

INDEPENDENT PUBLIC INQUIRY INTO GULF WAR ILLNESSES

MINUTES OF PROCEEDINGS

of a

PRESS CONFERENCE

held in

1 The Abbey Garden, London SW1P 3SE

on

Tuesday 6 July 2004

Lord Lloyd of Berwick, in the Chair
Dr Norman Jones
Sir Michael Davies

(From the Shorthand Notes of:
W B GURNEY & SONS LLP
Hope House
45 Great Peter Street
LONDON SW1P 3LT)

THE CHAIRMAN: Good morning, ladies and gentlemen. I hope you will all be able to hear what I am about to say. In opening this public inquiry I want to start with a tribute to Lord Morris of Manchester, since it was Lord Morris who asked me to chair the inquiry. He has had an extraordinary career in the service of disabled people since his first election to Parliament as Member for Manchester, Wythenshawe in 1964, a seat which he held for 33 years. In 1970 he promoted, as a private Member, the Chronically Sick and Disabled Persons Act. In 1974 he became the first Minister for Disabled People, a post which he held for five years. Thereafter, he continued his concern for disabled people from the opposition front bench in the House of Commons, and as a back bencher in the House of Lords. His record of service is quite outstanding.

In 1994 he was one of the founder members of the Inter-Parliamentary Gulf War Group. The purpose of the group is to focus parliamentary and public attention on the problems and needs of Gulf veterans with war-related illnesses or the dependents of those who have died since the conflict.

Over 6,000 of those who served in the Gulf in 1991 suffered from some form of illness which they believe to be war-related. Almost all are in receipt of a war pension. In 1997 The Royal British Legion called for the Government to set up a public inquiry to investigate the circumstances surrounding these illnesses and their possible causes. The call has been repeated every year since 1997 but no such inquiry has yet taken place. Lord Morris has pressed the Government on numerous occasions but on each occasion he has been told that the time for an inquiry is not yet right, although the possibility of an inquiry has not been ruled out.

It is now 14 years since the first Gulf conflict, and seven years since The Royal British Legion called for an inquiry. In the United States a Presidential Commission was set up very soon after the end of the war. Lord Morris has played an important part in the work of that Commission, on both sides of the Atlantic.

It was in these circumstances that Lord Morris asked me to chair the inquiry which was announced on Monday 14 June 2004. I shall be sitting with Dr Norman Jones, on my left, formerly consulting physician at St Thomas's Hospital and Treasurer of The Royal College of Physicians, and Sir Michael Davies, on my right, formerly Clerk of the Parliaments. It hardly needs saying that the inquiry will be completely independent. There is no hidden agenda. Our terms of reference are to investigate the circumstances that have led to the ill health, and in some cases death, of over 6,000 British troops following deployment to the Gulf, and to report.

We shall start, as is only right, by hearing evidence from a selection of the veterans, their dependents and their representatives: the Gulf Veterans' Association and the National Gulf Veterans and Families Association. Sadly, we cannot hear them all but we hope that as many veterans as possible who are suffering from what they believe to be war-related illnesses or the survivors of those who have died, will give evidence in writing to Vijay Mehan, the Secretary for the Inquiry at Pattinson & Brewer, 30 Great James Street, London WC1N 3HA, or they can submit evidence electronically and follow

the proceedings of the inquiry on the website at www.Lloyd-gwii.com. The hearings will take place at 1 The Abbey Garden, Great College Street, London SW1P 3SE close to Westminster Abbey and will start at 10.30 am on Monday 12 July 2004.

After hearing from the veterans, we will listen to expert medical evidence on the possible causes of the various illnesses. It is too early to identify all the possible causes but what can be said even now is this: nobody has as yet suggested that there is a single underlying cause for all the illnesses, nor are all the illnesses identical. So although they are sometimes referred to collectively as “The Gulf War Syndrome” this may be an inaccurate, or at least insufficient, description. Nor is it now suggested that whatever may have gone wrong in 1991 the Government of the day did other than act with the best of intentions. Our purpose at this stage is to find the facts, and not to attribute blame.

