Friday, 30 October 2026

(10.00 am)

THE USHER: Good morning. 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.

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Where material is restricted, it is redacted and, where appropriate, a gist of the evidence is provided.

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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.

All of 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: Mr McAllister, good morning.

I hope you got a decent break overnight.

THE WITNESS: I did, thank you.

SIR CHARLES HADDON-CAVE: Good.

Thank you, Mr Polnay.

MR MCALLISTER (continued)

Questions from MR POLNAY (continued)

MR POLNAY: Mr McAllister, I just want to ask a couple more questions to start about the last topic we dealt with yesterday, which was communications with Peter Ryan.

A. Yes.

Q. I think it's right at the time Peter Ryan was the head of DJEP; is that right? The Director of DJEP?

A. I think so, yes. I can't remember what his specific appointment was, but he was one of the most senior, if not the most senior, member.

Q. And there's -- in the Ministry of Defence, there is certainly the more senior levels equivalency, I think, of Civil Service grades?

A. Yes.

Q. And military ranks. I know it's not the same as a civil servant ordering a military person around or the other way, but there were equivalences; is that --

A. -- (overspeaking) --

Q. And I think the Civil Service Director, which may be what Peter Ryan was at the time, would be a two-star equivalent; is that right?

A. Yeah, I seem to recall he would have been about DG

level. So yeah, that would be about two-star.

Q. I think two-star. If it was in fact DG, I think that might even have been three-star.

A. Yeah.

Q. But certainly two-star or three-star equivalent?

A. Certainly, yes.

Q. And, again, I say equivalent, it's obviously not the same as, but two-star in the army would be a major general, I think?

A. Yes.

Q. And a three-star would be a lieutenant general?

A. I believe so, yes.

Q. Now, I've already asked you about the appropriateness or otherwise in relation to a number of communications that you received from Peter Ryan. Upon reflection, if he was going to raise the points that he did, whether appropriate or not appropriate, do you think he maybe ought to have raised them with the PM(A) rather than with you, or not?

A. Yes, and I think he should probably have done it in writing, and I did encourage him to do so because, again, it's about that audit trail and transparency.

Q. And I think you said you did tell PM(A) --

A. Yes.

Q. -- about -- I'm not saying every single call, but you --

A. I would say virtually every single call. It would be a very strange situation if I hadn't briefed PM(A) on it.

Q. And would part of that be because, again relatively speaking, Peter Ryan was so senior?

A. I think it's not just the seniority of it; it's the fact that, as you pointed out, he is part of MoD main, that sort of main organisation. So if I'd had an approach from DRES or DIMFRA(?), then I would have done exactly the same.

Q. Thank you.

And in terms of the, whether it relates to the appropriateness or, I don't need to use that word, as to how you felt, was the fact that he was relatively speaking quite a lot more senior than you a factor in this, or not?

A. No, because as I said earlier, I was fiercely independent. There is no way I would have accepted a direction from Mr Ryan or any other senior officer or civil servant at MoD, but it's very prudent that these sort of approaches are passed to PM(A) because he's the right person and, as you said, he holds the duty of independence.

Q. Would you say, in your experience, everyone or the vast majority of people in the RMP at the time were as

fiercely independent as you, or was there perhaps more of a range?

A. I can't speak for other people, sir. I can certainly say it's something I encouraged in the people that I worked with and for.

Q. Final point on this. When you raised these communications with PM(A) and you briefed him, did you feel supported by PM(A)?

A. Yes, in general. I think that PM(A) wanted to do the right thing, and I have to talk exclusively here about Brigadier Warren because that's the vast majority of the time. I think Brigadier Warren was rightly frustrated, as well, that these things just were not progressing and it was a case of: well, pick your battles.

Q. Thank you.

The next topic I want to ask you about relates to briefings and, in particular, briefings that involved very senior military officials, the chief of the general staff.

A. Mm-hm.

Q. Now, CGS is -- well, I say, effectively, is the head of the army? Is that right?

A. That's correct.

Q. He's the most senior army officer. Now, you were asked by the Inquiry to set out in your witness statements

your details of your engagement and your knowledge of engagements that took place with the Chief of General Staff and, if it helps, you start dealing with this in your witness statement at paragraph 266, which is at 195, just so you've got it there.

A. Thank you. Mm-hm.

Q. And, in fairness, when we look at it, I think perhaps more of your engagement ended up being with the Deputy Chief of General Staff?

