

# HUXLEY, Joel

## FURTHER SUBMISSIONS

This further submission is intended to supplement the Response to Potential Criticisms ('RPC') submitted on behalf of WO2 Huxley in the TSol's Appendix to the Generic Submissions [SUB001749-52]. The Tribunal is referred to those submissions.

---

**Should the Inquiry contemplate criticising WO2 Huxley along any of the lines set out below, the following is submitted on his behalf:**

---

- i. Due to the proximity of his workplace to the TDF, he must have heard or otherwise witnessed the abuse of the detainees, but did not intervene to stop it or report it.*
1. No such criticism can reasonably be made of WO2 Huxley. He was categorical in his evidence to the Inquiry that he did not see any abuse of the detainees [Huxley BMI 23/36/19-21; BMI01696, para. 35]. Further, he did not hear any screaming or shouting from the TDF [Huxley BMI 23/36/22-37/6]. While he freely admitted that he had briefly looked into the left hand room of the TDF once, where he had seen two detainees, he witnessed nothing unusual [Huxley BMI 23/23/11; BMI01699]. As such, there was nothing to report or to stop.
  2. Moreover, it is wholly plausible that WO2 Huxley did not hear the abuse. Any vehicles that came into the camp would go past the stores, which clearly created ambient noise [Huxley BMI 23/61/23-62/5]. There was also a noisy generator in the vicinity of the stores [Huxley BMI 23/62/6-11].
  3. WO2 Huxley's evidence is corroborated by other witnesses. Raymond McNally, who worked in the stores under WO2 Huxley's command, stated that he did not hear any shouting or screaming from the TDF either [BMI06353]. John McLaughlin indicated that the vehicle loading point was outside the TDF and that people would shout during the night when loading up [McLaughlin BMI 57/127/3 – see also General Submissions p.174, SUB001413]. In addition, others who were in the vicinity, such as the Rev Madden, did not hear any noises coming from the TDF [Madden BMI 42/193/23].
  4. In addition, although he freely accepted that he was in the storehouse for much of the time, WO2 Huxley was not present in the vicinity of the stores

throughout the whole period of the detainees' detention [Huxley BMI 23/38/16-39/6]. It is acknowledged that in Mr Slicker's early evidence to the SIB he stated that he heard screaming from inside the store room [Slicker MOD004803], however in his oral evidence to the inquiry he clarified that the screaming could be heard inside the main building, but not inside the stores [Slicker 21/23/23-24/20]. It is also recognised that Mr Stout's statement indicated that while he was in the stores he had heard sounds of soldiers shouting at detainees [Stout BMI05200]; however, it is notable that he did not hear sounds of abuse. However, even if shouting and screaming were heard from within the stores, there is no evidence that WO2 Huxley was present at the time that Mr Slicker and Mr Stout heard the sounds, and these two witnesses did not suggest that he was present when they heard it: Mr Stout cannot recall even whether WO2 Huxley was there on Monday 15 September 2003 [BMI05203, para. 26].

5. Further it is WO2 Huxley's clear evidence that he did not hear any shouting from the TDF. But even if he had heard soldiers shouting, it would have been entirely reasonable for him to consider it came from the loading bay. While it is acknowledged that, in response to a question, Mr Payne stated the sounds of beating could be heard outside the stores, it is submitted that on a proper interpretation of the evidence he was not referring to the actual beating of the detainees but to the shouting of the soldiers because shortly after responding to that question, he clarified that the sounds of the detainees suffering could not have been heard from outside the TDF because it would have been masked by the soldiers' shouting [Payne 32/138/3-25].

***ii. He is likely to have heard of rumours of the abuse and failed to intervene***

6. No such criticism can fairly be made of WO2 Huxley. This is based not on evidence but supposition. He frankly volunteered that he had heard rumours after Operation Salerno that the detainees may have been connected to Captain Dai Jones' death [BMI01700]; however, he was clear that he did not hear of any rumours of assaults on the detainees [Huxley BMI 23/39/18-20]. Neither was he aware that Mr Slicker had assaulted a detainee until Slicker was arrested [Huxley BMI 23/37/21-38/6]. While Mr Simmons might have heard rumours of abuse, this is hardly evidence that Mr Huxley did. Simmons was a member of the Motor Transport Platoon with HQ Company at Basra Palace [BMI04493] and there is no evidence that he spoke to WO2 Huxley. Further, Mr Simmons could not even be sure how long the rumour had been circulating around his battalion before he attended the TDF on the Tuesday morning: "it may have been 12 hours, 24 hours" [Simmons BMI 24/68/5-20]. Accordingly, there is no evidence that any rumours could have reached WO2 Huxley in any event.

7. It must also be noted that WO2 Huxley has had a long, unblemished career in the Army. He joined the Army in 1985 and is now a senior NCO. As such, he is a long-serving member of the Armed Forces who has held the positions of Unit Welfare Officer and CQMS [BMI01688; BMI01697]. It is submitted that such positions are only given to persons considered responsible and of integrity. WO2 Huxley conducted himself honestly and openly when he gave evidence to the Inquiry, in stark contrast to those who gave evidence against him. He was visibly upset by the allegations that were made against him.
8. It is also submitted that Mr Felton's additional submissions against WO2 Huxley [SUB003086] are patently unreliable, wholly without foundation and based upon a grudge held by Felton: see WO2 Huxley's RPC in this regard [p.284] where Felton's credibility is impugned. Put shortly, Felton has a clear motive for trying to implicate WO2 Huxley. But it is also clear that Mr Felton is wholly lacking in credibility as a witness: to take an incontrovertible example, it is notable that Felton's allegation that WO2 Huxley deleted photographs of abuse from his laptop has been convincingly disproved by an expert report [Huxley BMI 23/45/12].
9. For the reasons outlined above, it would not be fair to criticise WO2 Huxley on these grounds.