Thursday, 12 November 2026

(10.00 am)

THE USHER: Good morning. This is an open hearing of an Independent Inquiry in Matters Relating to Afghanistan. Please ensure that all mobile phones and other personal electronic devices are either switched off or in silent mode.

Please may I also draw your attention to the fact that the Chair of the Inquiry, the Right Honourable Lord Justice Haddon-Cave, has made a General Restriction Order for Inquiry Hearings which applies to the conduct of those who are attending and/or viewing this hearing. The relevant parts of that Order are contained within the specific Restriction Order made in respect of these hearings, which is displayed on the Inquiry website and on the door of this hearing room, but I will summarise its purpose.

The first part of the General Restriction Order for Inquiry Hearings prohibits any person from making an audio or video recording of Inquiry proceedings without the express permission of the Chair. Furthermore, no person may take a photograph in any room in which Inquiry proceedings are taking place and at a time the Inquiry is sitting, without the express permission of the Chair.

The second part of the General Restriction Order for Inquiry Hearings which applies to this hearing arises as the live stream of these Inquiry proceedings via YouTube will purposely be subject to a 10-minute delay. Where those who have supplied evidence to the Inquiry have applied to restrict information from publication outside of the Inquiry, in some instances the Chair has made Restriction Orders, the effect of which is to protect that information.

The Chair has also made a Restriction Order prohibiting the use, publication or dissemination of certain information that is contained within the evidence and documents associated to these hearings. That Restriction Order is displayed on the door of the hearing room and copies are available on request. Where material is restricted, it is redacted and, where appropriate, a gist of the evidence is provided.

In the event that something is said during the course of this hearing which may breach a Restriction Order made by the Chair, the evidence may be halted and the hearing room may be cleared for closed legal submissions as to whether any Restriction Order has been breached and the live-stream YouTube recording will be temporarily stopped for this period.

Counsel to the Inquiry or the Solicitor to the

Inquiry must be informed of any request to make an application for a Restriction Order. If an application is made for a Restriction Order in relation to anything that has been said or done in the Inquiry hearing room in the preceding ten minutes, anything that was said or done during that period is subject to a Restriction Order prohibiting its disclosure, repetition or duplication, until the Chair has finally determined the application.

For the avoidance of doubt, where material or identities in documents shown on screen or subsequently published have been redacted, with or without an overwritten gist, the redacted material is restricted and it is a breach of the Restriction Order to disclose what is thought to have been redacted.

Today's witnesses are giving evidence with special measures in place to protect their identity. It is a breach of the Restriction Order to publish or disseminate any evidence which discloses directly or indirectly the identity of this witness or seeks to undermine the special measures that have been put in place.

The above orders are subject to a penal notice. This means that any breach of any element of the Restriction Orders may be certified to the High Court or

the Court of Session, who will have the power to fine or imprison anyone found to have been in breach of the Order.

(10.05 am)

SIR CHARLES HADDON-CAVE: N73, good morning.

THE WITNESS: Good morning, sir.

SIR CHARLES HADDON-CAVE: Thank you very much for bearing with us and rearranging your diary so that you could be available to continue to give evidence to us today after the wifi gave up, I think exactly a month ago.

I hope the link is good your end.

THE WITNESS: Yes, it's fine, sir. Thank you.

SIR CHARLES HADDON-CAVE: I and we can see you very clearly and hear you. You are, of course, still under oath so there's no need for you to be re-sworn. So we can continue. All right?

THE WITNESS: Yes, sir.

N73 (continued)

Questions from COUNSEL TO THE INQUIRY (continued)

SIR CHARLES HADDON-CAVE: Mr Martin.

MR MARTIN: Thank you. N73, welcome back.

You gave your first part of evidence on Tuesday, 13 October and, before we were rudely interrupted by the workmen, we had discovered your experience and background; is that right?

A. That's correct, yes.

Q. We had looked a little at Operation Elsinor and pre-Operation Elsinor, the precursors to Operation Northmoor; is that correct?

A. Yes, correct.

Q. That was when the allegations that came through Leigh Day first reached the RMP in around the autumn of 2013?

A. Yes.

Q. Thank you. That included the nascent allegation in respect of Mr Bang, or N50, as I think he was known during the course of the investigation. It was to form a central part of the allegation?

A. Yes.

Q. You had discussed your evidence or your approach, rather, to the initial tracing process that was undertaken right at the beginning, to ascertain whether any of those named in the schedule that had been provided to you were held in detention by UK Armed Forces?

A. Yes, that's correct.

Q. We had just reached the point where we were looking at a document, which is behind your tab 33 of the bundle, so I'll ask you to turn that up, 33-2, please. This is a document dated 6 June 2014. I'll just wait for that --

A. Yes.

Q. -- to be provided to you. Just for the benefit of everyone in the room, you are at something of a disadvantage because you do not have the electronically presented evidence before you; you are labouring with the red file, as am I.

So you have that. This is the Operation Northmoor mature assessment. We have been making our way through that document. This was a document that was drafted I think with your input by Captain Wright; is that correct?

A. Yes, correct.

Q. Thank you. I'm not going to take you back through all of what we had looked at already. If we turn over the page to page 3, can we go to paragraph 7, please, "Methodology".

A. Yes.

Q. I'm just going to wait for the screen to catch up. So:

"In order to satisfy the aims and objectives distinct phases have been established ..."

(a) analysis; (b) identification; and then (c) which is investigation; (d) which is referral; and (e) which is case management are all to be discussed at a further assessment. It says:

"This assessment will focus on the analysis and

identification phases, together with additional influences affecting Operation Northmoor."

So pausing there, what was being done in this document was looking at those two initial phases, analysis and identification; is that correct?

A. Yes, that's correct.

Q. Thank you. Then, if we move on to the analysis, which is at 8, this was the point at which we had reached during the course of your evidence. Just to read through this, and then I'll ask you some questions about it:

"Due to the significant number of reported incidents and the resources allocated, it was essential to 'clear the ground' by assessing the material gathered in order to establish what was known, what was unknown, where information was located and how that information could be obtained. Drawing on experiences from the IHAT and investigation not related to the IIA, there was a conscious decision not to embark on direct investigations into the offences reported until it was understood what information, data and material was required. A tension existed in doing this, insofar as there were a number of serious criminal allegations, including five allegations of homicide, against the need to fully understand the task that was required in

investigating all matters. This risk was mitigated in part by the historic nature of the allegations and the most recent occurring in 2013."

All right. So that is the point which we had reached. What I was asking you about, before we lost the link, was about your reference to the tension here. So a tension in the approach which appears to relate, on the one hand, to the five allegations that you were aware of at that stage of EJK, of extrajudicial killing, as against the other allegations -- I mean no disservice by calling it bulk allegations -- but those of Afghan abuse. Is that where the tension, as you understood it, existed?

A. The tension, I think, took a number of forms, insofar as we kind of covered about our limited resourcing, initially at the start. The volume of material that we had ascertained up to that point, it was a case of having resources to do a number of different lines of enquiry concurrently or, rather, not having the resources to do those lines of enquiry concurrently, and actually expedite the investigations. But, with regards to a tension, I think that would only probably be truly documented by Captain Wright in his policy books.

Q. Thank you. Just to understand, in the context of this paragraph, it makes reference to:

"... the conscious decision not to embark on investigations into the offences reported, until understood what information, data and material was required."

Then it makes reference to the "tension in doing this", so that is, or it reads as, not doing those direct investigations, "insofar as there were a number of serious criminal allegations".

So that's what I want to understand. Was there a conscious decision to pause what might be called direct investigations because of the broader allegation?

A. I don't think it was a tension of pausing; I think there was a tension about getting access to material that would have helped us expedite the investigations.

Q. Did you think that there was any value, at this stage -- and we're looking at June 2014, so it's quite early on in Operation Northmoor -- but you have those five allegations of EJK; was there value in prioritising and progressing lines of enquiry in respect of those particular allegations at this point?

A. Yes, but there was also -- if I can make reference to N50 in particular, there was multiple hypotheses regarding that allegation. And it was -- additional information would have helped the SIO eliminate the hypothesis in order for him then to focus with his lines

of enquiry and pursue the investigation.

Q. Thank you. So far as it makes reference to the:

"... mitigation of risk in not taking direct investigation, investigative acts or enquiries early on, mitigated in part by the historic nature of the allegations, the most recent occurring in 2013."

Is that a reference to the fact that, although the golden-hour enquiries need to be undertaken, in effect the golden hour has dissipated to some degree?

A. Yes, I believe that was something that myself and the SIO shared a view on, that we had actually lost a lot of the golden hour.

Q. So if it was to be suggested that, at this stage, there was a tension between what might be termed Team 1 matters, because they were to later become -- they're not as yet Team 1 matters, but later to become Team 1 matters -- and Team 2 matters, what do you say about that as a suggestion?

A. No, because, although we hadn't been formalised into the certain teams, it was a lot for the SIO to start determining what his priorities were in terms of recovering and harvesting information held by the various MoD databanks.

Q. All right, thank you, and this was in June 2014, as the document states, and in fact we know that the formal

Team 1, Team 2, Team 3 structure begins in July, okay? So it begins the following month. So there appears to be a decision that's made for that Team 1, Team 2, Team 3 structure to be made?

So to what extent was -- just pressing on this again -- was this tension something that drove the decision to put that Team 1, Team 2, Team 3 structure in place?

A. I think it was the volume of complaints, the volume of the lines of enquiry that were going to be generated in order to complete the investigation in its entirety. The honest answer is it would have to be for the SIO to review his policy book, to give that definitive answer for that particular tension.

Q. You were part of the decision to restructure the team though, weren't you?

A. Yes, I was.

Q. I don't need this to be shown on screen in particular but, at paragraph 35 of your witness statement, you say that:

"As the allegations being made expanded in 2014, Captain Wright and I decided to internally restructure the composition of Operation Northmoor."

Then you set out the Team 1, Team 2, Team 3 structure. So why were you advocating for the change in

structure at this point, which more or less looks contemporaneous with this document?

A. I think, by this stage, what we'd identified is that some of the allegations of the unlawful killings were being linked to UKSF operations, therefore we needed the investigation -- sorry, the investigators with the relevant experience, security clearance and qualifications, in order to conduct those enquiries.

Q. So it's not simply a recognition that these are allegations of extra judicial killing; it's also a recognition of who or what might be involved in that extrajudicial killing?

A. Correct, yes.

Q. You have said in your witness statement that the decision to change that structure provided a more clear focus. Can you just assist us with that: what do you mean by that?

A. Well, it gave the SIO clear priorities on where he wanted to go with Team 1, rather than having to consider -- well, he could focus in, I'd say, almost entirety, on the Team 1 enquiries, which were the more serious ones, and then the delegation could be dealt with the for the HOLMES, the cyber -- the Team 2 enquiries could be left to the other nominated DSIOs.

Q. Did you consider that it gave a better focus?

A. I thought it was a shrewd move, yes.
Q. Does it follow from that that things were a little unfocused before that structure was put in place?
A. I don't think "unfocused" is the right term. I think there was a lot to understand, there was a lot of material, there was a lot of moving parts. The SIO, apart from focusing entirely on the investigation side of the inquiry was -- at that time, he was still dealing with administration, regarding resourcing, so by restructuring the team, it did help, I think, focus the inquiry.
Q. By that time, the time of the restructuring, can you help us with how many people were on the team, more broadly?
A. Um --
Q. You start with four, don't you, I think?
A. I think it was eight, we started.
Q. All right, eight.
A. I think so, yes.
Q. Had you grown by this stage?
A. Yes, we had. We had. I cannot give you an exact number at that particular moment in time but the investigation team had grown.
Q. Thank you.
A. The Northmoor investigation team had grown.

Q. I don't need an exact number but, just doing your best, what are we talking here: is it twice the size? Is it --

A. Um, I want to say in around maybe 30; 30 to 35 personnel.

Q. But is it fair to say you're not entirely sure on that figure?

A. That's correct, yes, that is a guess.

Q. I'm sure that's something that we can go back and clarify, thank you.

So this decision, it appears to be made for the Team 1, Team 2, Team 3 structure that we're all very familiar with now, in June/July 2014. We know that Operation Northmoor was stood up in March '14. The Elsinor allegations date back even further, go back to 2013. So why do you think it took, perhaps on a most generous interpretation, around three months to establish that effective team structure?

A. Because not all -- the team wasn't, I suppose, enhanced with additional investigators at any one time. It was a piecemeal effort, so it's not like one week we only had eight and then the following week we had all this additional personnel. It was something that we would get investigators as and when they became available. It was also a process where the staff that we were getting

on to Northmoor were not SIB trained personnel. They were, while Military Police Officers, but not necessarily with the SIB qualifications or experience and, therefore, there was a lot of time went into -- myself and Captain Wright -- interviewing these people to assess that they had the relevant experience and that they had -- were they competent enough to be brought on to the investigation team?

Q. Thank you. We'll come to that in due course but I'm just looking at this early period because I know from your witness statement you suggested that was going on, that process of recruitment with you and Captain Wright over the course of 2014 and '15. But just up to the point in June/July 2014, your evidence on why it had not happened earlier?

A. I think it was down to numbers. Simple numbers. And, again, it was trying to get access to various databases because we were still working off a lot of the initial information that Leigh Day had provided, in terms of who were actually UK detainees.

Q. So you're waiting for information material to filter through; is that correct?

A. That was part of it yes, absolutely.

Q. That was part of it, and other part of it is you, I suppose, need a critical mass of people in order to

actually effectively have more than one team?

A. Yes, and, unfortunately, what we didn't have access -- or what we couldn't facilitate, rather, was doing electronic searches on detainee records. They had to be manually searched because they were all hard copies.

Q. Thank you. All right. As I say, we're going to come back to the issue of personnel and resources in due course but I just want to look at another couple of matters that are set out in this document, please. If we go two pages over, so page 5 of the bundle, looking at the blue numbering, "Additional influences: 15 civil litigation".

A. Yes.

Q. "At present, civil litigation is ongoing in respect of Project Elsinor, as detailed in paragraph 3. There are concerns that the continued parallel civil and criminal inquiries will cause conflict with disclosure in the civil case, potentially prejudicing any future criminal proceedings. Counsel and Treasury Solicitor who represent the Secretary of State for Defence have been engaged with information being shared between RMP and TSol as directed in the existed CLS [that's central legal services], DJEP, SPA, RMP protocol. The determination is required in order to establish whether the two should run in concert with the SIO's view being

that they should not. A meeting was planned for Thursday, 5 June 2014 but was cancelled due to the SPA withdrawing on the grounds that a conflict regarding independence had arisen."

Does it follow from this that you were aware of the parallel civil proceedings, if they can be called that, from an early stage?

A. Yes, because I believed the Elsinor, when I first received it back in 2013, was primarily a civil litigation case.

Q. Yes, because of course you'd received, via Leigh Day, the schedule of the allegations that had been --

A. Yes.

Q. -- referred on to you.

In respect of information sharing, were you aware of a proposal for information sharing across the department?

A. I do know that the information that I accumulated during Elsinor was obviously being back briefed up to PM(Army). I can't say definitively if or who they shared that information with but I would assume, because it was a civil case, there would have been information shared with Treasury Solicitors.

Q. But this is information sharing, including information that you're gathering as part of your investigation; is

that right?

A. Yes.

Q. It appears there's an objection from Captain Wright. Do we see that?

A. Um ... yes. Yeah.

Q. So do you know what his objection was?

A. Off the top of my head, I cannot recall the specifics of why he was objecting to that.

Q. Was there any concern that this might mean that information from an ongoing investigation was being fed back into the wider Ministry of Defence?

A. Oh, that was certainly a consideration for any case, so yes, I can understand why he would have that view.

Q. Did you have any concern about that?

A. That a criminal investigation was being shared before the investigation was finished? Yes, I don't think that should have been happening.

Q. Why?

A. I think it would compromise the criminal investigation.

Q. How?

A. Well, with regards to the complainants, the complainants for the civil and the criminal were the same people.

Q. Yes?

A. So there should have been a distinct line between both inquiries, I believe, and I think that, with regard to

the criminal aspect, because certainly the severity of some of the allegations, I don't think it would have been prudent to be sharing that information to civil litigation until we'd concluded that investigation, the criminal side of it.

Q. Just to be clear about this: why wouldn't it have been prudent to do so?

A. I think it may have compromised the criminal investigation.

Q. In what way?

A. Well, it depends on at which stage they want us to share the information.

Q. All right. So just break that down for us, please.

A. Right. So, if we take it right back, and I'll use Mr Bang as the example. It came to me initially as a civil litigation. My role was to identify whether or not he had ever been a UK detainee. As part of that civil litigation, there was a complaint that his relatives had been unlawfully killed. The scope during Elsinor was just to determine whether or not that individual had been a UK detainee.

Q. Yes.

A. With the implementation then of Northmoor, we were to look at the criminal allegations. So the criminal allegations, we were still kind of looking around the

same incident, involving the same people, but the parameters had widened for the -- sorry, for the criminal allegation. So all I had to do was identify that Mohammed Bang had been detained, he was in UK custody for a criminal investigation; I needed to look at who detained them; where it had happened; why it had happened; and if people were unlawfully killed, who had done it and why it had happened.

I don't think that information was relevant to the civil litigation side of it at that time, until the criminal investigation had been completed.

Q. So it may be that there were perfectly valid reasons why the broader MoD estate, if I can put it that way, would have an interest in what was going on but, from your position as an investigator, is that information that you wanted shared widely?

A. There's a time and a place for it and I don't think, as the investigation is still live, that was the time and place.

Q. So what would be the time and the place, on your basis?

A. Well, once we had concluded the investigation and either confirmed or refuted the allegations.

Q. Thank you. All right. Looking back at the document, please, paragraph 16, "Staffing". So:

"At the outset, additional staffing was requested

with GPD [general policing division] assets required."

So that was on Monday, the 2nd:

"Notification was received on Wednesday, 28 May that the additional staff had not been identified and were unlikely to commence before 30 June '14. A firm decision is awaited from FD ..."

Is that financial director?

A. Um --

Q. You may not know?

A. No, I don't know. I can't confirm.

Q. All right, thank you:

"The MIR is dedicated to Operation Northmoor with additional positions being put out to tender within the Civil Service. Recruitment and training will impact on any future start date."

So we can see here, in June '14, concerns with recruiting personnel; is that right?

A. Correct.

Q. We can see that it's, in fact, GPD assets who are the ones that have been asked for, not even SIB at this stage?

A. I believe the SIO may have already requested SIB assets from the SIB regiment but I don't think there was any available, hence we had to go to the GPD.

Q. All right, we will come back to that a little more. If

you look at 17, "Command engagement":

"Irregular battle rhythm has been established with unfettered access to both Silver and Gold. Fortnightly meetings will be held with Silver and Gold being briefed by the SIO every four weeks. Outside of these timings, both Silver and Gold can be approached as required."

These fortnightly meetings, do you know which meetings these refer to? For example, is this a Gold Group meeting that's being referred to, a Silver Group meeting, something else?

A. I honestly don't recall attending any Silver meetings. They were predominantly Gold meetings with Colonel McAllister.

Q. Are you able to say whether this is a reference to a Gold Group meeting or something else?

A. I can't clearly state it was specifically Gold because other issues were then being -- the meetings I was at, other issues would have been discussed there, as well.

Q. So there were other meetings?

A. Yes.

Q. Of course. If it was a reference to Gold, those weren't held fortnightly, were they?

A. At the start, possibly, and then, as the investigation went on, I think the distance between the meetings expanded.

Q. All right. So it's not clear whether it is, in fact, a reference to Gold Group meetings but, if it was, that stated ambition of fortnightly may have begun well but fell off?

A. Yes. However, whilst I'm talking here about a designated meeting, the SIO did speak with Gold on a more frequent basis.

Q. Thank you. But not within the formal structure of a Gold Group meeting?

A. Correct.

Q. Paragraph 18, there's reference to the major incident Review Team, MIRT?

A. Yes.

Q. You can see the terms of reference have been agreed between the PM(A) and the GMP, who will provide MIRT, but the meeting has not happened yet so just noting there that MIRT are shortly to come on board; is that correct?

A. Yes.

Q. Thank you. At 19, "External resources":

"The NCA remain engaged and on hand to provide any niche subject matter expert advice where required."

Then the summary:

"At this stage, Op Northmoor continues at pace with the investigation team requiring to understand where

relevant material is held and, once known, securing and preserving that evidence in a usable format, suitable for production at subsequent meetings."

It goes on to discuss clear and defined phases, and so on.

Was Operation Northmoor at this early stage, was it continuing at pace?

A. It was quite frantic until we'd -- as the SIO described it -- until we had established the battle rhythm and I don't believe that that effectively came on until we had split into the three teams. So I had limited investigators, frantic actions were being conducted in order to try, (1) identify where evidence is held and (2) secure it.

Q. So at pace but not necessarily a controlled pace?

A. Yes. Yeah, that's a fair assumption.

Q. Thank you. Right, the next topic I want to ask you about, we've touched on it a little, is the Gold, Silver Bronze structure that was put in place. If we can look behind, please, tab 27, 27-2 for the EPE.

A. Yeah.

Q. So we can see this document, which is a PM(A) document, 10 September 2014. I don't know: is this a document that you had seen before? It was provided to you in your bundle.

A. Um ...

Q. You're not copied in, according to the copies, but it may have been something that made its way down to you, it may not.

A. It's likely that I did see it. The SIO would have shared those type of documents with me.

Q. Thank you. So the last document we looked at was June, the change in the structure in respect of Team 1, Team 2, Team 3 is July. We're now looking at September 2014, just focusing on this early stage in Operation Northmoor. So this is sent from PM(A):

"Operation Northmoor command and control. Issue 1 the command and control of Operation Northmoor. Timing immediate."

At 3 it gives the background and it says, just in the final sentence:

"Having reflected on the investigation progress, this direction requires updating to reflect the operational realities."

Then 5:

"Command structure."

