



IN THE INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

RULING ON CORE PARTICIPANT APPLICATIONS

Introduction

1. This is my Ruling on applications made on 6 March 2026 by five individuals for Core Participant (“CP”) status in this Inquiry (“the Applications”).
2. I was appointed by the Secretary of State for Defence to conduct an Inquiry under the Inquiries Act 2005 (‘the Act’) into allegations of alleged unlawful activity by UK Special Forces during Deliberate Detention Operations (‘DDOs’) in Afghanistan during the period mid-2010 to mid-2013 and related matters.
3. The Terms of Reference task the Inquiry with examining and reporting on five matters:
 - (1) Whether there is credible information that unlawful killings were carried out by members of UK Special Forces in Afghanistan between mid-2010 and mid-2013;
 - (2) Whether the response by the Ministry of Defence (‘MOD’) to concerns expressed at the time regarding the conduct of DDOs was adequate and appropriate;
 - (3) Whether the investigations carried out by the Royal Military Police were properly and effectively conducted;
 - (4) Whether the circumstances of any such unlawful killings were covered up at any stage; and
 - (5) What lessons are to be learned.
4. On 6 April 2023, I invited any person who wished to be designated as a CP within the meaning of Rule 5 of the Inquiry Rules 2006 (‘the Rules’) to make an application by 20 April 2023. The Notice to Apply for CP Status dated 6 April 2023 made provision for

applications to be received after 20 April 2023, but such applications must include a reasonable explanation as to why they are being made after that date.

5. In my Ruling dated 12 May 2023, I granted the Ministry of Defence (“MOD”) CP status.
6. On 10 February 2024, the MOD wrote to the Inquiry:

“I am writing to inform you about arrangements the MOD is making for the representation of some of the former and current MOD personnel who are invited to provide evidence to the Inquiry... Over recent months, and after careful consideration, we have reached the view that some military witnesses should be advised and represented by a team of lawyers that is separate from, and not answerable to, the corporate MOD team that has been established to engage with the Inquiry. We regard it as particularly important that these individuals are able to be provided with legal advice in circumstances where the privilege in that advice is owned by them and not by the MOD corporately... To that end, we are in the process of establishing a separate team of solicitors, barristers and support staff who will advise and represent those military witnesses who are deemed to fall within their remit.”

7. This led to the establishment, by the MOD, of two ‘teams’ that fell within the umbrella of the MOD’s CP group: the Corporate Team (“MODCT”) and the Witness Legal Team (“MODWLT”).
8. In an application dated 2 May 2024, MODWLT applied for separate CP status. In a letter circulated by the Solicitor to the Inquiry (“STI”) on 17 July 2024, I decided that it was not necessary for me to determine the MODWLT’s CP application at that stage since I was satisfied that the interests of MOD witnesses were properly looked after by the MODWLT under the existing arrangements. The position was to remain under continuous review with liberty to apply and the opportunity to revisit the application available at any time.
9. MODWLT made a renewed application for CP status on 2 July 2025. This was made on the basis that the interests of the witnesses represented by the MODWLT were no longer best served under the existing arrangements following my Ruling in respect of the Green Hearings. In my Green Hearings Ruling dated 21 June 2025, I permitted a limited number of non-military persons (including some members of MODCT) to attend Green Hearings, no members of MODWLT were permitted to attend. MODWLT asserted that, by virtue of my

Green Hearings Ruling, the interests of those that they represented and the interests of those whom the MODCT represented no longer aligned and to remain within the same CP framework inhibited the MODWLT from being able to represent their witnesses effectively and properly.

10. In a letter dated 17 July 2025, the MODWLT clarified that the request for the designation of CP status was for all witnesses who had become engaged in the Inquiry as a result of the Rule 9 requests sent by the Inquiry and had instructed the MODWLT to act on their behalf. MODWLT proposed that the Chair should designate that group as a single CP supported by a wider legal team. They proposed they would update the Inquiry, on a regular basis, as to the identity of those individuals they considered fell within that proposed grant of CP status.

