shooting incident	Training on policy, standing orders, and Rules of Engagement	Need for service personnel to be familiar with the Rules of Engagement, including any changes that are made while they are in theatre.	83105/08	n/a	<b>Not accepted (Not systemic)</b>	2015	
33b				59503/02	n/a	<b>Not accepted (Not systemic)</b>	2015	
33c				83125/08	Actions Complete	<b>Not accepted (Not systemic)</b>	2015	
33d				83178/10	n/a	<b>Not accepted (Not systemic)</b>	2015	
33e				Fatality Investigation 1	n/a	<b>Noted (Resolved)</b>	2015	
34a	Shooting incident	Training	Need to ensure service personnel receive adequate opportunity to familiarise themselves with using their weapon	83125/08	n/a	<b>Retained (Possible systemic)</b>	n/a	
34b				59503/02	n/a	<b>Retained (Possible systemic)</b>	n/a	

Issue #	Category	Sub-Category	Issue	Case in which Issue occurs	Status of Actions	Status of Issue	Report	Issue # in 2014 Report
			systems in all conditions			<b>systemic)</b>		
34c	Negligent discharge			83110/09	n/a	<b>Retained (Possible systemic)</b>	n/a	
35a	Other incident involving Host Nation personnel	Training on policy, standing orders, and Rules of Engagement	Need to ensure all service personnel understand their obligation to prevent ill-treatment irrespective of the rank of the perpetrator	83165/10	n/a	<b>Retained (Possible systemic)</b>	n/a	
35b				83160/11	n/a	<b>Retained (Possible systemic)</b>	n/a	
35c				83160/11	n/a	<b>Retained (Possible systemic)</b>	n/a	
35d				83160/11	n/a	<b>Retained (Possible systemic)</b>	n/a	
35e				83115/09	n/a	<b>Noted (Resolved)</b>	n/a	
35f				83178/09	n/a	<b>Noted (Resolved)</b>	n/a	
36a				Other	Selection and Retention of Personnel	Need to ensure that unsuitable persons are debarred from enlisting in the Armed Forces and the Reserve	83178/10	Actions Complete
37a	Incident involving captured persons	Records Keeping	Need to ensure full and accurate contemporaneous records are produced, and are preserved in accordance with MOD Records Management Policy	IHAT 84 (Review of Op RAKER)	n/a	<b>Retained (Possible systemic)</b>	2015	
37b	Shooting incident			83178/10	n/a	<b>Not accepted (Not systemic)</b>	2015	
37c				Al-Sweady	n/a	<b>Noted (Resolved)</b>	2015	
37d	Incident involving captured persons			Al-Sweady	n/a	<b>Retained (Possible systemic)</b>	2015	
37e	Shooting incident			Fatality Investigation 1	n/a	<b>Noted (Resolved)</b>	2015	
37f				83125/08	n/a	<b>Decision pending</b>	2015	
38a	Incident involving captured persons			Welfare	Need to ensure appropriate welfare support is available to service personnel on deployment	83178/10	n/a	<b>Retained (Possible systemic)</b>
38b		83140/10	n/a			<b>Retained (Possible systemic)</b>	n/a	
39a	Incident involving captured persons	Assault of captured persons in Transit	Need to ensure that tactical questioning is only conducted by qualified service personnel	83175/09	n/a	<b>Noted (Resolved)</b>	n/a	
39b		Assault of captured persons at point of capture		83129/10	n/a	<b>Noted (Resolved)</b>	n/a	
39c		83247/11		Actions Complete	<b>Retained (Possible systemic)</b>	n/a		