A. Yes.

Q. Who is, as one would expect, the deputy to CGS. Can I ask you about some notes that you made, and they all relate, I think, to a briefing, and I'm going to then ask you about some other notes and records of this particular briefing. And I wonder -- again, it might be easier if this is done on the screen -- if we could bring up 10-38. This is again part of your notes.

Now on the -- and again, these are your notes, I think, and the page we've got open is I think your notes for April 2016. Part of what I want to ask you about relates to the entry on the right-hand page.

A. Yes.

Q. Now, I don't want to just -- I don't want to lead you down or sort of mislead you, but I think we can see these are for 20 April. I think we're going to see the

brief actually took place the following day, 21 April.

A. Yeah.

Q. So where we see "10.05 opNM [Op Northmoor] CGS brief", is this your note preparing for it, perhaps?

A. Yes, they are.

Q. And "Ministerial/senior official"?

A. Yeah, this was the ministers and senior officials who I understood were likely to be recipients of the information that was going to be provided.

Q. Right. So is this, what, sort of your prep or --

A. Yes, this is my prep. If I recall correctly, I was told, I believe by PM(Army), that this brief was going to go ahead.

Q. Yes.

A. And this was me preparing for it. So it was sort of my thought process of what the audience is going to be, what we can say, et cetera, et cetera.

Q. Excellent. And so we've got at the top who you're expecting will be there. So --

A. I was expecting them to have access to the outcome of the meeting, not necessarily be present at the meeting.

Q. Thank you. So -- but that's obviously potentially important to you --

A. Yes.

Q. -- because it's not -- if you're going to talk about

sensitive matters, you want to know where they're going to go?

A. Correct.

Q. Where they may go?

A. That's correct.

Q. So you think the brief may include minister -- is that "MIN", minister?

A. Minister DPW.

Q. And what's DPW?

A. I can't remember without --

Q. Defence Procurement --

A. Defence Procurement, yeah. Defence Procurement and Works I think it was at the time.

Q. And then MIN, DPW Chief of Staff. Is that a separate thing, Chief of Staff, or the Chief of Staff --

A. That's the Chief of Staff to the CGS, I understand, if I recall correctly.

Q. PUS, which is the Permanent General Secretary?

A. Yes.

Q. And the Secretary of State Spec Adviser -- Special Adviser.

A. Yes.

Q. The SPAD.

A. Yes.

Q. So that's his political --

A. Adviser.

Q. A political adviser.

A. Yeah.

Q. Next thing in your notes, you've got "investigative activity" and then we've got there "You will recall!" Is that sort of a speaking prompt or something?

A. It was a speaking prompt for me to ensure that PM(Army) was very clear that he was independent of the chain of command and that briefings had to be appropriate around that.

Q. I understand. So that's -- can you just explain where you get that from or if that's just your --

A. It would be for me to say to PM(Army), "You should probably start by saying 'You recall, General, that I'm independent under the Armed Forces Act, I owe a duty to ECAP(?)'" -- ECAP, as it was -- defence counsel, sorry. And it sort of sets the tone for what follows. So he's not -- he, CGS, wouldn't expect to have technical detail; it would be enabling detail that he would be discussing.

Q. Understood, because as the RMP and PM(A) and you as part of it, you're in a different position --

A. Yes.

Q. -- to perhaps another person, another Lieutenant Colonel, another Brigadier who is walking in.

A. Yes.
Q. We've then got four pillars?
A. Yes.
Q. Four pillars of the investigation?
A. Yeah.
Q. "Rationale remains". And is that your view, the rationale remains to continue to investigate?
A. Yeah.
Q. "Delay issues, chain of command, Special Forces, murder"?
A. Yeah.
Q. "Inhuman and degrading"?
A. Yeah.
Q. And is that a reference to allegations of inhuman and degrading and treatment --
A. Yeah.
Q. -- which were more Team 2 matters?
A. Yeah.
Q. "Jobs completed: Murder"?
A. Yeah.
Q. "Delays" -- neck? Bottleneck?
A. "Next". Yeah, "delays next". So that would be the next thing we would discuss is what are causing the delays. And then the bit below, which is "decisions to make rely on next week when St Mawgan", and then it was just to

say there may be or may not be arrests in the forthcoming --

Q. That's the part. Just so we're clear, at this point -- well, this is your note -- on 20 April you're minded to brief CGS that there are going to be arrests in the next week?

A. Potentially, yes.

SIR CHARLES HADDON-CAVE: Is that weeks or months?