We shall also set aside time for hearing evidence and submissions of a more general nature. Here we hope to hear from the Government, and in particular from the Ministry of Defence. Indeed it is essential that we should do so. I have already written to the Secretary of State for Defence and the Secretary of State for Health to ask for their co-operation.

I now come back to our independence. The inquiry is being funded by an independent charitable trust, which wishes to remain anonymous. Dr Norman Jones will receive his expenses and Sir Michael Davies, as Administrator, will receive his expenses, if any, and a modest honorarium. As a retired Law Lord, I do not wish to receive any remuneration or expenses myself.

Finally I should say I did my National Service in the Army in 1948 and have been a member of the Alfriston branch of The Royal British Legion since 1994. And that is the end of the statement. Now I would be very happy to take any questions which anybody may wish to ask. We will do our best to answer them.

MR MEIKLE (*The Guardian*): James Meikle from *The Guardian*. May I ask if you have had any response from the Secretaries of State for Defence and Health and will you be asking them to submit written evidence or appear in person?

THE CHAIRMAN: So far I have had only an acknowledgement from the Ministry of Defence. No doubt I will be hearing from him again later. We certainly hope to hear evidence from the Ministry.

MR POOLE (*Daily Telegraph*): The Gulf War Veterans and Families Association said their big concern was that the inquiry’s remit might be too narrow and also that it might be a David Kelly-type whitewash. How can you reassure them that that is not going to be the case?

THE CHAIRMAN: Only by telling them, as I have already done and I will repeat, that this inquiry is completely independent and is intended to find out the facts and the circumstances surrounding these illnesses.

MR POOLE: When you say that the purpose is not to find blame but just the facts, at the end of it what are you going to do? Are you going to produce a report in which you --- I do not see how it is possible if you do establish the facts and someone is at fault how therefore that can be separated from attributing some form of blame.

THE CHAIRMAN: If we establish the facts and it shows some form of fault, no doubt reliance can be placed on that for what it is worth. It is not our purpose to attribute blame or find fault.

MR POOLE: If you do find that there are faults those will be highlighted and you will make ---

THE CHAIRMAN: Of course.

MR POOLE: I just wanted to establish that basically.

MS HADDON (Press Association): To what extent do you think the success of this whole operation stands or falls on the co-operation of the Ministries of Health and Defence?

THE CHAIRMAN: I think it will succeed even if they do not give evidence but I cannot emphasise enough that in our view it is important - indeed essential - that they should do so. Nor have I any reason to suppose that they will not give evidence. They have been co-operative in the past and they, like us, are as concerned to find out the facts relating to these illnesses as everybody else, so I do anticipate that they will co-operate.

SPEAKER A: How will you select which veterans you hear evidence from? You said that you were encouraging people to give their evidence on-line and in writing.

THE CHAIRMAN: I think we have already had over 80 what I believe are called "hits" on our website and we anticipate calling about 30 of the veterans to give evidence orally before us, maybe more, maybe less. And that will also include of course the veterans' representatives.

MR POOLE: Do you have any time-frame in your mind about when you may complete your report and when it will be made public?

THE CHAIRMAN: Yes, the timetable is that we will be hearing evidence from the veterans, as I have said, on Monday 12 July and on Monday 19 July. We will be sitting again on 21 July to hear more general submissions and evidence. Then we will be hearing the expert witnesses in the week commencing 26 July.

MR POOLE: And when will you actually issue your report and findings?

THE CHAIRMAN: I would hope that it will not be long delayed. Once we have got all the evidence, it will be simply a question of writing the report and publishing it, certainly before the autumn.

MR POOLE: Would you imagine by the end of August?

THE CHAIRMAN: It might be by the end of August. I would have thought certainly by the autumn. It slightly depends obviously on the extent of the expert medical evidence.

MR POOLE: Just to get some idea.

MR BRADFORD: How do you think the findings of your report may or may not influence compensation claims against the MoD?

THE CHAIRMAN: Obviously it is too early to foretell that. Obviously it could, but it is not, as I repeat, our purpose to do so. We are entirely concerned with actually finding the facts as they are now and if people can make use of those facts then it is up to them to do so if they want.

MS HADDON: What relationship do you think this inquiry would bear to any future public inquiry? Do you see this as a potential springboard for a public inquiry?

