

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Wednesday, 24 March 2010

(10.00 am)

THE CHAIRMAN: Yes, Mr Elias.

MR ELIAS: Sir, the first witness today is Alan Sweeney, who gives evidence by way of videolink. May I say that he was originally a witness that we would have read and I am therefore calling him only for limited purposes and will ask him about two topics in particular.

THE CHAIRMAN: Yes. Very good.

ALAN KYLE SWEENEY (called)

(Evidence via videolink)

THE CHAIRMAN: Can you hear me, Mr Sweeney?

A. Yes, Sir, I can.

THE CHAIRMAN: May I ask you please to stand and take the oath?

I am sorry, there's a slight delay. We can't see you on the main screen, but that's nothing to do with you and not your fault in any way. We will just pause for a moment.

Mr Sweeney, if I were you, I would sit down. This is going to take us a moment or two so that we can all see you. (Pause)

We now can all see you, in less time than I thought. Do we need all that on? Can we not just have the picture of the witness?

1 MR ELIAS: I think after the oath has been taken --

2 THE CHAIRMAN: Very well. If I can ask you to stand. I am  
3 sorry about the to-ing and fro-ing, but if you would be  
4 kind enough to stand up now, I will ask that you take  
5 the oath. Thank you.

6 A. I'm sorry, I don't have a bible here.

7 THE CHAIRMAN: Then I think the best thing would be to ask  
8 you to affirm. Do you mind?

9 A. I am very happy with that.

10 ALAN KYLE SWEENEY (affirmed)

11 THE CHAIRMAN: Thank you very much. Please sit down.

12 Now it is clear from our end that there is a bit of  
13 a lag on what we say and you hearing it and vice versa,  
14 so we will just have to cope with that and I am sure we  
15 will be able to do that. All right?

16 A. No problem.

17 Questions by MR ELIAS

18 MR ELIAS: Could you give the Inquiry your full name,  
19 please?

20 A. Yes, it's Alan Kyle Sweeney.

21 Q. And your current rank?

22 A. Major.

23 Q. Major Sweeney, we have a statement that you made to the  
24 Inquiry dated 30 November of last year.

25 A. Yes.

1 Q. You signed that statement on that day, did you?

2 A. Yes, I would have done.

3 Q. When you signed it, were the contents of the statement

4 true to the best of your knowledge and belief?

5 A. Yes.

6 Q. I just want to ask you specifically about two particular

7 topics that the Inquiry is interested in relation to the

8 evidence that you can give. First of all, can I just

9 ascertain -- and I don't want to ask any unnecessary

10 detail -- when did you join the army?

11 A. 4 January 1998.

12 Q. Without giving your date of birth, how old were you

13 then?

14 A. I would be 22.

15 Q. Thank you. You are currently, are you, the officer

16 commanding C Company of the 2nd Battalion Duke of

17 Lancaster's Regiment?

18 A. That's correct.

19 Q. In 2003, did you hold the appointment of regimental

20 signals officer for the 1st Battalion of the Queen's

21 Lancashire Regiment?

22 A. I did, yes.

23 Q. Was your rank then captain?

24 A. It was.

25 Q. If I refer to Operation Salerno and the detainees who

1           were arrested as part of that operation, do you know  
2           what I'm referring to?

3    A.   Yes, I do.

4    Q.   Did you play any part in the arrest or detention of  
5           those detainees?

6    A.   No.

7    Q.   Although I think it's right to say, is it, that you did,  
8           during that operation, have accommodation in the  
9           accommodation block at BG Main?

10   A.   That's correct.

11   Q.   Were you aware of any ill-treatment of those detainees  
12           at the time?

13   A.   No, no.

14   Q.   Now I want to ask you about the two matters in  
15           particular and the first is this: in 2004, had you risen  
16           to the post of adjutant in 1 QLR?

17   A.   Sorry, can you repeat the question?

18   Q.   Yes. In 2004, had you risen to the post of adjutant in  
19           the battalion?

20   A.   That's correct. I assumed the duties of adjutant on,  
21           I believe, 21 November 2003.

22   Q.   Thank you. I want to ask you about something that  
23           happened in Cyprus where you were then posted in 2004.  
24           Did you become aware that soldiers may have had  
25           photographs of prisoners or detainees when you were in

1           Cyprus?

2    A.   Yes.

3    Q.   How were you made aware of that, do you recall?

4    A.   The -- I mean, I became aware of it during the

5           deployment to Iraq itself.  As well as being RSO, I was

6           media officer, and we produced effectively an

7           end-of-tour journal that was a photographic record of

8           what had gone on during the tour.  There were a number

9           of pictures taken throughout the tour that recorded the

10          results of operations in terms of weapons finds and on

11          some of those weapons-find pictures there was also

12          pictures of detainees.

13   Q.   I think the Inquiry has already heard some evidence

14          about that and I don't take you to the detail of it.

15          But when you were in Cyprus -- and I think in about May

16          of 2004 therefore -- you were aware, were you, of the

17          Daily Mirror publishing pictures which were subsequently

18          found to be fake?

19   A.   Yes.

20   Q.   Following that, was there some gathering of any material

21          that may assist in inquiries in relation to that and

22          perhaps other aspects of photographs that may have been

23          taken?

24   A.   I can't remember if it was before or after the Daily

25          Mirror pictures.  What I do remember is that the chain

1 of command, in response to the ongoing inquiry, gave an  
2 instruction that all OCs -- all company commanders --  
3 were to effectively examine all photographs that were  
4 available to them, so have the soldiers bring  
5 photographs in and then any photographs that contained  
6 prisoners were to be centralised and then handed over to  
7 the Cyprus Joint Police Unit.

8 Q. So was an instruction issued in Cyprus by you to that  
9 effect, that soldiers should produce photographs of this  
10 kind or images?

11 A. Yes. I can't remember exactly how they issued the  
12 order. I suspect it was through battalion standing  
13 orders which were issued on a daily basis.

14 Q. And were photographs or CDs or DVDs produced to you?

15 A. I remember there being a number of photographs of --  
16 nothing significant -- photographs that showed  
17 effectively prisoners. All of these were centralised,  
18 shown to the CJPU, who then immediately returned them to  
19 the unit, stating that they weren't interested in them  
20 because they showed nothing of significance.

21 In terms of video, there was an incident -- and  
22 I can't remember the exact details of it -- but from  
23 recollection someone viewed a video in the guard room  
24 and that video was highlighted as being of  
25 a questionable nature. That video was then forwarded to

1 CJPU to effectively allow them to initiate any  
2 proceedings that they thought were -- that they deemed  
3 necessary.

4 Q. In your statement to this Inquiry, you said that you  
5 viewed all images that were submitted to you before  
6 forwarding to the police unit in Cyprus. Was that true?

7 A. I didn't view any video and -- yes, I'd have seen the  
8 photographs, so yes -- photographs, yes; videos, no.

9 Q. Why did you not view the video that you now talk about?

10 A. Mainly because it wasn't necessary. There was no reason  
11 for me to view that video. If I remember correctly, the  
12 OC Anzio had viewed it, the battalion 2IC had viewed it.  
13 It was then handed over to CJPU. There was no  
14 requirement for me to watch it.

15 Q. And if they had viewed it, as you say, did they tell you  
16 what it contained?

17 A. No.

18 Q. Didn't you ask?

19 A. I don't recall them describing anything -- I don't  
20 remember --

21 Q. You have now --

22 A. -- other than -- sorry, other than -- sorry, I was just  
23 saying other than that it involved prisoners in Iraq.

24 Q. What, you were told that, were you?

25 A. I believe so, yes.

1 Q. You have seen the video that is sometimes described as  
2 the "Payne video" or the "TDF video", have you?

3 A. Yes, I have.

4 Q. Does it seem -- can you help us -- that that is the  
5 video to which you're now referring which you think was  
6 discovered, as it were, in Cyprus?

7 A. I don't know. The first time I saw the Payne video was  
8 when it appeared on TV news. Having not seen the video  
9 in Cyprus, I have no way of knowing if that was the  
10 Payne video.

11 Q. You are aware, are you, Major, of the evidence and  
12 statement of Michael Giblin?

13 A. Yes, I have read his statement.

14 Q. He speaks about, in liaison, if you like, with  
15 Corporal Redfearn, handing in a DVD which was the Payne  
16 DVD.

17 A. Yes.

18 Q. Is he right or wrong about that?

19 A. He certainly didn't hand that video to me. In fact, if  
20 that was the video that was viewed in the guard room, it  
21 went from Giblin to OC Anzio to the battalion 2IC to  
22 CJPU.

23 Q. So you didn't see it at all at that stage?

24 A. No. I didn't see the video until it appeared on network  
25 news in the UK.

1 Q. If I were to put a document on the screen, do you have  
2 a facility there to view it?

3 A. I think so, yes.

4 Q. Then I will ask, please, that BMI06472 -- the statement  
5 of Michael Giblin -- be put on the screen. Can we go  
6 over the page, please, to paragraph 5? Just to take you  
7 through --

8 A. I'm sorry, I can't see this statement. Nothing is  
9 appearing on my screen.

10 Q. You don't have a copy, do you, of the Giblin statement  
11 with you?

12 A. I can see it now.

13 Q. Thank you. Then I will take it, I hope, quite quickly,  
14 but I will take it slowly so you can follow it. Tell me  
15 if you can't read any of this:

16 "The Inquiry has referred me to the evidence to the  
17 Inquiry of Corporal Redfearn ... Corporal Redfearn has  
18 stated that in Cyprus I approached him and handed him  
19 a DVD which contained footage of Baha Mousa and the  
20 other detainees in the TDF, and that he then handed this  
21 to the adjutant.

22 "6. I do not know why Corporal Redfearn gave this  
23 evidence but it is not correct. The accurate events in  
24 relation to the DVD are as described in the paragraphs  
25 below."

1           He goes on to say this:

2           "I was in Cyprus with A Company in around May 2004.  
3           I recall that one day I was in the guard room with  
4           a number of other soldiers, including Corporal Steven  
5           Woods and Lieutenant ... Rodgers. I cannot remember the  
6           names of the other soldiers present, however I am sure  
7           that Corporal Redfearn was not there. I recall that  
8           a pile of discs were in the guard room, containing video  
9           and photograph files from Op Telic 2. I do not know  
10          where these discs came from or how they came to be in  
11          the guard room that day; however, I remember that  
12          everyone in the room was swapping the discs around and  
13          putting them on computers and looking at the pictures.  
14          I remember that I had saved one of the discs onto my own  
15          laptop in the guard room and was looking through the  
16          files, and I remember that Lieutenant Rodgers was  
17          standing behind me and pointed to one of the video files  
18          I hadn't opened, and said something like 'What's that  
19          one?'. I remember that I opened it and saw that it was  
20          the short footage of a soldier who I know to be  
21          Corporal Payne shouting at detainees in the TDF at  
22          BG Main."

23          He goes on to say he hadn't seen the footage  
24          previously. At paragraph 9 he goes to say this -- and  
25          that is what I want specifically you to address please:

1            "That night I was called in to see the adjutant, who  
2            I believe was Major Sweeney by that time, as well as the  
3            battalion 2IC whose name I cannot remember. They wanted  
4            to see my laptop and particularly the video of the TDF  
5            but I told them that I'd already deleted it, so they  
6            told me to go and get the disc that the video had come  
7            from."

8            Just pausing there, Major, do you recall having this  
9            meeting with Giblin, calling him in and asking to see  
10           his laptop?

11    A. I don't -- I don't remember it distinctly, but in terms  
12           of vague memories, that sounds probably about right.

13    Q. He goes on:

14           "I went and got the disk and returned to give it to  
15           them and they asked if there were any other copies of  
16           the disc or similar pictures or videos and I told them  
17           that I didn't know. I was then told to hand in my  
18           laptop to the RMP, which I did, as I believe there was  
19           a big search for other pictures and videos from Op Telic  
20           at that time ... After a period my laptop was returned  
21           to me and nothing more was said ... about it."

22           So the suggestion is that you -- you -- received  
23           that DVD. Is that correct?

24    A. No, that wouldn't have been correct. The initial  
25           conversation was between myself and the battalion 2IC

1 and Corporal Giblin. In terms of the subsequent action,  
2 if Giblin handed in a laptop, it certainly didn't come  
3 through me. It would have gone to the battalion 2IC and  
4 then up into -- and then to CJPU.

5 Q. And so your position is this, is it? You were aware,  
6 were you, of the handing in of a video, albeit you say  
7 you didn't see it yourself.

8 A. That's correct, yes. We -- I was aware that there was  
9 a video of a questionable nature and what I did -- what  
10 the QLR chain of command did was effectively secure that  
11 video -- whether it be a laptop or disc, I can't  
12 remember -- and then hand it over to the Military  
13 Police.

14 Q. Corporal Redfearn, in his evidence to this Inquiry, has  
15 also suggested that the disc was handed to you. He is  
16 wrong about that, is he?

17 A. Yes. I mean, I can -- the adjutant deals with  
18 discipline in a battalion, so I could understand why  
19 both of them refer to handing things to me. In this  
20 particular instance -- and I can't remember the specific  
21 reasons why -- it was the battalion 2IC that was -- that  
22 dealt with CJPU in relation to the video.

23 Q. And who was that at that time?

24 A. I think it was -- I think it was  
25 Major Chris Suss-Francksen.

1 Q. You also referred, did you, to the OC of A Company?

2 A. Yes. I think that would have been Major Richard  
3 Englefield.

4 Q. There is some issue, Major, as you are probably aware,  
5 of whether this DVD actually came to light at that stage  
6 in the sense of being passed on to the police. It was  
7 passed on, was it?

8 A. As far as I'm aware, yes.

9 Q. There wasn't any suggestion, because it perhaps put the  
10 regiment in a bad light, that it would not be forwarded?

11 A. Absolutely none whatsoever, and I will just expand on  
12 that.

13 Q. Thank you.

14 A. Obviously we had had the incident in Iraq and certainly  
15 Colonel Mendonca and then Colonel Richard Jefferies, who  
16 succeeded him, in terms of the investigation into the  
17 Baha Mousa case were wholeheartedly of the opinion --  
18 and they implemented this opinion ruthlessly -- that the  
19 whole regiment was to support the investigation in any  
20 way that we could possibly assist it.