A. Weeks, I think -- next months. Yeah, it's months. Yeah, next few months. Yeah.

MR POLNAY: And in making -- well, I say making the decision. We can see this is a note. Did you give thought to whether or not that was an appropriate matter to brief CGS on?

A. It's again -- independence is a real challenge for PM(Army), in my view.

Q. Yes.

A. And I never envied them the task. There's a saying, you know, pardon me, but, you know, you can't be a little bit independent. It's a bit like being a "little bit pregnant"; you know, you either are or you're not. However, we were in an environment where we were entirely reliant on the chain of command, and the MoD, in particular, for literally, you know, our cars, our petrol, as basic as that.

So to maintain that investigative independence, you have to have a degree of providing sufficient information for them to justify an investment decision. We couldn't just say, you know, "Give us £10 million and I'm not going to tell you why we want it." There had to be a degree of how much do we tell them to get what we need to get, because they're the only people that can give us it.

Q. So it follows, with that background in mind, you considered it was the right, that it was an appropriate or necessary thing?

A. I think it was unavoidable. Would I have liked to have not done it? If I was sat in a policing -- a civilian policing organisation? No, I wouldn't have done. I wouldn't have gone to the head of the local council and made this argument to them, but it's not the same. It was a different situation. So I wouldn't want to, but I felt I had to.

Q. Understood. And at the risk of asking you to confirm the obvious, on the minus side of confirming in advance that arrests may be made, and that's what you're saying, here, not that they will --

A. Yeah.

Q. -- is that that information may leak out, for whatever reason, and people may find out they're going to, or

they may perceive they are, which may lead to potentially -- and I'm talking about it in the abstract -- evidential opportunities being lost or --

A. Yeah.

Q. -- people maybe destroying evidence or plans may be frustrated?

A. It's a calculated risk.

Q. Yes?

A. And I think that at this time there was "Well, we can't see anything happening."

Q. Yes.

A. So, you know, what's going on? You know, you've been at it for a year now, I think, by this stage.

Q. You felt the imperative to say --

A. "Look, things are moving forward."

Q. Yes. And, again, so just going back to the general principle of generally speaking, police do not say in advance that they are going to -- or that they are planning to arrest, to carry out arrests?

A. I have known it.

Q. You have known it?

A. I have known it but it is quite unusual, I'll give you that.

Q. All right, thank you very much.

If we could just turn over to the next page on the

screen, we've then got, on the top right-hand -- well, on the right-hand side, this is your notes for the following day, "CGS brief, 13.10 to 13.55, opNM and ..." and then there's something else which was included in the brief that's not to do with these terms of reference, so it's redacted.

So, sorry 13.10 to 13.35, so 25 minutes in total, and there would have been something else raised as well.

A. Mm-hm.

Q. A relatively short time?

A. Yeah.

Q. And in terms of what was briefed, do you think you briefed about the arrests?

A. I don't believe I did on this instance. Again, I remember going in to see CGS because I knew him from a previous tour, and it never arose.

Q. So whilst you had made the note there, you think in fact, in the end you decided --

A. Yeah.

Q. -- not to, or it didn't come up? Or --

A. I don't think it came up. If I remember correctly, there was this General Carter at the time.

Q. Yes.

A. Then I can almost say for certain that I didn't brief that arrests were there --

Q. Thank you very much.

Could I just ask briefly, we have a look at a document at tab 74. This is really just for completeness and I can ask it be brought up on the screen. Just that this is Brigadier Warren's notes in relation to this meeting. And you can see -- and, obviously, Brigadier Warren is deceased so we're obviously not able to ask him about this. We see it says, "CGS, Wednesday 21 April --"

A. Yes.

Q. -- sixteen. So that seems to match up that these are -- and, of course, it's not possible to say whether these were -- I don't know, maybe you can help -- whether these were notes he made afterwards or notes he made in preparation or notes --

A. These were notes that were made afterwards.

Q. Afterwards?

A. Yeah.

Q. Thank you. So we can see at the top, it says, "Senior engagement awareness, me"?

A. Yeah.

Q. I presume that's Brigadier Warren's going to do that then. "Outline of key investigative activity"?

A. Yeah.

Q. John -- that's you?

A. Yeah.

Q. So that's the sort of division. And then, if we -- when it says, "Senior engagement" that's a list of people who there had been engagement with?

A. Yeah, when he talks about the senior engagement, what -- he's writing down, I believe, what he has briefed CGS, from his part, senior engagement/awareness. So he's talking about Chief of Staff to the Secretary of State, Graham, Nick Gurr(?), et cetera, and so on and so forth.