That sets out the Gold, Silver, Bronze structure that we see:

"Strategic, Gold; operational OIOC/Silver; tactical, Bronze. POD SIO."

"POD SIO", is that because the teams were referred to as "pods" or is that something else? It may be an acronym I'm not familiar with.

A. I believe that was due to the structure of Northmoor having its own three independent teams within it.

Q. So where we see a pod, a pod is a team?

A. I would say so, yes.

Q. Thank you. We go over the page to 6, and I'm not going to read through all of this but we can see that the roles and functions of each within the command structure are set out. So just scanning our eye down the page, at (a) "Strategic", that's Gold; then at (b) "Operational", so that's Silver; and (c) "Tactical", that is bronze.

Now, just stepping back from this briefly, is the Gold, Silver, Bronze structure something that you were familiar with when it was -- it was, of course, originally put in place at the inception of Operation Northmoor. This is a development of it. But, in principle, is it something that you were aware of?

A. I'd first come across this when I'd actually done my SIO course. I hadn't experienced it, in reality, prior to Operation Northmoor.

Q. So you knew the principle but not the practice, necessarily?

A. Yes.

Q. In terms of the others, so it's a relatively small team still at this stage, to your knowledge, had any of them operated within the Gold, Silver, Bronze structure previously or was this something novel for the team more broadly?

A. The honest answer is I don't know because, in my experience, this was the biggest investigation the RMP had undertaken and I'm trying to think of similar investigations, maybe not as broad, in terms of complainants, et cetera, but I honestly can't say if any of the others had worked under this scheme before.

Q. To your knowledge, can you think of any investigations that might possibly have warranted this structure within the RMP?

A. Possibly Operation Cestro. Possibly Operation Telemeter.

Q. When I say warranted: just to be clear, you had a role in Operation Telemeter; is that correct?

A. Yes, I did, yes.

Q. To your knowledge, was Gold, Silver, Bronze in place on Operation Telemeter?

A. I can't 100 per cent say it was because my role was last minute. I was never part of the investigation from the onset. It was purely due to my location at the time. I was in a position to conduct the line of enquiry that

the investigation required.

Q. You were in Afghanistan?

A. Yes.

Q. Yes, well, we may come back to that in due course, all right?

So you hadn't operated in that system before, you're not sure if others had but you rightly perhaps make the observation that Operation Northmoor was something new and somewhat unprecedented for the RMP. Just considering the different roles and how they worked in practice, is it fair to say that, because you don't have the practice or didn't have the practice of operating within the system -- and that's not a criticism -- is it difficult for you to assess whether or not the Gold, Silver, Bronze structure worked well or otherwise.

A. I'll start by saying I think it was essential to have it in place and my justification for that is Captain Wright, as the SIO, he could not undertake all the activities and everything else that was needed to get Op Northmoor up and running, whilst also at the same time conducting the lines of enquiry and deciding on its priorities.

Q. So, by that, do you mean the activities that would sit above him at Silver and Gold level, rather than the investigative activities?

A. Yes, absolutely.

Q. Why do you say that?

A. Well, at the start, so much time was spent with the SIO and myself just going around and trying to engage with people in order to identify where information was held, who we would need to speak to, to get that information. Then there's was the logistics of Northmoor itself. You know, we were currently or initially based in Bulford, which, you know, I don't believe was fit for purpose at the time for Operation Northmoor. And then, there's obviously the whole command element that the army has itself. That is something that Gold would be responsible for engaging with.

Q. All right. Let's just look, please, then, at the roles that were played by others. So Gold was Lieutenant Colonel John McAllister; is that correct?

A. Yes.

Q. Certainly from an early period on to, it may have started as the PM(A) very briefly but, essentially, it was McAllister. So Gold is responsible, isn't he, following this structure and in accordance really with this document, for, amongst other things, setting strategic direction?

A. Yes.

Q. Now, is that something that Gold was doing, as far as

you could tell?

A. From my experience of being in meetings between the SIO and Gold, Gold received the briefing from the SIO, Captain Wright, and the majority of the time, he was content with where Captain Wright's strategy was going. There may have been the odd one or two things he may have asked him to revise but, for the majority of cases, Gold certainly seemed quite content with Captain Wright's strategy briefing.

Q. You mentioned in your witness statement that, where there were Gold Group meetings, in effect, what was done mainly during the course of those meetings is there's an update from the SIO, Captain Wright, as to what's going on, and often a request for resources?

A. Correct.

Q. So that's the information that's coming up to Gold. What about the strategic direction coming down from Gold?

A. In the early days of Northmoor, there wasn't too much, not that I can recall, anyway. The SIO may have documented -- well, I'm sure he's documented any type of direction given by Gold but there's nothing jumps out at me at the moment.

Q. Thank you. You say in your witness statement that there was some overlap in the Gold Group meetings that were

held with what might be called command conferences; is that correct?

A. Yes.

Q. Command conferences deal with what, please?

A. It would be administration, welfare, logistics and all obviously focused around Operation Northmoor, in terms of where we were situated, what personnel we needed, what training courses were required.

Q. So is it right that, at the Gold Group meetings, if Gold Groups have been imported from civilian policing and Gold Groups relate to the "P" of RMP, the policing part, do the command conferences relate to the "M" of the RMP, the military part?

A. Yes, there was certainly an aspect of that.

Q. Was it difficult to keep those things distinct, within those meetings?

A. Yes, just naturally migrated into the other.

Q. Did you find the Gold Group meetings -- I should say, your witness statement makes clear that you attended a number of, or the majority of, these Gold Group meetings. Were they helpful, in your view?

A. They were helpful in that the SIO was expressing his concerns to Gold. I found it frustrating because I had an anticipation that things would have happen quicker than they actually did but that's a personal impression.

Q. So, to some extent, the Gold Group or the impression that one might be left with, from your evidence of the Gold Group meetings, is it's a chance for the SIO, really, to feed back to Gold, but there is more going in that direction than is perhaps coming down?

A. Yes, it was, I would say it was predominantly one-way traffic from the SIO.

Q. Would it have been helpful to have had more of these Gold Group meetings?

A. Only if there was something coming from Gold.

Q. Was there?

A. As I say, it was frustrating. At times there was but, from a personal perspective, I would have liked it to happen a lot quicker.

Q. To be fair to Lieutenant Colonel McAllister, he was not only operating as Gold at this time, was he?

A. No, and to be fair to Colonel McAllister, I had known him prior to Operation Northmoor. I found him to be a solid guy. He was a no-nonsense man. So, you know, he wouldn't accept any kind of feeble or meagre excuses. So, for him -- for the SIO, sorry, to put his concerns and briefings to him, certainly Colonel McAllister definitely listened and took on board what was saying said but --

Q. Sorry, I interrupted you. Carry on.

A. Sorry. But I don't know what was happening above Colonel McAllister.

Q. Given what you know of Lieutenant Colonel McAllister and given the concerns that were being relayed -- and I think principally those were concerns about resourcing; is that right?

A. Yes.

Q. We will come on to look at some specific issues of resourcing in due course but, given what you knew of Lieutenant Colonel McAllister, did you trust that he would relay those concerns higher up the chain and seek to ameliorate any of the issues that had been raised?

A. Absolutely.

Q. Why do you say that?

A. Knowing him for the type of officer that he was previously, he was certainly a strong individual. He believed in what we were doing and, over the period of time, as Northmoor progressed, it was easy -- well, I say it was easy -- the pressure, there was obviously pressure on Colonel McAllister, and that was evident. You could see it in his face during the Northmoor meetings and I don't know if that was frustration, or whatever, but you could clearly see there was an element of pressure.

Q. Can we just look, please, at paragraph 37(b) of your

witness statement. It's page 18 of the bundle. It's just to develop this point in respect of Gold, if I might. You say:

"Lieutenant Colonel McAllister was Gold Command from the outset. At times I felt that he considered our desire to progress and push on was us being pushy [to paraphrase]. That said, on reflection, he seemed and a lot of pressure to progress the investigation as best he could and was trying to manage the SIO and my expectations without suppressing our desire to expedite the investigation."

Just briefly on that, your pushiness or Captain Wright's pushiness, what do you mean by that, please?

A. It was our desire to get results quickly. And I'm not talking specifically about the Northmoor criminal investigation, possibly more about the logistics, getting the logistics, training, personnel in place.

Q. So the milestones or the stepping stones -- or any other type of stone -- that you needed to reach in order to progress the investigation?

A. Yes.

Q. Thank you. You say that he seemed under a lot of pressure to progress the investigation; pressure from who or what?

A. Obviously, he was getting a lot of pressure from the

SIO, in terms of --

Q. And you?

A. Yes, yes, to be fair, yes. To allocate resources, et cetera, as I've just mentioned. Colonel McAllister, from knowing him previously, he was somebody that always wanted to get the job done and get it done right and I think he was caught between a rock and a hard place, which was myself and the SIO, and the people above him.

Q. When you say "the people above him", that will be PM(A) and above, will it?

A. I can't name specific people, but I'm talking directly about probably Provost Marshal (Army), as in the department, and the senior, senior army officers above that.

Q. Silver. According to the document that we've just looked at, which set out the structure, Silver appears to have been an important role. Was it a role during your time on Operation Northmoor that was being played at all, in any meaningful sense?

A. No. I -- during my tenure, there were two people who would have fitted into the Silver position, as dictated here in the document. Neither really played the roles that Captain Wright has dictated.

Q. So you have a Gold who has other things on his plate, if I can put it that way, not providing particularly much

strategic direction, albeit listening to your complaints, and no Silver, or no effective Silver. Is that the position?

A. Yeah, during my experience it was predominantly myself and the SIO going straight to Gold.

Q. So is there a sense that, really, you were just being left to get on with it, as investigators?

A. There were times it felt like that.

Q. Does it follow that there are times that it didn't feel like that?

A. Yes, yes, absolutely.

Q. It may be that you, to some degree, would have welcomed the autonomy, I suppose, on one view, of just being allowed to get on with it. Did you feel like that or did it feel like perhaps you were a little isolated?

A. I was comfortable working with Captain Wright's strategy. I had confidence in him. The fact that I'd be present when he was briefing Gold and Gold wasn't really giving him any adverse instruction to what he was proposing, that enhanced my confidence in the SIO.

There were, I suppose, times where we wanted to achieve things and it would have been, I suppose, helpful, because of the way the MoD and the army works, that Gold would have maybe stepped in -- and I'm not saying he didn't but I'm just not aware that he did --

and helped expedite our investigation.

Q. If he did, you didn't see the results of that; is that fair to say?

A. Yes.

Q. Let's look, then, at the topic of resources, in particular. I'm going to touch on personnel in particular, if I might, and you've already given some evidence about that. So clear from the outset that there was a need to build a team?

A. Yeah.

Q. It's clearly essential that for any team you need suitably qualified and experienced personnel?

A. Correct.

Q. Or SQEP, as we've come to know it. When did it become clear to you, after the inception of Operation Northmoor, that there needed to be a very significant uptick in the number of investigators?

A. I think it was evident right from the outset, when we had seen the scope of the investigation.

Q. Now, we've heard evidence that around the time that you left -- we had this from Major Stitson, who I think overlapped with you very briefly towards the end, when Operation Northmoor was at St Mawgan -- that the team was around 40 people when she arrived. So does that meet with your recollection?

A. Yes, yeah. Possibly slightly higher but, yeah, that would be about right.

Q. There or thereabouts; I'm not pinning you to a specific number. So it begins with four or eight, very shortly thereafter. Were you able to scale up the team as fast as you would have liked to?

A. No.

Q. In your witness statement at page 12, paragraph 28, you'll see under the heading of "D. The RMP's structure and resources", if we just go over the page, we're going to begin there:

"There were limited personnel and the main repositories for those with investigative SIB experience was the SIB regiment. This limited where we could draw from and how quickly we could build the Operation Northmoor team during '14/'15."

You go on -- and I'll come back to the visits that were undertaken because you've already made reference to them -- but you say:

"Due to the size of the SIB regiment, the Operation Northmoor team could only be staffed with minimal SIB investigators at the outset."

So, clearly, there was a preference from your part to have the more qualified specialist investigators from SIB on board; is that correct?

A. Yes, correct.
Q. But that was quite a small pool to draw from?
A. Yes. The SIB regiment, in its entirety, was quite small, when you compare it to other parts of the Armed Forces.
Q. Also, you had SIB in different places around the globe; is that right?
A. Yes. They were dispersed as well.
Q. Now, in terms of preference for SIB, of course that's understandable but, if we step back from this slightly, as you've already suggested, Northmoor significantly above and beyond anything that the RMP had previously undertaken; is that right?
A. In my experience, yes.
Q. So you've got the volume of complaints, you've got the seriousness of the complaints, even at that early stage. So we've just seen in June '14, it's clear that there are at least five allegations of unlawful killing. You've got the data repositories in multiple locations; you've got them abroad; you've got the data at high clarification; and, of course, you've got the involvement of the UKSF; it's declared a critical incident from the beginning; it's an A+ investigation. This was something exceptional, wasn't it?
A. Absolutely.

Q. Was there anyone, to your knowledge, across the RMP, who had experience of anything like this?

A. No.

Q. Accepting that, if no one across the RMP, including the SIB, of course, had experience of an investigation like this, were you, in reality, ever going to be able to recruit personnel with the experience and training that you needed for Operation Northmoor?

A. I don't know. To be honest, SIB qualified personnel would have been the benchmark.

Q. When you say "the benchmark", what do you mean by that? Do you mean --

A. In terms of --

Q. -- the gold standard or a minimum standard?

A. Personally, I would have said minimum.

Q. So you would personally say minimum. We know it's something above anything that's come across the RMP desk before but, it's only minimal SIB investigators at the outset; is that right?

A. Correct.

Q. In fact, even within Team 1, which gets prioritised for the best and brightest, it's not all SIB on Team 1 either, is it?

A. No.

Q. So I just want to understand your evidence about

recruitment, that you've touched upon before. So you and Captain Wright took it upon yourselves to travel to different RMP regiments to request and recruit additional personnel; is that right?

A. Yes.

Q. So can you just explain how that came about?

A. Captain Wright would have made contact with the unit. The unit should have been aware of Op Northmoor by this stage. He will have then expressed his case of what he was looking for, in terms of personnel. And then a meeting was held and I believe it was only three regiment RMP, was the only unit that had the capacity to release personnel to assist with the investigation.

Q. So it's you and Captain Wright trying to get the resources, the personnel resources, onto Operation Northmoor; is that a fair summary?

A. At that stage, at the initial stages of Op Northmoor, yes.

Q. So when you say "initial", can you just help us? How long was that going on for, that stage? I think '14/'15 is the --

A. I would say probably to -- up until the middle of 2014.

Q. To the middle of '14?

A. Yeah.

Q. But you're investigators, aren't you? You're not --

isn't that the role -- isn't that a role for Gold?

A. Yes, it certainly detracted the SIO away from what he should have been doing, and myself.

Q. So why were you doing it? I don't mean that discourteously but why were you doing it?

A. Because nobody else was and, if they were going to be on our team, we needed to ensure we could get the best people we possibly could.

Q. So you're looking -- you're going to regiments and you're looking for the best and brightest; is that right?

A. We were looking for, yes, what we believed would be the best people that could help us with the inquiry.

Q. Was there any resistance when you went to the regiment in people giving up their best and brightest because, presumably, on one view, they might be the sorts of people they want to keep hold of?

A. I wouldn't say there was resistance. There was conversations expressing their concerns because what you're doing is you're taking the capability away from one organisation to give it to another.

Q. But were you, in fact, empowered, in your position, to take those people away or was this is an exercise in persuasion?

A. I wouldn't say myself and Captain Wright were empowered.

We were empowered to go and ask. I don't think we were empowered to sequest people.

Q. Did you get all the people that you wanted?

A. We got a number of people and, from that pool of people that came to Northmoor, myself and Captain Wright subsequently did personnel interviews with them to establish what kind of investigative background they had. Even though we knew they weren't SIB personnel, it was just to determine what experience they had in terms of investigations, the knowledge of operational investigations, the knowledge of working or investigating UKSF.

Q. Then, on the basis of the interviews, with the limitation that they were not your first choice because they weren't SIB, picking the best of those?

A. Correct.

Q. One of the disadvantages of that is that GPD personnel don't tend to have the requisite clarification required to view certain documents; is that right?

A. That was to do with security clearance, yes.

Q. Sorry, security clearance. It's my fault. Poorly expressed. Did that cause problems?

A. Yes, it did at one -- certainly, yeah, it did because, obviously, when we were going to try and harvest or recover documents from UKSF servers, they didn't have

the requisite experience to be handling them.

Q. Just, again, looking at this early stage of Operation Northmoor, '14 into '15, do you consider, from your perspective on the ground as the DSIO and investigator, did Operation Northmoor have enough people in place?

A. Sorry, at what time scale?

Q. So '14 and '15?

A. Do I think we had enough people at that time?

Q. If there was a time within that that you think you did, please do say and be as precise as you want. But did you have enough people?

A. I would say post-June 2014, we were starting to get the right number of people coming in. Prior to that, no.

Q. Well, "starting to get" is different from "having", isn't it?

A. Yeah.

Q. So there was progress being made?

A. Yeah, I would say probably Northmoor wouldn't have been effective up until we moved down to RAF St Mawgan.

Q. Of course we know that full operational capability is declared at some point --

A. Yeah.

Q. -- after that's arrived and there's up to around 123 people in place.

So that's the numbers. What about the SQEP? Did

you have sufficient SQEP?

A. For Team 1, during my tenure, I had some GPD personnel on the team; it was minimal. I think I only had two or three. But I'll go back to: my preference would have been SIB personnel.

Q. Your preference would have been SIB but, even then, there's no one within SIB who in fact had experience of anything of this scale?

A. No.

Q. Was there any pause from you or others, in the early days of Operation Northmoor, about whether the RMP was really equipped to take this on?

A. It was certainly a conversation that myself and the SIO had because resources was a key issue for us. And then, as we've just been discussing, it was about having appropriate people with the necessary experience, and I'm including myself in that because I'd never experienced an investigation on this scale, ever.

Q. There's no criticism of you for not having had that experience before but the conversation that you had, what was that conversation, please?

A. It was primarily about do we have the assets -- and I'm talking RMP in its entirety. Do we have the assets available to deal with something on this scale?

Q. In terms of those assets, we're looking at things like,

for example, the forensic data handling capability; is that right?

A. That would be one of them but there's also tactical interview managers, investigators with the appropriate interviewing qualifications.

Q. You were having to develop the infrastructure for something like Operation Northmoor?

A. Yes.

Q. Because it hadn't been done before?

A. No.

Q. Did there ever come a time when you thought that the RMP simply wasn't equipped to take it on?

A. I don't know. That's a hard question because the RMP being equipped and then handing over all the assets that Northmoor requested is two different things. Certainly we didn't have the people with prior experience of an investigation of this scale but, in terms of what assets we had in capabilities, ie and qualifications, people with good investigative experience behind them, yes, I think we did have that.

Q. If it was to be suggested to you that, in terms of SQEP in particular, that Operation Northmoor just simply didn't have available to it a deep enough pool of SQEP personnel to undertake Operation Northmoor, what would your response to that be?

A. I think it's probably a fair assumption but I can't think of any other police force that would have that either and have those resources to throw at it.

Q. Can I ask you next, very briefly, about the location, but location only because it really -- as it relates to the FDHC. So St Mawgan was identified but St Mawgan was not moved to until nearly two years after Operation Northmoor came about; is that correct?

A. Yes, yeah.

Q. You say in your witness statement:

"It took far longer than anyone would have liked."

A. Yes.

Q. Why did it take so long?

A. Honestly, I don't know.

Q. Is that above your pay grade, effectively?

A. I would have said that's something for certainly Gold and PM(Army) to provide a conclusive answer on that.

Q. Did you have any role in finding the location?

A. No.

Q. Thank you. Was it frustrating that you weren't able to find a location for nearly two years?

A. Yeah, because the whole Northmoor team was fragmented. We didn't have -- we were sharing infrastructure with the SIB regiment and we were starting to grow in size, real estate wasn't available. We didn't even have

a dedicated MIR room, as such.

Q. The effect of fragmentation?

A. It's a lot harder for myself and the SIO to control the investigation.

Q. What do you mean by control it?

A. Well, in terms of having all your investigators available ready to do updates, briefings, issue actions, lines of enquiry, back brief, receive briefings. Just generic investigation protocol.

SIR CHARLES HADDON-CAVE: Can you just pause a moment. Could the aircon be turned off, please? Thank you very much.

MR MARTIN: Thank you, N73, I hope the aircon is --

A. It's fine, thank you.

SIR CHARLES HADDON-CAVE: It's freezing here, N73.

MR MARTIN: One of the reasons St Mawgan was identified was in part because of the requirement for FDHC; is that correct?

A. Yes, I believe that is correct.

Q. That was because you anticipated, right from the outset -- and perhaps you are well placed, given your role on Operation Elsinor -- that larger volumes of classified material were going to be got hold of, it was hoped, and ingested?

A. Yes, and where Northmoor was initially established in

the SIB regiment, that did not have the infrastructure to secure that type of material.

Q. Well, I think the FDHC was due to be something completely novel to the RMP; is that correct? It just wasn't a resource that existed?

A. Oh, absolutely.

Q. It was participated that it would be taken forward and used by the RMP more broadly after Operation Northmoor?

A. Yes.

SIR CHARLES HADDON-CAVE: Can I ask, stepping back and looking at the RMP and its general work, was something like the FDHC, data handling and investigation, something that you would have thought the RMP should have had anyway?

A. I think that's a fair assumption, sir, yes. But, I don't think anybody predicted Northmoor would ever come about in the form that it did.

And for me, Northmoor was certainly a learning experience because I never realised how many citadels the MoD had with regards to data repositories. So, certainly, the FDHC would have come in handy.

SIR CHARLES HADDON-CAVE: You and me too, I think. The SIB had a data handling IT system, did it, but nothing like FDHC?