21 Q. Finally, on this topic anyway, when you did see the  
22 video -- as you have told us that you did, I think first  
23 of all on television -- what was your reaction to it?

24 A. That's correct. Reaction in terms of what?

25 Q. What did you feel about it when you saw it?

1 A. I was disappointed by it.

2 Q. Then I will move on, please. I just want to ask you  
3 about quite a separate matter, something that you said  
4 at the court martial when you gave evidence there, just  
5 to ascertain whether an interpretation that may be put  
6 on what you said is correct or not.

7 Can we have a look, please, at your evidence to the  
8 court martial? It is Day 47, page 75. If we go to  
9 line 6 -- it will come up, I hope, on your screen in  
10 a moment. Can we highlight line 6 down to line 14?  
11 Thank you very much.

12 Can you read that passage, Major? I will just read  
13 it out for you. I will read it out with you, if I may.

14 A. Yes, thank you.

15 Q. The question you were asked just before the yellow  
16 highlighting:

17 "That is what you understood 'conditioning' meant,  
18 in your service?"

19 "Answer: I understand the term conditioning in --  
20 with regards to what we were doing in Iraq at the time.  
21 The description of having prisoners hooded, in stress  
22 positions, and handcuffed. That is what we were doing.  
23 That is what I would take conditioning to be."

24 Do you see that answer?

25 A. Yes, I do.

1 Q. There had been previous references to "conditioning" in  
2 your court martial evidence. What I want to ask you is  
3 whether, in that answer, you were saying that  
4 conditioning -- that is having prisoners hooded, in  
5 stress positions and handcuffed -- was something that  
6 you observed in Iraq.

7 A. Yes.

8 Q. Can we take that off the screen then, please?  
9 Can I then ask you: where did you see prisoners hooded,  
10 in stress positions and handcuffed when you were in Iraq  
11 in 2003?

12 A. I saw a number of prisoners who had been detained on  
13 operations, either on the ground or when they were  
14 brought into battlegroup headquarters, handcuffed and  
15 hooded, both at the point of arrest and at the point of  
16 delivery to battlegroup headquarters. In terms of  
17 seeing soldiers in stress positions, I certainly recall  
18 walking past the detention facility and seeing prisoners  
19 in stress positions.

20 Q. By "stress positions", you mean what?

21 A. Anything that wouldn't allow them to fully relax.

22 Q. Was this something you saw on one occasion or more than  
23 one?

24 A. I don't actually recall the specifics. I would say at  
25 least on one occasion.

1 Q. So the stress positions were being employed on prisoners  
2 who were inside the TDF, the temporary detention  
3 facility, were they?

4 A. Yes.

5 Q. We are talking, are we, about the block that was more or  
6 less opposite the accommodation block?

7 A. Yes.

8 Q. I asked you a little earlier about the Operation Salerno  
9 detainees. Did you see those detainees at any stage?

10 A. I don't actually remember.

11 Q. And what you are now describing to the Inquiry --  
12 prisoners hooded, cuffed and in stress positions -- did  
13 you see that before or after Operation Salerno, do you  
14 remember?

15 A. I don't recall. The problem I've effectively got is  
16 that we conducted a number of operations and we arrested  
17 a number of people. And in terms of separating the  
18 specific prisoners in Op Salerno from any of the other  
19 numerous operations we did during our time in Iraq,  
20 given the fact that it was however many years ago, is  
21 actually quite difficult.

22 Q. I understand. Can you help the Inquiry in this way?  
23 You were at the time, in Iraq, a captain; is that right?

24 A. That's correct.

25 Q. You had received LOAC training, law of armed conflict?

1 A. That's correct.

2 Q. And what did the law of armed conflict training teach  
3 you about the handling of prisoners?

4 A. In terms of the -- well, it would have been the old law  
5 of armed conflict training -- not particularly much. It  
6 was all in a high-intensity war setting. It was the  
7 capture of prisoners following an assault and it was  
8 generally -- if I remember correctly, you basically  
9 secured the prisoners and then they were always  
10 sandbagged for removal up the prisoner handling chain.

11 Q. So you were taught that prisoners were always  
12 sandbagged, were you?

13 A. In terms of -- from that initial point of contact, that  
14 initial point of capture, back, yes, that's my  
15 recollection.

16 Q. What were you taught, if anything, about, if you like,  
17 the overall treatment of detainees, how they were to be  
18 treated. Was there any specific message that you got  
19 from your training?

20 A. In terms of specific messages, it's always and always  
21 has been that you treat prisoners humanely. And  
22 certainly it has always been drummed into me that you  
23 would treat prisoners the way that you wanted to be  
24 treated yourself. That's certainly a message that  
25 I have always kind of hammered into my soldiers as well.

1 Q. So you were taught that prisoners would be sandbagged at  
2 the point of capture. Were you taught anything about  
3 the use of stress positions?

4 A. No.

5 Q. When, in Iraq, you saw prisoners hooded and in stress  
6 positions, as you've told us you did, did you consider  
7 that was humane or inhumane?

8 A. Sorry, in relation to the stress positions or did you  
9 mention sandbagging as well?

10 Q. Yes, sandbagging and stress positions. I take them  
11 together.

12 A. Okay, first of all, with regards to sandbagging,  
13 I certainly viewed the fact that we had -- we had to  
14 prevent any detainee we captured from seeing the layout  
15 of our camp, so I viewed the sandbagging of prisoners  
16 purely as a force protection measure.

17 With regards to stress positions and also in  
18 relation to sandbagging, as far as I was aware the  
19 battlegroup warfare officer, Major Tony Royce, had  
20 questioned the specifics in relation to  
21 prisoner-handling with brigade when we arrived in  
22 theatre and this was recognised and approved policy by  
23 brigade.

24 Q. I hear your answer, but can I nonetheless press my  
25 question to you? Did you regard hooding and stress

1 positions as being humane treatment?

2 A. I had no issues with it.

3 Q. It didn't immediately horrify you and strike you as  
4 something that needed to be reported, did it?

5 A. No, for the reasons I mentioned. Hooding due to the  
6 force protection issues and stress positions because we  
7 were -- as far as I was aware, we were maintaining the  
8 shock of capture in order to facilitate the extraction  
9 of useful intelligence.

10 Q. And so hooding and the use of stress positions even  
11 within the TDF, you believed was acceptable, did you?

12 A. Yes, for the reasons I mentioned.

13 Q. Looking back on it, Major, with all that you know now,  
14 would you still regard it as a humane practice?

15 A. In terms of -- in terms of I still think there's  
16 a requirement to prevent any detainee that we had from  
17 seeing the layout of our camp. There's obviously better  
18 methods to prevent them -- prevent people seeing the  
19 layout of camp and what-not, but at the time the only  
20 thing we had was sandbags. In terms of stress  
21 positions, having -- what I've read, what I've seen  
22 following on from the Baha Mousa case, I would not  
23 condone the use of stress positions.

24 Q. That's your position now?

25 A. Yes.

1 Q. Then finally this: we should understand then, should we,  
2 that in 2003 you saw the use of sandbags and stress  
3 positions within the TDF -- can I put it this way -- as  
4 something of a softening-up process prior to questions?

5 A. I wouldn't say -- I wouldn't use the words "softening  
6 up". It was essentially, from what I understood it to  
7 be, to be maintaining the shock of capture. It was  
8 nothing additional. It was just maintaining the shock  
9 that those detainees would have already been  
10 experiencing.

11 Q. I follow. So maintaining the shock of capture prior to  
12 questioning to make the suspect more amenable to the  
13 questions that he would be asked?

14 A. Yes.

15 Q. Prior to 2003, you had never heard, had you, that the  
16 Government in the early 1970s, the Government of Great  
17 Britain, had banned the use of these techniques for that  
18 purpose?

19 A. No.

20 MR ELIAS: Thank you very much.

21 THE CHAIRMAN: If you would be kind enough to wait there for  
22 a moment, there will be some other questions for you,  
23 Major.

24 Yes, Mr Friedman.

25 Questions by MR FRIEDMAN

1 MR FRIEDMAN: Thank you, Major. Can you see me?

2 A. Yes, I can.

3 Q. Did the understanding about the use and benefit of  
4 maintaining shock of capture that you have just  
5 described come to you for the first time while you were  
6 on tour in Iraq during Operation Telic 2?

7 A. The -- there was -- whenever -- whenever you captured  
8 prisoners in a high-intensity war situation, the intent  
9 was always to maintain the shock of capture whilst  
10 moving them to the rear as quickly as possible, so that  
11 when they got there, they would be more amenable to  
12 questioning from J2.

13 Q. So you had a very general idea of the benefits of shock  
14 of capture before you went on tour. Did the specific  
15 techniques of using hoods and stress positions once the  
16 detainees were inside the TDF get taught to you before  
17 you went on tour --

18 A. No, I (inaudible) -- it wasn't taught at all. In terms  
19 of how we were treating prisoners, I wasn't involved in  
20 the specifics of prisoner detention, prisoner-handling,  
21 anything to do with prisoners. So in terms of how we  
22 were treating the prisoners, that, I am sure, was  
23 briefed by the battlegroup warfare officer, following  
24 his confirmation of those practices from brigade.

25 Q. So can we take it that that briefing came from

1 Major Royce, who was the first and main person to hold  
2 that role?

3 A. I would have thought so, yes.

4 Q. Can we also take it that the briefing would have  
5 happened in an O Group and in a setting where the senior  
6 chain of command of the battalion were present?

7 A. I'm not sure, actually. I don't recall a specific  
8 briefing on prisoner-handling and what we were doing in  
9 terms of the practices relating to the prisoners, other  
10 than the timelines involved from them arriving at  
11 Battlegroup Main location to getting them down to the  
12 holding facility.

13 Q. You, as well as being a signaler -- or the signals  
14 officer -- took over the role of media ops during  
15 August, effectively replacing a man called Ainley who  
16 went back to his company. Is that correct?

17 A. That's correct. That's correct.

18 Q. Did Ainley disagree with the techniques that were being  
19 used to maintain shock of capture inside the TDF to your  
20 knowledge?

21 A. Not to my knowledge. He certainly didn't mention  
22 anything to it about -- to me.

23 Q. Did anybody in the chain of command -- any of your key  
24 colleagues -- ever raise concerns about the techniques  
25 that were being used inside the TDF before the death of

1 Baha Mousa?

2 A. No. We were all aware that Tony Royce had queried the  
3 detention procedures with brigade and that he had been  
4 given direction on what detainee handling was to  
5 involve. If anyone had any personal misgivings, I do  
6 not recall them ever mentioning it.

7 Q. Can I turn, then, to a question about your role as media  
8 ops officer? Do you remember a team from GMTV --  
9 morning television in Britain -- coming to the base to  
10 look around and interview people during the tour?

11 A. Yes.

12 Q. In your role, would you have been involved in  
13 facilitating their visit?

14 A. Yes.

15 Q. If GMTV or a news organisation like that came to the  
16 base, would you have wanted journalists to see, hear  
17 about or indeed report about these techniques that were  
18 going on in the TDF to maintain shock of capture?

19 A. I wouldn't let journalists of any nature film prisoners  
20 under any conditions --

21 Q. If I can interrupt. Understood, presumably for lawful  
22 reasons amongst others, but just in terms of the  
23 international media --

24 THE CHAIRMAN: Mr Friedman, I don't think this really gets  
25 us very far, does it? It is pretty obvious.

1 MR FRIEDMAN: Yes. Well, the chairman indicates that that  
2 line of questioning may be obvious.

3 Can I ask a specific question about it? The Inquiry  
4 has a statement from a soldier who was inside the TDF  
5 who was aware of a sergeant major, as far as he is  
6 concerned -- so not the rank you held -- coming into the  
7 TDF and telling the soldiers, during Baha Mousa's  
8 detention, to keep the noise down because GMTV might  
9 hear what was going on. Now, first of all, was that  
10 soldier, so described, you?

11 A. No, and I think we covered that during the court  
12 martial.

13 Q. Yes, well we can see the evidence that you gave in the  
14 court martial. Did you ask anyone on your behalf to go  
15 and tell soldiers to keep the noise down in the TDF?

16 A. No.

17 Q. Would you have wanted GMTV to hear soldiers shouting at  
18 prisoners?

19 A. To be honest, I don't think it would have particularly  
20 mattered. As far as I was concerned those were the --  
21 those were the -- we were handling our prisoners in the  
22 manner dictated to us by brigade. If that involved  
23 shouting at the prisoners and GMTV had asked me what the  
24 noise was, I would have said, "That's my prisoner  
25 detention staff controlling prisoners". I wouldn't have

1 hidden it. I wouldn't have felt the need to come up  
2 with another reason for it because, as far as I was  
3 concerned, we were following correct procedures and that  
4 was just the reality of things.

5 In terms of -- as -- I just reiterate -- in terms of  
6 them following that up and going to look at it,  
7 I wouldn't have allowed that under any circumstances,  
8 either back then or in any detention facility that  
9 I control now and in the future.

10 Q. Understood on that last point. Then can I turn to the  
11 Mirror photographs. Those photographs are known to be  
12 fake and they depict a whole set of humiliating aspects  
13 of prisoner treatment. But can I just ask you this?  
14 From what you knew of what had gone on during the tour,  
15 there was a feature of the Mirror photographs -- whether  
16 they were fake or not -- that was a depiction of  
17 reality, namely prisoners in kneeling positions and  
18 hooded, because that is what you knew to have gone on  
19 inside the TDF. Is that correct?

20 A. Yes.

21 Q. When the RMP were investigating the Daily Mirror issue,  
22 was it thought important to emphasise to them, even if  
23 the photographs might be fake, that they depicted  
24 an element of reality, namely the hooding and the forced  
25 kneeling?

1 A. Sorry, can you repeat the question?

2 Q. Yes, when the RMP were investigating the Mirror  
3 photographs, was it considered important to emphasise to  
4 them that they depicted an element of reality, namely  
5 the hooding and the forced kneeling?

6 A. No, it wasn't.

7 Q. Was it ever discussed that hooding and forced kneeling  
8 had indeed gone on with the RMP?

9 A. Not that I'm aware of, and I would say that for the  
10 simple reason that, as far as the kind of -- the chain  
11 of command would have been concerned, that was  
12 standardised policy within the brigade during the  
13 Telic 2 deployment.

