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

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

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

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

A. I am very happy with that.

ALAN KYLE SWEENEY (affirmed)

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

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

A. No problem.

Questions by MR ELIAS

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

A. Yes, it's Alan Kyle Sweeney.

Q. And your current rank?

A. Major.

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

A. Yes.
Q. You signed that statement on that day, did you?
A. Yes, I would have done.

Q. When you signed it, were the contents of the statement true to the best of your knowledge and belief?
A. Yes.

Q. I just want to ask you specifically about two particular topics that the Inquiry is interested in relation to the evidence that you can give. First of all, can I just ascertain -- and I don't want to ask any unnecessary detail -- when did you join the army?

Q. Without giving your date of birth, how old were you then?
A. I would be 22.

Q. Thank you. You are currently, are you, the officer commanding C Company of the 2nd Battalion Duke of Lancaster's Regiment?
A. That's correct.

Q. In 2003, did you hold the appointment of regimental signals officer for the 1st Battalion of the Queen's Lancashire Regiment?
A. I did, yes.

Q. Was your rank then captain?
A. It was.

Q. If I refer to Operation Salerno and the detainees who
were arrested as part of that operation, do you know what I'm referring to?

A. Yes, I do.

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

A. No.

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

A. That's correct.

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

A. No, no.

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

A. Sorry, can you repeat the question?

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

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

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

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

A. The -- I mean, I became aware of it during the deployment to Iraq itself. As well as being RSO, I was media officer, and we produced effectively an end-of-tour journal that was a photographic record of what had gone on during the tour. There were a number of pictures taken throughout the tour that recorded the results of operations in terms of weapons finds and on some of those weapons-find pictures there was also pictures of detainees.

Q. I think the Inquiry has already heard some evidence about that and I don't take you to the detail of it. But when you were in Cyprus -- and I think in about May of 2004 therefore -- you were aware, were you, of the Daily Mirror publishing pictures which were subsequently found to be fake?

A. Yes.

Q. Following that, was there some gathering of any material that may assist in inquiries in relation to that and perhaps other aspects of photographs that may have been taken?

A. I can't remember if it was before or after the Daily Mirror pictures. What I do remember is that the chain
of command, in response to the ongoing inquiry, gave an
instruction that all OCs -- all company commanders --
were to effectively examine all photographs that were
available to them, so have the soldiers bring
photographs in and then any photographs that contained
prisoners were to be centralised and then handed over to
the Cyprus Joint Police Unit.

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

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

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

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

In terms of video, there was an incident -- and
I can't remember the exact details of it -- but from
recollection someone viewed a video in the guard room
and that video was highlighted as being of
a questionable nature. That video was then forwarded to
CJPU to effectively allow them to initiate any proceedings that they thought were -- that they deemed necessary.

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

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

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

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

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

A. No.

Q. Didn't you ask?

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

Q. You have now --

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

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

A. I believe so, yes.
Q. You have seen the video that is sometimes described as the "Payne video" or the "TDF video", have you?
A. Yes, I have.
Q. Does it seem -- can you help us -- that that is the video to which you're now referring which you think was discovered, as it were, in Cyprus?
A. I don't know. The first time I saw the Payne video was when it appeared on TV news. Having not seen the video in Cyprus, I have no way of knowing if that was the Payne video.
Q. You are aware, are you, Major, of the evidence and statement of Michael Giblin?
A. Yes, I have read his statement.
Q. He speaks about, in liaison, if you like, with Corporal Redfearn, handing in a DVD which was the Payne DVD.
A. Yes.
Q. Is he right or wrong about that?
A. He certainly didn't hand that video to me. In fact, if that was the video that was viewed in the guard room, it went from Giblin to OC Anzio to the battalion 2IC to CJPU.
Q. So you didn't see it at all at that stage?
A. No. I didn't see the video until it appeared on network news in the UK.
Q. If I were to put a document on the screen, do you have a facility there to view it?
A. I think so, yes.

Q. Then I will ask, please, that BMI06472 -- the statement of Michael Giblin -- be put on the screen. Can we go over the page, please, to paragraph 5? Just to take you through --
A. I'm sorry, I can't see this statement. Nothing is appearing on my screen.

Q. You don't have a copy, do you, of the Giblin statement with you?
A. I can see it now.

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

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

"6. I do not know why Corporal Redfearn gave this evidence but it is not correct. The accurate events in relation to the DVD are as described in the paragraphs below."
He goes on to say this:

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

He goes on to say he hadn't seen the footage previously. At paragraph 9 he goes to say this -- and that is what I want specifically you to address please:
"That night I was called in to see the adjutant, who I believe was Major Sweeney by that time, as well as the battalion 2IC whose name I cannot remember. They wanted to see my laptop and particularly the video of the TDF but I told them that I'd already deleted it, so they told me to go and get the disc that the video had come from."

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

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

Q. He goes on:

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

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

A. No, that wouldn't have been correct. The initial conversation was between myself and the battalion 2IC
and Corporal Giblin. In terms of the subsequent action, if Giblin handed in a laptop, it certainly didn't come through me. It would have gone to the battalion 2IC and then up into -- and then to CJPU.

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

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

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

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

Q. And who was that at that time?

A. I think it was -- I think it was Major Chris Suss-Francksen.
Q. You also referred, did you, to the OC of A Company?
A. Yes. I think that would have been Major Richard Englefield.
Q. There is some issue, Major, as you are probably aware, of whether this DVD actually came to light at that stage in the sense of being passed on to the police. It was passed on, was it?
A. As far as I'm aware, yes.
Q. There wasn't any suggestion, because it perhaps put the regiment in a bad light, that it would not be forwarded?
A. Absolutely none whatsoever, and I will just expand on that.
Q. Thank you.
A. Obviously we had had the incident in Iraq and certainly Colonel Mendonca and then Colonel Richard Jefferies, who succeeded him, in terms of the investigation into the Baha Mousa case were wholeheartedly of the opinion -- and they implemented this opinion ruthlessly -- that the whole regiment was to support the investigation in any way that we could possibly assist it.
Q. Finally, on this topic anyway, when you did see the video -- as you have told us that you did, I think first of all on television -- what was your reaction to it?
A. That's correct. Reaction in terms of what?
Q. What did you feel about it when you saw it?
A. I was disappointed by it.

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

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

Thank you very much.

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

A. Yes, thank you.

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

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

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

Do you see that answer?

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

A. Yes.

Q. Can we take that off the screen then, please?

Can I then ask you: where did you see prisoners hooded, in stress positions and handcuffed when you were in Iraq in 2003?