A. No, I don't think we did sir, to be honest. We

obviously had a cyber crime department but I don't think we had a data-handling capability. I may be wrong but I don't believe they had.

SIR CHARLES HADDON-CAVE: So, to your knowledge, the FDHC was the first real data-handling system that the RMP purchased?

A. Yes.

SIR CHARLES HADDON-CAVE: Thank you.

MR MARTIN: You explain in your witness statement that the need for this capacity, the FDHC, was clear. Can you just tell us what you mean by that.

A. It was due to, as you briefly mentioned yourself there, the amount of data that we were going to have to recover and interrogate in order to get through all the complaints and allegations that had basically become part of Operation Northmoor.

Q. You also go on to say in your witness statement "Delays were apparent throughout 2014/15" in respect of, I think, the FDHC and St Mawgan. How were they apparent to you: just by the fact it wasn't happening or were you being told something?

A. This was information that was being briefed by Gold and a lot of it was to do with initially identifying St Mawgan as the appropriate site. I did think there were other considerations but they were ruled out and

I don't know the reasons for that.

Secondly, it was the cost. The cost was a major, major factor.

Q. Of the FDHC?

A. Yes.

Q. 7.5 million plus VAT, I think we have in evidence elsewhere.

All right. Just on that question of data, briefly, and related to it perhaps, did Operation Northmoor ever have a dedicated cyber support team?

A. No, that was part -- again, that was somewhere where myself and the SIO visited, requesting to have a dedicated team. We didn't get a dedicated team but what they did do was, as and when we needed cyber specialists, they released them to us.

Q. They were released to you but, ultimately, the broader cyber team had to be shared amongst the RMP?

A. Yes, but I don't know what happened after I left but that was certainly during my tenure.

Q. At paragraph 30 of your witness statement, page 13, you say this:

"I recall frequent conversations concerning resources. This was something I discussed with Captain Wright on an ongoing basis, even if we did not always expressly record that fact. I remember feeling that, at

times, it felt like there were too many administrative obstacles to securing the resources that were needed in a timely manner. But I was also aware that this was indicative of the chain of command and the context of finite specialist resources and eventually data and evidence that had to be held at the necessary clarification."

So is it fair to summarise that, in respect of the need for resources, and you've already given your evidence about how Gold Groups took their form, that this was something that was constantly on the agenda?

A. At the early days of Northmoor, yes.

Q. Did it continue on the agenda as an issue?

A. Honesty, I don't know because, as Northmoor started to evolve and we kind of got into the team structure, I was more focused then on basically making sure lines of enquiry were being followed, that the SIO strategy was being followed, giving out actions to the investigation team.

Q. But during the time, for example, that you weren't at St Mawgan, were you not saying or was it not being said, "Well, why haven't we got somewhere to be as Operation Northmoor?"

A. Yeah, yeah, that was certainly a frequent discussion between the SIO and myself but not something that

completely consumed us because we had the investigation to get on with.

Q. You had to make do with what you had?

A. Pretty much, yeah.

Q. Was there a conversation about "When are we going to have the much heralded FDHC, which will help us cut through swathes of data"?

A. I was quite sceptical, to be honest. I didn't think that would ever materialise.

Q. Why?

A. Honestly, down to cost. I did not envisage that the MoD/PM(Army) would ever fund something like that.

Q. You didn't think they'd spend the money?

A. No.

Q. If they did spend the money, do you think they'd spend it well?

A. Well, I never got to use that capability, so I can't really give a comment on that. But ...

Q. Would it surprise you to learn it was never used?

A. Yeah, that does kind of surprise me.

Q. Would it surprise you to learn that it lay in a box in St Mawgan, unconstructed?

A. I think it would shock me more than surprise me.

Q. Lines of enquiry. It relates to data. So securing and preserving UK Special Forces data, in particular. If we

look at page 23 of your witness statement, paragraph 48, please. There you say this:

"A key strand of the Operation Northmoor investigation was trying to access the UKSF servers and in particular the in-theatre server. This was a priority from the outset in 2014, as it was deemed key to holding vital evidence regarding UKSF operations in Afghanistan."

Just help us with "key strand". What do you mean, if it's not perhaps self-evident, by "key strand" and why was it a key strand?

A. Following on from N50, Mohammed Bang, and identifying that there were prefixes with a detainee's number that could help identify a detaining unit, we began to see that the majority of detention operations that were being conducted were actually being related to UKSF operations. And, whilst the detainee record itself was held separately, that did not contain the details of the operation. They would have been held in the after-action reports, operational summaries, et cetera, and they were held on the UKSF servers.

Q. See, you might have enough information from what you'd looked at to realise that, whoever these detainees were, they'd been through the hands -- if that's the right expression -- of UKSF but you didn't have the UKSF

material?

A. Correct.

Q. All right. So you saw this as a key strand. How soon did it become apparent to you that UKSF were involved? You've touched upon that.

A. One of the key indicators and the earliest indicators that we found was with the detainee's reference number, that it was a series of biograms and digits, and a certain biogram indicated it was a UKSF unit.

Q. Thank you. Still within paragraph 48, you say this:

"Throughout 2014 to 2016, proposals to review or affect recovery of the servers were met with negativity and sometimes hostility from UKSF personnel. Their biggest objection was that it would effect their operational capability. I did not have the technical expertise to understand the difficulty recovering the server but I do recall Warrant Officer Priddin challenging the technical excuses UKSF were using to justify why we could not recover the server."

So I just want to look at the early efforts -- again, we are focusing on the early part of Operation Northmoor -- and what is recorded of those early efforts to obtain the data and the UKSF response to it.

I should ask: is that evidence that you stand by?

A. In paragraph 48, yes.

Q. Thank you. If we go to tab 32, page 2, please. This is an email from you. You'll see your cipher there, N73, with contact details. It's sent on 1 September 2014 at 12.18. It's sent to the OC of the SIB 62 section, and with your SIO cc'd. This is an email, which, it appears, is you trying to emphasise the importance of gaining UKSF data. I don't know if you're familiar with this document but is that a fair summary?

A. Yes, yes.

Q. So what we see is it says:

"Sir, the Operation Northmoor team require all information, hard and soft copy, including media, held by DSF pertaining to 43 complainants, all of whom are UK detainees following their capture during detention operations in Afghanistan."

If we move down two more paragraphs:

"The reason information from DSF is required is because it has been established the aforementioned individuals have been allocated UK detention numbers which are unique ..."

Which I think is something you've just given evidence of, effectively. Then this:

"Previous engagement with DSF (see attached briefing note) was conducted by the Operation Northmoor team and attempts were made to find a solution to interrogate

their databases without impact to their operational capability. To date [so this is 1 September 2014] there has been no information forthcoming from DSF as they claim the information is either in theatre and would not be available for interrogation until the second quarter in 2015, following remediation and withdrawal from Afghanistan, or they could not search their systems using the data provided by the investigation team."

So, again, something of a spoiler alert here, by 1 September 2014, you haven't actually had anything, it seems; is that correct?

A. Correct.

Q. But we do have your briefing note or a briefing note that's been attached. In fact, it is your briefing note, I should say, if we can turn over the page to 32-3. Briefing notes for Gold Commander, Lieutenant Colonel McAllister, dated Monday, 18 August 2014. We can see those who are present, including Gold himself, and you.

A. Yes.

Q. So we'll just look at this document because what this document does is set out the efforts that have been made; is that correct?

A. Yes, yeah, correct.

Q. So DSF:

"Initial meeting between Captain Wright, N73 [that's you], Operation Northmoor and SO2 and WO1, disclosure staff of Headquarters DSF London, on Monday, 14 April '14."

So the first entry: 14 April '14. So very soon, in fact, about two or three weeks, after Op Northmoor has been stood up; is that correct?

A. Yes, correct, yeah.

Q. 27 March is when Operation Northmoor is brought into being. Others are in attendance. Number 1:

"Disclosure staff stated they could not search their systems based on detainee numbers as they did not know or record detainee numbers."

So that is UKSF saying, "We can't do the searches on the information that you've provided"; is that right?

A. Yes, correct.

Q. "The investigation team offered to provide details such as DTG ..."

That's date, time, grid?

A. Date, time, grid, yes.

Q. "... of capture, name of individual and associated operational information, such as grid locations and objective names and ..."

That's agreed?

A. Correct.

Q. We can see emails sent to DSF on 23, 28 April and on 16 May, obtaining the information fields detailed above so date, time, grid, it appears. There's a response on 2 June. So it's sent on 16 May, response on 2 June: the details are "too clunky" to conduct searches; they're currently attempting to upgrade their system to refine their search parameters.

At number 2:

"Captain Wright suggests Operation Northmoor investigator embedded in the disclosure staff to search their databases ..."

Which is agreed in principle. But then:

"Disclosure staff emphasised they could only access 8 to 10 per cent of the data as everything was located in Afghanistan."

So Captain Wright proposing a solution; they're saying, "Well, in principle that's all right, but you're only going to get a small percentage as a result"?

A. Yes, correct.

Q. There's then a meeting at 3.00 on 12 June '14 involving all departments who had access to data involving UK detainees. That's at MoD Main Building.

Who decided to put that meeting on, get that meeting together?

A. I believe that was the SIO, Captain Wright.

Q. Thank you. Just bear with me one moment.

All right. So that's been convened by Wright and Captain Wright -- I just want to draw your attention to this:

"Captain Wright questioned if there was any objection to Operation Northmoor going to theatre to review the material. No objections are raised by the DSF representatives."

A. Yes.

Q. Do you recall that? Were you present at that meeting?

A. I think I was, yes. Because I think one of the -- yeah -- no, I believe I was present at that meeting because we were trying to access everything that we could in the UK and, obviously, as you've read out there, for the reasons the UKSF have stated, it was unsuccessful. So by Captain Wright then asking if they had any objections to us going out to theatre to do the same type of searches, they didn't raise any objections and my opinion is it's because they didn't think we could achieve that.

Q. But you did?

A. Yes.

Q. So that's number 4. So on 23 July '14, you, Captain Wright, Sergeant Sivieri, Corporal Thompson, went to Afghanistan; is that correct?

A. Yes.

Q. It says here:

"To discuss the location and size of data held by SFHQ Afghanistan, it was established that the sub-unit use a different number of computer systems, all of which are essential to their operation capability. However, due to the drawdown of UK forces from Afghanistan, they will be repatriating their service to the UK, however it will be done independently.

"Sergeant Sivieri and Corporal Thompson met with civilian contractors responsible for the maintenance and management of the servers in order to estimate how much data the sub-unit had generated."

Just before I check with the Chair as to whether its appropriate to have a break, was that a good tempered meeting when you went to Afghanistan to try to scope the material?

A. I believe we caught them off guard.

Q. Why do you say that, please?

A. Well, we hadn't told them we were coming. We turned up at their compound. There was clearly a bit of short-term panic from the people that we engaged with. When myself and Captain Wright sat down to discuss having a look at the server and interrogating it, basically I was told, in no uncertain terms, "You're not

getting it". When I asked why, he said "Because you're not". So, for me, that set the tempo of how this visit was going to go.

Q. Did things calm down at all?

A. Yes, it did and, to be fair, the person who said that was not actually a UKSF person, he was an attached person.

Q. Was the scoping exercise successful?

A. While myself and Captain Wright were speaking to other personnel, Sergeant Sivieri and Corporal Thompson went to have a look at the server. Whilst they were in the process of establishing just how much data was on there, it became apparent that they didn't have the requisite clearance and it was stopped by a senior officer. I explained to the officer that they weren't looking at the information, they were mainly conducting an assessment of the size of the data but he wasn't too happy about that and I believe it was cut short, their assessment, but I'm unsure as to whether they actually gained the necessary information that they were looking for.

Q. Thank you.

Sir, we've seen set out in the briefing note at 1, 2 and 3, there appear to be a series of obstacles or issues in you accessing the data, as expressed by UKSF,

and then at this 4, you go to Afghanistan; is it fair to say some further obstacles put in your way at that point?

A. Yes.

MR MARTIN: Sir, I'd hoped that I might be a little further forward than I am. I can tell you I'm 15 out of 20 pages, so we have made good progress but that might be a convenient moment for a short break. It may be a slightly shorter break than usual is helpful in the circumstances.

SIR CHARLES HADDON-CAVE: Let's do that. Thank you, Mr Martin.

We'll break now, please, if only, please, for ten minutes. All right. Thank you very much.

(11.33 am)

(A short adjournment)

(11.43 am)

SIR CHARLES HADDON-CAVE: Mr Martin, after discussions with you and Mr Glasgow, the plan, I think, should be this: that we should continue to finish N73 in your own time. We will then break for an early lunch, probably about 12.15, and resume soon after 1.00 as we can, if that's acceptable to everybody.

All right? Thank you, Mr Martin.

MR MARTIN: N73, just before we come back on to the

questions of data and server -- and apologies for taking this out of turn, I should have asked you earlier -- when you and Captain Wright were touring the SIB to recruit persons, is that something that the Gold Commander was aware of?

A. Yes, because he knew, he knew what our manning levels were because Captain Wright was briefing him and he was briefing him on his intentions about what he was going to do and who he was going to speak to with regards to getting additional personnel.

Q. So, as far as you know, did he agree it as a course of action --

A. Did he --

Q. -- the sensible thing to do?

A. We think it was the only course of action we could take.

Q. Thank you, that's very helpful. Back to, please, UKSF servers, and so on. Can we look, please, together at paragraph 51 of your witness statement at page 25, which is in fact gisted, so you will take it from us that it's an accurate summary of what sits underneath:

"One of UKSF's objections to giving us access to the servers was that the servers held sensitive material from other Governmental departments (OGDs). Captain Wright organised a meeting to discuss these issues with all of the relevant parties in February 2015 ..."

So, again, we're among on slightly in time:

"... with UKSF also in attendance. At this time, Captain Wright explained that we were only interested in material of relevance to OP NM and the various OGD representatives made it clear that they had no objection to us accessing other material if this was necessary for triage purposes, provided we were clear about how it would be handled. From this point onwards, UKSF could no longer justify the lack of server access on the basis of OGD material, yet access to the servers continued to be delayed between this meeting in 2015 and [your] departure in 2016."

So another obstacle that was being suggested was potential involvement or interest of other governmental departments; is that correct?

A. Yes.

Q. I'm not asking you to explain what that was, for obvious reasons. But it seemed that, by February 2015, that obstacle should not have been in the way?

A. No. I believe UKSF's objection was they had data on their servers -- on their server and the other governmental departments had the proprietary rights to that data, therefore it was not their gift to let us get access to it. That's why Captain Wright organised the meeting.

Q. So he was organising it to unblock that particular problem?

A. Yes.

Q. It seemed from -- is this a meeting that you were at or was it reported back to you?

A. No, I was present during that meeting.

Q. Thank you. So, during the course of that meeting, it appeared to you that it had, in fact, been unblocked --

A. Yes, access --

Q. -- or should have been unblocked?

A. There was no objections raised once Captain Wright explained what his intention was.

Q. But did it particularly impact on access to the servers? Were you getting access to the servers at that point?

A. No. We thought it would have opened the doors and we would have had a massive tsunami of information coming -- flowing to us but that never materialised.

Q. How important did you consider access to the UKSF servers?

A. It was definitely a key strand. Once we had identified that a number of the complainants had been detained by UKSF personnel and that the allegations of unlawful killings happened during those particular operations, the server, we believed, held the necessary information for us to proceed with that inquiry.

Q. Can we turn, please, to tab 16. It's one of your notebooks, page 4.

SIR CHARLES HADDON-CAVE: Before you do, can I just ask this question: can you help us with the link between, on the server, the detainees and the EJK and why you thought that was a key?

A. Yes, sir. The detainee reports didn't give any indication about what personnel were on the operation that led to the individual being detained nor did it actually have any information relating to any potential killings, lawful or otherwise, that would have been happened during that operation. All that information was contained in the storyboards, the after-action reports, and the operational summaries, which were produced by the unit post-operation and that was held on the servers.

SIR CHARLES HADDON-CAVE: Thank you.

MR MARTIN: Thank you.

Still on the question of servers, tab 16, page 4, please. Positioning ourselves in time, these are your notebooks, aren't they, or one of your notebooks?

A. Yes.

Q. If we look in the top left-hand corner we have the date of 23 September 2015?

A. Yeah.

Q. Then, if we go all the way down to the bottom right-hand corner, which still appears to be an entry within 23 September, it says:

"Discuss COA ..."

So that's course of action.

A. Yes.

Q. "... options with SIO to take the investigation forward. Each option carries significant risk of compromise, as, to date, the investigation team have not been able to secure the data from the DSF live server. By approaching any of the individuals identified ..."

Then if we can go over the page to the top left-hand corner:

"... during the investigation at this time, there is a realistic risk that data on the DSF server may be 'lost' prior to recovery by the investigation team, which is participated will not happen for the next six months."

It goes on to say that there will be a Gold Group meeting. What did you mean by data "lost"? What was the concern?

A. I believe this ties in with the previous meetings we'd had with the UKSF regarding access to the servers, both in Afghanistan and in the UK. The primary one was the server in Afghanistan, and that was due to be relocated

back to the UK, following the drawdown. And I think it was mentioned previously that, during the migration of data, some material, it's possible, could be lost.

Q. So that was the concern?

A. Yes.

Q. So the fact that we have "lost" in speech marks, should we read anything into that or do you just mean lost?

A. There's nothing nefarious about that. It was mainly to emphasise on my behalf.

Q. Thank you. If we look at paragraph 50 of witness statement, please, page 24. I just want to look at what the effect was on the methodology of the investigation, as a result of not having received the servers or copies thereof. You say this:

"Absent the direct access to the data, requests for information from the UKSF servers had to be passed from the OP NM investigation team to UKSF's disclosure staff. This was not an ideal situation but it was the only way of making any progress regarding the investigation and associated data in the period of '14 to '15. This pathway potentially compromised lines of enquiry as we were disclosing what evidence we needed to prove or refute an allegation in advance of being given access to the data."

So pausing there, you were, as investigators,

showing your hand to the UKSF, members of whom were, in effect, being investigated?

A. Yes.

Q. "That wasn't an ideal situation": do you think that might underestimate it slightly?

A. It was a terrible situation. Absolutely awful and it was something that I know the SIO dwelled over for quite a period of time but, ultimately, and I believe I had some impact on this, between us, I don't believe that -- yes, it was an awful situation to be in but we shouldn't let it detract from us making progress.

Q. So if I was to suggest "the least worst", would that be fair?

A. Yes, that would sum it up quite accurately.

Q. It goes on in your statement to say:

"Captain Wright managed to ensure that some investigators could review and access the data directly whilst at HQDSF."

So the position progressed somewhat; is that right?

A. Yes, so the initial step obviously was we would put a request in to the disclosure cell. I notice there in my statement I said "after some time". I don't know how long it was but I do believe it happened quite quickly because I know Captain Wright, as the SIO, was not happy it that pathway. So he had a conversation with the UKSF

and they agreed that we could embed investigators in their location to interrogate the server.

Q. So that was an improvement?

A. Yeah.

Q. Did it have drawbacks still?

A. Yes.

Q. Those were what, please?

A. We didn't have full access. So --

Q. So you were limited in the scope of the material that could be reviewed?

A. Yes. I didn't personally conduct any of those interrogations myself. The investigators were doing it but they knew they had parameters which they could search and that was controlled by UKSF.

Q. During your time with Operation Northmoor, was that the best it got by way of seeking to review the material?

A. The investigators being embedded? Yes, that was -- I can't even call it a success but that was as good as we got.

Q. So that was the progress that had been made, if I summarise it in this way, through the consent of UKSF as to considering material?

A. It was with their consent but it was only after quite a period of time I was looking to get access and --

Q. Sorry, forgive me. So consent but perhaps reluctantly

given and only partial?

A. Well, it was clearly on their terms.

Q. Did you give any consideration to seizing this material?

A. Well, that would have been the -- I suppose, the most obvious option.

Q. It may have been obvious but it wasn't taken. So if it's obvious but it didn't happen, can you explain why it didn't happen, please?

A. I believe Captain Wright, as the SIO, did approach Gold about this but I don't believe that his application to obtain a warrant to seize it was endorsed.

Q. So up until -- I just want to, in terms of the timeframe, just mark April/May, the beginning of 2015, because we're going to come on to disclosures that were made via a whistleblower to the RMP, which rather changed the nature of the investigation, which you set out in your witness statement. But up until that point, did you consider, from your perspective as an investigator, that UKSF were seeking to meaningfully assist the RMP by the provision of data?

A. My personal opinion is that it was a passive-aggressive form of obstruction.

Q. Can you unpack that a little bit for us, please?

A. As we've kind of already covered, at every stage, they had an excuse why we couldn't access their server and we

managed to overcome that. And we even went as far as Captain Wright organised a meeting with other Government departments and nobody had any objections, and we still were not able to do what we needed to do. We had limited access, as we've just discussed, by embedded investigators but that was entirely controlled by the UKSF personnel.

Q. So was the consensual approach working?

A. It was slow progress but, ideally, it's not what the SIO wanted, or myself.

Q. But it was, within the parameters you had, the best you could do?

A. Absolutely. If I may well just expand, I don't believe there was an appetite from above Gold for us to obtain a warrant and go and seize that server.

Q. When you say that you don't think it: is that thought, is that conclusion, based on anything in particular?

A. Well, the SIO went to Gold.

Q. Yes?

A. Gold said he would get back to him about it and Gold then said, "Let's see, can we" -- and I'm paraphrasing here -- "Let's see, can we obtain this by other means?"

Q. Now, a decision whether to seize something or not might ordinarily be taken at an SIO level, mightn't it?

A. Yes.

Q. One can see that, of course, we're dealing with UKSF here. What was your view on whether that decision should be taken at the investigative level or perhaps higher?

A. I believed the SIO was right to seek it. I think the peculiarities of the military hierarchy prevented it.

Q. So you consider it was appropriate to try to seize -- make efforts to try to seize what: the servers, or copies of the servers, yes?