14 THE CHAIRMAN: Now, Mr Friedman, you are coming to the end  
15 of your time.

16 MR FRIEDMAN: Lastly this, then: you have given a draft  
17 supplementary Rule 9 statement and the chairman will  
18 know, obviously, the logistical difficulties that you  
19 harbour under where you currently are. Do you have that  
20 one-page draft available to you?

21 A. No, I'm sorry, I don't.

22 Q. Well, it's just that it doesn't include the detail that  
23 you have given today, which you no doubt have had time  
24 to think about, but as far as you are aware the OC of  
25 Anzio Company -- that's Major Englefield -- and then the

1           battalion 2IC -- Major Suss-Francksen -- dealt with this  
2           video of a questionable nature. That's a matter you are  
3           now clear about, is it?

4   A.   No, that is my recollection of it. I couldn't be  
5           100 per cent sure that those were the two individuals  
6           dealing with it. I have memory that it was OC Anzio,  
7           who I think was Richard Englefield, and the battalion  
8           2IC, Chris Suss-Francksen. The only thing I am  
9           100 per cent sure about in terms of that whole piece was  
10          that I did not see the video. That's it.

11   Q.   But since you've given the supplementary statement,  
12          those two ranks are the people who have come to mind as  
13          the ranks that dealt with the video of questionable  
14          nature?

15   A.   Yes.

16   MR FRIEDMAN: Thank you.

17   THE CHAIRMAN: Yes, thank you very much.

18                 Mr Garnham?

19                         Questions by MR GARNHAM

20   MR GARNHAM: You told Mr Elias that you saw stress positions  
21          being employed at Battlegroup Main.

22   A.   I saw -- I described stress positions as a position that  
23          doesn't allow the particular individual to relax, so  
24          when I was -- when I was walking -- if I -- when I saw  
25          prisoners at the detention facility, they were stood up,

1           they perhaps were kneeling down -- they were not being  
2           allowed to relax. That's what I'm saying I saw.

3    Q. Thank you. You have now seen the video containing  
4           Corporal Payne shouting at detainees, haven't you?

5    A. Yes, yes.

6    Q. Those detainees shown in that video are being forced to  
7           adopt a particular stress position, standing with their  
8           back against the wall and their knees bent. Is that  
9           right?

10   A. Yes, I can't remember the specifics of the video.  
11           I will take it that's what they were doing.

12   Q. Was the stress positions that you saw happening at  
13           BG Main of that type?

14   A. I don't remember.

15   Q. Do you have any recollection of seeing detainees being  
16           forced into that sort of ski position, with their back  
17           against the wall and their knees bent at 90 degrees?

18   A. No.

19   Q. Did you see detainees being shouted at in the way that  
20           Corporal Payne is shown shouting at detainees in that  
21           video?

22   A. No.

23   Q. During your time at BG Main, do you ever recall hearing  
24           screaming coming from the TDF?

25   A. Absolutely not.

1 Q. Do you ever remember hearing crying or moaning coming  
2 from the TDF?

3 A. No.

4 Q. Shortly after the period in September when the  
5 Op Salerno detainees were held at BG Main, do you  
6 recollect having a conversation with Major John Seaman  
7 about Baha Mousa's death?

8 A. I don't remember having a specific conversation with  
9 John Seaman, but we were very good friends so it's more  
10 than likely that it has come up in conversation.

11 Q. Where was your accommodation at BG Main? Were you in  
12 the main block opposite --

13 A. Yes, that's correct. I was in the main accommodation  
14 block that was nearest to the detention facility.

15 Q. Do you recollect which side of that building you slept  
16 in? Was your room on the TDF side or the other side?

17 A. I initially slept on the TDF side and then, at some  
18 stage during the tour, I moved on to the far side that  
19 was closest to the main gate to camp.

20 Q. Thank you. Can I then ask you something about your tour  
21 in Cyprus? During that tour, do you recollect having  
22 a conversation with Regimental Sergeant Major  
23 Kevin Hayes in which Hayes described to you  
24 a conversation between RSM Paul Urey and  
25 Wayne Crowcroft?

1 A. Yes.

2 Q. Did he, Hayes, tell you of an account Crowcroft had  
3 given about his involvement with the Baha Mousa  
4 detainees?

5 A. He told me the version of events where then Sergeant  
6 Major Urey had spoke to Crowcroft during -- they bumped  
7 into each other in the pub. And I can't remember the  
8 specifics of what Crowcroft had said had happened,  
9 however basically it involved the mistreatment of  
10 detainees.

11 Q. Thank you. Lastly this, please, Major: you mentioned,  
12 when being asked questions by the last gentleman who  
13 questioned you, about the man whose job you took over,  
14 Ainley. Do you recollect that?

15 A. Yes, yes.

16 Q. Do you know from your own knowledge whether Mr Ainley  
17 had ever seen stress positions being used?

18 A. No, I don't.

19 Q. I'm sorry, I said that was my last question and  
20 I apologise, I have one more.

21 You have told us earlier that you understood that  
22 stress positions were approved by brigade because of  
23 what Major Royce told you.

24 A. Yes. If Major Royce hadn't told me directly, then it  
25 had been passed through the chain of command.

1 Q. The origin of your knowledge about brigade approval is  
2 simply what Major Royce told you, is that right?

3 A. Either -- yes, essentially.

4 Q. You had no independent contact with brigade about this  
5 matter, did you?

6 A. No.

7 MR GARNHAM: Thank you very much.

8 THE CHAIRMAN: Ms Dobbin?

9 Questions by MS DOBBIN

10 MS DOBBIN: Thank you, Sir.

11 Major Sweeney, can I ask you, please, about  
12 Private Lee with whom you had some dealings? Do you  
13 recollect Private Lee?

14 A. Private Lee?

15 Q. Yes.

16 A. Yes.

17 Q. You recollect that you had some dealings with him in and  
18 around the time that he was making a witness statement?

19 A. I do, yes.

20 Q. Thank you. You may not be able to recollect this, but  
21 I wonder if you might: is it right that you were told  
22 that Private Lee had informed his entire company that he  
23 was going to go and make a witness statement to the RMP?

24 A. No, I wasn't told that Private Lee -- as far as I was  
25 aware, Private Lee didn't tell his company that he was

1 going to make a statement. He made a statement to the  
2 RMP, then came back into camp and then told his company  
3 that he had made a statement, so it was after the  
4 statement.

5 Q. Was it the belief that he had done that because he  
6 wanted to deliberately orchestrate a situation whereby  
7 he could say he was at risk, possibly in the hope that  
8 he might be moved?

9 THE CHAIRMAN: That would be quite a big leap for him to say  
10 something like that.

11 MS DOBBIN: Sir, it arises because it was given in evidence  
12 previously.

13 THE CHAIRMAN: I follow that, but is it really going to help  
14 me, what he can say about that?

15 MS DOBBIN: Sir, there are obviously issues that are  
16 relevant --

17 THE CHAIRMAN: There may be issues that are relevant. I am  
18 not challenging that. It's a question of whether he can  
19 help about that.

20 MS DOBBIN: Sir, the question was about the general belief  
21 amongst those who commanded Private Lee that that is  
22 what he was trying to do.

23 THE CHAIRMAN: All right. You put it in those terms.

24 MS DOBBIN: Was it the general belief among the chain of  
25 command that Private Lee had taken that course because

1 he wanted to be moved, either to a different company or  
2 possibly to be permitted to go home for a while?

3 A. There was no -- the short answer is "no". I think we  
4 were slightly bewildered as to why Private Lee was --  
5 why Private Lee made his statement and then effectively  
6 told everyone about it. At the specific time I think we  
7 were just confused as to what his motivation was.

8 MS DOBBIN: Thank you. That's all, Sir.

9 THE CHAIRMAN: Thank you.

10 Mr Summers?

11 Questions by MR SUMMERS

12 MR SUMMERS: Major, I think you served under  
13 Colonel Mendonca as the CO between December 2002 and  
14 June 2004.

15 A. That's correct.

16 Q. Have you had an opportunity recently to read your  
17 evidence to the court martial?

18 A. Yes, I have.

19 Q. Can I ask you just to confirm two things briefly, then?  
20 You were asked, you may recall, about the suggestion  
21 that there was a tolerance within the chain of command  
22 of 1 QLR to abuse of detainees and you said:

23 "No, there was no tolerance whatsoever. It was  
24 entirely against the mission and it was entirely against  
25 the very clear direction that the commanding officer had

1 given in terms of what we were trying to achieve and how  
2 we were going to achieve it."  
3 Do you stand by that answer?  
4 A. Absolutely.  
5 Q. And when asked about his -- Colonel Mendonca's --  
6 attitude toward ill-discipline, you said:  
7 "Any form of ill-discipline would have been stamped  
8 on by the commanding officer immediately."  
9 A. Yes.  
10 Q. Do you stand by that?  
11 A. Absolutely.  
12 Q. Finally, when asked about him and his role, you said  
13 that he was very busy -- and that was by way of his  
14 nature -- he was a very busy man, he had very little  
15 sleep, he was everyone within your area of operations  
16 and intimately involved in all aspects of what was going  
17 on within the battalion. Again, is that a fair summary  
18 of your experience of him during Op Telic 2?  
19 A. Yes. Very much so. He was a commander that led from  
20 the front and he made it his business to make sure that  
21 everyone in his chain of command was following his  
22 intent with how we were conducting operations.  
23 MR SUMMERS: Thank you, Major.  
24 THE CHAIRMAN: Mr Summers, in case you feel it necessary to  
25 come along again and ask questions like that -- and

1 I don't mean to be rude about it -- I have seen  
2 Colonel Mendonca and had quite a long time, during the  
3 course of his evidence, to make my own assessment about  
4 him.

5 MR SUMMERS: I appreciate that, Sir. So you also  
6 (inaudible).

7 THE CHAIRMAN: I do understand. That's why I made that  
8 point.

9 Very well. Ms Simcock?

10 Questions by MS SIMCOCK

11 MS SIMCOCK: Thank you, Sir.

12 Major, following Private Lee giving his statement to  
13 the RMP in March 2004, you were aware that he had  
14 reported concerns about threats made to him, weren't  
15 you?

16 A. Yes. My recollection of events is that he made  
17 a statement to the RMP on Friday. I was unaware of that  
18 particular statement. On the Saturday night I was  
19 called to the CPU at CJPU station in Tekelia, where  
20 Private Lee had reported himself to that station with  
21 concerns about his potential safety.

22 Q. Yes. And wasn't Private Lee transferred companies after  
23 that for that reason?

24 A. No. Private Lee was not transferred out of  
25 Anzio Company because of any concerns about his safety.

1           Essentially what we were concerned about was Private Lee  
2           rubbing up some of the soldiers in Anzio Company the  
3           wrong way, leading to them fighting with Private Lee.  
4           And the reason we moved him -- in an army battalion the  
5           rifle companies are generally made up of the younger  
6           soldiers, the less mature. What we wanted to do was get  
7           him out of that environment into an environment where  
8           there was more mature sensible soldiers who could put up  
9           with Private Lee's personality.

10    Q.   Thank you. Do you also recall being aware that  
11           Private Lee was suffering from a period of depression  
12           and was signed off sick after a period of leave in the  
13           UK at around this time, 2004/2005?

14    THE CHAIRMAN: Well, I know --

15    A.   Yes. If I remember correctly -- I'm sorry, I missed  
16           that last point.

17    THE CHAIRMAN: That's my fault. I am very sorry. I was  
18           intervening because I am not sure that I am going to be  
19           helped by the question or the answer.

20    MS SIMCOCK: I will try to take it briefly, Sir.

21           In 2005, do you remember writing an email referring  
22           to a civilian psychiatrist's recommendation that  
23           Private Lee did not return to 1 QLR?

24    A.   Yes, I remember that.

25    Q.   And was your recommendation, despite that knowledge,

1           that Private Lee be returned to 1 QLR?

2   A.   Yes, it was because the civilian doctor in question was  
3       suggesting that Private Lee should not return to 1 QLR  
4       because of potential concerns with regards to  
5       Private Lee's safety if he did come to 1 QLR.

6   Q.   I see.

7   A.   To be quite honest, that -- sorry, on you go.

8   Q.   Thank you. Do you also remember, in July 2005,  
9       mentioning to a psychiatric nurse who had dealt with  
10      Private Lee that his evidence in relation to the  
11      Operation Salerno detainees was flawed due to him not  
12      being in the vicinity when the alleged offence occurred?

13  A.   Yes, that's correct. At the time I had been misinformed  
14      as to where Private Lee was during that particular  
15      operation --

16  Q.   Yes.

17  A.   -- and that was subsequently clarified.

18  Q.   Did that information come from Major Englefield?

19  A.   Yes. I think Major Englefield had initially said that  
20      Private Lee had been working in company headquarters,  
21      leading to my initial comments, and then subsequently  
22      informed me that that wasn't the case.

23  Q.   Would you accept, then, that your misinformed view of  
24      the truth or otherwise of Private Lee's evidence  
25      somewhat coloured your views in relation to his

1           psychiatric issues?

2    A.   I don't think -- my view --

3    THE CHAIRMAN:   I don't know really that I am helped by any

4           of this.   Major --

5    A.   I'm sorry, I couldn't --

6    THE CHAIRMAN:   I keep interrupting when you are trying to

7           say something and I shouldn't.

8    MS SIMCOCK:   Perhaps, Sir, if he could finish his answer.

9           That is my last question.

10   THE CHAIRMAN:   If he can remember what the question was.

11   MS SIMCOCK:   I will ask it again.

12                    Would you accept that your misinformed view of the

13           truth or otherwise of Private Lee's evidence has

14           somewhat, at that time, coloured your view of his

15           psychiatric issues and indeed him generally?

16   A.   No.   Any issues I had with Private Lee had nothing to do

17           with his -- what he may or may not have seen in Iraq.

18           My issues with Private Lee were with regards to his

19           interpretation of the potential threat he was under by

20           remaining in 1 QLR, which I found to be entirely

21           inaccurate.