11. On 23 July 2025, following the MODWLT's renewed application, I indicated that the grant of CP status must be considered on an individual basis for the following reasons:

(1) By virtue of Rule 5 of the Rules, not all individuals who had been issued Rule 9 requests by the Inquiry and had been assisted by the MODWLT appeared to have sufficient interest to be designated as CPs.

(2) Whilst the approach of other inquiries is of interest, it was important to note that each inquiry is different, and the wide spectrum of individuals assisted by the MODWLT required a clear and principled bespoke approach to be entitled to CP designation in this case.

12. There followed discussions between the Inquiry Legal Team and MODWLT as to the question of CP status and the identity of individuals who may meet the Rule 5(2) criteria.

13. On 20 February 2026, I concluded that it was no longer tenable for a single CP to represent both the MOD's corporate interests and those of individuals. I indicated that, as from 6 March 2026, I would cease to treat the MODWLT as a consolidated CP and requested that those individuals who wished to be designated as CPs make their applications before that date and that those who had not applied for CP status from that date would be treated as represented witnesses.

Statutory Framework and Relevant Matters for Consideration

14. Section 41 of the Act provides that rules may be made under it for certain purposes, and CP status falls to be considered under Rule 5 of the Inquiry Rules which provide as follows:

“5.—(1) The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.

(2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether—

(a) the person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;

(b) the person has a significant interest in an important aspect of the matters to which the inquiry relates; or

(c) the person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.

15. In determining CP applications, I am bound to consider the matters contained within Rule 5(2). This list is not exhaustive, and it is open to me to take into account any other relevant matters when exercising my discretion.

16. In making these, and indeed all, decisions regarding the procedure or conduct of the Inquiry, I am required to “...act with fairness and with regard also to the need to avoid any unnecessary cost (whether to public funds or to witnesses or others)”: see Section 17(3) of the Act.

Determination

17. In determining these Applications, I have had regard to the following:

(1) The MODWLT application for CP status dated 2 May 2024;

(2) Letter from Leigh Day to the Inquiry dated 28 May 2024 detailing the concerns of the Bereaved Families in respect of the MODWLT’s proposed application;

(3) The renewed MODWLT application for CP status dated 2 July 2025;

(4) Letter from MODWLT to the Inquiry dated 17 July 2025;

(5) Letter from the Inquiry to MODWLT dated 23 July 2025;

(6) Letter from MODWLT to the Inquiry dated 19 September 2025;

(7) Letter from the Inquiry to MODWLT dated 1 October 2025;

(8) Two emails from MODWLT to the Inquiry dated 18 February 2026; and

(9) Letter from the Inquiry to MODWLT dated 20 February 2026.

18. The Terms of Reference require me to conduct a wide-ranging investigation into a series of grave allegations relating to UK Armed Forces, the resolution of which is a matter of great public importance and public concern. It is in the public interest that I am able to establish the facts and reach conclusions effectively.

19. In considering these CP applications, I therefore direct myself to three questions:

(1) Does the applicant meet the criteria set out in Rule 5(2) of the Rules?

(2) If so, acting fairly, is it appropriate in principle to designate them as a CP, having regard to the need to avoid unnecessary cost?

(3) Overall, what would best assist me and my team in our work to fulfil the Terms of Reference, and what would best facilitate the effective and efficient management of the Inquiry process?

Conclusions

20. I have considered the submissions and information put forward in support of each of the applications. I note, in particular, that each of the Applicants was in a UK Special Forces command role at the relevant time, or worked in senior positions within UKSF HQ(UK).

21. I am satisfied that they “*played or may have played a direct or significant role in relation to the matters to which the Inquiry relates*” and they have “*a significant interest in an important aspect of the matters to which the inquiry relates*” and therefore meet the criteria set out in Rule 5(2)(a) and (b) of the Rules.

22. I am satisfied that, acting fairly, in all the circumstances, and having regard to the need to avoid unnecessary cost, it is appropriate to designate them as a CP.

23. I am satisfied that granting these persons CP status would best assist me and my team in our work to fulfil the Terms of Reference, and would best facilitate the effective and efficient

management of the Inquiry process. It is no longer tenable or appropriate for them to fall within the global designation of ‘Ministry of Defence’ CP status.