A. Correct.

Q. You're aware that Captain Wright considered that to be an appropriate thing to do?

A. Yes.

Q. It was referred up the chain?

A. Yes.

Q. And it did not happen?

A. No.

Q. UKSF disclosures in 2015. I've already indicated that timeframe April/May. So, in your witness statement, you deal with this at page 26, from paragraphs 53 onwards. I'm not going to take you through all of this. I just want to summarise what that change of position was.

So if we look at paragraph 53 and just from about five lines up from the bottom:

"During 2015, it became apparent that the same SAS

unit, sub-unit 1, seemed to be involved in DDOs in which the same or similar pattern emerged: losing control of a compound after initial contact, which led to EKIA, resulting in a trend where the ratio between those killed and weapons recovered was not proportionate."

If we just take the top part of 54:

"It was only around May 2015 when, as I recall, Captain Wright first told me that he had been made aware of intelligence relayed from within the UKSF that alluded to potential unlawful killings."

You go on to refer to this as a step change in Team 1's investigation.

A. Yes.

Q. All right. So just again with an eye on the consensual approach that's being taken in respect of data, there comes a time following these disclosures where the RMP is provided with documentary material relating to it; is that correct?

A. Yes, um --

Q. For example, if I give you -- it may assist you. So, for example, the TTP review material --

A. Yes.

Q. -- and then emailed correspondence relating to perhaps concerns within UKSF as to what was happening on the ground?

A. Correct.
Q. So that is all material, electronically stored material, that you would have been interested in; is that correct?
A. Absolutely.
Q. Had any of that been forthcoming before the disclosures were made via a whistleblower in 2015?
A. No, I think the only potential information we would have received prior to that date would have been possibly an operational summary or a storyboard relating to the detention of Mohammed Bang.
Q. But nothing about the concerns?
A. No.
Q. Is it the sort of information that you consider, given the requests that were made to UKSF, ought to have been provided at an earlier stage?
A. Well, there's two strands here: number 1 it should have been reported to the RMP --
Q. Yes, well, pausing there. Accepting that, on one view, perhaps matters ought to have been reported to the RMP as long ago as 2011 and then perhaps after that again, but just unpicking that, in respect of once you had started your enquiries into allegations of EJK and you were engaging with UKSF in respect of data and what was held by them --
A. Yes.

Q. -- ought this material to have been provided, in your view, during that consensual approach period?

A. Absolutely.

Q. So having received the material, the disclosures, in 2015, what view did you take on whether UKSF had been assisting you in full and frank disclosure of material contained within the servers?

A. I think they adopted the approach of only doing the bare minimum in terms of assisting us.

Q. You made reference to the passive-aggressive strategy previously. Is this another example of that, do you think or is it something else? Tell me if I'm being unfair.

A. No, I think that's a fair assessment, yeah.

Q. At that point, when it becomes clear that UKSF are in possession of this other material that's clearly of interest and has not hitherto been provided, what about discussions as to seizure then? Isn't this an inflection point, if I can use that term? Isn't this a moment to say, "This has not been working, we need to do something else"?

A. I think that was a re-occurring theme which Captain Wright was relaying to Gold anyway, putting emphasis on the importance of recovering the server.

Q. So was this continually -- the recovery of the server:

was this a drum that was being banged frequently?

A. Yes, I believe it was one of Captain Wright's priority actions.

Q. But in terms of approach, did anything change?

A. No, I think, during my tenure, it was still a case of we had the investigators embedded and they were doing their searches, which will have fallen out of actions given by myself or Captain Wright.

Q. Thank you. Can I just ask you next, please, about speaking with UKSF and interviews. So you give, within both of your witness statements, details of specific interviews with UKSF. I'm not going to take you through the specifics of those, you've adopted your witness statement. I just want to ask you about a couple of particular issues. So the first is the protocol. We have a copy of that behind tab 36, page 2, please.

A. Yes.

Q. If you look at the top, you'll be familiar with this, I'm sure. It's the protocol, "The investigation of incidents involving United Kingdom Special Forces personnel by the Royal Military Police". Can you just summarise the purpose of this document in a nutshell?

A. It was an agreement between UKSF and the Military Police, regarding measures that were to be put in place when UKSF personnel were being interviewed by the Royal

Military Police, primarily as witnesses.

Q. Thank you. One of the constituent parts of the protocol, I suppose, is something -- is a legal adviser: a LEGAD.

A. Yes.

Q. If we look at paragraph 9, so over the page under the heading "Liaison":

"In operational theatres, the senior SF commander and/or the SF unit's LEGAD is to liaise with the senior SIB officer at the earliest opportunity to establish communications."

Then under "Cooperation" at 10:

"It is incumbent upon all SF personnel to assist the service police. Where RMP intend to conduct such an investigation, the OIC of the SIB unit will, in the first instance, make contact with the commanding officer or officer commanding LEGAD [so there's legal adviser] or ground commander of the SF legal unit."

Within that paragraph as well, we can see there is reference to the making of Section 9 witness statements. So halfway down:

"The SF personnel involved in any incident that requires an investigation shall be permitted a period of 24 hours from the time of their complete recovery to their operating base before any statement is taken by

the RMP."

It says this:

"It does not preclude the SIB from seeking a verbal account at an earlier point to expeditiously progress the investigation. Such a verbal account should be recorded in a police notebook and again taken in the presence of a LEGAD."

So we see another "LEGAD" reference there.

11:

"It is acknowledged [going over the page] the following procedures are to be adopted in respect of the conduct of the RMP investigations involving SF personnel: witness statements, where a Section 9 statement is taken and the nature of the incident under investigation may involve operational sensitive information. SF personnel providing the statement to be supported by the SF LEGAD, unless in the opinion of the RMP Senior Investigating Officer it would cause undue delay.

"2. The primary role of the SF LEGAD is to ensure that, during this process, guidance is available on matters of national security, sensitive information, and operational security regarding SF capability. The SF LEGAD may also, however, raise issues such as the desirability of pursuing an interview under caution if

appropriate."

Then finally, just to complete this if I can, over the page 18 "Witness evidence". As you indicated, this is primarily to do with giving evidence:

"The normal method of providing evidence is in the form of a Section 9 witness statement."

Then, about four lines down from that and this is in the context of a recorded statement interview:

"It is not to be audio or video recorded in any matter that may compromise the witness's anonymity, unless in the opinion of the RMP there is an overriding requirement but that must be explained by the RMP to the SF LEGAD."

Right. So we can see a lot of references to LEGADs and SF LEGADs. What did you understand the role of the SF LEGAD to in fact be?

A. I honestly don't know why they were present during witness statements. Now, it did -- the protocol does define that he is there to advise on matters of their operational capabilities, national security, et cetera. So if it's a case that I need to interview a member of the UKSF following a deliberate detention operation, where TTPs have been utilised and the allegation is that someone was unlawfully killed during that operation, well then the TTP is at the very heart of it, and that

would need to be disclosed in the statement. So the LEGAD -- I'm unsure why he would be advising me on anything to do with the TTPs.

And to be honest, in the past, with any UKSF personnel that I have taken statements from, they're okay; they're completely compliant and everything else. A lot of objections have come from LEGADs, where they've interjected to say that they don't believe something should form part of the witness statement.

Q. So is this prior experience before Operation Northmoor that you were discussing or was it during the course of Operation Northmoor?

A. Prior experience.

Q. You say in your witness statement that you felt that having a LEGAD present could potentially stifle or express a witness's account, given the severity of some of the allegations under investigation. Why do you say that, please?

A. I don't believe that the witness had any choice whether the LEGAD could be present or not.

Q. So your view was that the LEGAD was just going to be there, come what may?

A. Correct.

Q. But why would their presence stifle or suppress a witness's account?

A. Maybe the individual doesn't want to fully disclose information because he's afraid there'd be back brief to the chain of command or other personnel.

Q. The fear of back briefing, is there any basis for that fear?

A. Um --

Q. Do you have any experience of that or was it just a concern that there would be another person associated with link to UKSF who was privy to the information that was being disclosed during the course of the witness statement that was being taken or the interview, or whatever it may be?

A. Well, I think, if someone is put there to watch over you -- because that's what they're doing; he's not offering them legal advice. So the witness is there being interviewed by a member of the RMP/SIB and there's a third party present that he has had no choice whether or not they're going to attend. I think that may have an influence on how forthcoming that witness is going to be.

Q. Had you found LEGADs easy to work with in the past?

A. Some have been really, really good and then some have been difficult.

Q. I just want to ask you, finally, please, about your leaving Operation Northmoor; it's the final topic from

me. Of course, if there is anything additional that you want to say, N73, then you must in due course, and I'll give you the opportunity to do that.

Paragraph 66 of your witness statement, page 33. There:

"I left Operation Northmoor of my own volition. I was living in Newquay ..."

Obviously close to St Mawgan:

"I was afforded additional travel time in order to visit my family, however the distance apart and the travel required was taking its toll on me and my family."

Pausing there, one can well understand that. I don't need to ask you any questions about that. But you say this:

"In addition, by this time I was also struggling with the lack of momentum with Operation Northmoor. The separation from my family and investigative stagnation definitely affected my morale, so I decided it was not only time for me to leave Operation Northmoor but also to retire from the forces."

So the lack of momentum: what do you mean by that? By the time you left your role in the summer of 2016, what was your perception of the lack of momentum?

A. Basically, the progress that had been attained up until

the point of departure, did not reflect on the effort that the SIO and investigation team had put into investigative enquiries. You know, to paraphrase it: banging your head against a brick wall. It was starting -- as I said there, it was affecting my morale and, if it was affecting my morale, how am I meant to motivate either the other investigators and the other people on Op Northmoor and, also, fully support the SIO?

Q. So, if there was a brick wall, what was it?

A. The biggest brick wall for me was the lack of access to data held by UKSF.

Q. You've explained earlier that you considered that to be a key strand?

A. Yes.

Q. Was that still your view at the time that you left Operation Northmoor?

A. I certainly believe the information held by UKSF would have answered a hell of a lot of questions for this Inquiry.

Q. I don't want to torture the metaphor but, if that's one of the bricks in the wall, what others are there?

A. It was -- I suppose, the politics happening above -- at Gold and above. I could see the SIO was getting frustrated, albeit he shielded it quite well but I knew him well. I could tell he was getting frustrated. But

he was continuing to be professional, push forward, and I just don't think he had enough support from the hierarchy.

Q. Just assisting us a little bit with that, so not enough support from the hierarchy and the politics, and you've also indicated that you were shielded, to some degree, by Captain Wright from it.

From what you could see, what was the politics that was causing the problem?

A. It was whatever decisions were being made, I think, above Gold because Captain Wright was going to Gold, he was making his requests and, more times than not, they were being rejected.

Q. But requests for what sort of things? What's the pushback on?

A. Well, it was things like wanting to get out to theatre, wanting to speak to certain individuals, certain witnesses. Wanting to get access to the server. That was the constant thing. Every method he tried to get access to the server, and the one key one, I think, was, you know, getting a warrant and seizing it. I'm still confused as to why that never materialised.

Q. You've got the warrant for seizing it. You also mentioned getting to Afghanistan and I just want to touch on that very, very briefly, if I might. You say

in your witness statement that you had the clear impression that there wasn't an appetite to have you out there investigating, was that right?

A. Yes.

Q. Now, clearly, in order to get RMP investigators out into theatre, in Afghanistan at that time, there are going to be a number of stakeholders engaged in that, aren't there?

A. Oh, absolutely, yes.

Q. These are decisions that are made above the RMP?

A. Yes.

Q. But you had experience of investigating crime scenes within Afghanistan in theatre; is that correct?

A. Yes.

Q. You made reference earlier to Operation Telemeter?

A. Correct, yes.

Q. In that case, that was the investigation into Sergeant Al Blackman.

A. Yes.

Q. Royal Marine, initially convicted of murder and overturned on appeal. That related to the shooting of an injured enemy combatant in 2011; is that correct?

A. Yes.

Q. You had acted as a Crime Scene Investigator?

A. Correct.

Q. Now, what had been done to facilitate you attending a crime scene in that case, from your understanding, and, considering that, how does that meet with the efforts that you perceived were being made in respect of Operation Northmoor? So, firstly: what happened?

A. I was already in Afghanistan. I'd only been there a couple of days because I was starting an operational tour as part of the 64 Section SIB unit. Concurrently at that time, the UK had started a drawdown and areas of Afghanistan that had provisionally been, I suppose, controlled by HM Armed Forces had now been what we called "transitioned", so they'd been handed over full security responsibility to the Afghan police and the Afghan army.

Q. As part of their handover and the drawdown?

A. Yes. So because I was in theatre, a request came through from the Op Telemeter for me to conduct a crime scene investigation of the site where Sergeant Blackman had allegedly -- or, sorry, had shot and killed the wounded Afghan. That area had already been transitioned over to the Afghan authorities, so the UK had no footprint in that particular part of Afghanistan at that time.

What the MoD was able to facilitate was for me to go back into that area with the UK Armed Forces complement,

as force protection, and conduct a crime scene examination. So there was a political picture there, there was a geographical picture, there was a logistical picture and the MoD managed to achieve all that.

Q. So that was gripped and there was clearly willingness for you to go and conduct that line of enquiry?

A. There was definitely the appetite, yes.

Q. Thank you. "Appetite", a much better word. You say in your witness statement:

"When you have experienced something on this scale [with reference to your role in Op Telemeter], it did cause me to wonder why there appeared to be a lack of appetite to facilitate the Operation Northmoor team."

A. Yes, when -- as horrendous as the Op Telemeter incident was, when you compare that to the scale of Operation Northmoor, I would have said they were equal, if not as important to each other.

Q. To be clear, when you undertook that line of enquiry, that important line of enquiry, one might think, in respect of Operation Telemeter, that was not a golden hour action. You weren't within that golden hour timeframe, were you? That was going back a bit of time.

A. Yeah, possibly three years.

MR MARTIN: Thank you.

Sir, those are all the questions I have for N73. Do

you have any questions?

SIR CHARLES HADDON-CAVE: I don't, Mr Martin. Thank you.

N73, can I thank you very much indeed for coming back and giving evidence today. Can I thank you for all the work that you've put into preparing for this hearing. Can I thank you, in particular, for the very clear way in which you've answered all Mr Martin's questions. Your evidence has been very helpful and I'm very grateful.

THE WITNESS: Thank you, sir.

SIR CHARLES HADDON-CAVE: I wish you well.

THE WITNESS: Thank you.

SIR CHARLES HADDON-CAVE: Thank you, Mr Martin and team.

We will break now and I will be generous, shall I, and give everybody three quarters of an hour for lunch. So can we reconvene, please, at --

MR MARTIN: 1.15.

SIR CHARLES HADDON-CAVE: 12.11 *(sic)*.

All right. Time for some lunch, everybody. Thank you very much, see you in a while.

(12.28 pm)

(The Short Adjournment)

(1.15 pm)

THE USHER: Good afternoon. This is an open hearing of the Independent Inquiry into Matters Relating to

Afghanistan. Please ensure that all mobile phones and other personal electronic devices are either switched off or in silent mode.

Please may I also draw your attention to the fact that the Chair of the Inquiry, the Right Honourable Lord Justice Haddon-Cave has made a General Restriction Order for Inquiry hearings which applies to the conduct of those who are attending and/or viewing this hearing. The relevant parts of that order are contained within the specific Restriction Order made in respect of these hearings, which is displayed on the Inquiry website and on the door of this hearing room, but I will summarise its purpose.

The first part of the General Restriction Order for Inquiry Hearings prohibits any person from making an audio or video recording of Inquiry proceedings without the express permission of the Chair. Furthermore, no person may take a photograph in any room in which Inquiry proceedings are taking place and at a time the Inquiry is sitting, without the express permission of the Chair.

The second part of the General Restriction Order for Inquiry Hearings, which applies to this hearing, arises as the live stream of these Inquiry proceedings via YouTube will purposely be subject to a 10-minute delay.

Where those who have supplied evidence to the Inquiry have applied to restrict information from publication outside of the Inquiry, in some instances, the Chair has made Restriction Orders, the effect of which is to protect that information.

The Chair has also made a Restriction Order prohibiting the use, publication or dissemination of certain information that is contained within the evidence and documents associated to these hearings. That Restriction Order is displayed on the door of the hearing room and copies are available on request. Where material is restricted, it is redacted and, where appropriate, a gist of the evidence is provided.

In the event that something is said during the course of this hearing, which may breach a Restriction Order made by the Chair, the evidence may be halted and the hearing room may be cleared for closed legal submissions as to any Restriction Order has been breached and the live-stream YouTube recording will be temporarily stopped for this period. Counsel to the Inquiry or the Solicitor to the Inquiry must be informed of any request to make an application for a Restriction Order.

If an application is made for a Restriction Order in relation to anything that has been said or done in the

Inquiry hearing room in the preceding ten minutes, anything that was said or done during that period is subject to a Restriction Order prohibiting its disclosure, repetition or duplication until the Chair has finally determined the application.

For the avoidance of doubt, where material or identities in documents shown on screen or subsequently published have been redacted, with or without an overwritten gist, the redacted material is restricted and it is a breach of the Restriction Order to disclose what is thought to have been redacted.

Today's witnesses are giving evidence with special measures in place to protect their identity. It is a breach of the Restriction Order to publish or disseminate any evidence which discloses directly or indirectly the identity of this witness or seeks to undermine the special measures that have been put in place.

The above orders are subject to a penal notice. This means that any breach of any element of the Restriction Orders may be certified to the High Court or the Court of Session, who will have the power to fine or imprison anyone find to have been in breach of the order.

(1.19 pm)

SIR CHARLES HADDON-CAVE: Mr Glasgow, I've ordered special measures, as you know, to be put in place for this last witness to protect their identity.

The witness will only be visible to those in this hearing room, whom I have approved can be present. They will not be visible to anyone outside this hearing room, either observing online or remotely. However, to aid understanding of the questioning, Mr Glasgow, lead counsel, you, and I will be visible to those online on a live feed.

These arrangements have been made very clear in the Restriction Order which has just been read out and which applies. I hope the details of that are all fully understood.

Can I turn to the witness, please. Mr Dempster, good afternoon.

THE WITNESS: Good afternoon.

SIR CHARLES HADDON-CAVE: Can I first of all apologise for the delay and thank you for bearing with us. We have good wifi, I think, today and I can see you very clearly and there's a good sound.

THE WITNESS: Excellent.

SIR CHARLES HADDON-CAVE: Thank you very much for rearranging your diary so you could come back and give evidence to me and the Inquiry today. Thank you for

your witness statement, which I've read very carefully. This is not, in any sense a memory test, so lead counsel, Mr Glasgow KC, will take you to those particular bits of your evidence which are particularly pertinent. Okay?

THE WITNESS: All right.

SIR CHARLES HADDON-CAVE: Could the witness be sworn, please.

MR GLASGOW: Could I interrupt that process from -- well, it may be that Mr Altman is about to raise the problem I think that I was trying to raise, which is that the screen upon which the witness should be visible to those in this room is not yet operational.

SIR CHARLES HADDON-CAVE: Right.

MR ALTMAN: *(Off microphone)* ... apparently there's no audio feed going through to that room.

SIR CHARLES HADDON-CAVE: Right. Am I clear that the cameras do not have sight of that screen and that has been double checked, has it?

THE TECHNICIAN: Yes.

SIR CHARLES HADDON-CAVE: Mr Glasgow, would you like me to rise until these arrangements have been --

MR GLASGOW: I think that is a good idea and can I apologise to Mr Dempster. Everything was working before he came in and before you, sir, were invited to open court but

we will try and deal with the matter as quickly as possible.

SIR CHARLES HADDON-CAVE: Mr Dempster, can you have another cup of tea and I'll get back to you shortly, all right?

THE WITNESS: Thank you.

(1.23 pm)

(A short break)

(2.06 pm)

SIR CHARLES HADDON-CAVE: I gather, Houston, that there is still a problem with the link, so I have allowed the SMEs into the room and I have ordered that the big screen is switched off. So we will proceed on that basis and I'm very sorry, Mr Dempster, but third time lucky. We will now proceed.

THE WITNESS: Thank you.

MR HUTCHINGS: Sir, before we proceed, I apologise for interjecting, I represent the Ministry of Defence legal team --

SIR CHARLES HADDON-CAVE: Yes, and you are?

MR HUTCHINGS: Richard Hutchings. I'm standing in for Mr Gray, King's Counsel, for the afternoon. Sir, as you know, there's been a problem with the technology, that understandably poses difficulties but which are no fault of ours.

I haven't had sufficient time to take detailed

instructions but I have had sufficient time to take very embryonic instructions that our application would be that matters don't proceed until the issue is resolved properly.

As you know, sir, upstairs in this building sits the Ministry of Defence redactions team and there are primarily two reasons why we submit that matters should not go ahead without an audio feed upstairs. They are, firstly, that there is no ability for those who instruct me and the subject matter experts on national security to confer properly because, in the confines of the room upstairs, there is that ability for confidential discussion to take place, should an issue arise and, at several moments during the hearings, concerns have been raised which, following discussion, have not been pursued for good reason. That's the first reason: an inability to confer.

The second reason is that one way around this, it might be thought, would be for the Ministry of Defence legal team to come down *en masse* and listen to the evidence here and, indeed, some of my colleagues sit at the back of court. The issue with that is, in order for the task to be undertaken properly, confidential documents need to be at hand and are constantly referred to -- certain terms that are on lists -- and it's almost

impossible to undertake that task without reference to that documentation. And there is a marked reluctance, I would submit for understandable reasons, to bring confidential documents of that nature into a public forum.

So those are the two primary reasons why we submit that matters should not go ahead. I simply say, in conclusion, my understanding -- and I hope you, sir, will forgive me if I have got this wrong -- but I am told that, following similar issues earlier on during the RMP hearings, a ruling was made effectively that matters would not go ahead in these circumstances. But, as I say, I apologise if I'm being both inexact and/or incorrect.

But those are my submissions as they stand and I simply say I'm afraid to say, all of that break was taken up with trying to rectify the problem and I haven't had time properly to take more detailed instructions, sir.