22   MS SIMCOCK:   Thank you.

23   THE CHAIRMAN:   Yes, Ms Edington.

24                                Questions by MS EDINGTON

25   MS EDINGTON:   Thank you, Sir.

1 Major Sweeney, when a unit calls in the Royal  
2 Military Police to investigate, what does the unit then  
3 do in an investigation?

4 A. Essentially, once a unit believes that a crime has been  
5 committed or has reason to believe that there may be  
6 something -- some ill-discipline has gone on, they  
7 inform the Royal Military Police. They then take full  
8 responsibility for that investigation. At that point  
9 the unit will not do anything unless requested to do so  
10 by the Military Police so that they do not compromise  
11 the Military Police investigation.

12 MS EDINGTON: Thank you very much, Major Sweeney.

13 Thank you, Sir.

14 THE CHAIRMAN: Thank you. Mr Elias?

15 Further questions by MR ELIAS

16 MR ELIAS: Just one matter, Major. It may be because, as we  
17 have experienced, the lapse of time of your hearing the  
18 question and giving back the answer, but when you were  
19 asked the question a little earlier by Mr Garnham about  
20 the origins of your knowledge that brigade had  
21 sanctioned approval for what I'm going to call the use  
22 of conditioning techniques, you began by saying -- until  
23 you were asked another question -- "either" -- and then  
24 you agreed "yes, essentially", it was Major Royce.

25 What were you going to say? What was the source of



1 A. That's correct.

2 THE CHAIRMAN: All right. That's the sequence. Thank you  
3 very much.

4 Well, those are all the questions that you are going  
5 to be asked by the Inquiry. I am very grateful to you.  
6 I dare say that it has eaten into your sleeping time.  
7 I am very grateful to you for giving up time to give  
8 evidence to the Inquiry. That's all the questions that  
9 we have for you and we will now turn off the videolink.  
10 Thank you very much.

11 A. Thank you very much, Sir.

12 MR ELIAS: Sir, I am confident that we shall complete the  
13 next witness before the luncheon adjournment and that  
14 will be our evidence for the day.

15 THE CHAIRMAN: So you don't want to do us out of a break?

16 MR ELIAS: I think it might be as well if we took it now, if  
17 you are agreeable.

18 THE CHAIRMAN: Ten minutes.

19 (11.15 am)

20 (A short break)

21 (11.25 am)

22 MR ELIAS: Sir, I call Neil Wilson, Mr Wilson please.

23 THE CHAIRMAN: Yes. Mr Wilson, if you would be kind enough  
24 to stand, then I will ask that you be sworn.  
25

1 NEIL BLAIR WILSON (affirmed)

2 THE CHAIRMAN: Please sit down and if you would be kind  
3 enough to speak into the microphone as otherwise we will  
4 not be able to hear you properly.

5 Yes, Mr Elias.

6 Questions by MR ELIAS

7 MR ELIAS: Would you give the Inquiry your full name,  
8 please?

9 A. Neil Blair Wilson.

10 Q. You retired from the army in 2008?

11 A. I retired from the regular army in 2008, yes.

12 Q. If you look to a folder which should be to your  
13 right-hand side and to a copy of your statement within  
14 it, particularly to the last page of it which is at our  
15 BMI07258, do you there find, above the date of  
16 22 February of this year, your signature?

17 A. Yes.

18 Q. When you signed that statement, Mr Wilson, were you  
19 doing so attesting that the contents of the statement  
20 were true to the best of your knowledge and belief?

21 A. Yes.

22 Q. I am not going to ask you about every aspect that you  
23 cover in your statement, but to take you to certain  
24 parts of it in the questions that I have for you.

25 Can we begin, please, by just looking very briefly

1 at your army history? You tell us in the statement that  
2 you joined the army at the age of 16 in 1979.

3 A. Correct.

4 Q. You spent time as a junior leader with the Royal  
5 Armoured Corps. You joined the 4th Royal Tank Regiment,  
6 serving there until 1989, and in 1989 you transferred to  
7 the military provost staff at Colchester.

8 A. Yes.

9 Q. Thereafter was your career with the MPS --

10 A. Yes.

11 Q. -- until your retirement in 2008?

12 A. Yes.

13 Q. What was your rank at the time of retirement?

14 A. Major.

15 Q. Was your only operational deployment during your career  
16 with MPS to Iraq, Op Telic 1, in 2003?

17 A. Yes.

18 Q. And your role in Iraq -- I think you were then, you tell  
19 us, captain; is that right?

20 A. Yes.

21 Q. What was your role, please?

22 A. My role was OC of the military provost staff detachment.

23 Q. You are just either a little away from the microphone or  
24 you have a soft voice.

25 THE CHAIRMAN: I am afraid it's not all that easy. I have

1 not sat in that witness-box myself, but you have to get  
2 yourself up quite close to the microphone. You can  
3 always cure that by just using your parade ground voice.

4 A. Officer commanding military provost staff, responsible  
5 for the advice on custodial matters on the ground.

6 Q. I think in your statement -- we will come back to it in  
7 a little more detail -- you rather underline the advice  
8 role rather than, if you like, any more proactive role.

9 A. Yes.

10 Q. You say you were the officer commanding. What was the  
11 size of the team that you commanded?

12 A. There were 12 in total.

13 Q. I will come back to that role and how it was exercised  
14 in just a little detail in a moment or two. But first  
15 of all may I just ask you a little about your own  
16 training? You had, in the course of your career and no  
17 doubt on many occasions, received LOAC training?

18 A. Yes.

19 Q. That had given you, had it, a message as to humane  
20 treatment of prisoners --

21 A. Correct.

22 Q. -- whatever their category or status may be?

23 A. Yes.

24 Q. Had you, at the time of your deployment to Iraq, at any  
25 time in your career before that, received training in

1           what are sometimes called "conditioning techniques"? By  
2           "training", I mean instruction or training in that  
3           sense.

4           Can I take the techniques that I am referring to  
5           individually? Had you received any training or  
6           instruction in the use of hoods for prisoners?

7   A. No.

8   Q. Does it follow that you had not been instructed either  
9       way, as it were, as to whether hoods were or were not  
10      permitted to be used?

11  A. No, on the contrary. Hoods -- I was absolutely clear  
12      that hoods were not permitted.

13  Q. And you were absolutely clear of that through training  
14      and instruction that you received?

15  A. It was through Exercise Log Viper, which is referred to  
16      in the statement.

17  Q. I am going to come back to that in detail in a moment.  
18      So hooding was not permitted. What about the use --  
19      I am going to put these in a single box, if I may -- of  
20      stress positions, deprivation of sleep, deprivation of  
21      food and water, matters of that kind? Were they  
22      permitted techniques to be used with prisoners?

23  A. No.

24  Q. Again was that something that you learned from your  
25      training?

1 A. Yes.

2 Q. You refer at paragraph 8 -- perhaps we should have it on  
3 the screen, please -- on page BMI07224 to "Exercise Log  
4 Viper", which you say was an exercise that occurred  
5 around 2002 and involved the setting up of a prisoner of  
6 war facility and exercising the operation of that  
7 facility over 24 hours.

8 A. Yes.

9 Q. So that was not, as it were, an exercise or part of  
10 training conducted specifically for deployment to Iraq?

11 A. No.

12 Q. It was presumably before you ever knew you were going to  
13 be there.

14 A. Indeed.

15 Q. It was an exercise, was it, that included prisoner of  
16 war handling?

17 A. Yes.

18 Q. In the course of that exercise, were prisoners in fact  
19 hooded --

20 A. Yes.

21 Q. -- by the troops, the soldiers who were involved in the  
22 exercise?

23 A. Yes.

24 Q. Was there a reaction to the hooding of make-believe  
25 prisoners in that exercise?

1 A. Yes.

2 Q. Tell us about that.

3 A. One of my senior NCOs came upon hooding, directly  
4 intervened, ordered that the hoods be removed, briefed  
5 all troops, including those who were being exercised and  
6 those who were playing the part of prisoners, that this  
7 was not to occur. In addition to that, the exercise was  
8 being observed by, as I understand it, personnel from  
9 the Prisoner of War Information Bureau from MoD, who had  
10 passed on what they had seen up the chain of command.  
11 As a result, I was summoned by my CO for the exercise,  
12 commanding officer of 4th Regiment Royal Military  
13 Police, to account for what had taken place.

14 Q. So if I have read the account that you give, if I may  
15 say so, in helpful detail in your statement, what you  
16 tell us -- what you tell the Inquiry -- is that in this  
17 exercise troops, soldiers, as it were, of their own  
18 volition hooded prisoners, no doubt because they thought  
19 that's what should happen --

20 A. Yes.

21 Q. -- but that, when that was seen, the correction that you  
22 have now outlined to us took place.

23 A. Correct.

24 Q. You refer to that in a little more detail at  
25 paragraph 69 of your statement. We find it at BMI07245.

1           You have given some further information in paragraph 68  
2           but 69 we have on the screen. You say that:  
3           "As a result of Operation Viper [that exercise]  
4           I was aware that as a matter of routine some guard  
5           forces were using sandbags to deprive prisoners of their  
6           sight."  
7           We are still talking about 2002 when this course  
8           took place, are we?  
9        A. Sorry, can you clarify "course taking place"?  
10       Q. Operation Viper.  
11       A. The Exercise Log Viper?  
12       Q. The exercise, yes.  
13       A. Yes.  
14       Q. So you are talking about what you were aware of in 2002.  
15       You were aware -- I am looking at your statement. It is  
16       on the screen for you -- that as a matter of routine  
17       some guard forces were using sandbags to deprive  
18       prisoners of sight.  
19       A. Yes.  
20       Q. "I also knew, having received feedback from the  
21       RLC Pioneer guard force on the exercise, that  
22       sandbagging of detainees was something that had been  
23       taught at the infantry school at Brecon."  
24       A. Yes.  
25       Q. You go on to say:

1           "As a consequence, I ensured that the  
2           impermissibility of hooding ..."

3           That is to say clearly a ban on hooding; yes?

4   A.   Yes.

5   Q.   "... was specifically covered in our briefings to troops  
6           both prior to and during Op Telic."

7   A.   Yes.

8   Q.   You go on in that paragraph to say that you are not  
9           sure -- you are not aware -- if that message was relayed  
10          to those who had been conducting the infantry school at  
11          Brecon.

12  A.   That's correct.

13  Q.   But you do say that:

14          "The matter had been passed to brigade level and  
15          PS10 were aware, so I presumed it was being dealt with  
16          by those above me."

17  A.   Correct.

18  Q.   So you assumed that the message that had been given to  
19          you and you were now seeking to promulgate would have  
20          been promulgated, if you like, across all relevant  
21          areas?

22  A.   Yes.

23  Q.   But you don't obviously know whether that was done or  
24          not.

25  A.   Correct.

1 Q. Thank you. Forgive me. Can we just have paragraph 69  
2 on the screen for a moment longer? When you say, as you  
3 do here, "I ensured that the impermissibility of hooding  
4 was specifically covered in our briefings to troops both  
5 prior to and during Op Telic", was that an  
6 impermissibility, a ban on hooding, for all and every  
7 purpose or were there any reservations?

8 A. On the initial training we conducted in Kuwait, we were  
9 explicit to say that there was to be no hooding.

10 Q. You may be aware, Mr Wilson -- forgive me if it isn't,  
11 if you like, a detail of which you are not aware -- but  
12 you may be aware that perhaps some distinction has been  
13 drawn between a ban on the use of hoods for  
14 interrogation purposes, as part of a conditioning  
15 process, and the use of hoods for security reasons. Are  
16 you aware of debate, if you like, about the distinction  
17 between those two uses?

18 A. Yes.

19 Q. Was your ban on hooding, given in briefings to troops  
20 prior to and during Op Telic 1, definitive as to whether  
21 it covered both of those areas?

22 A. There was to be no hooding full stop.

23 Q. You go on in paragraph 70 to say this -- and you are now  
24 talking about Op Telic 1, aren't you? I deal with it  
25 since we have it on the screen.

1 A. Yes.

2 Q. "In the prisoner of war handling training my team gave  
3 in Kuwait we made clear that sandbagging was not humane  
4 treatment."

5 A. Correct.

6 Q. Again that would mean whatever the circumstances, would  
7 it?

8 A. As far as we were concerned, yes.

9 Q. And was that made clear?

10 A. Yes.

11 Q. Still dealing with your own training, if I could just go  
12 back to that for a moment, you say at paragraph 9 of  
13 your statement at BMI07225 that you attended two Prison  
14 Service courses, managing security and incident command,  
15 in the middle 1990s. They related to the running of  
16 civilian detention prison institutions, did they?

17 A. Yes.

18 Q. Could we have a look at a document, please, that we find  
19 in your tab 1? We find it at MOD050131. It is entitled  
20 "Prisoner of war handling instructor's pack" and, as we  
21 can see, "Lesson one: basic principles of prisoner of  
22 war handling and initial capture". What did this relate  
23 to? Can you help us about that?

24 A. That would relate to training conducted by MPS  
25 subsequent to Telic 1.

1 Q. Training conducted by MPS. This, in other words, is the  
2 lesson that should be promulgated to the troops. Is  
3 that what you're saying?

4 A. Yes. To some troops. Which troops I cannot comment.

5 Q. You say "subsequent to Telic 1".

6 A. Yes.

7 Q. Can we just see, then, what is set out here, please? On  
8 that first page, if we go down to the "Aim":

9 "... to introduce you to the basic principles  
10 certainly the handling of prisoners of war and to teach  
11 you the actions that you should take in the initial  
12 stages of dealing with them."

13 Then, in the middle of the next paragraph, the  
14 reasons why:

15 "The standards that we set for the treatment of  
16 those whom we take prisoner are a benchmark for our  
17 nation's culture and humanity."

18 Do you see that?

19 A. Yes.

20 Q. Was that, if you like, the core of the message?

21 A. Yes.

22 Q. If we go over the page in this document, under the  
23 heading "PW handling", "[Prisoner of war] handling".  
24 Thank you.

25 "The initial handling ... will take place both while

1 the operation is still in progress and in the immediate  
2 aftermath. All those involved will be affected by the  
3 stress of combat; the prisoners will be tired,  
4 frightened and sometimes wounded. Some will be cowed  
5 and submissive, others will have retained their fighting  
6 spirit. It is vitally important that the initial  
7 handling of prisoners of war is as swift and  
8 uncomplicated as possible in order to move them out of  
9 the combat area and relieve the combat troops of the  
10 burden of guarding and escorting."