Q. Yes. Then if we go over the page, I'm not going to go all of it, paragraph 3. "DJEP with CC" -- Chief Constable? MDP, Ministry of Defence police confirming rationales for RMP to investigate."

A. Mm-hm.

Q. "By Chief Constable MDP reaching into UK policy landscape and feedback to DJEP was RMP only force configured and empowered to conduct investigation with Home Office forces, NCA and GMP, to provide mentoring and review."

A. Mm-hm.

Q. Is -- and it may be this is just too much detail to ask about something so long ago, is that what the PM(A) was saying, or is this what DJEP -- were DJEP there and saying this, or --

A. No, DJEP weren't -- I don't believe DJEP were there. In

fact, I'm sure they weren't.

Q. Yes.

A. Is this before or after I got the call from Mr Crompton?

Q. I'm pretty confident it's afterwards, but I'll double check the chronology for you. I think it's afterwards.

A. If it's afterwards, my ... I'm just trying to remember, I'm picturing the meeting in my head at the moment, sir, so I apologise if it takes a couple of moments.

Q. No, no, that's all right.

A. I think that this was the mechanism by which Brigadier Warren was raising to CGS about DJEP having made this approach to UK policing through Chief Constable MDP, I think. In fact, I'm not entirely sure, sir, so I will withdraw that.

Q. No problem. That all makes sense. Let me just -- can I just check the dates to give you something a bit more certain on that, because it might help. It might not.

So the meeting with the call you describe with Chief Constable Crompton was on 21st March 2016.

A. So, yeah, that's right, that was a month or so before.

Q. That was 21st March 2016. This meeting is 21st April 2016.

A. Yeah, this was still something in Brigadier Warren's mind, I think, of the perception aspect, and he did raise it with General Carter, that this had been done,

and I think without any form of leveling criticism at DJEP, it was: look, DJEP have actually asked UK policing, are they the right people to do it? And they've been told yes and they've got this support.

SIR CHARLES HADDON-CAVE: So by perception problem, you mean?

A. The perception really is that DJEP had the right to do so. So it was almost -- again, it's -- office politics at its lowest level, if you would like. It's a one-star trying not to criticise a two-star in front of a three-star -- that's the reality of it -- but still raising it as an issue.

MR POLNAY: Thank you.

At paragraph 4 of Brigadier Warren's note we've got.

"Spec ad [special advisor] to Secretary of State." Operations director, ops dr --

A. Yeah.

Q. Operations directorate, sorry, present at request of SOS office, Secretary of State's Office, to assure awareness and better understand rationale for RMP investigating, and not some form of AHAT, which we've heard about IHAT --

A. Yeah.

Q. Iraq historical allegations. So AHAT would be an

Afghanistan equivalent, I think.

A. Yeah.

Q. Then we've got:

"AFA [Armed Forces Act] provisions. Additional cost of AHAT being of note, as well as Treasury Counsel's advice."

A. Yes.

Q. Whatever advice that is, that's been redacted?

A. Mm-hm.

Q. And were assured of full support of Secretary of State.

A. Yeah.

Q. So it records there, if, as you say, you believe this is a note afterwards, the Secretary of State was giving the RMP his full support?

A. That was my understanding at the time.

Q. Thank you very much.

SIR CHARLES HADDON-CAVE: Can you help us with the difference between the perception of AHAT and what the RMP were doing that was concerning?

A. I -- my understanding is that IHAT was raised as a result of the military police investigations into allegations of abuse and murder, etc, in Iraq being seen to be non-compliant with various legislation and that was why IHAT existed.

Now, IHAT was run by the navy, but it was

effectively full of ex-police officers and was run totally independently of the RMP. We had no contact or influence over them whatsoever. So the question was: should we not just bite the bullet, take it off RMP, and set up an AHAT to be the same as IHAT? That was one of the things that was bouncing around in MoD at the time.

MR POLNAY: Thank you. Then we go -- the note is:

"Otherwise [I think] Northmoor briefed to PM [Prime Minister], Home Secretary, Attorney General, Solicitor General"?

A. Correct.

Q. Is that what you were told or what you and Brigadier Warren were telling the ...

A. That's what we were telling CGS. He wanted to know who knew.

Q. Right. And that's those people you understand all had been briefed about Northmoor?

A. Yes.

Q. Thank you. So we've then got this bit that says, "Investigation in outline [underlined] John (including those matters discontinued)."

So then it's your bit?