SIR CHARLES HADDON-CAVE: Indeed, Mr Hutchings. Well, thank you. Very clearly put.

There will, as you will have detected, be a marked reluctance on this last day to delay this hearing and this witness any longer. There is no reason, in my view, as to why, if the back row is cleared, the SMEs

cannot quietly confer on an *ex abundanti cautela* basis. If there is a disquiet about a particular matter, then of course they can raise it very quickly by passing a note to my clerk, who can hand it on. So I'm afraid I'm against you. We simply have to get on and complete this set of hearings.

The ruling that was made four/five weeks ago, was then, this is now, and the witness has been extremely patient and so have I. So thank you very much. But my decision is, I'm afraid, that your application is refused.

We will clear the back row, please. If there are any more SMEs -- and I gather there are quite a number of them -- they can all sit in the back row and confer and everybody else can move forward.

All right? Mr Glasgow.

MR GLASGOW: Can I indicate to my learned friend that I welcome interruption if it is necessary at any stage, I appreciate the difficulty that he is operating under. I will do my best to keep an eye to my left but anyone that needs to raise something should get to their feet and the good news, of course, is the witness will not be disturbed by it since he is not in court, so if people need to confer or pass messages, they must do so and I will endeavour to keep my eye on my learned friend to

make sure that if he needs a pause, I take one for him to take instructions.

SIR CHARLES HADDON-CAVE: Indeed. Thank you, Mr Glasgow. As you've seen, I don't really welcome interruption but I will interrupt once more to rise so the SMEs can come in. Can enough room, please, be made for them and any further chairs be brought in, if they're necessary, and the team to move up. Thank you.

(2.12 pm)

(A short break)

(2.18 pm)

SIR CHARLES HADDON-CAVE: Right, Mr Glasgow.

MR GLASGOW: May it please you, sir.

Mr Dempster, for the avoidance of any misunderstanding, everyone in court can now hear you but the only people who can see you are the Chair and me. I hope that you can both see and hear me.

THE WITNESS: Yeah, that's all clear. I can hear you. Thank you.

MR GLASGOW: An enterprising individual had suggested two tin cans and a piece of string to resolve the problem but I'm afraid MoD procurement were not with us this afternoon, so we're back with what we've got.

Can I ask that you please affirm or take the oath and then we will go from there, please, sir.

MARK DEMPSTER (sworn)

Questions from COUNSEL TO THE INQUIRY

MR GLASGOW: Can you please give us your full name, please, sir?

A. Mark Paul Dempster.

Q. Mr Dempster, you have in front of you a file which contains, in addition to your witness statement, a series of 37 separate numbered dividers with various exhibits that either you provided or that were provided to you for you to review.

Do you have that file in front of you, sir.

A. I do, indeed.

Q. The witness statement that you have, that you provided, was dated 23 May 2025 and can I confirm that, in addition to any answers you might give, either to me or to the Chair, this afternoon, you would like that witness statement to stand as part of your evidence to the Inquiry?

A. Yes, please.

Q. In the event that you need either assistance in finding your way around the bundle or indeed within the statement, please let me know. I will endeavour, when I refer to any document, to give you first the divider number and then the relevant page number but, if you find you're in the wrong place or if you think there is

another document that will help you better, will you let me know and we will try to work through the problem?

A. Okay, thank you.

Q. Can we start with what I hope will be a relatively easy beginning and it is this: everyone has been able to help us with their dates of joining the RMP and the sort of roles that they performed whilst they were a member of the RMP. We understand from your witness statement that you served in the army between June 1996 and June 2020; is that correct?

A. That is correct.

Q. The entirety of your career was spent serving within the Royal Military Police?

A. That's correct.

Q. In terms of your expertise, if I could put it that way, as an investigator, during the course of your career within the RMP, did you move to what became eventually known as the Special Investigation Branch that we have termed SIB?

A. I did. I did that in 2003.

Q. Thank you. You identified some of your potentially relevant experience prior to Operation Northmoor in your witness statement. You don't need to turn to it but, if anyone else wants to -- it's on page 4, behind our divider 1, and it's paragraph 10.

You've set out within that section of your witness statement that, prior to joining Operation Northmoor, you had been assigned numerous investigations in Afghanistan and you'd estimated they were into as many as 71 different deaths; is that right?

A. That's correct.

Q. Can I check, sir, were those homicide investigations?

A. Yes, they were.

Q. Homicides of local nationals, homicides of British nationals, homicides of ISAF forces or a mixture of all of those?

A. 71, the British nationals. There was additional deaths of local nationals, which I didn't account in that figure.

Q. Right. So the 71 deaths concerned British nationals, as in British service personnel, who had lost their lives whilst serving in Afghanistan?

A. That is indeed correct.

Q. There was then a further tour in 2012, when you set out that you were involved in three investigations into operational deaths, and can I ask you this: were those investigations into the deaths of British service personnel?

A. Yes, they were.

Q. Were these with a view to providing assistance to the

coroner?

A. Yes, indeed.

Q. You said that you had been involved in the investigation into an alleged murder in Kenya when you were a WO2 --

A. That's correct.

Q. -- is that right? Any idea of when that was, please, sir?

A. Sorry, to the best of my knowledge, I can't -- I was a WO2, so it would have been approximately 15 years ago now.

Q. Having identified that as an alleged murder, can I ask: was that the murder of a British service personnel or a member of a local national.

A. It was --

Q. A local national?

A. It was a local national.

Q. Thank you. You had also set out that you had worked on the Marine A investigation, Marine A at the time subsequently known as Sergeant Alistair Blackman?

A. That's correct.

Q. The dates you gave for that were between 2011 and 2013.

A. That's correct, to the best of my knowledge.

Q. No one will hold you to the precise dates, of course but it always helps to know roughly when you were involved in something. Can I ask you this, please, sir: are you

able to help with the role that you undertook or the roles you undertook when you were working on the Marine A investigation?

A. Yes, I was a part of the team that was doing the background support work and evidence gathering. I didn't conduct any of the interviews, that was done by other investigators but I was making sure that custody we looked after, that there was authority for the individuals to remain in custody and also to gather various bits of evidence to support that process.

Q. So in terms of the investigation into the allegations, an allegation of murder at that time, were you involved in that investigative process or was your role limited to the custody of those who had been arrested and detained?

A. Well, no. Across the whole investigation piece.

Q. Across the whole piece, thank you very much. You'd also identified that you'd undertaken certain professional training that might be of assistance to you before you joined Operation Northmoor. The first, you'd done the forensic CSI training, you think not long after you'd joined the SIB?

A. That's correct.

Q. In addition, you'd ended up in 2011 becoming the course director for the serious crime investigators course?

A. Also correct.

Q. Now, in an effort to try to encourage you to keep your voice as loud as possible, I will speak a little louder. You have the disadvantage, I'm afraid, of being beamed via a speaker in the courtroom in which I am stood and it is not always easy for everyone in the room to hear you, so could I please ask, if there is a microphone, that you can pull it nearer to you and I'm not going to take offence if you raise your voice at me; I'm used to it.

A. I'll speak louder for you.

Q. Thank you very much indeed, sir.

I gather from your witness statement that, as far as joining Operation Northmoor, you'd said there was no recruitment process or selection process; it was simply that you were appointed to the role; is that right?

A. That is indeed correct.

Q. You were at the time based in Canada, where you were working with the SIB?

A. I was the only SIB in Canada and I led the Military Police contingent in Canada for the UK.

Q. Do we understand that, since there had been no recruitment process or no selection process, that in fact your appointment to Operation Northmoor came as something of a surprise?

A. I knew that my time in Canada was coming to an end, so I was suspecting an assignment and that was the assignment chosen for me.

Q. That assignment was that you would be appointed as the Deputy Senior Investigating Officer, the DSIO; is that correct?

A. Yes, that's correct.

Q. Prior to that appointment had you ever been a Deputy Senior Investigating Officer?

A. No.

Q. Had you done any training, such as the DSIO training course?

A. I was not DSIO trained, no.

Q. Notwithstanding the absence of any training or the absence of any previous experience, did you feel confident that the experience that you had had on some of the operations that we've outlined thus far would stand you in good stead?

A. Absolutely, I thought I was experienced and confident enough to support the SIO in conducting the investigation.

Q. For those that don't understand the process that you went through when you were appointed to DSIO, was this in effect an order from the chain of command?

A. Yes, an assignment. It's called an assignment order, so

1 therefore it's absolutely an order.
2 **Q.** As to the role that you understood you were going to
3 undertake, you'd set out in your statement that you
4 thought it encompassed both tactical strategy and
5 management of personnel; is that right?
6 **A.** That's correct.
7 **Q.** In terms of setting or assisting with tactical strategy,
8 is that something that you had experience of prior to
9 joining Operation Northmoor?
10 **A.** Yeah, most serious investigations require strategy of
11 some form, investigation strategy. So I would have had
12 experience in conducting or actually discussing them
13 quite regularly with my team and my peers.
14 **Q.** As to the management of personnel, had your previous
15 role seen you acting in some sort of managerial capacity
16 with others beneath you?
17 **A.** Absolutely.
18 **Q.** What I'd like to do, please, sir, in the file you've got
19 in front of you, is to turn to divider 17 for a moment
20 and look to the Murder Investigation Manual, since
21 you've described your role as the RMP DSIO as being, you
22 believed, similar to its counterpart in a civilian Home
23 Office police force?
24 **A.** Mm-hm.
25 **Q.** What you have set out here is the relevant entry from

the Murder Investigation Manual, which describes the role of the Deputy Senior Investigating Officer as, if we look to it, second line down:

"The role of the DSIO is not simply to mirror that of the Senior Investigating Officer and to deputise in their absence. The Deputy Senior Investigating Officer should be given specific responsibility for managing key areas of the investigation to enable the SIO to focus on the strategic issues."

A. *(The witness nodded)*.

Q. Is that the role that you undertook when you joined Operation Northmoor?

A. I feel as though that describes it fairly well, yes.

Q. In terms of the key areas of the investigation, which you were tasked with managing, are you able to tell us what some of those might have been?

A. There would have been various lines of enquiry that the SIO and I would have agreed on or he would have previously directed, prior to my time with the operation. I don't particularly remember any particular lines of enquiry now 10 years on.

Q. When we come to look at some of the enquiries that were undertaken, can I invite you, where we identify one and you think to yourself "That was a line of enquiry that was either managed or was in charge of or took forward",

would you at least remind us of that, please, sir?

A. Absolutely. Happy to do that.

Q. As to the structure of Operation Northmoor, we understand that it had been broken down into three separate teams, Teams 1, 2 and 3. Team 1 was dealing with allegations of extrajudicial killing or unlawful killing; team 2 was looking at allegations of detainee abuse; and Team 3 was providing the support for those two teams. We also understand that those three teams had been working in a relatively siloed structure. Can I ask you this, please, sir: arriving, as you did, to a structure that was already in place, did it appear to you that having three separate and siloed teams was an effective way of going about the enquiries?

A. Yes, they were in teams. I wouldn't necessarily agree with the term "siloed" because there was a crossover and there was existing working relationships which allowed us to work together in a one-team approach. That being said, each team did have its own responsibilities.

Q. Again, the reason I describe them as silos is that's the word that you had used in your witness statement, you'd said --

A. Okay.

Q. -- that Teams 1, 2 and 3 worked in silos and then you added:

"But, of course, there was crossover and mutual interest as elements of each may have had value across the wider investigation."

So would it be fair to observe that, whilst working separately, there was at least some degree of crossover between those three teams to enable them to share information?

A. Absolutely, I agree with that.

Q. Your appointment as the Deputy SIO, was that across the piece and all three teams or to one team in particular?

A. For Team 1 only.

Q. So you were the Deputy SIO for Captain Wright, who at that time was the SIO; is that correct?

A. Indeed, yeah, correct.

Q. Had you worked with Captain Wright before?

A. I had.

Q. On joining Northmoor, were you informed before you arrived that you would be working under Captain Wright or did you come to learn that when you came in post?

A. Captain Wright called me prior to my -- to me attending, and let me know that he intended for me to be his DSIO.

Q. Presumably, knowing him of old, were you looking forward to working with him again?

A. Yes, absolutely.

Q. As to others within the hierarchical structure, when you

joined as Deputy SIO, are you able to help with when that might have been? Because there doesn't seem to be a precise date within your witness statement.

A. Of when I joined as a DSIO?

Q. Yes.

A. My book, 1 of 3, of my -- my daybook, is dated 17 May '16, so it would suggest that would either be the date or around that date.

Q. Right. So the first entry that you've got with a date on it records 17 May?

A. Yeah.

Q. At that time, the PM(A) was the late Brigadier Warren?

A. Yes.

Q. During your time, that position changed from Brigadier Warren to Brigadier Neal?

A. Yes.

Q. Can I ask you this: are you able to identify, if there were any differences, what the differences were between the approaches of the two PM(A)s?

A. I have very different views on the two different PM(A)s. I know the former PM(A), having taught him on the SCIC, the course 2 -- the course 2 that we referred to earlier; and the new PM, David Neal, I had limited interaction with. I didn't feel as though he was qualified, in terms of investigation terms, to make

decisions on the Northmoor investigation.

Q. When you say you didn't feel that he was qualified to make decisions, is that because he lacked the necessary qualifications, because he lacked the experience or because he lacked the confidence to take those decisions?

A. I have no knowledge of his qualifications but I have also no knowledge of him actually conducting any serious criminality investigations directly.

Q. So whilst you had no knowledge that he'd been involved in investigating any serious allegations of criminality, in your interactions with him, did he come across as someone who had got experience of that sort of investigation, albeit unknown to you?

A. No, he came across as a senior officer and not someone who was a senior investigator.

Q. Right. In terms of his approach, if I can ask you about that for a moment, he had what might be thought to be a disadvantage in arriving in a very senior position partway through a lengthy and serious investigation and you had been in post yourself for a couple of months before he arrived. Can I ask you what steps he appeared to take in order to demonstrate that he had both the knowledge and the skill to lead something as serious as Operation Northmoor?

A. I'm not aware of any steps, apart from he attended for a brief in Cornwall, at RAF St Mawgan, at which I was present.

Q. When you say "a brief", was he ever present at any other briefs that you're aware of in RAF St Mawgan?

A. I only recall one.

Q. So, in fairness to Brigadier Neal, he may have been present at a briefing that you were not present at?

A. Absolutely, yeah.

Q. He may have been present at a briefing that you have forgotten him being at?

A. Also true.

Q. Your recollection of it: was it ten months that you were in post as DSIO?

A. That's correct.

Q. So your recollection is that, over the ten months you were there, during which he was present for about seven or eight of them as PM(A), you don't recall seeing him, save on the one occasion?

A. Yes, and that's absolutely correct.

Q. You said in your witness statement that the way in which he approached the task showed a lack of people skills and leadership skills. You've touched upon the questions you have as to his experience in serious investigations but can I ask you: his lack of people

skills or leadership skills, could you explain that a little more to us, please, sir?

A. So being a senior officer, the engagement with those in the lower ranks wouldn't necessarily be a daily occurrence but, as a leader, when you're visiting an inquiry such as Northmoor, I would expect him to engage with the staff more than he did and actually give some words of encouragement, and I never saw that.

Q. It might, of course, be that those words of encouragement were uttered on an occasion when you were not there to hear them?

A. Obviously, I can only answer for what I witnessed or what I saw.

Q. But given you were relatively new in post when he joined, so you and he were similarly starting from an almost standing start, did he ever try to assist you or to encourage you?

A. No, not at all.

Q. It may be, given his lack of investigative experience, that he didn't have much to share with you but, as PM(A) and therefore the figurehead for Operation Northmoor, do you think it would have been helpful if he had been more encouraging or supportive of the work you did?

A. Of course.

Q. Now, in the absence of PM(A) being able to play what you

appear to describe as an effective role as the leader of Operation Northmoor, can we turn to consider Gold because, if one is considering the cascading responsibilities, PM(A), who is supposed to set the strategic direction, which is passed down to Gold and then through the chain, Gold in your time, when you arrived was Lieutenant Colonel McAllister --

A. *(The witness nodded)*

Q. -- and then replaced by Lieutenant Colonel Harvey. You identified in your witness statement that you knew both of them quite well?

A. Yes.

Q. You don't recall having any concerns about either of them?

A. Also correct.

Q. As to Lieutenant Colonel Harvey, who was Gold for a greater period of time that you were in post, can I ask you this: you'd explained in your witness statement that he was based predominantly in Andover at army headquarters and, indeed, we have heard evidence from him to that effect. Can I ask if any challenge was presented by the Gold Commander being based some distance from where the investigating team were based in RAF St Mawgan?

A. I don't know if that was ever challenged. It wasn't

challenged by me --

Q. I'm so sorry to interrupt you. It may be that I expressed myself badly. I didn't -- if I'd asked whether it was challenged by you, I meant to ask if you'd observed any challenges from it. In other words, were there any difficulties presented because Lieutenant Colonel Harvey was some distance from where his team were based?

A. Yes, so in terms of Gold, in order to make the decisions required at that level, I feel you need to have that granular detail of the investigation and actually being locally based to engage with the team more often, would have been useful to achieve that.

Q. If there is a lack of support and indeed investigative input from PM(A), do you, as the DSIO, turn to look to Gold to try to fulfil the gap?

A. I would turn to the SIO, Jason Wright, and, given that the army has a structure, I would go to my immediate chain of command, which would be Jason, who would then raise any concerns on to Silver or Gold.

Q. As to Silver, Silver at the time was Major Stitson?

A. *(The witness nodded)*

Q. We understand, both from her evidence and also from your witness statement, that she was what's been termed "dual hatted" or "double hatted" at this time --

A. *(The witness nodded)*
Q. -- so both the officer in overall command, as well as Silver?
A. Yes.
Q. From what you observed, did this present a challenge to her, given that those are both quite demanding roles?
A. Yes, I think being double hatted in that, and in a very complicated and big investigation, is not ideal.
I think Silver should have been solely based focusing on the investigation and, actually, someone with a bit of experience.
Q. With that remark, do we understand that it's possible that Major Stitson didn't quite have the experience required to be Silver in an operation as large as Operation Northmoor?
A. Yes, and she was quite open with me about that.
Q. Before we turn on to anything else, in terms of changing roles or changing positions, if I've understood your witness statement, you, as DSIO, and Captain Wright as SIO, almost left at the same time?
A. Yes, pretty much.
Q. So Team 1, which might be described as investigating the most serious allegations on the Northmoor task list, lost both its SIO and DSIO within either a matter of days or weeks?

A. That's correct.
Q. From your experience, does that present a challenge for any investigation?
A. Ideally, you want -- the SIO, DSIO, Silver and Gold should be the same people throughout the entirety of the investigation. That's what I would see as best practice. Sometimes, in the army, that's not possible but that's what -- how I would like to see it.
Q. It may be of course that, because of the duration of Operation Northmoor and because of the requirements for people to move on, that continuity was not possible throughout the life of Operation Northmoor. But in terms of changing two important investigation roles in the main team, would it have been more prudent, do you think, to stagger the changeover so that either the incoming SIO or the incoming DSIO had an effective period whilst they were there working with someone who'd got the experience?
A. Absolutely, totally agree.
Q. Obviously, you can't speak for what might have happened in your absence but do you feel that you were able to give sufficient handover or advice to your replacement or indeed to the incoming SIO to help them?
A. I certainly remember doing a detailed handover with my replacement. I don't know -- remember the detail of

that but I do recall he got comfortable having had the handover.

Q. In terms of staffing in general, we understand from a number of witnesses that staffing and getting to full operating capability took a little time?

A. *(The witness nodded)*

Q. Whilst you were there, was there sufficient staff and were they of sufficient SQEP, or were there any difficulties presented by the number or the ability of the staff who were there?

A. It's easy to say that more staff would always be useful and, actually, more SQEP staff would be useful. And due to the numbers involved, there was a mixture of different ranks, some from a GPD background, some from an SIB background. Ideally, I would like 100 investigators but that's simply not possible with the resource within the call.

Q. In terms of the number of staff, can I invite you in your file to look behind divider 18 to a draft of a manning consideration document that was prepared. So behind divider 18 to page 2, the numbering in the bottom or the top in blue?

A. Yes.

Q. Do you have a document headed "Op Northmoor manning considerations", and the issue is "The implications of

reducing Op Northmoor establishment to 25 personnel", and the recommendation, "DCGS is invited to note", do you see that, sir?

A. I do indeed.

Q. "All current roles within the investigation will have to continue as they are required either by law or by National Standards.

"With only 25 personnel, the number of people undertaking each role would have to be reduced significantly."

Then perhaps a warning:

"At this level, RMP could not carry out a prompt and effective investigation as required by legislation ..."

Then it deals with the degradation or loss of evidence, the inability to ingest and analyse electronic data and, also, the MoD disclosure process, which would inevitably take longer with reduced number.

Can I ask you, please, in terms of a potential proposal to reduce the number of people working on Op Northmoor to 25, was that considered by you to be a viable or sensible suggestion?

A. No. In no way.

Q. I mean, in terms of the potential impact, if we just turn over the page for a moment to page 18-3, under paragraph 7, reminding ourselves that it is to 25 that

the proposal is being made for the total complement:

"There are currently 25 people allocated against 9 specific roles which are required for the effective operation of [the HOLMES system]."

So if you were to drop to 25, not only would the investigation itself suffer but the management of the documentation and all the material generated by the investigation would, in effect, grind to a halt, wouldn't it.

A. Indeed, yes.

Q. Because without people ingesting the information into HOLMES, there is no effective record of what the investigation has done or what it has secured?

A. Let alone the rest of the investigation activity.

Q. So --

SIR CHARLES HADDON-CAVE: Am I right in understanding that 25 people were devoted to inputting on HOLMES alone?

A. Yes, that's from -- I don't recall that exactly but, from this document, that's what I would agree with.

SIR CHARLES HADDON-CAVE: Thank you.