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

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

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

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

A. I don't actually recall the specifics. I would say at least on one occasion.
Q. So the stress positions were being employed on prisoners who were inside the TDF, the temporary detention facility, were they?
A. Yes.
Q. We are talking, are we, about the block that was more or less opposite the accommodation block?
A. Yes.
Q. I asked you a little earlier about the Operation Salerno detainees. Did you see those detainees at any stage?
A. I don't actually remember.
Q. And what you are now describing to the Inquiry -- prisoners hooded, cuffed and in stress positions -- did you see that before or after Operation Salerno, do you remember?
A. I don't recall. The problem I've effectively got is that we conducted a number of operations and we arrested a number of people. And in terms of separating the specific prisoners in Op Salerno from any of the other numerous operations we did during our time in Iraq, given the fact that it was however many years ago, is actually quite difficult.
Q. I understand. Can you help the Inquiry in this way? You were at the time, in Iraq, a captain; is that right?
A. That's correct.
Q. You had received LOAC training, law of armed conflict?
A. That's correct.

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

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

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

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

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

A. In terms of specific messages, it's always and always has been that you treat prisoners humanely. And certainly it has always been drummed into me that you would treat prisoners the way that you wanted to be treated yourself. That's certainly a message that I have always kind of hammered into my soldiers as well.
Q. So you were taught that prisoners would be sandbagged at the point of capture. Were you taught anything about the use of stress positions?

A. No.

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

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

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

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

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

Q. I hear your answer, but can I nonetheless press my question to you? Did you regard hooding and stress
positions as being humane treatment?
A. I had no issues with it.
Q. It didn't immediately horrify you and strike you as something that needed to be reported, did it?
A. No, for the reasons I mentioned. Hooding due to the force protection issues and stress positions because we were -- as far as I was aware, we were maintaining the shock of capture in order to facilitate the extraction of useful intelligence.
Q. And so hooding and the use of stress positions even within the TDF, you believed was acceptable, did you?
A. Yes, for the reasons I mentioned.
Q. Looking back on it, Major, with all that you know now, would you still regard it as a humane practice?
A. In terms of -- in terms of I still think there's a requirement to prevent any detainee that we had from seeing the layout of our camp. There's obviously better methods to prevent them -- prevent people seeing the layout of camp and what-not, but at the time the only thing we had was sandbags. In terms of stress positions, having -- what I've read, what I've seen following on from the Baha Mousa case, I would not condone the use of stress positions.
Q. That's your position now?
A. Yes.
Q. Then finally this: we should understand then, should we, that in 2003 you saw the use of sandbags and stress positions within the TDF -- can I put it this way -- as something of a softening-up process prior to questions?

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

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

A. Yes.

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

A. No.

MR ELIAS: Thank you very much.

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

Yes, Mr Friedman.

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

A. Yes, I can.

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

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

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

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

Q. So can we take it that that briefing came from
Major Royce, who was the first and main person to hold that role?

A. I would have thought so, yes.

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

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

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

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

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

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

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

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

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

A. Yes.

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

A. Yes.

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

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

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

THE CHAIRMAN: Mr Friedman, I don't think this really gets
us very far, does it? It is pretty obvious.
MR FRIEDMAN: Yes. Well, the chairman indicates that that line of questioning may be obvious.

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

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

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

A. No.

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

A. To be honest, I don't think it would have particularly mattered. As far as I was concerned those were the -- those were the -- we were handling our prisoners in the manner dictated to us by brigade. If that involved shouting at the prisoners and GMTV had asked me what the noise was, I would have said, "That's my prisoner detention staff controlling prisoners". I wouldn't have
hidden it. I wouldn't have felt the need to come up with another reason for it because, as far as I was concerned, we were following correct procedures and that was just the reality of things.

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

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

A. Yes.

Q. When the RMP were investigating the Daily Mirror issue, was it thought important to emphasise to them, even if the photographs might be fake, that they depicted an element of reality, namely the hooding and the forced kneeling?
1 A. Sorry, can you repeat the question?
2 Q. Yes, when the RMP were investigating the Mirror photographs, was it considered important to emphasise to them that they depicted an element of reality, namely the hooding and the forced kneeling?
3 A. No, it wasn't.
4 Q. Was it ever discussed that hooding and forced kneeling had indeed gone on with the RMP?
5 A. Not that I'm aware of, and I would say that for the simple reason that, as far as the kind of -- the chain of command would have been concerned, that was standardised policy within the brigade during the Telic 2 deployment.
6 THE CHAIRMAN: Now, Mr Friedman, you are coming to the end of your time.
7 MR FRIEDMAN: Lastly this, then: you have given a draft supplementary Rule 9 statement and the chairman will know, obviously, the logistical difficulties that you harbour under where you currently are. Do you have that one-page draft available to you?
8 A. No, I'm sorry, I don't.
9 Q. Well, it's just that it doesn't include the detail that you have given today, which you no doubt have had time to think about, but as far as you are aware the OC of Anzio Company -- that's Major Englefield -- and then the
battalion 2IC -- Major Suss-Francksen -- dealt with this video of a questionable nature. That's a matter you are now clear about, is it?

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

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

A. Yes.

MR FRIEDMAN: Thank you.

THE CHAIRMAN: Yes, thank you very much.

Mr Garnham?

Questions by MR GARNHAM

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

A. I saw -- I described stress positions as a position that doesn't allow the particular individual to relax, so when I was -- when I was walking -- if I -- when I saw prisoners at the detention facility, they were stood up,
they perhaps were kneeling down -- they were not being
allowed to relax. That's what I'm saying I saw.

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

Q. Those detainees shown in that video are being forced to
adopt a particular stress position, standing with their
back against the wall and their knees bent. Is that
right?
A. Yes, I can't remember the specifics of the video.
I will take it that's what they were doing.

Q. Was the stress positions that you saw happening at
BG Main of that type?
A. I don't remember.

Q. Do you have any recollection of seeing detainees being
forced into that sort of ski position, with their back
against the wall and their knees bent at 90 degrees?
A. No.

Q. Did you see detainees being shouted at in the way that
Corporal Payne is shown shouting at detainees in that
video?
A. No.

Q. During your time at BG Main, do you ever recall hearing
screaming coming from the TDF?
A. Absolutely not.
Q. Do you ever remember hearing crying or moaning coming from the TDF?
A. No.
Q. Shortly after the period in September when the Op Salerno detainees were held at BG Main, do you recollect having a conversation with Major John Seaman about Baha Mousa's death?
A. I don't remember having a specific conversation with John Seaman, but we were very good friends so it's more than likely that it has come up in conversation.
Q. Where was your accommodation at BG Main? Were you in the main block opposite --
A. Yes, that's correct. I was in the main accommodation block that was nearest to the detention facility.
Q. Do you recollect which side of that building you slept in? Was your room on the TDF side or the other side?
A. I initially slept on the TDF side and then, at some stage during the tour, I moved on to the far side that was closest to the main gate to camp.
Q. Thank you. Can I then ask you something about your tour in Cyprus? During that tour, do you recollect having a conversation with Regimental Sergeant Major Kevin Hayes in which Hayes described to you a conversation between RSM Paul Urey and Wayne Crowcroft?
A. Yes.