Issue #	Category	Sub-Category	Issue	Case in which Issue occurs	Status of Actions	Status of Issue	Report	Issue # in 2014 Report
40a	Incident involving captured persons	Threatening behaviour during TQ	Need to ensure that tactical questioning is only conducted using authorised techniques	83178/09	n/a	<b>Noted (Resolved)</b>	2015	
40b				Al-Sweady	n/a	<b>Noted (Resolved)</b>	2015	
40c				Al-Sweady	n/a	<b>Noted (Resolved)</b>	2015	
40d				Al-Sweady	n/a	<b>Noted (Resolved)</b>	2015	
41a	Incident involving captured persons	Assault of captured persons at point of capture	Need to ensure that those involved in any arrest have no further contact with captured persons	83140/10	n/a	<b>Noted (Resolved)</b>	n/a	
42a	Incident involving captured persons	Assault of captured persons in Detention facility	Need to ensure that those responsible for guarding captured persons are appropriately trained	83188/11	n/a	<b>Retained (Possible systemic)</b>	2015	
42b				83188/11	n/a	<b>Retained (Possible systemic)</b>	2015	
42c				83188/11	n/a	<b>Retained (Possible systemic)</b>	2015	
42d		Assault of captured persons at point of Capture		IHAT 097	n/a	<b>Noted (Resolved)</b>	2015	
43a	Incident involving captured persons	Racially-motivated incident	Need to ensure that captured persons are not subjected to racial abuse or other racially-motivated harassment	83104/12	Actions Complete	<b>Retained (Possible systemic)</b>	n/a	
43b				83137/13	Actions Complete	<b>Retained (Possible systemic)</b>	n/a	
44a	Incident involving captured persons	Training	Need to ensure that the absolute prohibition on the use of stress positions is adequately trained	IHAT 107	n/a	<b>Noted (Resolved)</b>	2015	
45a	Incident involving captured persons	Denial or Delay of toilet or washing facilities	Need to ensure the timely provision of toilet facilities for captured persons	IHAT 107	n/a	<b>Noted (Resolved)</b>	2015	
46a	Other	Service Justice / Disciplinary system	Need to ensure that the Service Justice system and disciplinary system take appropriate action against those who commit offences	83125/08	Actions Complete	<b>Not accepted (Not systemic)</b>	n/a	
46b				83115/09	Actions Complete	<b>Not accepted (Not systemic)</b>	n/a	
46c				83126/08	n/a	<b>Retained (Possible systemic)</b>	n/a	
46d				83137/13	n/a	<b>Not accepted (Outside remit of SIWG)</b>	n/a	
46e				59503/02	n/a	<b>Retained (Possible systemic)</b>	n/a	

Issue #	Category	Sub-Category	Issue	Case in which Issue occurs	Status of Actions	Status of Issue	Report	Issue # in 2014 Report
47a	Incident involving captured persons	Armed Forces Culture	Need to ensure that Armed Forces culture does not perpetuate inappropriate conduct	83115/09	n/a	Retained (Possible systemic)	2015	
47b				Fatality Investigation 1	n/a	Retained (Possible systemic)	2015	
47c				AI-Sweady	n/a	Noted (Resolved)	2015	
48a	Incident involving captured persons	Cultural Insensitivity	Need to ensure that, wherever possible, captured persons are treated in a culturally appropriate manner	AI-Sweady	n/a	Noted (Resolved)	2015	
49a	Other	Escalation of Force / Rules of Engagement	Need to ensure that policy and training on the use of bayonets is sufficiently clear	AI-Sweady	Actions Ongoing	Decision pending	2015	
50a	Other	Command and Control	Need to ensure that policy on the carriage and use of personal cameras is sufficiently clear	AI-Sweady	n/a	Noted (Resolved)	2015	
51a	Other	Command and Control	Need to ensure that procedures for handling enemy dead are included in operational planning or theatre standing orders	AI-Sweady	Actions Ongoing	Decision pending	2015	
52a	Incident involving captured persons	Training	Need to ensure that the mandatory Military Annual Training Tests are adequate and are completed by all Army personnel	Fatality Investigation 1	n/a	Retained (Possible systemic)	2015	
53a	Other incident involving Host Nation personnel	Breach of Discipline	Need to ensure that measures for enforcing the prohibition on consumption of alcohol in theatre are adequate and properly enforced	83135/10	Actions Complete	Retained (Possible systemic)	n/a	
54a	Incident involving captured persons	Use of plasticuffs or other restraints	Need to ensure that all service personnel are properly trained in the correct application of plasticuffs or other physical restraints	AI-Sweady	n/a	Noted (Resolved)	2015	
55a	Incident involving captured persons	Medical treatment	Need to ensure that training of medical personnel is sufficient to ensure captured persons are provided with proper, and culturally appropriate, medical treatment	AI-Sweady	Actions Ongoing	Decision pending	2015	
55b				AI-Sweady	n/a	Not accepted (Not systemic)	2015	
n/a	Incident involving captured persons	Use of Plasticuffs or other restraints	n/a	IHAT 84 (Review of Op RAKER)	n/a	Not accepted (Outside remit of SIWG)	n/a	n/a

Issue #	Category	Sub-Category	Issue	Case in which Issue occurs	Status of Actions	Status of Issue	Report	Issue # in 2014 Report
n/a	Incident involving captured persons	Training (Policy, standing orders, and Rules of Engagement)	n/a	IHAT 84 (Review of Op RAKER)	n/a	<b>Noted (Resolved)</b>	n/a	n/a
n/a	Incident involving captured persons	Command and Control	n/a	IHAT 84 (Review of Op RAKER)	n/a	<b>Not Accepted (Combined into broader issue)</b>	Merged into issue 28	n/a
n/a	Incident involving captured persons	Command and Control	n/a	IHAT 84 (Review of Op RAKER)	n/a	<b>Not Accepted (Combined into broader issue)</b>	Merged into issue 28	n/a
n/a	Incident involving captured persons	Use of Sight Restriction	n/a	IHAT 84 (Review of Op RAKER)	n/a	<b>Not Accepted (Combined into broader issue)</b>	Merged into issue 28	n/a