MR GLASGOW: If we just turn back where we were to page 18-2 for a moment and to the last lettered entry 2(h), the warning that is spelt out, should this proposal be adopted, that is to reduce Northmoor to 25 personnel:

"RMP may be considered to not be conducting the

investigation independently or effectively [both of those in bold]; leading to further litigation, calls for a public inquiry, the investigation being passed to the Civilian Justice System, establishment of an IHAT equivalent or investigation being commenced by the International Criminal Court."

So would it be fair to observe that that is quite a stark warning to the proposal that is being made that 25 is not the magic number.

A. I totally agree with it and I agree with the sentiment.

Q. If we just look, please, to page 18-5 and to the outcomes that are set out on this draft document, what's recorded here, in terms of a potential briefing for the DCGS, is as follows:

"To date, Op Northmoor has led to two allegations of murder made against UK forces being disproved ..."

Are you aware of two allegations of murder against UK forces being disproved by Operation Northmoor?

A. Absolutely not. Not in my tenure.

Q. You're not aware of any such allegations being disproved?

A. Disproved? Absolutely not.

Q. Right. It then continues:

"... a number of more minor allegations being discontinued with the agreement of the SPA ..."

To your understanding, in terms of discontinuance, have there been allegations of detainee abuse discontinued?

A. During my time, a number of cases were concluded, but I wasn't Team 2, so I'm unable to give the detail on that.

Q. What is suggested in the concluding sentence is:

"This has resulted in the withdrawal of civil proceedings in these matters and the soldiers being exonerated."

Is there a risk, in the way that this is written in draft, that the DCGS might be misled as to the progress that Northmoor had made?

A. From my point of view, the investigation was not concluded. So, therefore, that decision could not be made that someone was exonerated.

SIR CHARLES HADDON-CAVE: Mr Glasgow, can you remind me who wrote this?

MR GLASGOW: It's not entirely clear from the draft that we have got. There are other versions that have been shown to other witnesses but I will endeavour to clarify who prepared this draft in a moment, sir.

SIR CHARLES HADDON-CAVE: Thank you.

MR GLASGOW: Can I ask you this please, Mr Dempster: do you recall discussions within Team 1, and particularly with

Captain Wright, your SIO, about the possible impact that a manning reduction would have on Op Northmoor?

A. I think, during my time, they were still very much building the capability, rather than closing down the capability for the investigation team. So it was probably touched on but it was more about actually building the investigation, rather than reducing it.

Q. Would it be fair to observe that, from your position, if someone had said to you "We're thinking about dropping it to 25", would you have expressed a degree of surprise at that suggestion?

A. Yes, and I would have challenged it.

Q. Can we look, please, with your help, to some of the priority work that was identified by you, relatively early on, and to consider the progress of some of that. I would like you, please, in the bundle you have to turn to tab 16. Tab 16 is the first to your workbooks, which you identified had a date of 17 May in it and I, in fact, would like to ask you to turn to that page, so behind tab 16 to page 5.

A. Can you help me find --

Q. Tab 16, page 5, and if you turn it on its side -- thank you.

If one looks to the second entry on the page, beneath the second title of "Background" the date is

17 May 2016 and, on the left-hand side, it begins "N50"; do you see that, sir?

A. I do.

Q. N50 being the number given to Mohammed Bang, who was one of the two individuals who complained about the deaths of their family during the Op Tyburn investigation; do you remember that, sir?

A. I do.

Q. So, if we look there, please, "One suspect named to date, N1201", and, alongside that, the regiment that he was attached to, "SAS", is recorded. Then you can see the information relating to that comes from Op A; do you see that, sir?

A. I do.

Q. Then further down, a second suspect is identified in this same entry. That is N1141, a commander, as he is described, and what is written beneath the potential allegations that he might be suspected of is that he is "to be declared as suspect"; do you see that, sir?

A. I do indeed.

Q. So this is either the first or one of the very first pieces of information that you have recorded within your notebook and was this information given to you by the SIO, Captain Wright?

A. It would have been but I don't particularly remember the

conversation.

Q. Do you recall that Captain Wright believed that he had reasonable grounds for suspecting these two individuals of being involved in criminal offences?

A. Yes.

Q. In terms of steps that were taken towards proceeding with that line of enquiry, can I invite you, within the same divider that we have, divider 16, to turn on, please, to page 18.

A. Yes, I have it.

Q. Thank you. If we look to page 18, we have an entry on 7 July 2016, which records a meeting that was held at a covert policing organisation regarding the covert authority process to include advice of covert policing applications. Do you see that, sir?

A. Yes.

Q. Do we understand from what is set out on this page that the line of enquiry or one of the lines of enquiry that Captain Wright wished to pursue was potential covert applications in respect of 1141 and 1201?

A. Yes.

Q. I don't want to ask you about those applications but can I ask you this: in going to a covert policing organisation, does that mean an external body not part of the RMP?

A. No, my recollection: it was within the RMP.
Q. Okay. The advice that you sought was that to inform you as to the process that you would need to go through if applications were to be made?
A. I think process and also options we could consider.
Q. Insofar as the progress that was made in regards to those potential applications or the options, can we look on in divider 16 to page 26, please.
A. Yes, I have it.
Q. At about five or six weeks later, do we see an entry on the left-hand side of the page, as we look at it, which records halfway down, "PM(A) brief on Monday, 22 August 2016".
A. Yes, I see it.
Q. "Full brief provided to Brigadier Neal on Team 1 investigative activity, following which, Gold Command under the direction of PM(A) instructed Team 1 to pause the arrest and subsequent covert tactics until advice and further consideration can be achieved.

"Further direction will come from Gold Command in due course."

As to that, please, sir, you understood in mid-May that Captain Wright believed that he had reasonable grounds to suspect N1141 and N1201 of serious criminal offences --

A. *(The witness nodded)*

Q. -- and, amongst the options opened to him, he wanted to consider whether it might be appropriate to deploy covert tactics in respect of either one or both of them?

A. Yes.

Q. A brief is now provided by Captain Wright at which plainly you were present --

A. *(The witness nodded)*

Q. -- in August -- sorry, to Brigadier Neal, I'll apologise, by you and Captain Wright. Brigadier Neal had been in post, by this stage, for a matter of weeks?

A. *(The witness nodded)*

Q. Do you remember that?

A. I don't particularly remember the brief but, obviously, it happened because I can see it in my notes.

Q. In terms of the decision by Brigadier Neal -- and you have explained to us that you had reservations about him having the requisite investigative skillset to lead Operation Northmoor --

A. Yeah.

Q. -- it would appear, from this note that you've made, that he, Brigadier Neal, did not agree with the decision of Captain Wright, either as to suspect status or as to covert tactics?

A. Yes, that makes sense from my notes.

Q. In any way do you recall the reaction of Captain Wright, who had been investigating this matter for many, many months, now being told by his new PM(A), who might be said to lack the necessary investigative skills, that, in fact, Captain Wright was wrong and his proposed course of action would be paused?

A. I'm sure Captain Wright would have been entirely professional in the meeting and wouldn't have reacted. I don't particularly remember the words said but I do remember him being hugely disappointed.

SIR CHARLES HADDON-CAVE: Can I ask, what was the new PM(A) or any PM(A) doing giving tactical directions as to the investigation to an SIO?

A. I would ask the same question, sir. I think it should be Gold left alone to get on with it, without actually any influence from political level of leadership.

SIR CHARLES HADDON-CAVE: From your experience, it's not appropriate, is it?

A. I don't think it is, no. I agree.

MR GLASGOW: In terms of Brigadier Neal possibly lacking the necessary understanding, we see set out that his decision is predicated:

"... until advice and further consideration can be achieved."

A. Mm-hm, yes.

Q. Do you know whether Brigadier Neal was reminded that, at this stage, Operation Northmoor had the benefit of advice from Greater Manchester Police Major Enquiry Review Team, as well as the NCA?

A. I don't recall if he was reminded at the time but I have no doubt Captain Wright would have done that.

Q. If one needed to turn to any external advisory body to offer help on strategies, potential consideration for designating suspects or the appropriateness of putting to covert tactics, would you regard GMP's MERT and/or the NCA as being the sort of body that you would want to turn to for help?

A. Absolutely, professionals in the field.

Q. Were you present during any of the reviews that were undertaken by the NCA and, in particular, by Detective Superintendent Williamson?

A. Sorry, was I present, did you say?

Q. Yes. Do you recall him coming down to RAF St Mawgan to give advice, among others, to Captain Wright?

A. I remember seeing them but I don't remember partaking in the actual reviews.

Q. The decision having been taken, seemingly on 22 August by Brigadier Neal, that the principal strategy that Captain Wright had set himself upon was now to be paused until such time as Brigadier Neal felt he'd got the help

he needed, does that mean that almost a pause is placed on this priority work?

A. Yes, further delay.

Q. In terms of being given any opportunity to take this priority work forwards, in between August and, let's say, the end of 2016, was Captain Wright given the go-ahead by Brigadier Neal to take the investigation forwards?

A. No, not at all. I feel as though there was delay until further review was conducted.

Q. In terms of the potential impact that that delay could have, could I invite you to turn back in the divider to tab 4 and to page 1.

A. Yes, I have it.

Q. You sent an email to Major Stitson, copying in Captain Wright, identifying what are identified as potential risks, as you've termed it, regarding N1141?

A. *(The witness nodded)*

Q. N1141 had been designated a suspect by Captain Wright and I should have asked you this: do you agree with that suspect designation from what you understood to be the available information against him?

A. Yeah, I believe there was reasonable grounds to suspect.

Q. Right. Again, you've used those words and I've used those words but, in terms of designating a suspect, the

test that you applied yourself, what was it, please, sir?

A. It would be based on the information available at the time. Did I reasonably believe there was enough to actually warrant further investigation?

Q. In terms of the delay, as we've now seen -- because this email was on 24 October, so we're now two months on from the meeting during which Brigadier Neal determined there would be a pause to any arrest or covert approach --

A. Mm-hm.

Q. -- he wrote:

"Regarding N1141, who had been the relevant commanding officer at the time of the Op Tyburn DDO, may I seek your guidance on the policy that Brigadier Neal directed on Friday, please?"

The guidance you seek is 1:

"Has the risk been accepted?

"[2] Confirmation of what level holds the risk?

"[3] Has Gold Command elected to policy the decision ..."

Before we look at any of that in any more detail, the risk -- can I check with you, what was the risk, please?

A. From my recollection is that N1141 would be potentially deploying again and there was a possibility he could

commit further unlawful acts.

Q. I'm sorry, I was just distracted, I do apologise, could I ask you to repeat that, please, sir. I do apologise.

A. Yes, so from my recollection, N1141 was possibly deploying again and, therefore, there was a possibility he may commit further unlawful acts.

Q. So, from that, do I understand that the risk that had been identified was that, since he had been designated a suspect by the investigating team in connection with very serious allegations and he was now deploying, again on operations, one needed to be cognisant of the fact that, if the designation of suspect were correct, there was a risk that he might commit further serious unlawful acts again, whilst on deployment?

A. Indeed, yes.

Q. So wanting to make sure that someone had identified that there was the potential risk that might come about, and when you talk about ownership of the risk or the holding of the risk, does that mean that someone at an appropriate level, in effect, has to sign off that it is acceptable, understanding what we or I do, that the deployment goes ahead?

A. Yes, who owns the risk, at what level? Significant risk.

Q. You asked whether Gold -- is that the commander or Gold

Command?

A. Gold Commander.

Q. "... Gold Commander had elected to policy the decision, given that Brigadier Neal is not maintaining a policy book?"

How did you know that Brigadier Neal was not maintaining a policy book?

A. I would have been informed by Captain Wright.

Q. I mean, thinking back now, was it surprising or would it have surprised you that Brigadier Neal, as PM(A), was not keeping a policy book in connection with the decisions he took about Operation Northmoor?

A. If he was making decisions or making policies, he should of course keep a policy book.

Q. Is that so that there is a record of the decision, the policy and the rationale behind it?

A. Absolutely.

Q. In the event that, if ever anyone wants to ask a question about why something was or wasn't done, there is a record of why that took place at the time it occurred?

A. Investigational basics.

Q. Right, which don't seem to be being followed by Brigadier Neal, if your information is correct?

A. Indeed.

Q. I mean, is that the sort of information that heightened the question you had as to whether or not he had the relevant SQEP to be PM(A) and in charge of Op Northmoor?

A. Yeah, that's obviously going to contribute to it, absolutely.

SIR CHARLES HADDON-CAVE: Can I ask, was the process and requirement to keep a policy book related to investigations alone or was it a more general duty that officers had?

A. I think anybody in a leadership role, if they're going to make an important decision, be it an investigation or in another manner, those decisions should be recorded and the rationale for it, so it can later be examined or indeed challenged.

SIR CHARLES HADDON-CAVE: Well, I'll remember that. Thank you very much, Mr Dempster.

MR GLASGOW: In terms of the progress or possible lack of progress to this priority work, can I invite you to turn on to tab 9 in your bundle, sir, and on to page 2 in that section. Do we see this records on 9 December 2016, so now almost four months after Brigadier Neal had paused the arrest and covert strategies, we see here:

"Gold correspondence.

"SIO asked Gold Commander to confirm the following ..."

The second down, the second bullet point:

"RIPA applications will now not be considered until the end of January [of the following year]."

If that is right and that is the decision, does that result in a five-month delay to what was to be regarded as a key line of enquiry by the SIO?

A. It absolutely does.

Q. That is a delay brought about by the decision of the PM(A) --

A. *(The witness nodded)*

Q. -- who you understood to lack the necessary investigative skill or experience to take this sort of decision?

A. Yes.

Q. In any way, was it possible for you and/or Captain Wright to seek the assistance of Gold to take this forward on your behalf? So could you turn to Gold and say, "Sir, we really need to go about putting this strategy in place. We're kicking our heels doing nothing. Can you go and have a word with the PM(A), please?"

A. I have a recollection of Captain Wright asking this -- that very question many times -- I don't know how many -- asking him to continue on with the investigation, and I understand the answers weren't

forthcoming or they just weren't what we would want to do in order to carry on with the investigation.

Q. Was your understanding that there was a -- there was no desire on the part of Gold to voice the challenge or that Gold realised that, if he did, it would go nowhere?

A. Yeah, I think Gold was basically passing on the direction of PM(A).

Q. Would you have hoped for something more than just a messenger service or a message service from someone in a senior position as Gold?

A. Yes, I'd like a Gold Commander who is independent, away from PM(A).

Q. Presumably you want a Gold Commander who had the sort of investigative experience that you thought PM(A) lacked?

A. Indeed.

Q. As to whether it was just the view of Brigadier Neal that there needed to be no arrests, can I ask you to turn towards the back of the file you have and to tab 33 and to page 4.

A. Yes, I have it.

Q. We have here an Operation Northmoor update provided by DJEP to the Chief of Staff of the Secretary of State, dated 15 December 2016. So very close to the dates during which Gold was asked by SIO to clarify what the position was on potential covert applications.

We see here for the "Issue":

"The Secretary of State's meeting with Sir Jeremy Heywood [who was the Cabinet Secretary at the time] to provide an update on the progress of Operation Northmoor, [which is] the Royal Military Police investigation into historic allegations of abuse by UK service personnel ..."

You have seen he's overlooked the rather more serious allegations which involve unlawful killing but they are set out in the background. If you turn to paragraph 4 with me, please, for a moment, sir. Having identified the initiation of Op Northmoor in 2014, so now well over two years ago:

"The accusations range from relatively minor cases of cultural insensitivity and mistreatment of detainees up to a small number of cases of unlawful killing. In total the investigation teams are dealing with 643 separate complaints from 159 individual complainants."

Now, in the event that those figures might alarm the Secretary of State, if we were to turn on, please, to the following page, to 33-5, there is good news towards the end of paragraph 6, because DJEP write:

"... most of these cases are discontinued (it is unlikely that more than a handful of these complaints could be identified and re-contacted)."

Then:

"The anticipated rapid reduction in these cases could allow for a scaling back in the manpower allocated to Op Northmoor and to an intensified focus on the more serious allegations of unlawful killings."

That may be good news for Team 1 in one sense but, if we look to paragraph 9, at this stage -- so that is of course the middle of September 2016:

"... there are no plans to interview potential suspects."

Given the direction that Captain Wright had set for his team, Team 1, and given the strategy that he had shared with you, do you think he might have been disappointed to learn that DJEP were advising the Secretary of State that there were no plans to interview potential suspects in December 2016?

A. Absolutely, the building blocks of any investigation is the ability to interview witnesses and suspects.

Q. Would it, in fact, be more accurate to say there are plans to interview suspects but they are currently on hold until such time as the PM(A) has spoken to someone who knows the answer?

A. Yeah, let's have a look at the date -- yes, indeed, that would be correct.

Q. In terms of the progress that might be made as regard

accounts from either suspects or even witnesses, this is of course December 2016, and to help you with the chronology, the outside help that Brigadier Neal sought came in the form of the IRT, or the Independent Review Team, two retired police constables from Merseyside who travelled down to RAF St Mawgan and spent seven days there speaking to Captain Wright and others, to be given a briefing. Do you recall the attendance of two retired Merseyside police officers who came down?

A. I do.

Q. Can I ask you this: I am inviting you to cast your mind back some time, I appreciate, but do you remember whether you played any part in the briefing that was given to them, so that, over the course of those seven days, they could understand an investigation that had been running for nearly three years?

A. It would have been delivered by Jason but I would have been there in a supporting role, no doubt. I don't remember my particular part -- participation but I would have been involved.

Q. Do you recall whether the briefing given by Captain Wright was a thorough one?

A. I've no doubt it was. I don't particularly recall the briefing but there was a standard briefing he gave for many and he would have embellished on that with the

1 further details, so the IRT could have actually done
2 their job.
3 **Q.** In terms of the response that came through from the IRT,
4 what I'd like you to do, please, with me, is to turn
5 back in the file to divider 26, please, sir. Set out on
6 page 4 is the best place to start. Because this
7 identifies that, on 3 January 2017, Philip Jones and
8 Clifford Evans travelled to Newquay and commenced the
9 review at RAF St Mawgan, of the sensitive issues
10 appertaining to Operation Northmoor. What they really
11 mean is they got a briefing in respect of Team 1
12 activity.
13 **A.** Okay.
14 **Q.** If you look on in that document, to what is numbered in
15 blue at the bottom 26-6, please, their paragraph 4,
16 which sets out there the "IRT initial response to SIO's
17 presentation":
18 "4.1 The absence of a detailed complaint and
19 associated witness statement and an over-reliance on the
20 Leigh Day claim has given rise to considerable doubt in
21 the minds of the IRT that this incident cannot be
22 confidently categorised as a crime at the current time."
23 It may be difficult to record either your or Captain
24 Wright's reaction to that but, can I ask you this: in
25 any way was there either surprise or disappointment on

the part of either of you when these two retired police officers told you that you weren't even looking at a crime?

A. From my point of view, absolutely. I didn't feel that was actually the correct thing at all. And Jason, I have no doubt, would have felt the same way, but I would ask that you ask him for his reaction.

Q. Of course. If I am right in my observation to you that Brigadier Neal had been waiting for the assistance of these two gentlemen to help him take the decision he wasn't confident in taking in August, and this is their response to the briefing, which is "We don't even think you're looking at a crime", did you have any degree of confidence that they would help Brigadier Neal take an informed decision?

A. So an independent review is always healthy but I don't think that they either fully understood what they were looking at and -- because it was an initial response or they have a different experience than us, when it comes to conducting investigations.

Q. It may well be that they designate suspect status with a completely different test to you but were you disappointed that they didn't agree with you and Jason Wright that you believed there was reasonable grounds to suspect N1141 and N1201 of involvement in criminal

offences?

A. Absolutely and of course was.

Q. Now, as to their approach and whether again it is different to yours, on the page you have in front of you, 26-6, could I invite you to look to the bottom and to paragraph 4.7 because they've expressed a lack of certainty about what each member of Special Forces performed at the scene. What they advise here is:

"The IRT consider that there would be merit in obtaining an individual duty statement/report from each participant in operation Tyburn, who is still in service ..."

Then, if we continue over the page:

"These requests [they wrote] should simply require each individual to detail their specific role and what they did at the scene. The IRT are not suggesting that these duty statements/reports should be under the provisions of Section 9 of the Criminal Justice Act 1967 ... or indeed under caution."

Did you understand that what was being proposed was that you would go and speak to everyone you could that had been present at Operation Tyburn and just ask them to jot down what had happened?

A. That seems to be the suggestion, yeah.

Q. Now, "duty statement" may possibly be misleading because

the IRT, it seems, don't consider these to be statements, at least in terms of those that might be admissible in a court. But in any sense were you concerned at the suggestion, particularly in a case where you thought you had two suspects, that you just asked people to jot down their thoughts or recollections about what they'd done or what had happened?

A. Yes, I would want to take witness statements, so not giving them a heads up to give them the opportunity to collude and, also, suspects should be afforded their full rights as such.

Q. As to how it would seem the IRT thought this process might continue, if you still have page 26-7 open, if you run your finger down that paragraph that we were just looking at and if you see the words "Commanding Officer" almost in the middle of the paragraph; do you see that, sir?

A. I do.

Q. On from there:

"Compliance with these requests would provide the SIO with an opportunity to prepare bespoke interview packages for subsequent interview of all member participants."

I mean, does it surprise you that what was being proposed is you would invite people to give you

a written account of what they had or had not done and then that might be the trigger for a decision to interview them? It's not clear whether that's as a witness or a suspect.

A. I understood that. I don't agree with it.

Q. Just so that we understand, if you approach somebody and invite or ask them to give a written account, which you then seek to use as a basis to interview them, in any way might that be improper?

A. Is it evidentially sound, I would question.

Q. I mean, what if they said something that might amount to an admission?

A. Indeed. It's not under Section 9 and not under caution, so is it even usable later on?

Q. I mean, without being flippant, if you had gone down this process as advised, those written accounts, would they have been worth the paper they were written on?