24. Granting them entirely separate representation as individual witnesses will facilitate me in fulfilling the Terms of Reference as I will be able to receive discrete submissions on each of their behalves, as relevant to their roles.

25. Finally, they have all consented, through their solicitors, MODWLT, to be so designated.

Decision

26. Having taken into account all of these considerations and on the basis of the materials with which I have been provided, I am satisfied that the five individuals should be designated as CPs and therefore, these five applications for CP status are hereby granted.

Recognised Legal Representative (“RLR”)

27. Rule 6 of the Inquiry Rules provides as follows:

6.—(1) Where—

(a) a core participant, other than a core participant referred to in rule 7; or
(b) any other person required or permitted to give evidence or produce documents during the course of the inquiry, has appointed a qualified lawyer to act on that person’s behalf, the chairman must designate that lawyer as that person’s recognised legal representative in respect of the inquiry proceedings.

28. Rule 7 of the Inquiry Rules provides as follows:

7.-- (1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that—

(a) their interests in the outcome of the inquiry are similar;

(b) the facts they are likely to rely on in the course of the inquiry are similar; and
(c) it is fair and proper for them to be jointly represented.

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.

(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

29. The newly designated CPs request that I appoint a single RLR to represent their interests.
30. I consider that the requirements of Rule 7 are met. I therefore designate Raveen Patel of the Government Legal Department as the RLR for these CPs.

Public identification of the Core Participants

31. After making this decision, but before sharing it with other CPs, I sought the views of the representative of the new CPs on sharing the ciphers of the new CPs with (a) other CPs, and (b) generally.
32. In response to this, the representatives of the new CPs confirmed that they were content for the ciphers of the new CPs to be disclosed to other CPs, subject to a reminder that these are subject to undertakings and not for wider disclosure, but asked the Inquiry not to disclose further or publish on its website the ciphers of the CPs.
33. Insofar as these may be cited in OPEN, the reason for non-publication of the ciphers was that it would expose the ciphers “to media scrutiny, which is unnecessary and would lead to unfairness”. The representatives went on to give further reasons specific to the CPs which cannot be disclosed without having the potential effect of indicating their identities.
34. They also added the following:

“If the Inquiry determined that publication on the website is appropriate now, when more CPs are added to the list, presumably the Inquiry would then follow up with further communications about new members of the WLT CP. This would invite speculation and undue focus on WLT witnesses by the public as to their role in their Inquiry, and the evolution of the issues.

In the circumstances, the WLT submit that it is more appropriate for the Inquiry to withhold publication of the designation of any WLT witnesses as CPs – at least until all WLT witnesses who are likely to receive CP status have been so designated, following which the position can be reviewed.

This approach is also consistent with the approach taken by the Chair to CP applications made by the Afghan families whose names have not been published on the Inquiry website. We see no distinction between the Afghan families CPs and our witnesses for these purposes – the only material distinctions, which are outlined above, make it more, rather than less pressing for our witnesses’ ciphers to be withheld from the public domain.”

35. I consider that there will come a time when it will be necessary, not just appropriate, for the Inquiry to confirm in OPEN, the ciphers of which military witnesses have been granted CP status. This will certainly need to be the case prior to the making of their closing submissions to the Inquiry, but it is likely to be so well before then.

36. However, I accept that publication of the new CP ciphers now may lead to unhelpful speculation that would be unfair and potentially damaging to the individuals. I do not accept that the position of military CPs is analogous to those of the Afghan Family CPs but I do however acknowledge there may be some time-lag in different military witnesses applying for CP status, and that it would be fairer for a full list of eventual successful applicants to be published together at that stage. I am satisfied that it is appropriate to provide the other Core Participants with the ciphers of the new CPs, subject to terms of confidence to the Inquiry, and therefore there is no unfairness to them.

The Rt Hon. Lord Justice Haddon-Cave
Chair of the Independent Inquiry relating to Afghanistan

Decision regarding CP status made: 27 March 2026

Date of OPEN Ruling: 28 April 2026