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

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

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

A. Yes, yes.

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

A. No, I don't.

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

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

A. Yes. If Major Royce hadn't told me directly, then it had been passed through the chain of command.
Q.  The origin of your knowledge about brigade approval is simply what Major Royce told you, is that right?
A.  Either -- yes, essentially.
Q.  You had no independent contact with brigade about this matter, did you?
A.  No.
MR GARNHAM:  Thank you very much.
THE CHAIRMAN:  Ms Dobbin?
Questions by MS DOBBIN
MS DOBBIN:  Thank you, Sir.
Major Sweeney, can I ask you, please, about Private Lee with whom you had some dealings?  Do you recollect Private Lee?
A.  Private Lee?
Q.  Yes.
A.  Yes.
Q.  You recollect that you had some dealings with him in and around the time that he was making a witness statement?
A.  I do, yes.
Q.  Thank you.  You may not be able to recollect this, but I wonder if you might: is it right that you were told that Private Lee had informed his entire company that he was going to go and make a witness statement to the RMP?
A.  No, I wasn't told that Private Lee -- as far as I was aware, Private Lee didn't tell his company that he was
going to make a statement. He made a statement to the
RMP, then came back into camp and then told his company
that he had made a statement, so it was after the
statement.

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

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

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

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

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

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

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

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

MS DOBBIN: Was it the general belief among the chain of
command that Private Lee had taken that course because
he wanted to be moved, either to a different company or possibly to be permitted to go home for a while?

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

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

THE CHAIRMAN: Thank you.

Mr Summers?

Questions by MR SUMMERS

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

A. That's correct.

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

A. Yes, I have.

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

"No, there was no tolerance whatsoever. It was entirely against the mission and it was entirely against the very clear direction that the commanding officer had
given in terms of what we were trying to achieve and how
we were going to achieve it."

Do you stand by that answer?

A. Absolutely.

Q. And when asked about his -- Colonel Mendonca's --
attitude toward ill-discipline, you said:

"Any form of ill-discipline would have been stamped
on by the commanding officer immediately."

A. Yes.

Q. Do you stand by that?

A. Absolutely.

Q. Finally, when asked about him and his role, you said
that he was very busy -- and that was by way of his
nature -- he was a very busy man, he had very little
sleep, he was everyone within your area of operations
and intimately involved in all aspects of what was going
on within the battalion. Again, is that a fair summary
of your experience of him during Op Telic 2?

A. Yes. Very much so. He was a commander that led from
the front and he made it his business to make sure that
everyone in his chain of command was following his
intent with how we were conducting operations.

MR SUMMERS: Thank you, Major.

THE CHAIRMAN: Mr Summers, in case you feel it necessary to
come along again and ask questions like that -- and
I don't mean to be rude about it -- I have seen Colonel Mendonca and had quite a long time, during the course of his evidence, to make my own assessment about him.

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

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

Very well. Ms Simcock?

Questions by MS SIMCOCK

MS SIMCOCK: Thank you, Sir.

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

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

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

A. No. Private Lee was not transferred out of Anzio Company because of any concerns about his safety.
Essentially what we were concerned about was Private Lee rubbing up some of the soldiers in Anzio Company the wrong way, leading to them fighting with Private Lee. And the reason we moved him -- in an army battalion the rifle companies are generally made up of the younger soldiers, the less mature. What we wanted to do was get him out of that environment into an environment where there was more mature sensible soldiers who could put up with Private Lee's personality.

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

THE CHAIRMAN: Well, I know --

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

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

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

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

A. Yes, I remember that.

Q. And was your recommendation, despite that knowledge,
that Private Lee be returned to 1 QLR?

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

Q. I see.

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

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

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

Q. Yes.

A. -- and that was subsequently clarified.

Q. Did that information come from Major Englefield?

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

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

A. I don't think -- my view --

THE CHAIRMAN: I don't know really that I am helped by any of this. Major --

A. I'm sorry, I couldn't --

THE CHAIRMAN: I keep interrupting when you are trying to say something and I shouldn't.

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

That is my last question.

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

MS SIMCOCK: I will ask it again.

Would you accept that your misinformed view of the truth or otherwise of Private Lee's evidence has somewhat, at that time, coloured your view of his psychiatric issues and indeed him generally?

A. No. Any issues I had with Private Lee had nothing to do with his -- what he may or may not have seen in Iraq. My issues with Private Lee were with regards to his interpretation of the potential threat he was under by remaining in 1 QLR, which I found to be entirely inaccurate.

MS SIMCOCK: Thank you.

THE CHAIRMAN: Yes, Ms Edington.

Questions by MS EDINGTON

MS EDINGTON: Thank you, Sir.
Major Sweeney, when a unit calls in the Royal Military Police to investigate, what does the unit then do in an investigation?

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

MS EDINGTON: Thank you very much, Major Sweeney.

Thank you, Sir.

THE CHAIRMAN: Thank you. Mr Elias?

Further questions by MR ELIAS

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

What were you going to say? What was the source of
your knowledge?

A. I can't remember how the information was passed to us with regards to the -- by "passed to us", I mean 1 QLR officers and soldiers -- with regards to the procedures involved in the detention of prisoners. What I am aware of is that Major Royce checked with brigade -- or as far as I was aware, Major Royce checked with brigade, confirmed our prisoner-handling procedures and that's what we were -- that's what we were following.

MR ELIAS: Thank you very much.

Questions by THE CHAIRMAN

THE CHAIRMAN: There is just one thing I want to ask you, Major Sweeney, because I don't have it clear in my own mind. Mr Garnham again asked you about some conversation that somebody had with Crowcroft. Do you remember?

A. Yes.

THE CHAIRMAN: What I want to find out is how many pieces of hearsay that involved. You spoke to whom?

A. The regimental sergeant major, WO1 Kev Hayes.

THE CHAIRMAN: Hayes. And he had spoken to whom?

A. He spoke to WO2 Urey.

THE CHAIRMAN: To Urey. And Urey told him --

A. Yes.

THE CHAIRMAN: -- what Crowcroft had said to him, Urey?
A. That's correct.

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

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

Thank you very much.

A. Thank you very much, Sir.

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

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

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

THE CHAIRMAN: Ten minutes.

(11.15 am)

(A short break)

(11.25 am)

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

THE CHAIRMAN: Yes. Mr Wilson, if you would be kind enough to stand, then I will ask that you be sworn.
NEIL BLAIR WILSON (affirmed)

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

Yes, Mr Elias.

Questions by MR ELIAS

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

A. Neil Blair Wilson.

Q. You retired from the army in 2008?

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

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

A. Yes.

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

A. Yes.

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

Can we begin, please, by just looking very briefly
at your army history? You tell us in the statement that you joined the army at the age of 16 in 1979.