A. I certainly don't believe so.

Q. So in terms of how you, as an experienced investigator, wanted to approach those people who had been present throughout Operation Tyburn, was the question in your mind: who is a witness and who is a suspect?

A. Yes, I would have followed the Military Police Investigative Doctrine and treated them as suspects and witnesses and recorded evidence accordingly.

Q. In terms of why it might be important to identify the difference between a witness and a suspect, once you believe you have reasonable grounds to treat someone as a suspect, are they afforded any sort of opportunities or rights that might assist them?

A. Absolutely. Legal advice being one of the most important ones. They have the right to remain silent, of course, as well. So there were many rights that were afforded as a result of being designated a suspect --

Q. And --

A. -- that if they were given the opportunity to speak otherwise, they wouldn't have.

Q. As far as those rights are concerned, as an investigator, in any way did you consider in any way they might be obstacles in your path to seeking the truth of what may or may not have happened?

A. Yeah, I don't think it was helpful at all.

Q. No, I meant the rights that are afforded to the individuals?

A. Oh, yes, of course, absolutely, yes.

Q. Did you regard those as obstacles?

A. No, no, no. Not at all, no. They're their rights, absolutely. Sorry, I misunderstood.

Q. So I've understood, so we're not at cross purposes, when you agreed as to obstacles, is that the induced

statements you considered to be an obstacle?

A. I did.

Q. Right. So, again, for the avoidance of any misunderstanding, your view is that, rather than the rights afforded to a suspect being an obstacle, it was in fact the advice of the IRT that was an obstacle?

A. Yes. 100 per cent, correct.

Q. In any way did that leave you thinking that there was even less confidence in Brigadier Neal having the ability to make the right decision because, if he didn't know what he was doing it beforehand, he wasn't going know much after reading this, was he?

A. Yes, is this sound advice? I think not.

SIR CHARLES HADDON-CAVE: Can I ask, to your mind, going to interview or take a witness statement from somebody you have reasonable cause to suspect of criminality but not telling them that they are a suspect, to your mind, is that something that is not appropriate?

A. It is in no way appropriate at all. They should be afforded their rights as a suspect before speaking --

SIR CHARLES HADDON-CAVE: Because you're effectively denying them their rights --

A. Indeed --

SIR CHARLES HADDON-CAVE: -- as a suspect. Thank you.

MR GLASGOW: You are obviously clear about that now, and one

imagines you were just as clear about it back in 2017. But can I just take you to an additional document which came not from the IRT but from the NCA, so the National Crime Agency, who had been giving advice for some time, if we turn back to divider 14, please.

You were provided with a summary of advice that Detective Superintendent Williamson from the NCA had given. It may well be that when you read it, you thought, "I didn't need to be told this", but so we understand the difference in approach between the NCA, between a detective superintendent, and the IRT, two retired police officers from Merseyside, he identifies what's been referred to as the "pragmatic approach". It's his second paragraph:

"Simply, the 'Pragmatic Approach' refers to the practice of categorising individuals that would otherwise be suspects as witnesses, in order to gather more information without the interviewee exercising their right to make no comment."

That approach, pragmatic though it may be to some, does it allow you to sit comfortably when you consider that as an approach being taken to suspects or does it cause you some concern?

A. Absolutely causes me concern, for the reasons that we've already discussed.

Q. In the event that anyone had misunderstood that Detective Superintendent Williamson did not approve of that approach, if we look to the note of caution he spelt out in paragraph 2:

"Her Majesty's Inspectorate of Constabularies [as was at the time] only viewed this approach as being justifiable if a decision had already been made that criminal proceedings could never be taken against the suspect."

Then bringing this directly relevant to the issue at hand for you in early 2017, Detective Superintendent Williamson, if we look to the last paragraph, please, sir, identifies the link this has to the Mohammed Bang investigation:

"In his opinion, it is important to justify why a person, who may have been present on an operation, is not designated the rights and protections of suspect status, in order for the investigation to defend allegations of deliberately circumventing their legal rights."

A. *(The witness nodded)*

Q. Given what we've just looked at, as the advice provided to Brigadier Neal, by the IRT, and the NCA's advice provided to you via your colleague, does it seem that the NCA and the IRT are on opposite sides of the page

when it comes to the appropriate way of treating suspects?

A. Yes, absolutely.

Q. I probably don't need to ask the question but, forgive me, I'm going to in any event, before we have a short break: did you side with the NCA or the IRT on this?

A. The NCA.

MR GLASGOW: Pleased to hear it.

Would that be a convenient moment for a short break this afternoon? The reason for doing so is I know the stenographer would like a short break, having gone for just over an hour now, and I'm confident with where I am that I will finish my questions of Mr Dempster in good time before 4.30.

SIR CHARLES HADDON-CAVE: Indeed.

Thank you, Mr Glasgow. We'll break now, please, until 3.45 for a cup of tea, Mr Dempster.

Thank you.

(3.27 pm)

(A short break)

(3.45 pm)

SIR CHARLES HADDON-CAVE: Mr Glasgow, could I just ask Mr Dempster one question before we continue --

MR GLASGOW: Of course.

SIR CHARLES HADDON-CAVE: -- which is about tab 33,

Mr Dempster, which is the note dated 15 December 2016, relating to the Secretary of State and the advice given by DJEP, and it says, essentially, that DJEP advised the Secretary of State there were "no plans to interview potential suspects". I'm just wondering, how was it that DJEP were privy to an internal decision about suspects' status internal to the RMP?

A. I'm afraid I'm unable to answer that. I've no idea.

SIR CHARLES HADDON-CAVE: Thank you. That's what I thought you might say. Thank you, Mr Dempster.

Thank you, Mr Glasgow.

MR GLASGOW: Mr Dempster, turning to look at something which you may have a little more knowledge of -- and I'm again going a little bit back in the chronology just to identify some other lines of enquiry -- divider 28, please, sir, and to page 2. It's the minutes of a Silver meeting held at RAF St Mawgan on 20 September 2016. The only paragraph I want you to look at is, please, paragraph number 4 and what's recorded is:

"The decision for a complete review to be conducted on the Northmoor Team investigations by an outside agency is to be decided by PM(A). Silver further explained that this was being looked into and that there may be scope to bring in SMEs in certain areas to assist in the process."

Were the SMEs the IRT or was it a possibility that there would be other SMEs?

A. I can see that I wasn't at that meeting because my apologies are there at the top but I would assume that was the case, looking at the notes.

Q. So the SMEs were the IRT?

A. Yeah.

Q. Right. Following on from that meeting on 20 September, if we go back to your notebook behind tab 16 and look there, please, to page 34, three days later on 23 September there was --

A. I'm sorry, I'm not there yet.

Q. -- a meeting conducted with the --

A. I have it now.

Q. Thank you. Tab 16, sir, page 34.

A. Yes.

Q. So three days after the Silver meeting, when it was notified to all present that there was to be an outside agency review, you then had a meeting with Captain Wright and the discussion points were wargamed on the whiteboard and the whiteboard photographed, and that will be uploaded. Was that to HOLMES?

A. I imagine so. I would assume so, yes.

Q. Right. Identified there are a number of actions and some of them I'd like to just check with you. In terms

of what was to be done, we can see, for the first bullet point:

"DSIO and Staff Sergeant Butler to develop the loose minute/risk assessment with regards to conducting video telephone conference with the Leigh Day complaints."

So was this because there wasn't, as yet, a firsthand account from either Mr Bang or Mr Saifullah that you were considering or exploring the possibility that you might use a video telephone conference or a video telephone call with them, if it could be organised, in order to try to take their account via that means?

A. Yes, agreed, looking at other options, if we couldn't get to Afghanistan to do it face to face, this was a plan B *per se*.

Q. So clearly the first of the various items which were wargamed on the whiteboard was efforts you were going to try to consider or at least even try to put in place to get an account from the complainants for Op Tyburn?

A. Indeed.

Q. Then we can see the next one down:

"Reconstruction of the N50 [so Mohammed Bang] scene ..."

A. *(The witness nodded)*

Q. "... using the material recovered to date."

Then, if we jump one and go to the fourth point down:

"Sergeant Cooke and Staff Sergeant Butler to work together with Team 2 on the command responsibility piece."

Then beneath that:

"Photo analysis of the post-op reporting."

What was the photo analysis of post-op reporting that was going to be done, please?

A. It's a long time ago but I seem to remember that we wanted some professional analysis of the imagery to make better sense of what we were seeing.

Q. The post-op reporting: as in the reports of the DDOs, the operational summaries in the aftermath of the DDOs?

A. Indeed.

Q. Are those the photographs that you had received from Special Forces?

A. I believe so, yes.

Q. Then on to the second page, and you've identified there at the top:

"ITS1 -- AH(Tech) is liaising with Headquarters DSF to facilitate the recovery of the server dataset."

A. Yes.

Q. If we just think about those three areas -- particularly the obtaining an account from the complainants, the

review of the photographs and the obtaining of the ITS1 server, this is September 2016 --

A. *(The witness nodded)*

Q. -- so Northmoor has been in existence for more than two years at this point --

A. *(The witness nodded)*

Q. -- and knowledge of the unlawful killing allegation for Operation Tyburn has also been within the knowledge of Operation Northmoor for more than two years.

A. *(The witness nodded)*

Q. In any way, you only having been in post for a matter of a few months, were you concerned that those -- perhaps one might call them three key areas -- had not yet been covered?

A. Yes, I would -- I would expect there to have been more progress on the investigation, certainly in the key lines of enquiry. I don't now remember the particular reasons why they weren't progressed earlier but the whole investigation was subject to huge delays.

Q. We'd established already that you were only in post yourself for about ten months or so --

A. *(The witness nodded)*

Q. -- because you'd left alongside Captain Wright in July 2017. As to those three points, that is obtaining accounts from the complainants, having the photographs

analysed, as it's called here, and recovering the dataset ITS1, was any progress made on any of those three principal lines of enquiry while you were DSIO?

A. Not that I recall.

Q. Can you remember now why it was that those really important avenues weren't progressed or even bottomed out, one would have hoped?

A. I think it's down to the decision making at Gold level and basically asking us not to progress matters.

Q. I mean, would it surprise you to learn that, apart from being able to speak to Mr Saifullah, efforts to speak to Mr Bang met with no success because he was unwell and unable to travel, but the photographs weren't ever examined and ITS1 was never recovered at all? So by the time the investigation is shut down in the summer of 2019, more than almost three years after you and Captain Wright have wargamed this important strategy, two and a half of those lines of enquiry have gone nowhere? Is that slow progress, do you think?

A. Absolutely, and the fact it was never done is of concern.

Q. Can we look, please, to page 22-2. Because that takes us on to November 2016 to what is termed the mature assessment?

A. Where are you looking, sir? I'm not clear where you're

looking at?

Q. Tab 22, page 2. So 22-2.

A. Yeah, okay, I have it.

Q. As to the mature assessment, it is quite mature because it's more than two years on from the start of the investigation. If you look, please, to the "Investigative Approach", the aims and objectives are set out for Team 1:

"... to promptly and effectively investigate all criminal and non-criminal matters as directed by the Silver and Gold commanders ..."

Given the wargaming that had taken place about three months before and those lines of enquiry we've just looked at, would it be unfair to suggest that there hadn't been prompt or effective progress at least as far as they were concerned?

A. I don't think there was prompt or effective progress.

Q. Can we just look on a little in this document to see whether there is any other important entry that we can have your assistance with, please, sir. As to the data that might be available, can we look with your help to page 22-4 and to paragraph 19.

A. Yeah.

Q. As to the obtaining and assessing the huge amount of the material relevant to Team 1 enquiries, that continues

with further potential sources of information, which could lead to identification of further suspects, victims, witnesses, scenes and forensic opportunities yet to be exploited and, key to that, the first entry is ITS1, currently held at Headquarters DSF.

In terms of that being key to one of the means of progressing your investigation, did you agree with the way it's set out here, a document, I think, that you were in part responsible for drafting, that obtaining the server on which Special Forces stored potentially relevant material was a key line of investigation for your team?

A. Absolutely, yes.

Q. Of course, you wanted to speak to witnesses, you wanted to arrest and interview suspects, but did you regard that server as being a possible source of really important information?

A. Yes.

Q. If we turn over, please, to the last page and to the summary. You wrote in paragraph 38, and I say "you" because we see that, albeit this is an electronic version, it was signed by you and authenticated by the SIO Captain Wright:

"Team 1 enquiries continue with the analytical and identification phases being progressed at pace."

It's obviously difficult to be one's own critic, particularly at this distance, but when you describe the analytical and identification phases progressing at pace, might that be possibly a little generous.

A. Yeah, I think it is. I suppose it's relatively at pace to the pace of the investigation that was being conducted.

Q. Right. So, if the pace of the investigation was not very quick, relatively to not very quick, does that mean not very quick?

A. Yes, I think you're right. I think that the term "pace" was generous indeed.

Q. Was generous?

A. Was generous, yes.

Q. Right. If that observation was generous, it may well be that you hope the next sentence isn't generous:

"The securing and preserving of evidence in a suitable format for judicial proceedings has commenced but is still in its infancy."

Is that generous because, if so, it's positively embryonic, isn't it?

A. Yes, things are very much at the early stages, at the point I was in the investigation.

Q. I mean, again, you were only present for that period of ten months, you were the SIO and you'd come into an

ongoing investigation and left an ongoing investigation. But was there a sense of frustration on your part that progress hadn't been made over two years and didn't seem to be made over the next ten months?

A. Yes, absolutely, and Captain Wright and I would often talk about that.

Q. It's easy to think of things with hindsight that you might or could or should have done but in any way did you and Captain Wright, beyond discussing it together, did you try to grapple with the lack of progress and to see how you could take things forward or who you needed to speak to, to say, "We need help"?

A. So as alluded to previously, I would have conveyed my concerns to Captain Wright and Captain Wright would have raised it up through the Silver and Gold command.

I suppose aligned next to that would be us progressing other lines of enquiry we could, if we were able to do so, which didn't include arresting suspects, interviewing witnesses or recovering ITS1.

Q. If we just think about ITS1 for a moment, if we may, and about the ability or the facility that might be in existence for Operation Northmoor to look at that data, if ever they had it, the FDHC, the forensic data handling capability, was the subject of quite a lot of discussion, both on paper and in the office; is that

right?

A. Yes.

Q. Again, it started out its life as a request before you came on board but must have been something that you were cognisant of when you arrived?

A. Certainly aware of it, yes.

Q. Just for completeness, if we look together to divider 19 and to page 2, this is a document dated January 2016, so four or five months before you joined as DSIO.

A document prepared by Major Hacker and he identifies in the "Introduction" at paragraph 1:

"There is a requirement for the provision of an independent, standalone scientific system used to process and review forensic electronic digital evidence as part of an enduring Major Incident Unit for the service police to be able to meet its statutory obligations to undertake European Convention of Human Rights compliant ... complex investigations, comprising of a Major Incident Room, digital forensic capability and a review suite for use by the RMP ..."

A. *(The witness nodded)*

Q. Now, this is the business case for a bespoke exploitation solution for Operation Northmoor, so it's not for the RMP in general, this is a focused request in January 2016: this is what we are going to need in order

to do an ECHR compliant investigation?

A. Yes.

Q. As to how it is signed off, if we turn on to page 19-12 with your help, sir.

"The importance of this project cannot be overstated. The ability of the RMP to undertake investigations effectively, independently and to relevant national and international standards, is fundamental to the credibility and competence of the Service Justice System. Given the historical nature of all the allegations, it is absolutely essential for the MoD to have a dedicated capability to forensically recover and search a significant volume of data in order to prove or disprove each allegation."

Whilst that is an observation made in a document four or five months before you came in post, is that an observation with which you would agree?

A. Yes, indeed.

Q. Did you readily appreciate, on taking over as DSIO, that the ability of the RMP to ingest and interrogate a significant quantity of digital evidence was going to be vital if the investigation were to succeed?

A. Yes, absolutely.

Q. If we look, please, to divider 21 and an update on the much sought-after FDHC in January 2017, so whilst you

were in post, an update was provided in respect of that particular facility by Major Hacker. He wrote in January '17, if one looks to "Recommendation" 2(b), the timelines have slipped again and:

"... the FDHC should be FOC [full operational capability] by March 2018."

A. *(The witness nodded)*

Q. For those that didn't see the look on your face, in any way are you disappointed by the observation in January 2017 that the long-awaited capability is delayed by another 14 or so months?

A. Yeah, of course I am. It just -- well, more delay for an already delayed investigation.

Q. Would it surprise you to learn that, in fact, that facility, whilst delivered to RAF St Mawgan, remained sat in unopened boxes and was never turned on?

A. Yeah, I saw it on the floor, on the floorplate, and I never saw it functional. So no, it wouldn't surprise me.

Q. So, in your time, it never left the floor and, in fact, in the life of Operation Northmoor it seems never to have left the floor. Given the significance that you and others have attached to it, in any way might that suggest that the investigation had not progressed with the sort of efficiency and thoroughness required?

A. This absolutely contributed to that, yes.
Q. As to ITS1, which was the server that you wanted to have in order to make use of the FDHC, can we look, please, to divider 3 and to page 17, sir. In October 2016, Sergeant Pritchard and Captain Wright co-authored a document on the forensic recovery of the ITS1 server, they identified in paragraph 3 it was a main line of enquiry for the Northmoor team --
A. *(The witness nodded)*
Q. -- and they continued about four lines down:

"The formal forensic recovery of ITS1 by RMP will facilitate investigative exploitation of this dataset and ensure that relevant electronically stored information is secured and preserved for any subsequent judicial proceedings ..."

A. *(The witness nodded)*
Q. They sign off in the last paragraph with the first sentence:

"The ITS1 system is currently undergoing a technical replacement process, resulting in the server currently in use being made redundant and therefore available for immediate forensic recovery."

A. *(The witness nodded)*
Q. If that is right, it would seem, would it not, that by early October, the FDHC was about to become really

important, wasn't it?

A. Absolutely, it was important before but the fact that we can now recover it, if it's not in use, makes it far easier to impact on operations worldwide.

Q. There would be nothing more embarrassing than finally getting hold of ITS1, only realising that you actually couldn't do anything with it?

A. Yes, that's right.

Q. Because ITS1 had been asked for repeatedly, hadn't it, in the hope that Special Forces would be able to provide it?

A. Yes, initially you want to secure it, and then you want to examine it.

Q. If we look, please, to tab 32 and page 2 with your help. The next month, November 2016, Captain Wright set out in an email that he had sent to the Gold Commander, Lieutenant Colonel Harvey, what he, Captain Wright, regarded as the significance of this line of enquiry. If we look to paragraph 2:

"The recovery of the redundant ITS1 server is necessary to prove or disprove the most serious of allegations under the remit of Operation Northmoor."

Then, if you run your finger down to the penultimate paragraph, beginning "Total recovery", do you see that, sir?

A. I do.

Q. "Total recovery of the dataset is essential to prove or disprove the most serious of matters ... Not to do so will result in undue criticism of the RMP in failing to provide for a prompt and effective investigation, together [with] unnecessary focus on UK Special Forces. I am sure Headquarters DSF would wish to be open and transparent, any perceived suggestion of suppressing information or evidence will not look good; if there is no 'smoking gun', let us find no evidence of it. Equally, if there is evidence that supports a referral for charge, we must demonstrate the duty of candour and diligence."

When Captain Wright spelt out the warning in an email to which you were copied in, that failing to result in the recovery of ITS1 would result in criticism of the RMP for failing to provide for a prompt and effective investigation, would you agree with that observation?

A. Yes, of course.

Q. If I am correct in observing that, in fact, Operation Northmoor never recovered ITS1, does it then follow that, at least as regards that line of enquiry, Northmoor was neither prompt or effective?

A. Yes, I agree.

Q. One of the concerns that appears to be being identified here by Captain Wright is that Special Forces might not want to cooperate?

A. *(The witness nodded)*

Q. In any way did you have any reservations or concerns about the degree or level of cooperation that Special Forces were showing or giving to Op Northmoor?

A. I recall having conversations with a point of contact and, openly, they appeared to support the investigation. But when it actually came to producing anything asked for, it was hard work to achieve that. So it wasn't the easiest of processes, is the best way to describe it.

Q. In terms of following up with those expressions of desire to assist, did you find that you actually ever got what you wanted?

A. 10 years ago, my feeling is, no, we didn't, but I may be corrected. Bits and bobs may have been achieved.

Q. Keeping with ITS1 for a moment, can I invite you to turn back in the file to tab 9 and to page 1, please, sir. On 7 December 2016, you set out in a note at the bottom of our left-hand page, as we look at it:

"The SIO has requested assurances that RMP technical staff be present when data migration from the old system changes to the new, that no data is changed, modified or deleted and that the whole dataset is made available."

A. *(The witness nodded)*

Q. Then you wrote on the next page:

"It's anticipated that the legacy server will be ready to switch off at the end of January 2017."

Obviously, you wouldn't necessarily remember the precise conversation that led to that note being taken, but was there a sense towards the end of 2016, that the long-awaited force server was to be made available from Special Forces to Operation Northmoor?

A. Yes, if you looked optimistically, absolutely. Pessimistically, not so much.

Q. Well, were you looking at it optimistically or pessimistically?

A. I was optimistic that they would provide the evidence.

Q. Was your optimism well founded?

A. Mm, no.

Q. Is that a no?

A. No.

Q. Right. As to subsequent concerns that were raised, if we turn, please, to tab 33 and to page 2, Jason Wright sent an email on 23 September to Gold Commander, Lieutenant Colonel Harvey, as well as you, and he wrote in the opening paragraph:

"... there now appears to be a situation whereby HQ DSF have deleted data in recent weeks which is in direct

conflict with the assurances we were given ..."

Then he wrote:

"... this is either a lack of communication within [Headquarters] of a deliberate attempt to remove data to prevent access by Royal Military Police."