11 A. Yes.

12 Q. Can we move on, please, to MOD050135? Under the heading  
13 "Treatment", this is what is said:

14 "The use of plasticuffs should be considered only as  
15 a last resort for those [prisoners] ... who are violent  
16 or who try to escape."

17 Do you see that?

18 A. Yes.

19 Q. So that was the teaching, was it, post Op Telic 1?

20 A. Yes.

21 Q. "Their widespread use is generally unnecessary,  
22 impractical and is considered inhumane."

23 Then the notes go on to say this:

24 "Likewise there is no requirement to sandbag the  
25 heads of prisoners."

1 A. That's what this plan says, yes.

2 Q. "Contrary to popular belief, the harsh treatment of  
3 a prisoner of war is counter productive when it comes to  
4 questioning. It potentially strengthens the resolve of  
5 the individual who is being mistreated, as well as being  
6 illegal."

7 I appreciate these may not be your notes, Mr Wilson,  
8 but that phrase "likewise there is no requirement to  
9 sandbag the heads of prisoners", wasn't that, in the  
10 light of the evidence you have already given as to what  
11 was being said in Op Telic 1, that hooding is banned for  
12 all purposes -- wasn't this a rather soft and maybe  
13 unclear way of putting matters? "No requirement"  
14 doesn't seem to suggest that it's necessarily banned,  
15 does it?

16 A. I think actually, whilst this is not my document, within  
17 the context of the delivery I would suggest that what we  
18 are looking at here is a document that says there is  
19 actually no tactical gain to be had by use of hood.  
20 There are alternative means which would give the same  
21 security advantage to our own troops, ie still making  
22 sure that any captured personnel do not have sight of  
23 sensitive information or security layouts.

24 Q. I follow that, but I don't know whether you agree or  
25 disagree. Simply saying that there's no requirement to

1 sandbag is not really quite the same as saying "You may  
2 not sandbag under any circumstances", is it?

3 A. It's not. I would agree with that.

4 Q. It's not perhaps as firm a message as ought to have been  
5 given if that was the intent?

6 A. That should -- with the benefit of hindsight -- now  
7 state words to the effect of "no sandbagging" and then  
8 go on to state that there are alternative means which  
9 would give the same advantage.

10 Q. To be fair -- I'm going to take you to it in just a  
11 moment -- I think we will see there is a clear message  
12 a little later and I think it's in the same series of  
13 notes. But just passing through the notes, I will take  
14 you to two other aspects of them. Can we look at  
15 MOD050143, please? It is headed "Lesson three: guarding  
16 prisoners of war". There is just a reference at the  
17 very foot of that page, the last two lines, to "... how  
18 negative images of prisoner mistreatment can harm our  
19 perception by the public".

20 Again that was presumably a matter that you and  
21 others who were training in this area would have very  
22 much in the forefront of your minds.

23 A. Yes.

24 Q. If we move on, please, to some of the slides and to --  
25 forgive me a moment.

1           Can you just help me about this?  If we go on to  
2           MOD050148 and then on to the MOD050175, can you help as  
3           to what these slides form part of?  Is it the same  
4           course or are we looking at a different course?  
5    A.  It's not something I am familiar with, these slides.  
6    Q.  Can we then look at MOD050177?  You refer, I think, to  
7           these in your statement to this Inquiry, a document that  
8           you were invited to look at by the Inquiry.  I think as  
9           to these slides, you say that they appear to be  
10          a PowerPoint presentation for the unit custody staff  
11          course.  Is that right.  
12   A.  Yes.  
13   Q.  Which would be a course, you say, targeted at regimental  
14          provost staff.  
15   A.  Yes.  
16   Q.  As we see at MOD050177:  
17                "The following techniques and practices are [and it  
18                is underlined and enlarged] NEVER to be used.  
19                "'Stress positions' ...  
20                "'Hooding' -- putting a bag or sandbag over  
21                a captured or detained person's head."  
22                Just for completeness over the page -- thank you  
23                very much -- under the heading again "Proscribed  
24                techniques":  
25                "'Subjection to noise' ...

1            "'Deprivation of sleep' ...  
2            "'Deprivation of food and drink' ..."  
3            Those are all matters which were plainly, through  
4            this part of training, off limits.  
5    A.    Yes.  
6    THE CHAIRMAN:    Can I ask: do we know the date of this  
7            document?  
8    MR ELIAS:    Do you know when this course was -- or when these  
9            slides were produced?  
10   A.    I don't know.  
11   Q.    I think you refer in your statement, at paragraph 82, to  
12            the fact that you were not involved in compiling or  
13            delivering the course, but you think that it perhaps  
14            dates between 2003 and 2005.  
15   A.    That would probably be about right.  
16   THE CHAIRMAN:    So these are post Op Telic, are they?  
17   A.    Yes.  
18   THE CHAIRMAN:    Thank you.    And they are essentially for  
19            provost staff?  
20   A.    Sorry?  
21   THE CHAIRMAN:    They are essentially a course for provost  
22            staff?  
23   A.    Within units, yes.  
24   THE CHAIRMAN:    Yes -- yes, I should have said "within  
25            units", yes.

1 MR ELIAS: A course for provost staff, but would this be  
2 right -- and please don't just accept it because I say  
3 it -- material which they would be expected to use in  
4 giving information and advice and training to other  
5 troops on the ground?

6 A. In terms of best practice I would assume that that would  
7 be cascaded down, yes.

8 THE CHAIRMAN: I am sorry, I should have paid more attention  
9 to it. The ones before that start at MOD050131 --  
10 that's the prisoner of war instructor's pack -- those  
11 are ones that -- you didn't actually compile these, is  
12 that right?

13 A. No.

14 THE CHAIRMAN: Were those ones which you used in Kuwait?

15 A. No.

16 MR ELIAS: These were post Op Telic 1.

17 THE CHAIRMAN: Post Op Telic 1, fine.

18 MR ELIAS: I think that's what you told us. Is that  
19 correct?

20 A. Yes, correct.

21 Q. Thank you.

22 THE CHAIRMAN: Yes, thank you.

23 MR ELIAS: Now you initially deployed to Kuwait and your  
24 team provided basic prisoner-handling training sessions,  
25 you say in your statement to this Inquiry, to as many UK

1 troops as possible.

2 A. Yes.

3 Q. I think you were asked by the Inquiry if you could, as  
4 it were, quantify how many troops on the ground would  
5 have received training sessions in prisoner-handling  
6 delivered by you and your team, and you are not able to  
7 give us --

8 A. No.

9 Q. -- any sort of clear numbers.

10 A. No.

11 Q. But were these sessions that were given to troops at all  
12 levels, all ranks?

13 A. By and large we would be given a grid square to turn up  
14 to brief, normally at company level.

15 THE CHAIRMAN: What do you mean by a "grid square"?

16 A. A place in the desert to meet the troops.

17 THE CHAIRMAN: I see. You just turn up and give the  
18 information to whoever was there?

19 A. Yes.

20 MR ELIAS: Somewhere where the power pack wouldn't run?

21 A. There was no PowerPoint, unfortunately.

22 MR ELIAS: At paragraphs 39 and on, can we have a look at  
23 that, please? BMI07234 please. You refer to "...  
24 basic prisoner-handling session to as many UK troops  
25 as possible in support of the divisional legal teams.

1 We were asked to cover the basics of prisoner-handling  
2 ...", and you designed the content of the presentation.  
3 You say that they covered:  
4 "... initial capture, definitions of prisoner of war  
5 and internees and criminal detainees ..."  
6 And no doubt the differences between those.  
7 "... the search and segregation of prisoners, the  
8 identification of risk and the identification of high  
9 value [prisoners] ... as well as the Geneva Conventions  
10 and the principles of humane treatment."  
11 A. That would be right. However, thinking about it now, we  
12 probably did not cover detained persons, ie criminal  
13 law-breakers, during that presentation at that time.  
14 Q. Because that would not have been necessarily a relevant  
15 consideration at that stage?  
16 A. No, not at that stage.  
17 Q. You go on in paragraph 40 to say this:  
18 "As discussed further ... the talk did make clear  
19 that hooding was inhumane treatment under the  
20 Geneva Conventions."  
21 A. Yes.  
22 Q. As you have told us, it was therefore banned. But you  
23 can't remember, you say in this statement, if stress  
24 positions and the other conditioning techniques were  
25 explicitly covered or not, but you expected they would

1           have been?

2    A.   I would expect they would have been covered during

3           questions and answers sessions with the troops.

4    Q.   You say you didn't give any of the talks yourself, but

5           your staff would have done.

6    A.   Yes.

7    Q.   You would have been present at some or parts of those,

8           would you?

9    A.   Yes.

10   Q.   You say in paragraph 41 that you were asked to prepare

11           the brief for these talks at short notice and you make

12           the point that time was against you and you did the best

13           that you could in the time that you had.

14   A.   Yes.

15   Q.   You record in your statement Chris Heron sitting in on

16           one of sessions at least that you gave.  That's

17           a lawyer?

18   A.   Yes.

19   Q.   In paragraph 42 -- this is where you were asked to deal

20           with the numbers -- you say that you gave the

21           presentation many times over a two-week period in

22           Kuwait, but you can't remember whether it was given to

23           the troops of 1 Black Watch or not.

24   A.   No.  I would have expected it to be delivered to

25           elements of 1 Black Watch, but in terms of the

1 Black Watch complete, I cannot answer.

2 Q. Where were you based once in Iraq?

3 A. Um Qasr initially.

4 Q. At the TIF?

5 A. Yes.

6 Q. And your specific role there at the TIF was what?

7 A. Advisory role.

8 Q. Does that mean, Mr Wilson, that you observed the

9 arrival, treatment and departure of prisoners?

10 A. By and large, yes.

11 Q. And what was the nature of any advice that you may have

12 given?

13 A. From initially ensuring safety from all parties, to

14 ensure that a proper search was conducted, to the

15 movement down and the process that it involved and

16 segregation in terms of what compounds individuals were

17 to go to, and ensuring that any movement to and from

18 compounds was accounted for appropriately, as well as

19 the feeding plan to ensure that we could distribute food

20 and water equitably.

21 Q. I think you may have a cipher list, do you, alongside

22 you, if you are using names?

23 A. Yes.

24 Q. If there was a need to give advice or guidance when you

25 were at the TIF, to whom would you give it?

1 A. If you would see anything going on and there was a need  
2 for immediate intervention, you would take the action  
3 there and then. In addition, you would feed any  
4 development points back up through the appropriate chain  
5 of command so that the information could be cascaded  
6 round to the other guard force personnel.

7 Q. I understand. It was rather to the immediate chain of  
8 command that I was referring when I asked, if there were  
9 someone in particular that you dealt with, who that  
10 would be.

11 A. In terms of my individual chain of command?

12 Q. No, if you were giving advice to those who were running  
13 the PWHO, running the TIF, would you deal with  
14 a specific individual?

15 A. Normally with the 2IC of QDG.

16 Q. And do you recall who that was?

17 A. I can't remember.

18 Q. All right.

19 Now you refer in paragraph 28 of your statement to  
20 the JFIT, BMI07230. As the Inquiry already knows, this  
21 had an entirely separate compound and we know that it  
22 was being administered, if I can use the fairly neutral  
23 word, on a somewhat different basis with a somewhat  
24 different chain of command.

25 You had no part to play with the JFIT, did you?

1 A. No.

2 Q. As we can see from the paragraph 27 on the screen, you  
3 were present, were you, between 13 May and 21 June, when  
4 your team was split in half effectively --

5 A. Yes.

6 Q. -- half remaining at Um Qasr and the monitoring role  
7 that you have indicated and half going to help with the  
8 setting up of the judicial system, the police and so on.

9 A. Yes.

10 Q. Did you remain at Um Qasr?

11 A. No.

12 Q. So you were not there after 13 May?

13 A. I would be flitting between the two locations.

14 Q. I follow.

15 Did you ever see anything within the JFIT which  
16 caused you concern in prisoner-handling terms?

17 A. No.

18 Q. Did you have a view about the fact that you had no  
19 advisory or indeed other jurisdiction, if you like, over  
20 the JFIT?

21 A. At the time I had enough of a real estate to cover, so  
22 it was one less thing to get in in my day-to-day  
23 existence.

24 Q. So it didn't trouble you in that sense?

25 A. No.

1 Q. All right. Your chain of command, to whom did you  
2 report?

3 A. At what stage in the tour?

4 Q. Well, from 28 February, I think when you first  
5 deployed -- is that right?

6 A. Correct -- sorry, no, it was earlier.

7 Q. Earlier than that?

8 A. Yes. I think it was about 7 February.

9 Q. Thank you. That's when you were in Kuwait, was it, from  
10 7 February?

11 A. Yes, reporting to commanding officer 5 Regiment,  
12 Colonel Davey.

13 Q. When you arrived at Um Qasr, do you recall when that  
14 was?

15 A. 21 or 22 March.

16 Q. And within the TIF, when you were there from that date,  
17 to whom were you then answerable?

18 A. We were under tactical command of CO Queen's Dragoon  
19 Guards.

20 Q. S009?

21 A. Yes.

22 Q. Did that chain of command alter at any later stage?

23 A. Yes, frequently.

24 Q. And from the time of that splitting of your forces --  
25 one to remain in the advisory capacity or the monitoring

1           role, as you put it, and the rest to be dealing with the  
2           setting up of the police and so on -- to whom were you  
3           answerable from that time on?

4    A.   In terms of the activities at Um Qasr, I was reporting  
5           to 5 Regiment Royal Military Police and the J1 team at  
6           GFLogC. With regards to the refurbishment of the  
7           Al Maqu'al prison and the police station custody suites,  
8           we were reporting to the commanding officer 1 RMP.

9    Q.   I want to ask you about just three or four documents, if  
10           I may, to which you refer in the course of your  
11           statement to the Inquiry. Can we look at your statement  
12           at paragraph 48, BMI07238? You are referring here, as  
13           the previous page indicates, to FRAGO 79. You say this:

14                "I clearly remember receiving this order at the  
15           beginning of April 2003. At the time we were preparing  
16           to hand over the running of the facility of Um Qasr to  
17           the US. The initial plan was that the Queen's Dragoon  
18           Guards would carry out a relief in place with the US MP  
19           to hand over the facility on 5 April. However, there  
20           were teething problems ... during the handover and  
21           therefore handover was put back by one day to the  
22           6th April."

