

Witness Name: Nicholas Robert Wesson

Statement No.: 1

Exhibits: Nil

Dated: 16 June 2009

THE BAHA MOUSA PUBLIC INQUIRY

Witness Statement of Nicholas Robert Wesson

I, **NICHOLAS ROBERT WESSON**, will say as follows: —

I make this statement in response to the Inquiry's Rule 9 Request dated 7 May 2009. I have read this Request, and I seek here to cover everything that it raises to the best of my ability and recollection. I have also been shown and have read copies of my previous statements dated 05.01.06 (ref MOD005912) and 15.02.06 (MOD010372) and the documents that the Inquiry have referred me to, namely:

- i. a PowerPoint presentation relating to various health matters;
- ii. an OP TELIC pre-deployment training certificate (MOD023175);
- iii. a PowerPoint presentation entitled "Conduct after Capture brief level 1 theoretical" (MOD023176);
- iv. a document entitled "OPTAG pre-deployment training package (Level 1 Theoretical Conduct after Capture)" (MOD023220);
- v. a document containing the English translations of various Iraqi words and phrases;

- vi. a document entitled OP TELIC 2 pre-deployment instructions (MOD023244);
and
- vii. a document listing various training documents (MOD023247).

Army career

1. I joined the army in June 1988 when I was 16. My first tour was in Northern Ireland in 1990 as a patrol member. During this tour, I would spend six weeks in Northern Ireland, followed by six weeks back in the UK, based in Blackpool.
2. In 1992, I moved to Berlin for two and a half years. I have always been part of the Drum Platoon. From Berlin, I went to Tidworth, where I did a six month tour of Bosnia in or around 1996/1997. When we go on operational tours, members of the Drum Platoon are placed in different platoons as there is no requirement for a Drum Platoon in theatre. I was a Platoon commander in Bosnia.
3. After Bosnia, I moved back to Tidworth. I was then posted to Northern Ireland again for two and a half years in Omagh. I moved to Catterick in 1999, followed by another tour of Ireland in or around 2000/2001 for six months, based at Omagh Barracks. I was a Multiple Commander. I returned to Catterick and was subsequently deployed to Iraq in June 2003. It was my first tour to Iraq. I returned from Iraq to the UK in November 2003. After taking some leave, I was posted to the Infantry Training Centre (ITC) in Catterick on 5 January 2004. In May 2006, I was posted to the Second Battalion of the Yorkshire Regiment. During that posting I did a 6 month tour of Bosnia (May 2006-October 2006) and a tour in Afghanistan (September 2007- February 2008).
4. Since April 6 2009, I have been a sergeant in 4 Duke of Lancaster Regiment, based in Carlisle. I am currently the Permanent Staff Instructor in charge of the Territorial Army at Burma Block, Carlisle. I oversee training, but if an instructor does not arrive, I conduct the training. I have always taught music (drums) as

well as weapons handling (machine guns). My Sergeant Major issues the training program. The Company Second in Command traditionally sets out a list of the training courses he requires his soldiers to receive.

Training I received

Basic

5. Initially, I did 12 months basic training at Albemarle Barracks in Newcastle in September 1988, with the Junior Infantry Battalion. This included topics such as military studies, how to shoot a weapon and the law of armed conflict, but not the rules of engagement. Towards the latter part of the training, I was shown a video on the law of armed conflict. Subsequently, I used this same video when I gave training on the Law of Armed Conflict to my battalion in April 2003, which training I describe more fully later on in this statement.
6. I then moved to Strensall to do a Drums course. This consisted of 6 months learning military music.

Annual training

7. Over my entire military career, I received annual training on the law of armed conflict. The Rules of engagement are however only covered when you are going into a specific theatre. The Rules of Engagement are summarized in basic pocket size form on a white card. Normally, a more theatre-specific version of the card is produced for a particular tour, such as Iraq.
8. I undergo Mandatory Annual Training Tests (MATTs) every year. These tests are split up in to different sections as follows:
 - MATT 1 - weapon handling tests and annual officer weapons test;

- MATT 2 - fitness;
- MATT 3 - First Aid.;
- MATT 4 - Chemical and Biological Warfare;
- MATT 5 - map reading;
- MATT 6 - values and standards.