A. Correct.

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

A. Yes.

Q. Thereafter was your career with the MPS --

A. Yes.

Q. -- until your retirement in 2008?

A. Yes.

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

A. Major.

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

A. Yes.

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

A. Yes.

Q. What was your role, please?

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

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

THE CHAIRMAN: I am afraid it's not all that easy. I have
not sat in that witness-box myself, but you have to get
yourself up quite close to the microphone. You can
always cure that by just using your parade ground voice.

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

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

A. Yes.

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

A. There were 12 in total.

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

A. Yes.

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

A. Correct.

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

A. Yes.

Q. Had you, at the time of your deployment to Iraq, at any
time in your career before that, received training in
what are sometimes called "conditioning techniques"? By "training", I mean instruction or training in that sense.

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

A. No.

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

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

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

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

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

A. No.

Q. Again was that something that you learned from your training?
A. Yes.

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

A. Yes.

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

A. No.

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

A. Indeed.

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

A. Yes.

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

A. Yes.

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

A. Yes.

Q. Was there a reaction to the hoisting of make-believe prisoners in that exercise?
A. Yes.

Q. Tell us about that.

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

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

A. Yes.

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

A. Correct.

Q. You refer to that in a little more detail at paragraph 69 of your statement. We find it at BMI07245.
You have given some further information in paragraph 68 but 69 we have on the screen. You say that:

"As a result of Operation Viper [that exercise] I was aware that as a matter of routine some guard forces were using sandbags to deprive prisoners of their sight."

We are still talking about 2002 when this course took place, are we?

A. Sorry, can you clarify "course taking place"?

Q. Operation Viper.

A. The Exercise Log Viper?

Q. The exercise, yes.

A. Yes.

Q. So you are talking about what you were aware of in 2002. You were aware -- I am looking at your statement. It is on the screen for you -- that as a matter of routine some guard forces were using sandbags to deprive prisoners of sight.

A. Yes.

Q. "I also knew, having received feedback from the RLC Pioneer guard force on the exercise, that sandbagging of detainees was something that had been taught at the infantry school at Brecon."

A. Yes.

Q. You go on to say:
"As a consequence, I ensured that the
impermissibility of hooding ...
That is to say clearly a ban on hooding; yes?
A. Yes.
Q. "... was specifically covered in our briefings to troops
both prior to and during Op Telic."
A. Yes.
Q. You go on in that paragraph to say that you are not
sure -- you are not aware -- if that message was relayed
to those who had been conducting the infantry school at
Brecon.
A. That's correct.
Q. But you do say that:
"The matter had been passed to brigade level and
PS10 were aware, so I presumed it was being dealt with
by those above me."
A. Correct.
Q. So you assumed that the message that had been given to
you and you were now seeking to promulgate would have
been promulgated, if you like, across all relevant
areas?
A. Yes.
Q. But you don't obviously know whether that was done or
not.
A. Correct.
Q. Thank you. Forgive me. Can we just have paragraph 69 on the screen for a moment longer? When you say, as you do here, "I ensured that the impermissibility of hooding was specifically covered in our briefings to troops both prior to and during Op Telic", was that an impermissibility, a ban on hooding, for all and every purpose or were there any reservations?

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

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

A. Yes.

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

A. There was to be no hooding full stop.

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

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

A. Correct.

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

A. As far as we were concerned, yes.

Q. And was that made clear?

A. Yes.

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

A. Yes.

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

A. That would relate to training conducted by MPS subsequent to Telic 1.
Q. Training conducted by MPS. This, in other words, is the lesson that should be promulgated to the troops. Is that what you're saying?

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

Q. You say "subsequent to Telic 1".

A. Yes.

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

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

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

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

Do you see that?

A. Yes.

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

A. Yes.

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

Thank you.

"The initial handling ... will take place both while
the operation is still in progress and in the immediate aftermath. All those involved will be affected by the stress of combat; the prisoners will be tired, frightened and sometimes wounded. Some will be cowed and submissive, others will have retained their fighting spirit. It is vitally important that the initial handling of prisoners of war is as swift and uncomplicated as possible in order to move them out of the combat area and relieve the combat troops of the burden of guarding and escorting.

A. Yes.

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

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

Do you see that?

A. Yes.

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

A. Yes.

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

Then the notes go on to say this:

"Likewise there is no requirement to sandbag the heads of prisoners."
A. That's what this plan says, yes.

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

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

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

Q. I follow that, but I don't know whether you agree or disagree. Simply saying that there's no requirement to...
sandbag is not really quite the same as saying "You may not sandbag under any circumstances", is it?
A. It's not. I would agree with that.
Q. It's not perhaps as firm a message as ought to have been given if that was the intent?
A. That should -- with the benefit of hindsight -- now state words to the effect of "no sandbagging" and then go on to state that there are alternative means which would give the same advantage.
Q. To be fair -- I'm going to take you to it in just a moment -- I think we will see there is a clear message a little later and I think it's in the same series of notes. But just passing through the notes, I will take you to two other aspects of them. Can we look at MOD050143, please? It is headed "Lesson three: guarding prisoners of war". There is just a reference at the very foot of that page, the last two lines, to "... how negative images of prisoner mistreatment can harm our perception by the public".

Again that was presumably a matter that you and others who were training in this area would have very much in the forefront of your minds.
A. Yes.
Q. If we move on, please, to some of the slides and to -- forgive me a moment.
Can you just help me about this? If we go on to MOD050148 and then on to the MOD050175, can you help as to what these slides form part of? Is it the same course or are we looking at a different course?

A. It's not something I am familiar with, these slides.

Q. Can we then look at MOD050177? You refer, I think, to these in your statement to this Inquiry, a document that you were invited to look at by the Inquiry. I think as to these slides, you say that they appear to be a PowerPoint presentation for the unit custody staff course. Is that right.

A. Yes.

Q. Which would be a course, you say, targeted at regimental provost staff.

A. Yes.

Q. As we see at MOD050177:

"The following techniques and practices are [and it is underlined and enlarged] NEVER to be used.

"'Stress positions' ...

"'Hooding' -- putting a bag or sandbag over a captured or detained person's head."

Just for completeness over the page -- thank you very much -- under the heading again "Proscribed techniques":

"'Subjection to noise' ...
"'Deprivation of sleep' ...
"'Deprivation of food and drink' ..."

Those are all matters which were plainly, through
this part of training, off limits.

A. Yes.

THE CHAIRMAN: Can I ask: do we know the date of this
document?

MR ELIAS: Do you know when this course was -- or when these
slides were produced?

A. I don't know.

Q. I think you refer in your statement, at paragraph 82, to
the fact that you were not involved in compiling or
delivering the course, but you think that it perhaps
dates between 2003 and 2005.

A. That would probably be about right.

THE CHAIRMAN: So these are post Op Telic, are they?

A. Yes.

THE CHAIRMAN: Thank you. And they are essentially for
provost staff?

A. Sorry?

THE CHAIRMAN: They are essentially a course for provost
staff?