23                You go on to say this:

24                "During the preparation for this handover, I was  
25           aware that Lieutenant Colonel Mercer was preparing

1 a detention and law and order document. However, as  
2 I was occupied with the handover I did not have any  
3 input into it."

4 It was the law and order document that you refer to  
5 that accompanied FRAGO 79 to which you are referring, is  
6 that right?

7 A. Without cross-referencing to those documents --

8 Q. Can we look at that document, then, please? It is at  
9 MOD019133. You see the FRAGO is dated 3 April 2003,  
10 FRAGO 79. Towards the bottom of it on this page, under  
11 the heading "Legal" and "Law & Order":

12 "Attached is a guide for Brigades on their legal  
13 powers in enforcing law and order in their Brigade areas  
14 of operation for Phases 3B and 4. This direction will  
15 evolve to meet requirements and changing circumstances  
16 ..."

17 If we go over the page, we see the document annex A  
18 to which that referred. Over two or three pages to  
19 paragraph 18, we see a heading, "Detention and Internee  
20 Management Unit (DIMU)", as it was referred to.

21 Following paragraph 18 and over the page, I don't  
22 take you to the detail of it, but we can see the  
23 provision being made for the arrest and handling of  
24 prisoners and their review under that FRAGO.

25 A. Yes.

1 Q. At paragraph 50, if we can go back to your statement --  
2 this is just really the short point I wanted to take you  
3 to in relation to this -- at BMI07238 please, you say  
4 this:

5 "The review procedures set out in this FRAGO [that's  
6 the one we have just looked at] under 'C. Detention and  
7 Internee Management Unit' were, in my view, more of an  
8 aspiration at this stage. The main problem with review  
9 procedures in this document were that they created an  
10 expectation for prisoners, if, as was sometimes the  
11 case, they were told of them by arresting RMP ..."

12 But as you go on to say over the page:

13 "... the next stage of the process was not set up.  
14 To my mind this was an idealistic document and would  
15 have worked later in the tour but not at this early  
16 stage."

17 So, as you saw it, FRAGO 79 was a FRAGO that was  
18 issued when -- putting it bluntly -- there wasn't the  
19 machinery in place to allow it to operate?

20 A. Correct.

21 Q. I move on from that document, please, to ask you to look  
22 at a draft post operational report, which I think is  
23 your document, is it? We find that, please, at  
24 MOD049942. Can you identify that, a document dated 19  
25 "May 2003? It is headed "First draft". I think if we

1 go to the last page at MOD049957, we find it's under  
2 your signature, as it were?

3 A. Yes.

4 Q. Just going back to the first page -- "Post operational  
5 report", now being drafted on 19 May. What was the  
6 intention of this document?

7 A. It was to gather the MPS perspective on the operation in  
8 order that it could go on record to enable us to develop  
9 things for the future.

10 Q. I just want to ask you about one paragraph in it. Can  
11 we go to paragraph 46? We find it at MOD049950. You  
12 refer to guard force issues. Then it seems to say:

13 "... the training bill remained, following a number  
14 of incidents MPS in effect moved from an advisory to  
15 a direct supervisory role within the compound area at  
16 all levels."

17 A. Correct.

18 Q. Can you just tell us to what that is referring, what  
19 incidents and where?

20 A. As I mentioned earlier on, the distribution equally of  
21 food and water was a problem, given the nature of the  
22 inmate population. The guard force that we had were not  
23 experienced in custodial matters and, therefore, my  
24 team -- in order to ensure that we got teams in and out  
25 safely, that everyone was fed and watered and that we

1 managed it in a reasonable timescale, my troops took on  
2 a supervisory role in charge of the feeding teams on the  
3 ground.

4 Q. We are talking about incidents at the TIF itself, are  
5 we?

6 A. Yes.

7 Q. So again I don't know that the detail is particularly  
8 pertinent to the matters this Inquiry is concerned with,  
9 but you do indicate in your statement that it involved  
10 rioting, if you like -- or fighting certainly -- between  
11 prisoners over food because the way in which it was  
12 distributed was not as it ought to have been.

13 A. Not so much the case that it was the delivery. It was  
14 the fact that, following "Shock and Awe", many of the  
15 prisoners perhaps, whilst they had been fed and watered  
16 on the evacuation chain for PW, were probably not, at  
17 that stage, sure if they were actually going to get  
18 another meal and therefore they would grab what they  
19 could when they could. By and large, the population --  
20 whilst we expected a disciplined uniformed army, the  
21 fact on the ground was that that wasn't the case.

22 Q. Perhaps relevantly for this Inquiry anyway, the point  
23 that you seek to make here is this, isn't it? The guard  
24 force, perhaps through no fault of their own, did not  
25 have any training that permitted them to solve that

1 issue, as it were, on their own.

2 A. Correct. They were still arriving two days before H(?)  
3 hour into theatre.

4 Q. Hence the need for your men to supervise the operation?

5 A. Absolutely.

6 Q. Now MOD050224, now dated October 2003, is the "AGC (MPS)  
7 post operation report, Operation Telic, part one --  
8 officer commanding's review". That is your review, is  
9 that right?

10 A. Yes.

11 Q. I am not clear -- forgive me -- but this wasn't, was it,  
12 the final version of the draft we looked at earlier?  
13 This is quite a separate document?

14 A. It was the final.

15 Q. It was the final of that, was it?

16 A. Yes.

17 Q. Thank you. So this was a document not only giving your  
18 review of what had happened at the post operation  
19 report, but also looking at lessons that may be learned  
20 for the future?

21 A. Yes.

22 Q. I just want to ask you about one part of this document.  
23 Can we go through, please, to page MOD050239, towards  
24 the end of it. Headed "Operational lessons Op Telic"  
25 and annex C. It's the serial 2 that I want to take you

1 to. Is the date 20 February 2003 intended to reflect  
2 the date of the incident which is then set out in that  
3 serial?

4 A. No, that was the date that I would be producing for this  
5 document.

6 Q. Forgive me, I didn't quite catch the answer.

7 A. The date of the document, not the date of any incidents.  
8 So the "date/time/group" that you see in serial 2(b)  
9 would be the date that we came to this conclusion,  
10 ie 20 February.

11 Q. I follow. So by 20 February that was the conclusion you  
12 were coming to?

13 A. Yes.

14 Q. As we can see, the initiator is Captain Wilson,  
15 yourself.

16 A. Correct.

17 Q. Under "Title of lesson":  
18 "prisoner of war handling training out of date."  
19 Then "Observation/lesson":  
20 "Prior to arrival in theatre many units were out of  
21 date regarding the correct treatment of prisoners of  
22 war, in particular with regards to the routine bagging  
23 of prisoners of war."

24 A. Correct.

25 Q. Putting it straightforwardly, then, you had come to the

1 conclusion, had you -- you and your team perhaps -- that  
2 by 20 February 2003, from your then knowledge of the  
3 situation, one, hooding was being carried out --  
4 A. Yes.  
5 Q. -- of prisoners?  
6 A. In terms of the awareness of the troops, the point being  
7 raised there is there was an expectation among the  
8 troops that they would be permitted to conduct hooding  
9 and bagging.  
10 Q. Some witnesses have told this Inquiry that the hooding  
11 of prisoners at the point of capture was an SOP as far  
12 as they were concerned, a standard operating procedure.  
13 I don't know whether you're aware of that, are you, of  
14 the evidence that has been given to this Inquiry?  
15 A. I am aware from the Inquiry that that is the case. That  
16 is not what we briefed them.  
17 Q. No, I understand that's not what you briefed. But in  
18 the light of what you are saying here, what you are  
19 putting into this report, that by 20 February you  
20 understood that prisoner of war handling training  
21 appeared to be out of date --  
22 A. Correct.  
23 Q. -- you were then, were you -- so we understand exactly  
24 how this arose -- in Kuwait giving training?  
25 A. Yes.

1 Q. So, what, the troops to whom you were giving training  
2 were raising the fact that they believed they could hood  
3 as an issue --

4 A. Yes.

5 Q. -- and were being corrected on that?

6 A. Correct.

7 Q. Was this something that was being raised occasionally by  
8 troops in training in Kuwait or was it something that  
9 seemed to be, as it were, a common belief that hooding  
10 could take place?

11 A. I can't recall. But the fact that I have put it on  
12 paper at that time with the date would suggest that it  
13 was fairly common.

14 Q. Under your "Recommendations", you say that:

15 "MPS [the military provost staff] should be the lead  
16 arm for the delivery of prisoner of war handling and  
17 detention issues throughout the services. MPS training  
18 advisory teams should sponsor the relevant ITD, the  
19 annual training, directly support BATUS, OPTAG and all  
20 major exercises involving prisoner of war detention  
21 serials."

22 A. Yes.

23 Q. You may think it obvious, Mr Wilson, but why was that  
24 your recommendation?

25 A. Because we are the army's custodial specialists and the

1           only ones trained and practising on a non-deployed  
2           day job at the Military Corrective Training Centre in  
3           custody.

4   Q.   In addition to that -- and again don't simply accept it  
5           because I put it to you -- but you have alluded to the  
6           fact, a little earlier in your evidence, that you  
7           understood that, for example, Brecon might be teaching  
8           one thing while the MPS was teaching another.

9   A.   I think it was the case that Brecon had in the past.  
10          Whether they were still doing so, I do not know.

11   Q.   But did you believe -- perhaps do you believe -- that  
12          putting this into the hands, if you like, of one body  
13          who were the authoritative voice could be of benefit to  
14          the whole operation?

15   A.   Absolutely.

16   Q.   Now the document we are looking at, October 2003, can we  
17          go, please, back just to the first page of it,  
18          MOD050224? This isn't a draft, is it? This is the  
19          final, as it were, your report.

20   A.   If it's signed, it will be the final report.

21   Q.   And in its final form was it submitted?

22   A.   Yes.

23   Q.   To whom?

24   A.   Headquarters provost martial army.

25   Q.   Do you know, Mr Wilson, whether the document had any

1 wider distribution?

2 A. I don't know.

3 Q. Just one or two other matters then, please.

4 Throughout the time that you were based at the TIF,

5 as I understand it you were based there even when you

6 were operating in the other role of trying to bring

7 forward the judicial process.

8 A. In that --

9 Q. Sorry, forgive me.

10 A. Define "based".

11 Q. Well, was that where you lived?

12 A. No.

13 Q. So when you talked about flitting back and forth, you

14 might have been based in the sense of being --

15 A. I would spend --

16 Q. -- somewhere else?

17 A. Depending on where we were with the repatriation plan

18 and the movement and the concerns on prisoner management

19 in terms of expectations, I would spend a few days down

20 at Um Qasr and then back up to Basra to Al Maqu'al

21 prison.

22 Q. I follow. Throughout the whole time that you may have

23 been at Um Qasr, whatever your role there, did you ever

24 see prisoners hooded there?

25 A. No.

1 Q. That would be either in the TIF itself or in the JFIT.

2 A. No.

3 Q. Did you have any concerns about the handling of

4 prisoners at the TIF -- specific concerns -- at any

5 stage?

6 A. There was one which I've referred to in the statement.

7 Q. That's at paragraph 62. Let's look at that at BMI07242,

8 please. You say:

9 "This occasion involved the movement of an inmate

10 from JFIT back to the PWHO compounds by a member of the

11 guard force."

12 A. Correct.

13 Q. You investigated and found that it appeared that, what,

14 a prisoner was being driven around at high speed?

15 A. In fact the vehicle had passed me in a cloud of dust

16 whilst I was speaking to a number of the compounds --

17 I was about to traditionally debrief the driver as

18 opposed to his boy racer approach when I noticed that

19 there was a detainee or a PW in the rear of the vehicle.

20 Q. You tell us in the statement that you told the driver to

21 take the inmate to the medical centre.

22 A. Correct.

23 Q. Was he given any rebuke for the way in which he was

24 handling a prisoner?

25 A. I debriefed the driver in no uncertain terms and I also

1 spoke to his officer commanding as well as passed it on  
2 to the 2IC of the QDG, what I had seen.

3 THE CHAIRMAN: When you say "debriefed", you mean you gave  
4 him an imperial rocket?

5 A. Absolutely.

6 THE CHAIRMAN: All right.

7 MR ELIAS: Did you get any explanation as to why it was  
8 being done?

9 A. No. The only -- from the driver, he said that he was  
10 just told to drive him round that way.

11 Q. You weren't aware of any injury to the inmate, you  
12 say --

13 A. No.

14 Q. -- to the prisoner?

15 Can you just answer "yes" or "no" in the first  
16 instance anyway to this question: were you ever made  
17 aware of any concerns raised by the ICRC, the Red Cross,  
18 at the TIF?

19 A. Not within the PWHO side.

20 Q. Does that mean you were made aware of certain matters  
21 that were being raised about the JFIT?

22 A. I was aware that there was potentially an issue with  
23 JFIT. Exactly what I wasn't privy to.

24 Q. And you were aware that that involved the Red Cross,  
25 were you?

1 A. Yes.

2 Q. From the evidence that you've given, Mr Wilson, should  
3 the Inquiry understand that you believed throughout the  
4 time that you were in Iraq -- and indeed in Kuwait --  
5 you were under no doubt but that hooding was banned?

6 A. Correct, other than -- when I referred to at one point,  
7 I believe there was an order came through that  
8 category As could be hooded.

9 Q. Category As could be hooded. What was the purpose of  
10 hooding category As?

11 A. I don't know.

12 Q. But you were aware that category A prisoners for some  
13 reason could be hooded?

14 A. Yes.

15 Q. But I asked you the question a little earlier whether  
16 you had ever seen any prisoner hooded. You in fact did  
17 not see such a thing; is that right?

18 A. Correct.

19 Q. Were you ever aware of any order issuing that hooding  
20 was banned; that is to say an order coming from the GOC?

21 A. I can't recall that, no.

22 Q. If there had been such an order issued by the GOC, it is  
23 suggested it may have been on or about 3 April 2003. Is  
24 that something that you would have expected to have  
25 learned about?

