



**INDEPENDENT INQUIRY
RELATING TO
AFGHANISTAN**

STATEMENT BY THE RT HON. SIR CHARLES HADDON-CAVE
CHAIR OF THE INDEPENDENT INQUIRY RELATING TO AFGHANISTAN
WEDNESDAY 22ND MARCH 2023

Good morning. My name is Charles Haddon-Cave. I am a Judge and, currently, a serving Lord Justice of Appeal.

As you know, I have been appointed by the Secretary of State for Defence, the Right Honourable Ben Wallace MP, to conduct an Inquiry into alleged unlawful activity by British armed forces during operations in Afghanistan during the period mid-2010 to mid-2013.

This Independent Inquiry was announced in Parliament on 15th December 2022 by the Defence Minister, the Right Honourable Dr Andrew Murrison MP, who said: *“The UK’s armed forces rightly hold themselves to the highest possible operational standards. Operations must be conducted within the clear boundaries of the law and credible allegations against our forces must always be investigated thoroughly.”*

In welcoming the Inquiry, the Shadow Defence Secretary, the Right Honourable John Healey MP, said: *“Our British armed forces have a proud tradition of upholding the highest standards of military ethics, professionalism and international law. That is fundamental to ... Britain’s standing and moral authority as one of the world’s leading democracies... .”*

This Inquiry comes in the wake of legal challenges to the Government by the solicitor’s firm, Leigh Day, on behalf of the Saifullah and Noorzai families - as well as a number of significant media investigations, notably, by The Sunday Times in 2020 and the *BBC Panorama* team last year.

Some of you will have seen the detailed Terms of Reference. In summary, the Inquiry is tasked with examining four matters:

- Whether the investigations carried out by the Royal Military Police were properly and effectively conducted.
- Whether there is credible information that unlawful killings were carried out by members of British armed forces in Afghanistan between mid-2010 and mid-2013.
- Whether the circumstances of any such unlawful killings were covered up at any stage.
- What lessons are to be learned.

The Inquiry will also take account of subsequent reviews and developments, in particular into Service Policing and the Service Justice System.

The allegations which the Inquiry has to consider – and they are, I stress, only allegations at this stage – are extremely serious:

- (1) First, that numerous unlawful killings were carried out by some members of the British Armed Forces during this period.
- (2) Second, that these unlawful killings were covered up to prevent what had taken place ever coming to light.
- (3) And, third, that the lengthy investigations carried out by the Royal Military Police were inadequate.

It is clearly important that anyone who has broken the law is referred to the relevant authorities for investigation; and equally, those who have done nothing wrong should rightly have the cloud of suspicion lifted from them. This is critical, both for the reputation of the Armed Forces and the Country.

The Secretary of State and the Defence Chiefs have given their full support to my Inquiry and said they expect maximum co-operation from all MOD personnel, military and civilian.

As I said in my statement on 15th December: *“The public, and all those who serve in the military, are entitled to expect a fair, fearless and thorough examination of the facts and clear answers to the questions raised.”* This is what I intend to achieve with my team.

I have set a challenging timetable and wish to stick to this if at all possible, since, in my view it is very important that this Inquiry reports within a reasonable timeframe. In order to do this, I am looking for – and need - everyone’s assistance and co-operation.

As I said, I am a serving judge and this Inquiry is *wholly* independent from Government and from Defence. It is also a Statutory Inquiry¹, which means I have full powers to compel the attendance of witnesses and order the production of documents.

I am supported by a distinguished legal team led by Oliver Glasgow KC and, Piers Doggart Solicitor to the Inquiry, and a Secretariat team. I will also be able to draw on the expertise of a number of specialist Military and other advisers.

I intend to hold a Case Management Hearing on or around Tuesday 25th April, in London, at which I will be setting out a more detailed timetable. But let me now explain, in broad terms, how I see the four phases of the Inquiry: -

The first phase will be:

¹ Established under the Inquiries Act 2005.

- Assembling and studying thousands of contemporaneous documents (many highly sensitive),
- Gathering information from a wide variety of sources (including those who come forward with relevant information), and
- Meanwhile, determining some of the legal and procedural aspects of the Inquiry.

The second phase will be seeking a range of *background* briefings about military operations and the role of our forces in the conflict in Afghanistan - to ensure that the Inquiry understands the context in which the events in question took place and what it means to be operating in a theatre of war.

The third phase will be conducting hearings with those who have relevant evidence to give, or we want to hear from.

The fourth phase will be finalising the report before it is laid before Parliament and made available to the public.

It is likely that, for obvious reasons to do with national security - and the need to ensure the safety and anonymity of some witnesses - that many hearings will have to be held in Private. Nevertheless, it *is* my intention to hold public hearings, where possible and appropriate.

Finally, and this is most important, I want to take this opportunity today to put out a call for evidence. I would urge anyone, who has got any information or material, which they think may be relevant to the Inquiry, to please get in touch with the Inquiry Team as soon as possible. They can do so confidentially via the Inquiry's website, which has just gone live.²

I shall endeavour to keep everyone generally informed about the progress of the Inquiry; but meanwhile, I would ask for patience and space to allow me and the Inquiry Team to get on with our important work.

Thank you.

² www.ija.independent-inquiry.uk