THE CHAIRMAN: Obviously if the Ministry of Defence, and I would also add the Ministry of Health, co-operate in this inquiry, they may find that this is a relatively inexpensive way from their point of view of doing what many people think they ought to have done already. If that is so, then there will not be a need for a further inquiry.

MR POOLE: Do you yourself think they should have done this already?

THE CHAIRMAN: We know, as I have said, that The Royal British Legion have been asking for such an inquiry for many years, for seven years, and after 14 years it may be thought the time has come. I think I should say in fairness that the reason why the Government have so far not held an inquiry is because, as I have said in the statement, their view is that the time is not yet right. That is because they say there is still continuing research underway. I think the answer to that would be that certainly after this length of time it ought to be possible to reach some conclusions as to the possible causes of these illnesses. If those conclusions have to be revised later on in the light of further research, then they may have to be revised later on. The mere fact that there is further research underway does not seem, to me at any rate, to be sufficient grounds for postponing this inquiry.

MR POOLE: This question was almost asked by my colleague on my left but I want to totally establish this: how likely do you think it is that representatives of the MoD are going to turn up at this inquiry to be questioned and give evidence?

THE CHAIRMAN: I really cannot answer that. All I can do is to repeat that we hope very much that they will because, as I have said, as far as I can see, they have as much interest as anybody else in finding out what the facts actually are.

MR POOLE: At exactly what stage in discussions are you on that? Have they given any specific indication that they will send anyone from the MoD?

THE CHAIRMAN: Of course not because, as I have said, so far all we have had is an acknowledgement of my letter and I only wrote it a week or so ago.

MR POOLE: Does that frustrate you that we are sitting here now at the launch of it and you still do not know whether someone from the Ministry of Defence, which is the key government department dealing with this issue, is even going to turn up?

THE CHAIRMAN: No, I do not find it frustrating because, as I have said, I hope they will. As I say, I have no reason to suppose that they will not.

MR MEIKLE: How many witnesses do you anticipate giving oral evidence and how many days of sitting?

THE CHAIRMAN: We anticipate about 30-odd veterans giving evidence on the two days which I mentioned. We will then have witnesses of a more general nature who will give evidence on 21 July. Of those it is difficult to say how many will come but there will be more than a handful. There will then be the expert witnesses in the week beginning 26 July and including among those, which is of some interest, will we hope be expert evidence from the United States where a similar inquiry, as I mentioned, has been going on for many years, the Presidential Commission, and I think it is important that we should find out exactly what has been discovered about the Gulf illnesses by the American Presidential Commission.

MR MEIKLE: So the ministers count as expert witnesses in this?

THE CHAIRMAN: No, I am hoping - and perhaps I ought not to go too far - that the ministers will declare their hand on 21 July but obviously if that is an inconvenient day for them we can always find another day to suit their convenience. I think the ministers do not count as experts but it may well be that the Ministry will themselves wish to call expert evidence of their own. I cannot believe that has exhausted all the questions.

MR POOLE: I am sorry to bring up this sort of stuff but why is it that the charitable organisation that is financing it is remaining anonymous?

THE CHAIRMAN: Simply because they wish to. I do in fact know the name of the donor standing behind the charitable organisation but he has said that he wishes to remain anonymous, he does not wish to be disclosed, and I do not see in a sense how I having been asked can go back on that.

MR POOLE: It is just that if the whole basis of it is that this is an independent inquiry, the whole basis of it is that it is not linked to government, it is totally independent, we are going to get the straight facts and there is going to be no agenda, anything like that idea, if we have no idea who is financing it ---

THE CHAIRMAN: --- I do have an idea who is financing it.

MR POOLE: --- But we do not.

THE CHAIRMAN: --- And I am saying that he has asked, for his own reasons, to remain anonymous. I can tell you this more I think: he is somebody who has taken a great interest in the affairs of ex-Service people in the past and he sees this as a suitable object for his charitable trust. As he wishes to remain anonymous I do not really think it is up to me to disclose his name.

MR POOLE: It is a non-political organisation?

THE CHAIRMAN: Utterly and he has no vested interest of any kind in the result. That also I know.