I am not sure if in practice I did each MATT every year. However, I always did the Law of Armed Conflict which was part of MATT 6.

Pre-deployment training

9. I underwent pre-deployment training for Northern Ireland, which included the Rules of Engagement and the Law of Armed Conflict. There was no training on hooding.
10. The pre deployment training for Northern Ireland, which took place at Hyde and Lydd in Folkestone, also included training on how to use plasti-cuffs by members of the Royal Military Police, whose names I cannot remember. They taught us to put the detainee's hands to the front with their thumbs together and to put the plasticuffs on the wrist making sure they were not too tight. I have never had to plasti-cuff anyone and am not qualified to teach it.
11. I don't remember being taught anything specifically on the treatment of prisoners. We did however do some training in regard to terrorist handling e.g. we were taught to preserve evidence such as residual explosives materials. We also went on imaginary patrols and acted out various scenarios which were filmed. The film would then be played back and we were taught what we did wrong.
12. I received training on the rules of engagement and saw a LOAC video prior to each deployment to theatre. I describe this video later in this statement.

13. I also received pre-deployment training on the principles of the Geneva Convention, as it formed part of the law of armed conflict training. We were told not to mistreat prisoners, to treat prisoners in the same way you would treat your own soldiers and to respect their human rights.
14. The Operational Training Advisory Group (OPTAG) team came to Catterick prior to deployment to Iraq and provided training. Members of the Royal Military Police gave training on the process of filling in paperwork and filing e.g. documenting the possessions taken from prisoners. Weapons Specialists also came to teach us what weapons we might expect to see in Iraq.
15. Military Corrective Training Centre staff did not come and teach us anything. Physical Training staff taught us methods of arrest and restraint. There was no pre-deployment training for OP TELIC 2 from the intelligence corps or Military training Corps.
16. We travelled to Kuwait immediately prior to our deployment to Iraq. Whilst in Kuwait, we received training mainly on weapons systems. I missed some lessons as I couldn't adjust to the oppressive heat.
17. I have never received any training on tactical questioning and interrogation.

Courses attended for promotion or specialist courses

18. I had to do a course to be promoted from a Private to a Lance Corporal. I did a Junior Non-Commissioned Officers training course on three occasions because I failed it twice. I did one in Weeton and two in Berlin. The course consisted of commanding tactics.
19. I did a Lance Corporal to Corporal section commanders' course in March to June 1995 at the Infantry Training Centre in Wales. It covered scenarios such as what

to do if your senior officer dies, i.e. the additional roles and responsibilities you have to take on. The training also included supervising shooting ranges.

20. I did the Corporal to Sergeant's course in 2001, during which I was taught how to lead a platoon into battle. Again, the course focused on what you have to do if you have to 'act up', i.e. take over the role of a senior officer.

Other training

21. I received training over the years, I am unsure when, on how to treat suspects. To stop a suspect from running away I was taught to point a weapon at him. If this was insufficient I was taught to put the suspect into a kneeling position to stop him from going anywhere with his legs crossed over to the back. In this position he would be less able to escape easily. There has however never been any requirement for me to use this technique.
22. I am aware of the use of blacked-out goggles and blindfolding. They are used to prevent prisoners from seeing sensitive information or equipment. If, for example, there are sensitive materials in a vehicle in which a prisoner is being transported, the prisoner would be blind folded or blacked-out goggles would be used. He would be accompanied by an interpreter in the vehicle who would explain that the goggles would be used for a limited period of time. I was first told about the use of goggles and blindfolds in 2001 and I definitely knew about their use before I went to Iraq in 2003. However, I did not see goggles or blindfolds being used in Iraq. My knowledge of them is not from training, as I have never received any such training. It is based on my general military experience.
23. Training on arrest and restraint techniques is not compulsory. However, if there is time, a commander might ask a senior instructor from the Physical Training Corps to give training on these techniques. It is not a set course. I have received this training about 5 or 6 times in my 21 years in the army. We would be shown

techniques and then practice them. Examples were given of how much force could be used in particular situations. For example, if someone grabbed me around the neck, I was taught a manoeuvre which could be used to move their hands away.