A. Within units, yes.

THE CHAIRMAN: Yes -- yes, I should have said "within
units", yes.
MR ELIAS: A course for provost staff, but would this be right -- and please don't just accept it because I say it -- material which they would be expected to use in giving information and advice and training to other troops on the ground?

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

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

A. No.

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

A. No.

MR ELIAS: These were post Op Telic 1.

THE CHAIRMAN: Post Op Telic 1, fine.

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

A. Yes, correct.

Q. Thank you.

THE CHAIRMAN: Yes, thank you.

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

A. Yes.

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

A. No.

Q. -- any sort of clear numbers.

A. No.

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

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

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

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

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

A. Yes.

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

A. There was no PowerPoint, unfortunately.

MR ELIAS: At paragraphs 39 and on, can we have a look at that, please? BMI07234 please. You refer to "... basic prisoner-handling session to as many UK troops as possible in support of the divisional legal teams.
We were asked to cover the basics of prisoner-handling "...", and you designed the content of the presentation. You say that they covered:

"... initial capture, definitions of prisoner of war and internees and criminal detainees ..."

And no doubt the differences between those.

"... the search and segregation of prisoners, the identification of risk and the identification of high value [prisoners] ... as well as the Geneva Conventions and the principles of humane treatment."

A. That would be right. However, thinking about it now, we probably did not cover detained persons, ie criminal law-breakers, during that presentation at that time.

Q. Because that would not have been necessarily a relevant consideration at that stage?

A. No, not at that stage.

Q. You go on in paragraph 40 to say this:

"As discussed further ... the talk did make clear that hooding was inhumane treatment under the Geneva Conventions."

A. Yes.

Q. As you have told us, it was therefore banned. But you can't remember, you say in this statement, if stress positions and the other conditioning techniques were explicitly covered or not, but you expected they would
A. I would expect they would have been covered during questions and answers sessions with the troops.

Q. You say you didn't give any of the talks yourself, but your staff would have done.

A. Yes.

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

A. Yes.

Q. You say in paragraph 41 that you were asked to prepare the brief for these talks at short notice and you make the point that time was against you and you did the best that you could in the time that you had.

A. Yes.

Q. You record in your statement Chris Heron sitting in on one of sessions at least that you gave. That's a lawyer?

A. Yes.

Q. In paragraph 42 -- this is where you were asked to deal with the numbers -- you say that you gave the presentation many times over a two-week period in Kuwait, but you can't remember whether it was given to the troops of 1 Black Watch or not.

A. No. I would have expected it to be delivered to elements of 1 Black Watch, but in terms of the
Q. Where were you based once in Iraq?
A. Um Qasr initially.
Q. At the TIF?
A. Yes.
Q. And your specific role there at the TIF was what?
A. Advisory role.
Q. Does that mean, Mr Wilson, that you observed the arrival, treatment and departure of prisoners?
A. By and large, yes.
Q. And what was the nature of any advice that you may have given?
A. From initially ensuring safety from all parties, to ensure that a proper search was conducted, to the movement down and the process that it involved and segregation in terms of what compounds individuals were to go to, and ensuring that any movement to and from compounds was accounted for appropriately, as well as the feeding plan to ensure that we could distribute food and water equitably.
Q. I think you may have a cipher list, do you, alongside you, if you are using names?
A. Yes.
Q. If there was a need to give advice or guidance when you were at the TIF, to whom would you give it?
A. If you would see anything going on and there was a need for immediate intervention, you would take the action there and then. In addition, you would feed any development points back up through the appropriate chain of command so that the information could be cascaded round to the other guard force personnel.

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

A. In terms of my individual chain of command?

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

A. Normally with the 2IC of QDG.

Q. And do you recall who that was?

A. I can't remember.

Q. All right.

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

You had no part to play with the JFIT, did you?
Q. As we can see from the paragraph 27 on the screen, you were present, were you, between 13 May and 21 June, when your team was split in half effectively --
A. Yes.

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

Q. Did you remain at Um Qasr?
A. No.

Q. So you were not there after 13 May?
A. I would be flitting between the two locations.

Q. I follow.

Did you ever see anything within the JFIT which caused you concern in prisoner-handling terms?
A. No.

Q. Did you have a view about the fact that you had no advisory or indeed other jurisdiction, if you like, over the JFIT?
A. At the time I had enough of a real estate to cover, so it was one less thing to get in in my day-to-day existence.

Q. So it didn't trouble you in that sense?
A. No.
Q. All right. Your chain of command, to whom did you report?
A. At what stage in the tour?
Q. Well, from 28 February, I think when you first deployed -- is that right?
A. Correct -- sorry, no, it was earlier.
Q. Earlier than that?
A. Yes. I think it was about 7 February.
Q. Thank you. That's when you were in Kuwait, was it, from 7 February?
A. Yes, reporting to commanding officer 5 Regiment, Colonel Davey.
Q. When you arrived at Um Qasr, do you recall when that was?
A. 21 or 22 March.
Q. And within the TIF, when you were there from that date, to whom were you then answerable?
A. We were under tactical command of CO Queen's Dragoon Guards.
Q. S009?
A. Yes.
Q. Did that chain of command alter at any later stage?
A. Yes, frequently.
Q. And from the time of that splitting of your forces -- one to remain in the advisory capacity or the monitoring
role, as you put it, and the rest to be dealing with the
setting up of the police and so on -- to whom were you
answerable from that time on?

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

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

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

You go on to say this:

"During the preparation for this handover, I was
aware that Lieutenant Colonel Mercer was preparing
a detention and law and order document. However, as I was occupied with the handover I did not have any input into it.”

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

A. Without cross-referencing to those documents --

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

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

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

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

A. Yes.
Q. At paragraph 50, if we can go back to your statement --
this is just really the short point I wanted to take you
to in relation to this -- at BMI07238 please, you say
this:
"The review procedures set out in this FRAGO [that's
the one we have just looked at] under 'C. Detention and
Internee Management Unit' were, in my view, more of an
aspiration at this stage. The main problem with review
procedures in this document were that they created an
expectation for prisoners, if, as was sometimes the
case, they were told of them by arresting RMP ...
"

But as you go on to say over the page:
"... the next stage of the process was not set up.
To my mind this was an idealistic document and would
have worked later in the tour but not at this early
stage."

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

A. Correct.

Q. I move on from that document, please, to ask you to look
at a draft post operational report, which I think is
your document, is it? We find that, please, at
MOD049942. Can you identify that, a document dated 19
"May 2003? It is headed "First draft". I think if we
go to the last page at MOD049957, we find it's under your signature, as it were?

A. Yes.

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

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

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

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

A. Correct.

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

A. As I mentioned earlier on, the distribution equally of food and water was a problem, given the nature of the inmate population. The guard force that we had were not experienced in custodial matters and, therefore, my team -- in order to ensure that we got teams in and out safely, that everyone was fed and watered and that we
managed it in a reasonable timescale, my troops took on
a supervisory role in charge of the feeding teams on the
ground.