MR BHATTACHARYA: Do you have any idea about how much it might cost?

THE CHAIRMAN: Yes, less possibly than everybody here is expecting, partly because we are all doing it for nothing. It will certainly be well under £100,000, possibly not much over £50,000. Again it is slightly dependent on how much expert evidence we hear. At the moment we are anticipating expert evidence lasting perhaps three or four days. If it goes much longer than that it may be --- I do not think it will be much over £50,000.

MR BHATTACHARYA: The Government often says that public inquiries are not ordered because they are a) costly and b) lengthy. Do you think this will set an interesting precedent for more public inquiries of this kind?

THE CHAIRMAN: It may be showing them the way in which public inquiries do not need to be lengthy and do not need to be costly and yet may do what we believe to be a job which is worth doing.

SPEAKER B: Apologies for my lateness and apologies also if you have covered this already. The veterans themselves have been deeply sceptical about the failure of the system as they see it to engage in their problems over the last dozen years or so. Have you received indications so far since the announcement of your inquiry that they are confident that you are going to deliver the goods from their perspective?

THE CHAIRMAN: No, I have not. As I say, at the moment this is the opening of the inquiry and we must just see how it goes. There are big agendas from their point

of view and everybody's point of view. All we are seeking to do is to hear the evidence of the veterans, to hear the evidence of the experts, and then set out the facts in as clear a way as we can. But we are not under any pressure at all to produce any particular result. As I said, we have no hidden agenda and do not intend to have one.

SPEAKER C: This issue has been investigated so many times and so many tens of millions of dollars that side of Atlantic and pounds on this side have been spent. Why do you think you would be able to make head or tail of it in such a short amount of time with such a small amount of resources?

THE CHAIRMAN: I am not sure you are right in saying it has been investigated so many times. It is just because it has not been investigated in the form of a public inquiry that we are undertaking a public inquiry now. Of course people have expressed views over the last however many years but I do not think it is right to say that there has been an investigation of any kind. Of course there has been in the United States and we hope to take advantage of what they have discovered, as to which at the moment of course I cannot speak.

MR POOLE: One last question on this, what is your prior knowledge on this subject?

THE CHAIRMAN: Mine is none.

MR POOLE: None. And the other two, do either have any prior knowledge on this subject at all?

THE CHAIRMAN: I think it is right that you should ask and I think Dr Norman Jones does have prior knowledge and would be very glad to explain what it is.

DR JONES: My interest in this problem started in the mid-1990s when I was Treasurer of The Royal College of Physicians at that time. The Ministry of Defence asked the President of the College to conduct an audit of the medical assessment programme which the Ministry of Defence was then running based at RAF Halton and with a colleague I did so and we reported and subsequently there has been at least one further audit by the College. After I left the College I was invited to become a member of the Gulf War Group organised and run by The Royal British Legion and I served on that for several years and subsequently served on the Ministry of Defence independent panel on vaccine interaction research and again I sat on that for several years. That is my experience.

MR POOLE: Do you therefore pool that experience? Do you have any preconceptions therefore? What is your present view on the whole subject?

DR JONES: I have not been involved in the last two or three years and I think in a sense that is helpful. I hope that I have got no preconceptions. If I have and I find any I shall do my very best to suppress them.

THE CHAIRMAN: I think I can answer on behalf of Sir Michael that he knows as little as I do on the subject up to now! What is the position?

MR DAVIES: That is right. I have no knowledge of the subject and will listen to what we are told with interest and attention.

THE CHAIRMAN: Yes?

SPEAKER B: Should we draw any kind of inference from the fact that your inquiry is entitled “Gulf War Illness Inquiry” and not “Gulf War Syndrome”, which has been a term which has been much bandied about over the last ten years.

THE CHAIRMAN: I think you may not have been here when I was reading out the statement in the course of which I did refer to the fact that “syndrome” is a word, as you rightly say, which has been much used and it may not be an accurate way of describing the illnesses which have occurred. The word “syndrome” is not a clear word to my mind and it is better to use “illnesses”.

I think that is it and I look forward to seeing some of you at least when we start on Monday week. Thank you very much.

Adjourned until Monday 12 July 2004 at 10.30 am