24. I have personal experience of stress positions because I have been placed in a stress position as part of discipline and training given by the Physical training instructors as part of training when someone did something wrong. The stress position involved standing with my back to the wall with my knees bent at right angles to my body with my hands held out parallel to the floor. There has never been any suggestion that stress positions could be used in a conflict situation. I never had training on it. At an early stage in my career, I received a verbal briefing that any form of physical abuse of prisoners was not permitted, and so it was my understanding that the use of stress positions on prisoners or detainees was prohibited.
25. I am not qualified to interrogate someone. I might, however, ask a prisoner at the time of capture certain questions such as for example "Where are your fellow soldiers", especially where the prisoner was part of a group that fired at our platoon. I am not aware of a tactic of subjecting prisoners to excessive periods of loud noise. Prisoners are, however, shouted at as a method of control.
26. I have never received or given training on hooding. I have never seen it done and did not think it was allowed. The Inquiry has asked me to explain the basis for my statement that I did not think that hooding was allowed. My response is that I cannot recall how I became aware that it was not allowed but suspect that I may have been made aware of this when we received training in regard to the use of blacked out goggles. In any event, if you hood a prisoner it would be very difficult to move them as they couldn't see where to walk and it may create fear, thereby causing a prisoner to do something they would not normally do, due to stress.

27. I did not receive or give any training in relation to the deprivation of food and water to prisoners. On the contrary I always assumed the provision of food and water was necessary.
28. I never gave or received training on sleep deprivation.
29. I have never received or given training on conditioning or maintaining the shock of capture. I don't even know what conditioning is. I have only received training in respect of what I should or should not do if I was captured. This is called conduct after capture training. I cannot recall any details of what I was taught. It has always been my understanding that in the event of arresting anyone, my duty is to get them back to camp and to hand them over to the Company Sergeant Major for further processing. However, as mentioned, I never arrested any Iraqis during my tour of Iraq and did not witness any such arrests.

Training I Gave

Pre-deployment training

30. In April 2003, I was instructed by Major Kenyon to give pre deployment training on three subjects, namely the Laws of Armed Conflict, the Rules of Engagement and the Duties of a Soldier While on Guard. I was based in Catterick at the time and was to give the training to C Company, which was part of 1 Queens Lancaster Regiment. I was a Platoon Sergeant in 11 Platoon. Different Platoon commanders were given different training tasks. I had not trained people before.

Laws of Armed Conflict

31. I was aware that this subject was a video-based course. I got the video from the Unit Training Wing and told the soldiers why they had to have the lecture and then I showed the video. I informed them that it was compulsory to receive the training annually anyway and that it had become more relevant because we were deploying to Iraq and so the training had to be put in the pre-deployment training program. I also told soldiers that if they breached the Laws of Armed Conflict, they would be liable for military or even civilian prosecution, depending on the severity of the offence.
32. The video was about 15-20 minutes long. It described the roles of various people e.g. medics and detainees having access to them. It also dealt with such topics as the prohibition of taking property from detainees and the importance of the white flag of surrender. It was a fairly old video. I had seen the same video since 1990 at least. There was no footage of hooding, stress positions or plasti-cuffs. I can't remember what it said about the treatment of Prisoners of War and detainees, save that it did teach that Prisoners of War were to be treated humanely; but it did not go into any depth.
33. Major Kenyon was present during the lecture I gave on the law of armed conflict. The lesson is normally given by an Officer, but he had so many things to do that he could not give the training. However, he was present so that he could intervene if there were any problems. I asked the soldiers questions at the end to check that they had understood and remembered the information. If they gave correct answers they had a tick in the box that they had completed the course. The lesson was given to the whole of C Company. It lasted about 45 minutes.