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

A. Yes.

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

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

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

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

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

A. Absolutely.

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

A. Yes.

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

A. It was the final.

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

A. Yes.

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

A. Yes.

Q. I just want to ask you about one part of this document. Can we go through, please, to page MOD050239, towards the end of it. Headed "Operational lessons Op Telic" and annex C. It's the serial 2 that I want to take you
to. Is the date 20 February 2003 intended to reflect the date of the incident which is then set out in that serial?

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

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

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

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

A. Yes.

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

A. Correct.

Q. Under "Title of lesson":

"prisoner of war handling training out of date."

Then "Observation/lesson":

"Prior to arrival in theatre many units were out of date regarding the correct treatment of prisoners of war, in particular with regards to the routine bagging of prisoners of war."

A. Correct.

Q. Putting it straightforwardly, then, you had come to the
conclusion, had you -- you and your team perhaps -- that
by 20 February 2003, from your then knowledge of the
situation, one, hooding was being carried out --
A. Yes.
Q. -- of prisoners?
A. In terms of the awareness of the troops, the point being
raised there is there was an expectation among the
troops that they would be permitted to conduct hooding
and bagging.
Q. Some witnesses have told this Inquiry that the hooding
of prisoners at the point of capture was an SOP as far
as they were concerned, a standard operating procedure.
I don't know whether you're aware of that, are you, of
the evidence that has been given to this Inquiry?
A. I am aware from the Inquiry that that is the case. That
is not what we briefed them.
Q. No, I understand that's not what you briefed. But in
the light of what you are saying here, what you are
putting into this report, that by 20 February you
understood that prisoner of war handling training
appeared to be out of date --
A. Correct.
Q. -- you were then, were you -- so we understand exactly
how this arose -- in Kuwait giving training?
A. Yes.
Q. So, what, the troops to whom you were giving training were raising the fact that they believed they could hood as an issue --
A. Yes.
Q. -- and were being corrected on that?
A. Correct.
Q. Was this something that was being raised occasionally by troops in training in Kuwait or was it something that seemed to be, as it were, a common belief that hooding could take place?
A. I can't recall. But the fact that I have put it on paper at that time with the date would suggest that it was fairly common.
Q. Under your "Recommendations", you say that: "MPS [the military provost staff] should be the lead arm for the delivery of prisoner of war handling and detention issues throughout the services. MPS training advisory teams should sponsor the relevant ITD, the annual training, directly support BATUS, OPTAG and all major exercises involving prisoner of war detention serials."
A. Yes.
Q. You may think it obvious, Mr Wilson, but why was that your recommendation?
A. Because we are the army's custodial specialists and the
only ones trained and practising on a non-deployed
day job at the Military Corrective Training Centre in
custody.

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

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

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

A. Absolutely.

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

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

Q. And in its final form was it submitted?

A. Yes.

Q. To whom?

A. Headquarters provost martial army.

Q. Do you know, Mr Wilson, whether the document had any
A.  I don't know.

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

Throughout the time that you were based at the TIF, as I understand it you were based there even when you were operating in the other role of trying to bring forward the judicial process.

A.  In that --

Q.  Sorry, forgive me.

A.  Define "based".

Q.  Well, was that where you lived?

A.  No.

Q.  So when you talked about flitting back and forth, you might have been based in the sense of being --

A.  I would spend --

Q.  -- somewhere else?

A.  Depending on where we were with the repatriation plan and the movement and the concerns on prisoner management in terms of expectations, I would spend a few days down at Um Qasr and then back up to Basra to Al Maqu'al prison.

Q.  I follow. Throughout the whole time that you may have been at Um Qasr, whatever your role there, did you ever see prisoners hooded there?

A.  No.
Q. That would be either in the TIF itself or in the JFIT.
A. No.
Q. Did you have any concerns about the handling of prisoners at the TIF -- specific concerns -- at any stage?
A. There was one which I've referred to in the statement.
Q. That's at paragraph 62. Let's look at that at BMI07242, please. You say:
"This occasion involved the movement of an inmate from JFIT back to the PWHO compounds by a member of the guard force."
A. Correct.
Q. You investigated and found that it appeared that, what, a prisoner was being driven around at high speed?
A. In fact the vehicle had passed me in a cloud of dust whilst I was speaking to a number of the compounds -- I was about to traditionally debrief the driver as opposed to his boy racer approach when I noticed that there was a detainee or a PW in the rear of the vehicle.
Q. You tell us in the statement that you told the driver to take the inmate to the medical centre.
A. Correct.
Q. Was he given any rebuke for the way in which he was handling a prisoner?
A. I debriefed the driver in no uncertain terms and I also
spoke to his officer commanding as well as passed it on to the 2IC of the QDG, what I had seen.

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

A. Absolutely.

THE CHAIRMAN: All right.

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

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

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

A. No.

Q. -- to the prisoner?

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

A. Not within the PWHO side.

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

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

Q. And you were aware that that involved the Red Cross, were you?
A. Yes.

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

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

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

A. I don't know.

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

A. Yes.

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

A. Correct.

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

A. I can't recall that, no.

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

Q. But you don't think you heard of any such order, do you?
A. I can't recall it. But it goes within our teaching that hooding was not to take place anyway.

Q. That's, in a sense, why I asked the question. If you had heard of such an order, you perhaps would have been surprised, would you, given what you have told us, that hooding was, in any event, particularly off limits?
A. Yes, it was an issue that was still being raised by PWHO.

Q. And you were aware of that, were you?
A. Yes.

Q. In what context was the issue being raised by PWHO?
A. There had been individuals who had turned up having been hooded and it was raised up at the evening O Groups and then up, as far as I'm aware, to division.

Q. So you, what, believed it was being raised up to ascertain the legality of it or what?
A. To stop it.

Q. Forgive me?
A. To stop it.

Q. To stop it. So, what, the concern at PWHO, as you understood it, was the delivery of prisoners to them who were hooded -- their concern was that that practice should stop. Is that what you say?
A. Yes.

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

A. Sorry, in terms of ...?

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

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

Q. So one of your staff monitoring?

A. Yes, yes.

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

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

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

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

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

A. I can't recall.

Q. Would it have gone to the CO?
A. Yes.
Q. To S009?
A. I would believe so, yes.

MR ELIAS: Thank you.

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

Questions by MS HETHERINGTON

MS HETHERINGTON: Mr Wilson, one thing you mentioned in your statement -- I don't think we need turn it up, but it's in paragraphs 36 to 37 -- is that you felt that one of the problems during Telic 1 in the planning stages was that there was a lack of a custodial specialist at divisional level and NCC level. Is that right?
A. Correct.
Q. I just wanted to ask about the impact that you felt that that missing specialisation had. You mention in your statement problems with the planning and construction of the facility at the TIF that you felt you could have addressed had you been involved. Was there anything else that you felt were problems that were caused by the lack of a custodial specialist at a high level?
A. I think subsequently, when we were dealing with the three categories of captured or interned persons, whilst the GFLogC team were focused on the repatriation and the
tribunal screening process of PW within the divisional area, from the Military Police perspective their focus was on law and order and detained persons.