Now, the information that had been received was the deletion had taken place in recent weeks. In fact, it had taken place in June and July of that year. But can I ask you this, please, sir: given the information that you, the RMP, had been provided with about "recent weeks" for the deletion, what was the attitude among the investigators in Team 1 when they heard that apparently data had only recently been deleted, removed, wiped -- however one puts it -- from the server.

A. I recall my feelings were that it was a deliberate attempt. I can't really account for the others but that was certainly my feelings.

Q. In terms of the next steps which are set out, there are three courses of action: (1) to take no action; (2) to pursue a line of enquiry that there has been a deliberate effort to pervert the course of public justice -- in other words, launch your own investigation; or (3) demand a full report from what has occurred from Special Forces.

I mean, in terms of your preferred course of action

at the time, did you want to do nothing, let Special Forces investigate themselves or have your own inquiry?

A. Have my own inquiry -- our own inquiry. I wouldn't want DSF to mark their own homework.

Q. The concern is perhaps obvious when you describe it as "marking their own homework". If we turn on, please, to divider 34 and to page 2. On 5 January, so the following month, Captain Wright records, as one of his policy decisions, that he has been "Directed by Gold that [Gold] will attend a meeting ... at DSF to progress the matters concerning the deletion of data/evidence and the subsequent recovery of ITS1. Gold indicated that I am specifically not to attend the meeting as he alone will address this matter."

You may not recall now the concern, if there was, or the sense of disquiet, if there was, on the part of Captain Wright but, reading that note back, the fact that he's recorded that he is specifically not to attend a meeting, given the concerns he'd raised the month before, do we read a sense of surprise or disappointment into Captain Wright's words?

A. Yeah, I absolutely would. I am certainly disappointed that was the case, so I'm sure he would be as well.

Q. So you are or were certainly disappointed?

A. I am. I don't recall it but I absolutely am

disappointed in that approach and I'm sure Captain Wright would have been at the time.

Q. Again, given that Captain Wright was the SIO and it was the Team 1 who had been trying to obtain the data, apparently from a server which might have recently had some deletion attached to it --

A. Yeah.

Q. -- would you, if you'd been SIO, have wanted to be in a meeting when someone was offering an explanation as to why it had happened?

A. Yeah, absolutely, and I'd be questioning why I wasn't.

Q. Can we look at, please, to divider 12 and to page 6, which takes us on a few more days in January, and an email from Captain Wright to Colonel Harvey. It starts at the top of our page 12-6 and he wrote, after the meeting that Colonel Harvey had had:

"Thank you. Did Headquarters DSF agree to release the entirety of ITS1 to Northmoor?

"If I may, given that migration has been completed, the operational justification (interference with live operations) has gone away."

Then:

"Simply, if we are to search for relevant data on ITS1, we will need to search the entire system -- I believe Jim Priddin has explained the detail."

He was the cyber lead for Northmoor at the time, wasn't he?

A. Yes, he was.

Q. Then:

"For my own understanding ... do you anticipate an RMP investigation into these matters [because he] would be keen to avoid any unnecessary contact with potential suspects."

Did Captain Wright share with you his desire to have an investigation into what had taken place as regards deletion of data from ITS1?

A. I honestly don't recall a conversation but I have no doubt he would have had that -- he would have shared that with me. We often discussed these matters.

Q. In terms of the progress that there was to his request, because you are copied into this email chain, if we just turn back, please, to page 12-4 which is the final email in this chain. Captain Wright wrote back to Colonel Harvey, clarifying certain action or inaction that he has been directed to take.

A. *(The witness nodded)*

Q. "I am to take no action in respect of data recovery from ITS1 until after the meeting highlighted at bullet 2 below, a date for which has not been arranged; you are engaging with [someone] to arrange."

Colonel Harvey wrote: "Yes, correct"?

A. Mm.

Q. "I am to take no action in respect of the deletion of data from the ITS1 server; this will be an internal investigation by UKSF 4 only."

The one word answer: "Correct."

"PM(A) has written to DSF but to date, no response has been received."

The answer:

"Correct, there has been no response from DSF personally."

Insofar as the concerns there are set out in respect of ITS1, did Captain Wright share with you what appears to be his concern at the direction that had been set for him by Gold?

A. He would have. I don't recall it but, if I may, I seem to remember that I was disappointed that there was no actual rationale provided for these -- for this direction and I do remember discussing that with Captain Wright.

Q. I mean, would you have expected a rationale to be provided so that Captain Wright, you and others could at least understand why Gold had said, "No, you can't take it; no, you can't investigate it; and no, you've got to wait until there's been a chat with DSF"?

A. We, of course, should be informed and actually the decision should be recorded, so -- for future challenge, et cetera.

Q. It may of course be that it is recorded somewhere other than this email?

A. Yes, of course.

Q. But given it is a reply to Captain Wright, copying in his DSIO, amongst others, would you have hoped that Colonel Harvey might have been able to give a little more information other than very short answers?

A. I would say I more than hope; I would expect it.

Q. In any way was that the style of Colonel Harvey, simply to give crisp and succinct responses or was he a man who regularly gave a rationale?

A. No, having worked with him previously, I wouldn't expect one-word responses from him. I would expect rationales.

Q. So in this instance his response surprises you?

A. Indeed.

Q. If we turn on, please, to divider 23 and to look within that section to page 3. This is a few weeks later. Captain Wright penned another mature assessment, this one dated February 2017. Within this, please, if we turn to page 5, 23-5 and paragraph 13. He spells out again the potential importance of the ITS1 server:

"[It] is the main IT network operated and utilised

by UK Special Forces personnel and the wider UKSF community."

He wrote at the bottom of that paragraph, in the last four lines:

"Analysis of the ... server by RMP (which is agreed), revealed that data relevant to Afghanistan cannot be segregated and is stored across the whole server. To forensically extract the relevant Afghanistan-related material, the whole server will need to be recovered in evidence. This is based on best practice for the recovery and use of digital evidence ..."

He refers, of course, to ACPO guidance and MPID.

Did you agree with his observation that, if you were to make use of any material from ITS1, that there would need to be recovery of the entire server?

A. Yes, I'd have taken advice from WO2 Priddin but, absolutely, you need to get the provenance of the digital data, the best we can, and forensically examine all of it and I understand you need the whole server to do that in an effective manner.

Q. As to the recovery that he anticipated taking place, if we look over the page to paragraph 14, sir, he recounts the decision to pend the recovery, the fact that Gold had directed Headquarters DSF to preserve the data

within a written agreement, and it then deals with the deletion, two weeks prior to the attempt to seize it. He then signs off with the last two and a half lines:

"RMP have prerogative powers to recover the required material; gold has elected not to endorse recovery at this time, authority from whom the SIO now requires prior to taking action."

Did you share Jason Wright's understanding that, if you, the RMP, had wanted to, you could have seized this server?

A. Yes, absolutely.

Q. We understand that, rather than putting in place any effort or attempt to seize the server, what had been done had been repeated requests or a consent-based approach: in other words asking nicely can we have it and hoping that they might say yes. That doesn't appear to have been particularly effective because the legacy server is still in the possession of Special Forces. Is there any reason that you can understand as to why you weren't allowed simply to go to the relevant location, which is operated by the MoD, and seize MoD equipment?

A. My preferred option was absolutely to use the powers afforded to us to go and recover that server. I have no understanding of why that wasn't ever done and the actual rationale hasn't ever been explained to me.

Q. In case there's any misunderstanding about what one might recover from a server, obviously you were looking for evidence that might prove or disprove the allegations that Team 1 were focused on, namely unlawful killings.

A. Yes.

Q. But in respect of an entirely different server that you did get provided to you, can I invite you to look, please, to tab 11 and to page 1 because it may be that this demonstrates what can happen when servers are provided. In September 2016, what was recorded was an indecent images of children strategy, in respect of an entirely different server that had been provided by Special Forces. If we look to paragraph 2, and to the third line to the bottom of that paragraph, "On Monday, 5 September", do you see that, sir?

A. I do.

Q. "On Monday, 5 September 2016, the dedicated RMP analysts examining the recovered DSF data identified numerous electronic files containing Indecent Images of Children and extreme pornography."

As with the recovery of any data such as that, one of the steps that must be undertaken is to examine whether there are any children who require immediate assistance and protection?

A. *(The witness nodded)*

Q. So it might be, because you now have the images from the server provided to you, that you, as a responsible police force, can take steps to intervene and possibly assist children who are at risk of enormous and significant trauma and harm?

A. *(The witness nodded)*

Q. Now, before anyone jumps to anyone conclusions as to who was responsible for placing this material on the server, what I would like to do is invite you to turn on to page 2 and the provenance of the data is set out there:

"The unlawful images/data have thus far only been found in one location amongst the dataset; a storage area relating to detainees/objectives dated April '12."

If that isn't clear, we look to paragraph 10. It's identified as:

"... the likelihood that the images originated from a media device belonging to a detainee or objective ..."

In other words, if it is not already obvious, the investigation carried out by the RMP led them to believe that this was electronically stored information that had come to be on the Special Forces server because a devise seized, either from a detainee or an objective of a DDO, had been downloaded, its information put on to the Special Forces server, in its entirety, and that is how

indecent images of children and extreme pornography from a local national device had found itself on to a UK Special Forces server.

Is that a fair way of explaining it?

A. Yes, I think so.

Q. Right. Now, notwithstanding the fact that it was your understanding that the images originated from a device in the possession of an Afghan local national, nonetheless, did the RMP have a duty to consider whether they could still take steps to protect a child or children?

A. Yes, and I believe that the investigation was handed over to the SIB regiment to conduct the investigation and take the appropriate action, as it fell outside the remit of Op Northmoor.

Q. Because you are right in what you've just said, can I invite you to turn on to page 11-5, as you've just observed, in January 2017, the investigation was transferred to the relevant SIB regiment in order that they could deal with it and, as we see at paragraph 6:

"Immediate action was taken by Northmoor team to remove the unlawful material which had been identified and it was erased by HQ DSF staff with RMP assurance being provided."

So one can perhaps understand why it is necessary

for complete servers to be obtained, because, in this instance, you were able to identify illegal material which was present on the server, which might enable you to protect very vulnerable children and that all appropriate steps were taken by the RMP to secure it for investigation purposes but then delete it from the server on which it had been stored?

A. Yes, understood.

Q. That deletion was done with the cooperation and assistance of Special Forces, overseen and given RMP assurance. As, of course, it turned out, that wasn't the server that you and Captain Wright were desperate to get access to. It was ITS1 that you wanted --

A. Yes.

Q. -- and as I was able to explain to you, in fact, ITS1 was never provided to Operation Northmoor --

A. *(The witness nodded)*

Q. -- so the FDHC remained in boxes on the floor. That, perhaps, must increase your sense of disappointment in the absence of any real progress on this line of enquiry?

A. Yes, it's hugely disappointing, indeed.

Q. Can I turn to one last topic, please, which concerns the other DDOs which potentially fell to be investigated by the Team 1 team of Op Northmoor. Can we look, please,

with your help, to divider 16 and, within that section, to page 32.

Page 32 is an email that you sent in September 2016 and, as with any email, I'm afraid we have to start at the end and work our way back. So can I invite you to turn over the page to 16-33. You need to start bottom right, if you wouldn't mind. Do you see from Captain Wright to you and others on the 22nd September? It begins "Mark" and given it was to either you and Captain Stribling, whose first name is Joshua, it seems it was intended at least to be read first by you; would that be fair?

A. Yeah, it would be.

Q. "Mark,

"As discussed, we are missing all detail on Objective 7 and Objective 6."

Then if you go top left of that page as we look at it:

"What I would like to see is each objective have their own file and within that should be all the OSW in developing and executing the operation, the post-incident reporting, detail on those detained during the operation and any consequence management. Later, we will explore with Headquarters DSF who was on those operations. It might be worth the analysts starting

bespoke timelines for each of the 10 operations."

To remind you, the reason he writes about "10 operations" is because the TTP review conducted by Special Forces in 2011 was into 11 DDOs; one of those was Tyburn, which was the Mohammed Bang/Saifullah Yar investigation which was already the focus of your enquiries.

As to your response to that request of Captain Wright made of you, go back, if you wouldn't mind, to the first page in the email sequence on page 32. You wrote to your team:

"Ladies and Gents,

"In the first instance, please read below email from Captain Wright. I will generate the necessary actions ...

"Further to my verbal direction this morning, Team 1 will now start to develop/recover the information and material on 10 other operations under consideration by the team. This will include detailed searches of the dataset held at Collingwood, recovery of material from Headquarters DSF, PJHQ and [elsewhere]. The following operations ... have been allocated to the following individuals ..."

So you had broken down those ten additional DDOs to give them to Sergeant Seddon and Corporal Bradford;

Sergeant Smith and Lance Corporal Redwood, Sergeant Pritchard and Corporal Grix.

If we turn over the page, back to 16-33, and this time to the top right. You advised them to:

"Please take mission command of these tasks and provide weekly updates during prayers."

You then set out the "Starting point":

"The required material/documentation will include Pre Op planning, Post Op reporting, Custody/Interrogation information, et cetera. The below list is intended to point you in the right direction but is not exhaustive:

"OPSUM; storyboard; first impressions report; serious/shooting incident reviews; intelligence summaries; ASSESSREPS; SINCREPs; daily SITREPS; records of custody; interrogation notes; exploitation reports; intelligence summaries; ConOps; SSE photographs; and flap sheets."

Was the purpose of setting everything out in detail to your team and splitting them up into three teams, to ensure that they could obtain copies of all of this material so that each DDO had its own case file?

A. Yes, and to maximise the effort across the team, making the best use of the resources.

Q. Was the plan that you would be in a position to see

whether the other ten DDOs might require full investigation --

A. Yes.

Q. -- and whether they might help shed any light on the principal investigation, which was Operation Tyburn?

A. Yeah, it goes back to the point that it's basically in its infancy and we need to start gathering this information.

Q. Did you have at least in mind what might be required was taking a step back and look at all of those DDOs in the round together?

A. As in Captain Wright and I? Yes.

Q. Yes. Insofar as whether any steps were put in place, whilst you were DSIO, to do that, beyond the tasking we've just looked at, did you as a team sit down and look at those ten DDOs plus Tyburn and say: there are no similarities here or there are similarities here?

A. I think that was yet to be established. There was enough for us to look to it further. We needed to focus on the N50 investigation first and then see if there are similarities across the board. The information that I'm talking about would have perhaps provided that further information.

Q. In terms of how much progress was able to be made in respect of that, could we just go back with your help to

tab 26-2, which is to the IRT and their first review. The IRT review appears to have been almost exclusively focused on the one DDO which concerned Objective Tyburn, namely the complaint from Mohammad Bang and Saifullah Yar.

In any sense would it have been helpful, do you think, for the IRT to have that almost holistic view of the review DDOs, namely "Let's look at the 11 and let's see what each gives to the other in terms of an investigative strategy"?

A. Absolutely, but I'm not sure there was enough information to actually -- for them to review at that point.

Q. Okay. I mean, it may be that the task that you had set your team in September had not yet borne fruit?

A. Yes, indeed.

Q. But, if it had, would you have wanted an opportunity to say to the IRT, for example, "Well, we've got this information on this DDO and this information on that DDO and we're concerned (or not concerned) about those"?

A. Yes, of course. There was similarities, there was similarities in terms of people involved in the operations. So, yeah, I think it would have been very useful.

Q. But as we know from having previously looked at it,

rather than encouraging you to group those DDOs together as one investigation, they, in fact, said you don't even have a crime to look at, at the moment?

A. Mm.

Q. The impact that that had on you and your team, did that rather take the wind out of your investigative sails?

A. Yeah, I think so. That's a good way to describe it.

Q. You said in your statement that your team had an appetite to make progress.

A. Yeah.

Q. It'll be for others to judge whether the progress was prompt or effective but you've obviously shared your concerns about it, having looked at it. But, if your team had an appetite to make progress, can you think of why it might be that that progress wasn't translated into genuine steps forwards?

A. Because of the delays imposed upon the team.

Q. Delays imposed upon the team?

A. Yes.

Q. So the delays as a result of the external advice?

A. Yeah, but ultimately from the direction from Gold and -- which obviously derives from the PM(A).

Q. So do we understand from that that your sense is that the appetite that your team had was not shared by Gold and PM(A)?

A. Yes.
Q. Do you know whether it was genuinely not shared by both of them or was it not shared by PM(A) and therefore Gold couldn't add anything to the table?
A. I don't know, I haven't been privy to their conversations but having worked with John Harvey before, a solid investigator, I have no doubt he would want to progress matters.
Q. When it came to Captain Wright producing a mature assessment in February, at a time when he knew the IRT team had been down but he hadn't seen their report, was Captain Wright worried about the impact the IRT might have on the progress he was trying to make?
A. Of course. Yeah, indeed. He talked about that.
Q. If it is a failure of anyone to have sufficient appetite for progress, could you or others have done more to try to encourage that appetite or does the chain of command leave you incapable of raising that issue?
A. I think, as much as what could be done was done, in terms of repeated asking by Captain Wright to make progression, to get the lines of enquiry moving, and I think it's the chain of command, as in the Gold and PM(A), actually not sharing the same appetite to move it forward, which actually stopped it.
Q. If the PM(A) had shared the same attitude and appetite,

would you have expected him to be directing you to take the steps that you wanted to take or indeed to leave you to take those steps so that progress could be made?

A. I would have liked him to have empowered Gold to get on with the investigation.

Q. So, from your viewpoint and in the ten months you were there, was any real progress made?

A. I think the best way to describe would be it would be in the margins. The team progressed what they could and what was available to them with the information they had, and you'll see that across my workbooks.

MR GLASGOW: Mr Dempster, thank you very much.

Sir, do you have any questions for Mr Dempster?

SIR CHARLES HADDON-CAVE: I don't, Mr Glasgow. Thank you.

Mr Dempster, can I thank you, first of all, very much for your patience. Can I thank you again for rearranging your diary to come and to give evidence. Can I thank you particularly for the very clear way in which you've answered all Mr Glasgow's questions. Your evidence has been very helpful and I'm very grateful.

THE WITNESS: Thank you, sir.

SIR CHARLES HADDON-CAVE: I wish you well.

THE WITNESS: Thank you.

SIR CHARLES HADDON-CAVE: Thank you.

If I can pray on your patience a little bit more

this afternoon, we'll break for a few minutes and then I will be making a statement.

We can continue straight on; there's a live feed, is there? Good. Thank you.

THE WITNESS: Thank you.

SIR CHARLES HADDON-CAVE: Can we turn the air-conditioning off, please?

Can somebody turn it off, please. thank you.

Closing remarks from THE CHAIR

SIR CHARLES HADDON-CAVE: We've now completed the planned three weeks of hearings of the RMP witnesses. The remaining RMP witnesses will be heard next year. I'd like to thank the witnesses who have given evidence and some who have waited very patiently for a long time to do so.

I'd also like to express my sincere gratitude to the Core Participants and their teams -- the MoD, the RMP and the families represented by Leigh Day -- for their cooperation and coordination with the Inquiry Team, and helping these hearings run relatively smoothly and on schedule.

These OPEN hearings have involved a huge amount of unheralded work in the background by many people: on the gisting and redaction side; preparing copious Rule 10 questions, despite curtailed timetables; dealing with

national security issues, as and when they have arisen. Particular thanks, of course, go to my hardworking team, as well as to the redoubtable RTS digital team: Lawrence and your people. Thank you.

Members of the public and others who've had the opportunity to observe online some of the open live-streamed evidence these last weeks may have gained a better understanding as to why it was thought necessary that the serious concerns and allegations raised during the RMP investigation, Operation Northmoor, required the most careful and thorough investigation by an independent inquiry such as this. The daily live stream links will remain available on the website and witness transcripts and documentary evidence will be put up shortly in the normal way.

Let me turn briefly to what lies ahead and the timetable for the next phase of this Inquiry. As I indicated on 12 October, the Inquiry is pressing ahead on all fronts with key workstreams and lines of enquiry, in particular: forensics, including expert analysis of thousands of high resolution photographic images, which were taken in the course of these DDOs by Special Forces; interrogation of the back-up tapes of the ITS server, which, as you know, was seized; and, thirdly, gathering evidence from a variety of further witnesses,

who have been the subject of Rule 9 requests, who have continued to come forward direct to the Inquiry or who have been identified by the Inquiry's investigators. It is anticipated that this will include members of the Afghan military who served on some of the operations that are under consideration.

Meanwhile, the Inquiry will continue its programme of national security redacting and gisting, in order that material from witnesses who have given evidence in CLOSED may safely be published, as required by a public inquiry, to enable the public to understand the evidence which the Inquiry has received and is considering.

I'm grateful for the continued assistance and collaboration of the MoD and Inquiry gisting teams in this important work, to ensure national security, operational sensitivities and witness anonymity and safety continues to be properly protected.

As regards to a forward look and the timetable, I can indicate that in January through to April next year we will be hearing evidence in OPEN from the Afghan families, evidence in OPEN from the lead forensic expert, evidence in OPEN from the ballistics expert and we will be hearing evidence in CLOSED from further witnesses under the heading of concerns and complaints and further witnesses who have approached the Inquiry

directly.

Finally, we will be calling the Phase 3B witnesses, namely members of the relevant SAS squadrons, to afford them the opportunity to give evidence about the DDOs in question.

As I've made clear, I have set a deadline for the completion of the evidence in relation to the allegations of unlawful killings by 30 April next year. I reiterate that this deadline must be kept to. As I've said, it is not fair to the veterans, serving soldiers and officers, their families or the Afghan families for the Inquiry to be delayed further for want of resources or efficiency.

I remain grateful for the continuing support for the Inquiry from the Chiefs of Staff, the Permanent Secretary and the Secretary of State for Defence. Thank you.

We will now adjourn to a date to be notified. Thank you all.

(4.52 pm)

(The hearing adjourned until a date to be notified)

I N D E X

N73 (continued) 4

Questions from COUNSEL TO THE INQUIRY..... 4

(continued)

MARK DEMPSTER (sworn).....101

Questions from COUNSEL TO THE INQUIRY.....101

Closing remarks from THE CHAIR 190