Rules of Engagement

34. The Rules of engagement training consisted of a lecture and a training video which I also obtained from the Unit Training Wing in Catterick. I asked Major Kenyon what else he wanted me to cover in the lecture. He told me to take them

through the guidelines contained in existing Rules of Engagement Cards and to show them the rules of engagement video. I based my training presentation on the principles of the Rules of Engagement, as contained in a white card, which provided a pocket-sized summary of the rules. This card was different to the one subsequently issued specifically for the theatre in Iraq. The card I used was for Northern Ireland, but I checked with Major Kenyon first, as to what would be different on the card we were to get for Iraq. The only thing that he thought would be different was the possibility of engaging with suicide bombers. Major Kenyon was happy to leave this to be addressed later once we had further information. When theatre-specific cards were subsequently produced, one was given to each Soldier. It was not my job to do this.

35. The rules of engagement video was based on Northern Ireland. Soldiers were shown a scenario, then the video was stopped and they were asked questions. Once they responded, they were told the correct answers. They would then be shown another scenario and the same process was followed.
36. I had not given training on Rules of Engagement before. Major Kenyon was present when I presented the course. The training was given to the whole of C Company and lasted around 40 minutes.
37. A list of all those who attended the training on both the Laws of Armed Conflict and Rules of Engagement was kept. If people were missing the training would be given again. I can't remember if I gave more than one training session on each subject. The courses I gave were on different days.
38. After giving the courses/lectures on the Laws of Armed Conflict and Rules of Engagement, I was present when the soldiers were put through some tests in the field. These tests incorporated the teaching of different lectures into a factual scenario. Demonstrations were given and soldiers were asked if the Laws of

Armed Conflict and/or Rules of Engagement were breached. They would then be provided with the answer.

Duties of a Soldier While on Guard

39. Prior to deployment I also gave training on the Duties of a Soldier While on Guard. This training was very basic in nature and was focused on the dos and don'ts of guarding such as not falling asleep whilst on guard and not reading whilst on guard.

40. I gave out copies of the white card on the Rules of Engagement, and a handout on LOAC during the training that I took, but am no longer able to locate copies of these. As to the white card on Rules Of Engagement, I told the soldiers that they would later receive a theatre-specific version. I recall receiving a theatre specific version of the white card either just before we left for Kuwait or just after we had arrived in Kuwait. The handout for the LOAC training contained such things as depictions of the Red Cross Symbol, the Red Crescent and the dos and don'ts when a White Flag is displayed.

Training materials shown to me by the Inquiry

41. I have been shown the following: copies of certain slides which make up a PowerPoint presentation relating to various health issues. (MOD023134); an OP TELIC pre-deployment training certificate (MOD023175); copies of certain slides of a PowerPoint presentation entitled "Conduct after Capture brief level one; a document entitled "OPTAG pre-deployment training package (Level 1 Theoretical Conduct after Capture)" (MOD023220); a list of English translations of some Iraqi words and phrases; a document entitled "OP TELIC 2 pre-deployment instructions" (MOD023244) and a List of training documents (MOD023247).

42. I have never taught any of the subjects which are described in these documents. I have therefore never been privy to this training material. The courses I taught are not dealt with in these documents. Training documents of this nature would normally go to the Battalion Second in Command and then be disseminated to the Company Second in Commands. The list of training would be for OPTAG.
43. Having read all of the documents, I realise that I have knowledge of much of the substance of the training material but not the format of the material. I believe that my knowledge must have been obtained from previous training which I have myself received. For the most part, I do not recall who gave the training and when. However, in the paragraphs below I say what I remember.
44. I received training from Major Kenyon prior to deployment to Iraq on Conduct after Capture, but not in the format shown to me in MOD023176-MOD023189. Major Kenyon also taught methods of interrogation in the Conduct after Capture training, but again, not in the format shown to me in MOD023202- MOD023219. I am unfamiliar with the logo that appears at the bottom right of the documents MOD231760-MOD23219. The Inquiry has asked me to clarify the format and content of the training given by Major Kenyon. My response is that the format of the training given by Major Kenyon was a lecture using PowerPoint slides. The content was similar to that in the slides shown to me but the slides that he used did not have the same background as those shown to me. In the same training, Major Kenyon also taught the contents of the OP Telic Training Package, Level 1 Theoretical Conduct after Capture Brief, but not in the format shown to me in MOD023220- MOD023239. I may have also learned this elsewhere.
45. I underwent some English/ Iraqi language training in Catterick as part of pre-deployment training but have never have seen MOD023240- MOD023243 before. The training was given by an officer. I cannot recall the name of the officer.