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

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

A. Yes.

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

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

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

A. That's correct.

Q. If we could just look at one document which I think illustrates that. It's at MOD030977. This is a divisional FRAGO 71 dated 15 March. We can see that
issue 1 is "Confirmation of procedure for category A prisoners". Cat As were the people who went straight to JFIT, is that right?

A. Correct.

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

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

Who will then sign for the prisoner, et cetera.

Then this:

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

A. Correct.

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

A. Yes.

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

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

Q. Perhaps this may help trigger your memory. There's another document at MOD017065. This is another
divisional FRAGO 169, but at a much later stage of the process. It is 1 June, so this would have been the stage where you were dealing with security internees rather than prisoners of war.

A. Yes.

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

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

So it does look like that changed.

A. Yes.

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

A. That's correct.

Q. At any time during your time at the TIF and, in particular, for example, where there were discussions about the concerns being expressed by the ICRC or perhaps, for example, when you raised with the 2IC of the prisoner of war handling organisation the driving incident that you've mentioned, was there ever any discussions that the MPS ought to have a role in
overseeing what was going on at the JFIT and, in fact, that it was problematic that there were no custodial specialists looking at what was going on there?

A. Not that I can recall.

Q. Can you remember who told you that you were not to exercise any oversight over the JFIT?

A. In terms of we were briefed that there was no access of non-JFIT troops into that compound.

Q. And that would have been just as a general briefing --

A. Yes.

Q. -- from probably the CO or someone like that?

A. Yes.

Q. I understand. There was no stage where you tried to exercise any supervision and met with resistance --

A. No.

Q. -- because you didn't try.

Just in terms of the issue of the hooding of prisoners, we have heard that you, having seen that on the Viper Exercise, tried to address that in your training. It's right, isn't it, that during the early stage of the tour some prisoners did still arrive with hoods on and that that had been to addressed on site?

A. Yes.

THE CHAIRMAN: Sorry, did you say "yes"?

A. Yes.
MS HETHERINGTON: How long did that continue as a problem, roughly, can you recall?

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

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

A. I believe so, yes.

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

A. Sorry, can you say that again?

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

A. Yes.

Q. -- and you thought that that was staffed up and then was dealt with. This order that category A prisoners could
be hooded, did that come after the discussion of those
crains and as a response to it or did it come before?
A. I can't recall.
Q. Thank you. Can you recall whether that order was ever
countermanded or did you understand that category A
prisoners could continue to be hooded throughout your
time there?
A. I can't remember.
Q. Just the very last question: given that you thought that
hooding was banned full stop, in your words -- and
I think you say in your statement that you considered it
to breach the Geneva Conventions -- did you question the
order when you heard it that category A prisoners could
be hooded?
A. It had been questioned prior to that. I think there was
obviously a discussion that had taken place on the
debate and that was the direction that came down.
Q. So you understood that this was a response to that
debate?
A. Yes.
Q. As an order from higher authority, you accepted it
despite your concerns about the Convention compliance?
A. I think our views still remained on record as to our
views on hooding.
MS HETHERINGTON: Thank you. Thank you, Sir.
THE CHAIRMAN: Thank you.

Ms Dobbin?

MS DOBBIN: No questions.

THE CHAIRMAN: Mr Evans?

Questions by MR EVANS

MR EVANS: Yes, thank you, Sir.

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

A. No, I don't.

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

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

Q. And that would have been when in terms of date? If I said December 2003, would that sound about right?
A. December -- yes, January onwards, probably.

Q. January ...?

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

Q. Right. I want to ask a little about the briefs you gave to troops as MPS in the desert on the grid squares, you were telling us about. You essentially, as I understand it, turned up in the desert to give these briefs in fairly rudimentary conditions; is that fair?

A. Yes.

Q. It was at company level, you said, meaning that you dealt with one company at a time; is that right?

A. Yes.

Q. Would all personnel attend or would they have other things to do?

A. We hoped that all would attend in what we would term as a "scale A parade", but the reality was certainly some of the infantry were working on the warriors as we spoke and delivered the briefing putting on the op(?) armour for the warrior, so there was lots of concurrent activity going on at that time.

Q. And your intention, was it, was to cover all companies within a battalion?

A. Yes.

Q. And when you say that you assume elements of 1 Black Watch were told, but you can't say that the
whole battalion was, can you just explain what you mean by that -- sorry, "were briefed", I should have said, rather than "told".

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

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

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

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

A. Two or three.

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

A. Yes.

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

A. Yes.

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

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

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

A. They are impossible.

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

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

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

THE CHAIRMAN: They are your notes, are they?

A. Not mine. One of my teams --

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

THE CHAIRMAN: Yes. (Handed)

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

A. No, Staff Shuttleworth.

Q. Just taking it through on the first line there, as you understand it, are these his notes of the briefing that he was to give to troops?
A. These will be what we term as his "crib sheets", what he must deliver.

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

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

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

A. Yes.

Q. Then a little further down:

"Professionalism ... world stage ... media"

A. Yes.

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

A. Yes.

Q. Then over the page under "Capture":

"Disarm, shock of capture, no talking."

Do you see that?

A. Yes.

Q. Then at item 4:

"Don't put bags over heads!"

A. Yes.

Q. Over the page to page 3:

"No talking, fraternisation, messing them about!"
Do you see that?

A. Yes.

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

"1. treatment.

"2. Resources.

"3. Humanity.

"4. Professionalism."

A. Yes.

Q. These obviously were not your notes, but having seen them do they capture essentially what you were trying to achieve in the training message that you were delivering?

A. They absolutely reflect the briefings and the ethos that we were about.

THE CHAIRMAN: This is the first time these have come to light so far as the Inquiry is concerned; is that right?

MR EVANS: Yes, I think they were delivered very recently to us, I think only a couple of days ago. I make no criticism of that. It is just that they were very difficult to read and I only saw the blown-up version, in fact, this morning, but it is helpful as far as it goes.

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

MR EVANS: Yes, please.

Can you help us as to whether there were any escape
A. Yes, there was.

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

A. The perimeter of the theatre internment facility or divisional collection point, as it was, had basically two strands of barbed wire between the inmates and freedom. In the event of a major dust storm they would be able to run across or crawl through it and disappear because visibility would be zero.

Q. And did that in fact happen?

A. Yes.

Q. All right. Were there any attempts by prisoners at any stage to overcome the guards?

A. I believe there was one case when we handed over to the US MPs, whereby a prisoner was shot as a result of picking up a picket post and attempting to spear, as I understand it, one of the guard force, the Americans.