1 A. Yes.

2 Q. But you don't think you heard of any such order, do you?

3 A. I can't recall it. But it goes within our teaching that

4 hooding was not to take place anyway.

5 Q. That's, in a sense, why I asked the question. If you

6 had heard of such an order, you perhaps would have been

7 surprised, would you, given what you have told us, that

8 hooding was, in any event, particularly off limits?

9 A. Yes, it was an issue that was still being raised by

10 PWHO.

11 Q. And you were aware of that, were you?

12 A. Yes.

13 Q. In what context was the issue being raised by PWHO?

14 A. There had been individuals who had turned up having been

15 hooded and it was raised up at the evening O Groups and

16 then up, as far as I'm aware, to division.

17 Q. So you, what, believed it was being raised up to

18 ascertain the legality of it or what?

19 A. To stop it.

20 Q. Forgive me?

21 A. To stop it.

22 Q. To stop it. So, what, the concern at PWHO, as you

23 understood it, was the delivery of prisoners to them who

24 were hooded -- their concern was that that practice

25 should stop. Is that what you say?

1 A. Yes.

2 Q. Who was expressing that concern to you? Have regard to  
3 the warning you have been given about the use of names  
4 and ciphers, but who was telling you that?

5 A. Sorry, in terms of ...?

6 Q. Who was telling you, "We have concerns. We are having  
7 prisoners delivered here who are hooded"?

8 A. It would be coming from the MPS guy, who would be  
9 watching and overseeing, monitoring-wise, the initial  
10 holding area and reception area.

11 Q. So one of your staff monitoring?

12 A. Yes, yes.

13 Q. It was not then, was it, a concern that was being raised  
14 by anyone within the prisoner of war handling  
15 organisation itself?

16 A. Well, we were very much part of the QDG prisoner of war  
17 handling organisation, so, yes.

18 Q. Was there anyone from QDG who specifically raised it  
19 with you?

20 A. In general discussions it was raised, but we were saying  
21 it shouldn't happen as a prisoner of war handling  
22 organisation.

23 Q. So you were saying that. To whom were you saying it?

24 A. I can't recall.

25 Q. Would it have gone to the CO?

1 A. Yes.

2 Q. To S009?

3 A. I would believe so, yes.

4 MR ELIAS: Thank you.

5 THE CHAIRMAN: Yes, if you would like to wait there for  
6 a moment or two, there will be some other questions.

7 Ms Hetherington?

8 Questions by MS HETHERINGTON

9 MS HETHERINGTON: Mr Wilson, one thing you mentioned in your  
10 statement -- I don't think we need turn it up, but it's  
11 in paragraphs 36 to 37 -- is that you felt that one of  
12 the problems during Telic 1 in the planning stages was  
13 that there was a lack of a custodial specialist at  
14 divisional level and NCC level. Is that right?

15 A. Correct.

16 Q. I just wanted to ask about the impact that you felt that  
17 that missing specialisation had. You mention in your  
18 statement problems with the planning and construction of  
19 the facility at the TIF that you felt you could have  
20 addressed had you been involved. Was there anything  
21 else that you felt were problems that were caused by the  
22 lack of a custodial specialist at a high level?

23 A. I think subsequently, when we were dealing with the  
24 three categories of captured or interned persons, whilst  
25 the GFLogC team were focused on the repatriation and the

1 tribunal screening process of PW within the divisional  
2 area, from the Military Police perspective their focus  
3 was on law and order and detained persons.

4 I felt that useful in that area there would be  
5 someone who would impact the policy from a practical  
6 perspective of a coalition environment, dealing with all  
7 three categories of persons in terms of the policy.

8 Q. Someone who could feed in what actually the impact on  
9 the ground might be of the policy that was being --

10 A. Yes.

11 Q. I understand. Thank you. Just turning to your time  
12 when you were at the TIF. You made it clear that you  
13 had no involvement with the JFIT operation. You were  
14 asked by Mr Elias if you saw anything within the JFIT to  
15 cause you concern and you said "no". Is it the case  
16 that you didn't, in fact, see into the JFIT full stop?

17 A. No, we couldn't see into it. It was bermed off.

18 Q. It is also right, isn't it -- I think you mention it in  
19 your statement -- that the prisoners who were due to go  
20 into the JFIT did not, in fact, pass through the normal  
21 processing registration unit run by your staff?

22 A. That's correct.

23 Q. If we could just look at one document which I think  
24 illustrates that. It's at MOD030977. This is  
25 a divisional FRAGO 71 dated 15 March. We can see that

1 issue 1 is "Confirmation of procedure for category A  
2 prisoners". Cat As were the people who went straight to  
3 JFIT, is that right?

4 A. Correct.

5 Q. If we look at the next page and paragraph 3, we see  
6 that:

7 "The RMP should deliver the cat A directly to the  
8 JFIT ..."

9 Who will then sign for the prisoner, et cetera.  
10 Then this:

11 "Note that a cat A prisoner should not be delivered  
12 into the PWHO standard process, but must go to the JFIT  
13 directly."

14 A. Correct.

15 Q. That describes what you have said, is that right?

16 A. Yes.

17 Q. Were you ever aware of that practice changing? Was  
18 there a stage where category As were put through the MPS  
19 processing?

20 A. I think what we are dealing with there is in terms of  
21 the cat A prisoner of war category. I think where it  
22 perhaps changes somewhat is when we deal with much lower  
23 numbers of security internees subsequently.

24 Q. Perhaps this may help trigger your memory. There's  
25 another document at MOD017065. This is another

1           divisional FRAGO 169, but at a much later stage of the  
2           process. It is 1 June, so this would have been the  
3           stage where you were dealing with security internees  
4           rather than prisoners of war.

5   A. Yes.

6   Q. We can see that, at 1, it covers internment procedures  
7           and 1(b) covers the registration units and the  
8           battlegroup patrol handing over the suspect to the MPS.  
9           Then (c):

10                 "JFIT are not to have access to internees until the  
11                 internment process is complete."

12                 So it does look like that changed.

13   A. Yes.

14   Q. You said, in answer to a question to Mr Elias, that you  
15           didn't really have concerns about your lack of oversight  
16           over the JFIT because -- I am paraphrasing -- but you  
17           had enough on your plate; is that right?

18   A. That's correct.

19   Q. At any time during your time at the TIF and, in  
20           particular, for example, where there were discussions  
21           about the concerns being expressed by the ICRC or  
22           perhaps, for example, when you raised with the 2IC of  
23           the prisoner of war handling organisation the driving  
24           incident that you've mentioned, was there ever any  
25           discussions that the MPS ought to have a role in

1           overseeing what was going on at the JFIT and, in fact,  
2           that it was problematic that there were no custodial  
3           specialists looking at what was going on there?  
4   A.   Not that I can recall.  
5   Q.   Can you remember who told you that you were not to  
6           exercise any oversight over the JFIT?  
7   A.   In terms of we were briefed that there was no access of  
8           non-JFIT troops into that compound.  
9   Q.   And that would have been just as a general briefing --  
10  A.   Yes.  
11  Q.   -- from probably the CO or someone like that?  
12  A.   Yes.  
13  Q.   I understand.  There was no stage where you tried to  
14           exercise any supervision and met with resistance --  
15  A.   No.  
16  Q.   -- because you didn't try.  
17           Just in terms of the issue of the hooding of  
18           prisoners, we have heard that you, having seen that on  
19           the Viper Exercise, tried to address that in your  
20           training.  It's right, isn't it, that during the early  
21           stage of the tour some prisoners did still arrive with  
22           hoods on and that that had been to addressed on site?  
23  A.   Yes.  
24  THE CHAIRMAN:  Sorry, did you say "yes"?  
25  A.   Yes.

1 MS HETHERINGTON: How long did that continue as a problem,  
2 roughly, can you recall?

3 A. I don't think it was a major problem. I think it was  
4 only the odd occasion, perhaps with troops who had  
5 missed the briefings. I don't think it was a major  
6 issue in that, you know, every second convoy that was  
7 turning up had hooded prisoners. I think it was small  
8 scale.

9 Q. I understand. Thank you. In terms of the order that  
10 you talked about that said that the category A  
11 prisoners -- ie the ones that went straight to the  
12 JFIT -- could be hooded, you say in your statement that  
13 this was, you thought, before 6 April, so before the  
14 US unit took over.

15 A. I believe so, yes.

16 Q. Can you recall, did this order post-date the concerns  
17 that you and others had been expressing within the  
18 prisoner of war handling organisation about hooding?

19 A. Sorry, can you say that again?

20 Q. Yes. You discussed with Mr Elias a stage at which you  
21 and others within the prisoner of war handling  
22 organisation were expressing concerns about hooding --

23 A. Yes.

24 Q. -- and you thought that that was staffed up and then was  
25 dealt with. This order that category A prisoners could

1           be hooded, did that come after the discussion of those  
2           concerns and as a response to it or did it come before?

3    A.   I can't recall.

4    Q.   Thank you.  Can you recall whether that order was ever  
5           countermanded or did you understand that category A  
6           prisoners could continue to be hooded throughout your  
7           time there?

8    A.   I can't remember.

9    Q.   Just the very last question: given that you thought that  
10           hooding was banned full stop, in your words -- and  
11           I think you say in your statement that you considered it  
12           to breach the Geneva Conventions -- did you question the  
13           order when you heard it that category A prisoners could  
14           be hooded?

15   A.   It had been questioned prior to that.  I think there was  
16           obviously a discussion that had taken place on the  
17           debate and that was the direction that came down.

18   Q.   So you understood that this was a response to that  
19           debate?

20   A.   Yes.

21   Q.   As an order from higher authority, you accepted it  
22           despite your concerns about the Convention compliance?

23   A.   I think our views still remained on record as to our  
24           views on hooding.

25   MS HETHERINGTON:  Thank you.  Thank you, Sir.

1 THE CHAIRMAN: Thank you.

2 Ms Dobbin?

3 MS DOBBIN: No questions.

4 THE CHAIRMAN: Mr Evans?

5 Questions by MR EVANS

6 MR EVANS: Yes, thank you, Sir.

7 You were asked a little bit about the instructor's  
8 pack. I just want to explore that a little. In  
9 paragraph 81 of your statement you say that you're not  
10 sure if or when this training package was used. I just  
11 want to explore with you, do you know whether this  
12 package was, in fact, ever delivered to infantry troops  
13 due to go to Iraq after Op Telic 1?

14 A. No, I don't.

15 Q. Secondly, you were asked about the slides, which in your  
16 statement at paragraph 82 you said clearly post-date  
17 Op Telic 3 as the photograph -- a reference you give --  
18 is a photograph of the divisional TDF at Shaibah. Can  
19 you help us with this? What were you taking the date of  
20 Op Telic 3 to be?

21 A. In terms of the facility that is shown on the slides and  
22 working out that when that facility opened must have  
23 been around Telic 3 time.

24 Q. And that would have been when in terms of date? If  
25 I said December 2003, would that sound about right?

1 A. December -- yes, January onwards, probably.

2 Q. January ...?

3 A. December/January, I would suggest, yes.

4 Q. Right. I want to ask a little about the briefs you gave

5 to troops as MPS in the desert on the grid squares, you

6 were telling us about. You essentially, as I understand

7 it, turned up in the desert to give these briefs in

8 fairly rudimentary conditions; is that fair?

9 A. Yes.

10 Q. It was at company level, you said, meaning that you

11 dealt with one company at a time; is that right?

12 A. Yes.

13 Q. Would all personnel attend or would they have other

14 things to do?

15 A. We hoped that all would attend in what we would term as

16 a "scale A parade", but the reality was certainly some

17 of the infantry were working on the warriors as we spoke

18 and delivered the briefing putting on the op(?) armour

19 for the warrior, so there was lots of concurrent

20 activity going on at that time.

21 Q. And your intention, was it, was to cover all companies

22 within a battalion?

23 A. Yes.

24 Q. And when you say that you assume elements of

25 1 Black Watch were told, but you can't say that the

1 whole battalion was, can you just explain what you mean  
2 by that -- sorry, "were briefed", I should have said,  
3 rather than "told".

4 A. Yes, in terms of did we capture and brief everyone from  
5 1 Black Watch, possibly not. Did we brief element of  
6 1 Black Watch? I would suggest yes. Our expectation  
7 was that we would be briefing the main elements of the  
8 battlegroup's combat teams.

9 Q. And how many men did you have to achieve that task?

10 A. There was 11 of us in total at that stage because I had  
11 allocated one to be the liaison officer to another.

12 Q. Is this right, they went out in teams of three or four  
13 to do these briefings at company level?

14 A. Two or three.

15 Q. Before you sent your men on these briefing missions, did  
16 you, in fact, have a training session with them to  
17 ensure that the course content which they delivered was  
18 as uniform as you could achieve it?

19 A. Yes.

20 Q. And did that lesson plan, if I can put it that way,  
21 include a ban on hooding?

22 A. Yes.

23 Q. As I understand it, you didn't actually, from your  
24 statement, witness any of these lectures except for one  
25 which was given by Sergeant Watts, is that right?

1 A. Correct.

2 Q. You have had the opportunity, I know, to see some notes  
3 disclosed to us recently, which are at MOD052326. Can  
4 we have those put up on screen?

5 THE CHAIRMAN: They are pretty hard to read, are they not?

6 A. They are impossible.

7 MR EVANS: I have the advantage, Sir, of a blown-up copy of  
8 them. I don't know whether I can --

9 THE CHAIRMAN: I expect you can probably ask him what you  
10 want without actually letting us look at all that  
11 because it is hopeless --

12 MR EVANS: Yes, I think so. You have had an opportunity of  
13 looking at a fair copy of these notes; is that right?

14 THE CHAIRMAN: They are your notes, are they?

15 A. Not mine. One of my teams --

16 MR EVANS: May I first of all hand this to the witness, Sir,  
17 as a matter of pragmatics and then perhaps I can give it  
18 to Mr Elias after that. Would that be all right?

19 THE CHAIRMAN: Yes. (Handed)

20 MR EVANS: You, as I understand it, have identified these as  
21 Sergeant Watts' notes. Is that right?

22 A. No, Staff Shuttleworth.

23 Q. Just taking it through on the first line there, as you  
24 understand it, are these his notes of the briefing that  
25 he was to give to troops?