46. The only PowerPoint slide that is at all familiar is MOD023190. The background photograph on this slide was shown to me in training that I had in March this year from the Army Legal Service. I refer to this training in more detail later in this statement under the sub-heading "Events after Baha Mousa Death, Changes in Training". This photograph of a lone soldier apparently standing guard over some detainees was shown to those of us that attended the training and we were asked whether the positions that the detainees had been put in were acceptable. We were told that they were not acceptable.

Rank and Role 14-16 Sept 03

47. I was deployed in June 2003, initially as a Platoon Sergeant of 11 Platoon. Whilst I was a Platoon Sergeant, I reported to Captain Pinchen or a Lieutenant whose name I can no longer remember. Three section commanders reported to me. I can remember two of their names: Corporal Raistrick and Corporal Coleman. I do not remember the name of the third.

48. I remained a Platoon Sergeant until the day Captain Dai Jones died. Due to the fact that I had been hospitalized for long periods of time with heat exhaustion I was moved to do G2/G5 intelligence work and worked for most of the time on the so called "Hearts and Minds" campaign.

49. My task involved making contact with local leaders and trying to ascertain and meet their humanitarian needs. The idea was that the local Iraqi people would not just see the army patrolling but would also see the human side. I was based in the Old State Building and would go to various places such as mosques during the day.

50. I slept during the day as much as I could when I was not at the mosques and then commenced a night shift starting about midnight. I would collect and collate reports of patrols that had gone out during the night and put all the information

into a required format so that the Lieutenant in the Territorial Army, whose name I cannot remember, could read it and adjust the information before he took it to headquarters for his meeting. When the Lieutenant was away on rest and recuperation for a couple of weeks, I did his role as well as mine. In G2/G5 I reported to the Lieutenant and Captain Dai Jones, who was subsequently replaced by Captain Goode of the Intelligence Corps. No one reported to me in that role.

Prisoner Handling

51. Major Kenyon was very much a hands-on type of person, but he never gave any orders about detainees while I was in Iraq to my knowledge. It may be, however, that orders were given during my frequent and lengthy periods of hospitalization which I was not aware of or that they were given after I was moved to my G2/G5 position.
52. I did not receive or give any orders about the treatment of detainees whilst on deployment for OP TELIC 2. I also received no aide memoires about the handling of prisoners. I have no knowledge of stress positions, hooding or conditioning ever being used on detainees.
53. I have never seen sandbags on detainees. Sandbags were around while I was on deployment in Iraq, but I never saw them used on detainees. Generally sandbags form part of a soldier's normal webbing. They are green-coloured sandbags, used to carry ammunition. I don't think we had sandbags on patrol on OP TELIC 2 because we used chest rigs instead of normal webbing. I think the only sandbags I saw were sandy-coloured ones used for such purposes as building a support for a weapon.
54. There was no detention facility at the Old State Building where I worked in Iraq. Detainees were, however, brought there for very short periods of time. Whilst

they were there, they were kept in the corridor near the Sergeant Major's offices. If they were not handed over to the Iraqi police straight away, they would be brought to the Sergeant Major and the RMP. I never actually arrested anyone myself though, nor did my Platoon whilst I was in command of it. If I had been required to arrest and detain anybody, I would have used my common sense adapted to the situation. If the detainee was uncooperative, I might have asked him to kneel.