Q. All right. We have heard some evidence about there being a risk of the prisoners rising up and overcoming their captors. Did you regard that as a genuine real risk at the time?

A. Very real.

Q. In your experience of the compounds that you managed within the TIF, were some prisoner compounds less 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
rocket", is that about a mile?

A. Yes.

Q. Finally this: can I ask you what the pace of work was for you and your team at the TIF in the early stages before the Americans came on 6 April?

A. Frantic, in a word.

Q. What was your major focus?

A. In -- the feeding plan and making sure that people were fed, watered, initially, and then moving on to expectation management in terms of repatriation and the priorities, et cetera.

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

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

Q. And you had a guard force in support?

A. Yes.

Q. How many prisoners were you getting, approximately, per day at this stage?

A. 100 to 200 prisoners a day.

Q. By the time that you handed over to the Americans on 6 April, how many prisoners were at Um Qasr of which you were responsible for?

A. From my memory, I think there was either 1800 or 2200 UK captured personnel.
Q. As to the hours you were working in the day, in the working day, can you give us some idea of the pace of work?
A. Probably about 20 hours a day.
Q. And after Um Qasr, when you went elsewhere, to Basra, what were you doing at that stage?
A. A mixture of reconnaissance for the refurbishment of police station custody facilities, the refurbishment and onsite supervision of the refurbishment of the Al Maqu'al prison, the training and then subsequent mentoring and leadership, if you like, of the Iraqi Police Prison Service who were running Al Maqu'al prison.
Q. And did the pace of work diminish very significantly or not?
A. No.
MR EVANS: Yes, thank you very much.
Thank you sir.
THE CHAIRMAN: Thank you.
Further questions by MR ELIAS
MR ELIAS: Mr Wilson, your colleague's briefing presentation notes to which you have been referred refer to the shock of capture as being an issue which would be canvassed. What was said about shock of capture in these briefings to troops?
A. In terms of the shock of capture, if we look at the
document there, in terms of the “disarm, search and no
fraternisation” would be the maintenance of the shock of
capture as briefed to those troops.

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

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

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

A. Correct.

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

A. Yes.

MR ELIAS: Thank you.

Thank you, Sir.

Questions by THE CHAIRMAN

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

A. Sorry, when we were in Kuwait?

THE CHAIRMAN: No, after you had left Kuwait.

A. Yes.

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

A. Correct.

THE CHAIRMAN: Right up to, I think your statement says,
about 13 May when you were split in half.

A. About then, yes.

THE CHAIRMAN: When you were at Um Qasr, you said on a few occasions you would see prisoners being delivered hooded.

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

THE CHAIRMAN: You never saw any?

A. No.

THE CHAIRMAN: I thought you said they did come.

A. No --

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

A. Yes.

MR ELIAS: -- to you.

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

When it was reported to you they were hooded, what would you do about it?

A. Confirm that actually the troops who had delivered them, ie the escorts, had been briefed that it wasn't to happen and then pass it up through the QDG chain of command.

THE CHAIRMAN: What does "confirm that the troops had been briefed about it" mean?

A. I would check --

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

A. I would check with my senior NCO -- MPS senior NCO in
the holding area -- that he had briefed and just
confirmed --

THE CHAIRMAN: What do you mean again "briefed"? Were your
men told to tell them "Don't do that again"?
A. Yes, they did, yes.

THE CHAIRMAN: Right. Did they make a note of which
regiment or organisation they came from?
A. Probably not, no. Other than to feed it back up
through. But in terms of taking a record --

THE CHAIRMAN: As I understand it, at that particular
time -- up until the time your unit was split into
two -- you were physically practically the whole time in
the compound at Um Qasr?
A. By and large, yes.

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

THE CHAIRMAN: Where would you physically be in Basra?
A. We were working from the prison but actually staying at
   Fort Apache.

THE CHAIRMAN: At where?
A. Fort Apache.

THE CHAIRMAN: Did that have a regiment or unit stationed
there?
A. RRF, I believe.
THE CHAIRMAN: The RAF --
A. Sorry, no, RRF. Royal Regiment of Fusiliers.

THE CHAIRMAN: They would be going out on the usual patrols and that sort of thing?
A. Yes.

THE CHAIRMAN: Did you ever see any of them with prisoners hooded?
A. No.

THE CHAIRMAN: Not once?
A. No.

THE CHAIRMAN: Did you get about in Basra to other parts of Basra driving round about?
A. Yes. In the conduct of visits to 1 RMP Headquarters and while I was conducting reconnaissance for subsequent prison builds.

THE CHAIRMAN: And I imagine you would be around about quite often within Basra?
A. Only as often as we needed to be because the problem was it was a two-vehicle move and for me to take four individuals from my team out it left two vulnerable in the prison.

THE CHAIRMAN: I understand that, yes.

Would you, when you were in Basra driving around, would you observe British forces on patrol there?
A. As a matter of routine, yes.
THE CHAIRMAN: Yes. I mean, did you see them -- observe them -- when they were on, let's say, a lift operation?
A. No.

THE CHAIRMAN: You wouldn't. You never saw vehicles coming back with prisoners to the various places that they were based?
A. No.

THE CHAIRMAN: Not at all?
A. No.

THE CHAIRMAN: All right. Thank you very much. I think that's all I wanted to ask you.

One other matter: how did you fit with the regiment of Military Police? Because I understand there was a regiment of Military Police consisting of three companies.
A. Which regiment?

THE CHAIRMAN: Well, if my memory was better I could tell you --

A. 5 RMP or 1 RMP? In effect for 5 RMP we were attached under command of 5 RMP overall but then placed under tactical command for the Al Maqu'al Prison side of life to 1 RMP as attached troops.

THE CHAIRMAN: When you say "for tactical reasons", does that mean essentially that you were on your own there?
A. In military terms, it's a phrase or a definition that
means for the purpose of Al Maqu'al Prison then CO 1 RMP
can tell me what to do, but he can't retask me to do
other things.
THE CHAIRMAN: But in practice you were much your own boss
there, is that right?
A. Yes.
THE CHAIRMAN: All right. Thank you very much.
That's all the questions that the Inquiry has for
you. Thank you very much for coming along to give
evidence and you are now free to go.
A. Thank you.
THE CHAIRMAN: Very well. Neatly five to one.
MR ELIAS: That, Sir, is the evidence for today.
THE CHAIRMAN: Yes. Tomorrow we have?
MR ELIAS: Tomorrow we have Messrs Forster-Knight, Bailey
and Mason in that order.
THE CHAIRMAN: Yes.
MR EVANS: Sir, before you rise, I am sorry, I am asked to
make a short procedural point for what it is worth.
The document that I took the witness to -- the
lecture notes that we referred to -- I am told I didn't
make it clear that the document is an Inquiry document.
We received it -- and I make no criticism of this --
yesterday, and that's why perhaps you hadn't --
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