1 A. These will be what we term as his "crib sheets", what he  
2 must deliver.

3 Q. Were these crib sheets produced during the lesson plan  
4 that you had initially with all your staff before they  
5 went out or shortly thereafter?

6 A. In effect that would be the lesson plan, yes.

7 Q. All right. If we see on the first page here, there's  
8 a reference to treatment, "Firm but fair, how you would  
9 want to be treated". Do you see that?

10 A. Yes.

11 Q. Then a little further down:  
12 "Professionalism ... world stage ... media"

13 A. Yes.

14 Q. Further down "Aim of PWHO" and third line down "Uphold  
15 GC III".

16 A. Yes.

17 Q. Then over the page under "Capture":  
18 "Disarm, shock of capture, no talking."  
19 Do you see that?

20 A. Yes.

21 Q. Then at item 4:  
22 "Don't put bags over heads!"

23 A. Yes.

24 Q. Over the page to page 3:  
25 "No talking, fraternisation, messing them about!"

1                   Do you see that?

2    A.   Yes.

3    Q.   Finally a summary at the bottom of the page there:

4                   "1. treatment.

5                   "2. Resources.

6                   "3. Humanity.

7                   "4. Professionalism."

8    A.   Yes.

9    Q.   These obviously were not your notes, but having seen

10                  them do they capture essentially what you were trying to

11                  achieve in the training message that you were

12                  delivering?

13   A.   They absolutely reflect the briefings and the ethos that

14                  we were about.

15   THE CHAIRMAN: This is the first time these have come to

16                  light so far as the Inquiry is concerned; is that right?

17   MR EVANS: Yes, I think they were delivered very recently to

18                  us, I think only a couple of days ago. I make no

19                  criticism of that. It is just that they were very

20                  difficult to read and I only saw the blown-up version,

21                  in fact, this morning, but it is helpful as far as it

22                  goes.

23   THE CHAIRMAN: All right. Anything else you want to ask?

24   MR EVANS: Yes, please.

25                  Can you help us as to whether there were any escape

1           attempts at the PWHO while you were there?

2    A.   Yes, there was.

3    Q.   Can you just tell us briefly what those were?

4    A.   The perimeter of the theatre internment facility or

5           divisional collection point, as it was, had basically

6           two strands of barbed wire between the inmates and

7           freedom. In the event of a major dust storm they would

8           be able to run across or crawl through it and disappear

9           because visibility would be zero.

10   Q.   And did that in fact happen?

11   A.   Yes.

12   Q.   All right. Were there any attempts by prisoners at any

13           stage to overcome the guards?

14   A.   I believe there was one case when we handed over to the

15           US MPs, whereby a prisoner was shot as a result of

16           picking up a picket post and attempting to spear, as

17           I understand it, one of the guard force, the Americans.

18   Q.   All right. We have heard some evidence about there

19           being a risk of the prisoners rising up and overcoming

20           their captors. Did you regard that as a genuine real

21           risk at the time?

22   A.   Very real.

23   Q.   In your experience of the compounds that you managed

24           within the TIF, were some prisoner compounds less

25           compliant, if I can put it that way, than others?

1 A. Yes.

2 Q. Turning briefly, please, to your operational lessons  
3 learned October 2003 document. Can we just have up this  
4 page up on screen that Mr Elias took you to, which I  
5 think is MOD050239. Thank you. You were asked about  
6 serial 2 there and you were asked about the date of it.  
7 I think you said that 20 February 2003 is the date that  
8 you thought about this issue. Is that what you said?

9 A. I think so, yes.

10 Q. I just want to ask you this: 20 February 2003 is a month  
11 before you crossed the line into Iraq. I just wonder  
12 whether that date might be wrong or you are wrong about  
13 what it signifies. Can you just help us with that?

14 A. We were probably building up, and from conversations  
15 with troops on the ground at some point that has been  
16 highlighted to me. And throughout the tour, as things  
17 developed, I would be scribbling notes down for the post  
18 operational report.

19 Q. How far was your compound -- the compounds that you  
20 managed -- from the reception or holding area where  
21 prisoners initially came to the TIF?

22 A. As the crow flies, about 1 kilometre to 1,500 metres  
23 away, depending on which part of the compounds it was  
24 at.

25 Q. Mindful of the chairman's reference to the "imperial

1           rocket", is that about a mile?

2    A.   Yes.

3    Q.   Finally this: can I ask you what the pace of work was

4           for you and your team at the TIF in the early stages

5           before the Americans came on 6 April?

6    A.   Frantic, in a word.

7    Q.   What was your major focus?

8    A.   In -- the feeding plan and making sure that people were

9           fed, watered, initially, and then moving on to

10          expectation management in terms of repatriation and the

11          priorities, et cetera.

12   Q.   How many staff did you have to achieve this function --

13          MPS staff?

14   A.   Initially we had probably seven on the site at that

15          time.

16   Q.   And you had a guard force in support?

17   A.   Yes.

18   Q.   How many prisoners were you getting, approximately, per

19          day at this stage?

20   A.   100 to 200 prisoners a day.

21   Q.   By the time that you handed over to the Americans on

22          6 April, how many prisoners were at Um Qasr of which you

23          were responsible for?

24   A.   From my memory, I think there was either 1800 or 2200 UK

25          captured personnel.

1 Q. As to the hours you were working in the day, in the  
2 working day, can you give us some idea of the pace of  
3 work?

4 A. Probably about 20 hours a day.

5 Q. And after Um Qasr, when you went elsewhere, to Basra,  
6 what were you doing at that stage?

7 A. A mixture of reconnaissance for the refurbishment of  
8 police station custody facilities, the refurbishment and  
9 onsite supervision of the refurbishment of the  
10 Al Maqu'al prison, the training and then subsequent  
11 mentoring and leadership, if you like, of the Iraqi  
12 Police Prison Service who were running Al Maqu'al  
13 prison.

14 Q. And did the pace of work diminish very significantly or  
15 not?

16 A. No.

17 MR EVANS: Yes, thank you very much.

18 Thank you sir.

19 THE CHAIRMAN: Thank you.

20 Further questions by MR ELIAS

21 MR ELIAS: Mr Wilson, your colleague's briefing presentation  
22 notes to which you have been referred refer to the shock  
23 of capture as being an issue which would be canvassed.  
24 What was said about shock of capture in these briefings  
25 to troops?

1 A. In terms of the shock of capture, if we look at the  
2 document there, in terms of the "disarm, search and no  
3 fraternisation" would be the maintenance of the shock of  
4 capture as briefed to those troops.

5 Q. So was there specific instruction as to the maintenance  
6 or prolonging of the shock of capture?

7 A. Probably not specifically. Troops were directed to  
8 disarm, search and segregate.

9 Q. And then not speak to, not fraternise and so on?

10 A. Correct.

11 Q. And it was in that context that shock of capture was  
12 dealt with, was it?

13 A. Yes.

14 MR ELIAS: Thank you.

15 Thank you, Sir.

16 Questions by THE CHAIRMAN

17 THE CHAIRMAN: Can I just ask you this: the early part when  
18 you were over the border from Kuwait, you were at  
19 Um Qasr, as I understand it?

20 A. Sorry, when we were in Kuwait?

21 THE CHAIRMAN: No, after you had left Kuwait.

22 A. Yes.

23 THE CHAIRMAN: You were at Um Qasr at that time?

24 A. Correct.

25 THE CHAIRMAN: Right up to, I think your statement says,

1           about 13 May when you were split in half.

2    A.   About then, yes.

3    THE CHAIRMAN:  When you were at Um Qasr, you said on a few

4           occasions you would see prisoners being delivered

5           hooded.

6    A.   No, I never actually saw any prisoners hooded --

7    THE CHAIRMAN:  You never saw any?

8    A.   No.

9    THE CHAIRMAN:  I thought you said they did come.

10   A.   No --

11   MR ELIAS:  I think it was a question of report, was it --

12   A.   Yes.

13   MR ELIAS:  -- to you.

14   THE CHAIRMAN:  I was going to ask you about it.

15           When it was reported to you they were hooded, what

16           would you do about it?

17   A.   Confirm that actually the troops who had delivered them,

18           ie the escorts, had been briefed that it wasn't to

19           happen and then pass it up through the QDG chain of

20           command.

21   THE CHAIRMAN:  What does "confirm that the troops had been

22           briefed about it" mean?

23   A.   I would check --

24   THE CHAIRMAN:  Would you go down and speak to them?

25   A.   I would check with my senior NCO -- MPS senior NCO in

1 the holding area -- that he had briefed and just  
2 confirmed --

3 THE CHAIRMAN: What do you mean again "briefed"? Were your  
4 men told to tell them "Don't do that again"?

5 A. Yes, they did, yes.

6 THE CHAIRMAN: Right. Did they make a note of which  
7 regiment or organisation they came from?

8 A. Probably not, no. Other than to feed it back up  
9 through. But in terms of taking a record --

10 THE CHAIRMAN: As I understand it, at that particular  
11 time -- up until the time your unit was split into  
12 two -- you were physically practically the whole time in  
13 the compound at Um Qasr?

14 A. By and large, yes.

15 THE CHAIRMAN: When you split, you didn't remain at Um Qasr,  
16 you went up to Basra; is that right?

17 A. Correct.

18 THE CHAIRMAN: Where would you physically be in Basra?

19 A. We were working from the prison but actually staying at  
20 Fort Apache.

21 THE CHAIRMAN: At where?

22 A. Fort Apache.

23 THE CHAIRMAN: Did that have a regiment or unit stationed  
24 there?

25 A. RRF, I believe.

1 THE CHAIRMAN: The RAF --

2 A. Sorry, no, RRF. Royal Regiment of Fusiliers.

3 THE CHAIRMAN: They would be going out on the usual patrols

4 and that sort of thing?

5 A. Yes.

6 THE CHAIRMAN: Did you ever see any of them with prisoners

7 hooded?

8 A. No.

9 THE CHAIRMAN: Not once?

10 A. No.

11 THE CHAIRMAN: Did you get about in Basra to other parts of

12 Basra driving round about?

13 A. Yes. In the conduct of visits to 1 RMP Headquarters and

14 while I was conducting reconnaissance for subsequent

15 prison builds.

16 THE CHAIRMAN: And I imagine you would be around about quite

17 often within Basra?

18 A. Only as often as we needed to be because the problem was

19 it was a two-vehicle move and for me to take four

20 individuals from my team out it left two vulnerable in

21 the prison.

22 THE CHAIRMAN: I understand that, yes.

23 Would you, when you were in Basra driving around,

24 would you observe British forces on patrol there?

25 A. As a matter of routine, yes.

1 THE CHAIRMAN: Yes. I mean, did you see them -- observe  
2 them -- when they were on, let's say, a lift operation?  
3 A. No.  
4 THE CHAIRMAN: You wouldn't. You never saw vehicles coming  
5 back with prisoners to the various places that they were  
6 based?  
7 A. No.  
8 THE CHAIRMAN: Not at all?  
9 A. No.  
10 THE CHAIRMAN: All right. Thank you very much. I think  
11 that's all I wanted to ask you.  
12 One other matter: how did you fit with the regiment  
13 of Military Police? Because I understand there was  
14 a regiment of Military Police consisting of three  
15 companies.  
16 A. Which regiment?  
17 THE CHAIRMAN: Well, if my memory was better I could tell  
18 you --  
19 A. 5 RMP or 1 RMP? In effect for 5 RMP we were attached  
20 under command of 5 RMP overall but then placed under  
21 tactical command for the Al Maqu'al Prison side of life  
22 to 1 RMP as attached troops.  
23 THE CHAIRMAN: When you say "for tactical reasons", does  
24 that mean essentially that you were on your own there?  
25 A. In military terms, it's a phrase or a definition that

1 means for the purpose of Al Maqu'al Prison then CO 1 RMP  
2 can tell me what to do, but he can't retask me to do  
3 other things.

4 THE CHAIRMAN: But in practice you were much your own boss  
5 there, is that right?

6 A. Yes.

7 THE CHAIRMAN: All right. Thank you very much.

8 That's all the questions that the Inquiry has for  
9 you. Thank you very much for coming along to give  
10 evidence and you are now free to go.

11 A. Thank you.

12 THE CHAIRMAN: Very well. Neatly five to one.

13 MR ELIAS: That, Sir, is the evidence for today.

14 THE CHAIRMAN: Yes. Tomorrow we have?

15 MR ELIAS: Tomorrow we have Messrs Forster-Knight, Bailey  
16 and Mason in that order.

17 THE CHAIRMAN: Yes.

18 MR EVANS: Sir, before you rise, I am sorry, I am asked to  
19 make a short procedural point for what it is worth.

20 The document that I took the witness to -- the  
21 lecture notes that we referred to -- I am told I didn't  
22 make it clear that the document is an Inquiry document.  
23 We received it -- and I make no criticism of this --  
24 yesterday, and that's why perhaps you hadn't --

25 THE CHAIRMAN: I think from your veiled criticism I had

1 gleaned that point at the end, that it had come from us  
2 rather than from you.

3 MR EVANS: I think my instructions were that the veil was  
4 too thick, Sir. That's why I am on my feet but I am  
5 grateful.

6 THE CHAIRMAN: I say no more about that.

7 10 o'clock tomorrow please.

8 (12.56 pm)

9 (The Inquiry adjourned until 10.00 am, Thursday, 25 March

10 2010)

11 I N D E X

12	ALAN KYLE SWEENEY (called) .....	1
13	ALAN KYLE SWEENEY (affirmed) .....	2
14	Questions by MR ELIAS .....	2
15	Questions by MR FRIEDMAN .....	20
16	Questions by MR GARNHAM .....	27
17	Questions by MS DOBBIN .....	31
18	Questions by MR SUMMERS .....	33
19	Questions by MS SIMCOCK .....	35
20	Questions by MS EDINGTON .....	38
21	Further questions by MR ELIAS .....	39
22	Questions by THE CHAIRMAN .....	40
23	NEIL BLAIR WILSON (affirmed) .....	42
24	Questions by MR ELIAS .....	42
25	Questions by MS HETHERINGTON .....	82

1	Questions by MR EVANS .....	89
2	Further questions by MR ELIAS .....	98
3	Questions by THE CHAIRMAN .....	99
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