55. I do not know specifically what the chain of command was for prisoner handling on deployment in Iraq. As stated, I never had any dealings with detainees. I rarely had interaction with the Commanding Officer and I am unaware of his role in relation to detainees. I do know, however, that he would be responsible for his soldiers' actions. The Second in Command would be in the same position.

56. I am aware that there are military personnel who are specifically trained to undertake tactical questioning. I was not aware of the identity of the tactical questioners in Iraq. I have never tactically questioned anyone and have not been present when tactical questioning is done. I do not know who was in charge of tactical questioning. I have no knowledge of what responsibility tactical questioners may have in respect of detainee handling.

57. The Adjutant's role in the Regiment is to discipline all Officers in the Regiment. He should know the rules and regulations of what can and cannot be done and he should advise the Company Commander. I never had any dealings with the Adjutant in Iraq.

58. The Company Sergeant Major should hand the responsibility for the treatment of detainees over to the Regimental Sergeant Major. Both are responsible for discipline generally. I have never heard of a Battlegroup Internment Review Officer (BGIRO).

59. There was no Provost where I was and no detainees were kept overnight. Any detainees would be processed quickly.

Events of the 14-16 September 2003

60. I had no involvement in the death of Baha Mousa and have no personal knowledge of any of the facts and circumstances which lead up to his death. I know nothing about how the detainees were treated.

61. As part of my G2/G5 function I travelled to BG Main quite regularly to share with the G2/G5 team there the information that we had. I am unable to say now whether or not I visited BG Main during the period 14 to 16 September 2003, but if I did so, I certainly do not remember seeing or hearing anything relevant to the Inquiry.

Events after Baha Mousa's death

62. I heard rumours that a man had died in custody. Rumours are common and I ignored them. It did not change anything in my job. I then received information, I do not remember who from, that the death was being investigated.

63. I do not know whether anything changed directly as a result of Baha Mousa's death whilst I was in Iraq. It would not be my role to know as I mainly dealt with the Hearts and Minds programme and did some G2/G5 work at that stage. I did not arrest, handle or detain any Iraqis.

Changes in Training

64. In March 2009 in Weeton Barracks a Major from the Army Legal Service who works as the SO2 in 11 Brigade gave a training course which I attended. I think

that all Battalions which were deploying to Afghanistan had the lecture. As my Battalion was going to Afghanistan, I had the opportunity to attend the training, although I am not deploying to Afghanistan myself. The course was excellent and lasted four to five hours. It was very detailed. I have been in the army for 21 years and it was one of the most informative courses I have been on.

65. Baha Mousa was used as an example in the training. There was a picture of him on the wall. The trainer (whose name I cannot recall) firstly enquired whether anyone knew about the incident. I said I did because I was part of the Regiment involved with the incident. The trainer then gave an overview of what had happened explaining that Captain Dai Jones had been killed, that there was subsequently a raid on a hotel and one of the detainees that had been captured during the raid had died in British custody. He gave a lecture which described that hoods, sleep deprivation and stress positions are not permitted. He gave a list of what we can and cannot do, and quoted a government statement or ruling (I cannot remember exactly what) which outlawed the use of the techniques. We were told that tactical questioning was to be left to tactical questioners. There was a handout for the training, but I did not pick a copy up as I was not deploying to Afghanistan. I had always believed that such techniques would not be permitted under the terms of the Geneva Convention anyway.

66. On the same course, we were shown video footage that soldiers had brought back to the UK (for example, soldiers beating civilians) and we were told not to do it. We were also shown pictures, including the photograph which is the background in the PowerPoint slide MOD023190 and were, as stated above, asked what was acceptable and then given the appropriate answers.

67. I do not have any contemporaneous notes of my activities in Iraq and did not keep a diary whilst I was there.

Accounts to the Media

68. I have never given an account of matters relevant to the Inquiry to the press or other media.

Statement of Truth

I believe the facts stated in this witness statement are true.

Signed



Nicolas Robert Wesson

Dated 16 JUNE 09