A. Yes.

Q. And we don't -- it doesn't appear Brigadier Warren has made a note of that. You set out your recollection, at

least on that last point, as to what you'd briefed and what you hadn't briefed.

A. Yeah.

Q. And then we've got this note from Brigadier Warren at the end:

"Misc [miscellaneous] 1, if we don't get to Kabul, much of Northmoor will have to fold but then matters might play out in International Criminal Court and in civil claims (view of DSP) [Director of Service Prosecution]"?

A. Yeah.

Q. So two of the calls I asked you about yesterday from Peter Ryan took place after that, in terms of the chronology. It's actually the point you were asking about before. Do you think, or would it be speculation, whether there was any, at least timing-wise, link between the calls from Peter Ryan and the fact you'd briefed CGS?

A. I genuinely don't know, sir. There was no reference to that that I recall, and it's something I would have written down.

Q. Thank you.

Could I ask, please, we turn to another page in your notes. I think this might be the last page in your notes we're going to look at, and if I could ask

page 10-55 to be brought up.

We can see this is your note from 7th June 2016 and it's the note on the right-hand side I'm interested in, 1230 to 1400. And your note, tell me if I'm getting your handwriting correct, is:

"1230 to 1400 -- dealing with issues around independence of Northmoor. Concerned about Provost Marshal (Army) handover/takeover and organisational independence as a perception. Discussed with PM(A) [that would be Brigadier Warren, I think, at this point] and AH Tech [Colonel Morris]. PM(A) did not agree it was an issue and in my view became agitated. Lack of progress was his main focus and risk in relation to SF personnel."

You've got in brackets: "Following DSP call".

A. Mm-hm.

Q. What issues with independence were you considering?

A. At this time, exactly as you outlined to me in relation to Colonel Morris; I was very conscious of the fact that you have to have both an actual and perceived, externally perceived, independence to maintain the trust of the community. And by that, I mean both the military and the civilian community.

I think it was around this time, or just before -- in fact, I can't remember when it was when I did the

conflict of interest policy. And I was concerned that, having written that, and having adopted it, we were effectively ignoring it.

Q. Okay.

A. Because the person who had been nominated as Brigadier Warren's successor had an intimate part in detention operations in Afghanistan, and there were other matters which were ongoing which may have, by perception, caused some challenges to us.

Q. Okay. Well, we're going to come on to some of those particular matters in a moment, but one of the issues you're referring to is potential or perceived conflicts of interest?

A. Correct.

Q. Thank you very much.

SIR CHARLES HADDON-CAVE: Can I just ask, what was the reference to risk in relation to SF personnel relating to?

A. I'm not sure that's something I can discuss in this format, sir.

MR POLNAY: And I think, sir, if it helps for your note, I think there's part of this I hope I can deal with in a moment but it may be that part of it is dealt with on another occasion.

SIR CHARLES HADDON-CAVE: Thank you.

MR POLNAY: Now, in your witness statement you say -- and I'm just going to read you the part of it unless you want to look at it -- you say you were dealt a significant blow when you were asked by Brigadier Neal to draft a paper relating to the implications of reducing the Op Northmoor establishment to 25 personnel. If you want to have a look at it, it's at 1-23. That's where you mention it. Do you remember that?

A. Yeah, vividly.

Q. And in terms of the 25, the number 25, do you know or do you remember where that figure of 25 came from?

A. There was no rationale provided to me for that number, sir.

Q. Now I just ask we have a quick look at, and we can do it on the screen, tab 73-4. And this is a document -- can I make clear, this is not a document I suspect you would have seen at the time because it was a document prepared later by Colonel Morris.

A. Mm-hm.

Q. And if we see the entry for the 27th -- we need to go down a little bit, please -- 27th July 2016. So this is, just to be clear, Colonel Morris's, I'm pretty sure, later note of a meeting with DCGS and Ah Tech, which would have been Colonel Morris?

A. Mm-hm.

Q. And it says:

"Related to manning of Op Northmoor and CGS's view [so the Chief of the General Staff's view] that 25 is the number, and what is recorded to be the view of CGS that directing resources does not impact on independence."

Now, just to be clear, this isn't CGS's note, so we've definitely got a few intermediaries before that.

A. Yeah.

Q. Were you ever told, if this note is right, that 25 may have been CGS's view?

A. All I can tell you, sir, is I remember this because it was my first day back after being on holiday.

Q. Yes?

A. So that two-week period to that, I was not present in the headquarters and this was when I came back and was told that the number was 25. I repeat that I wasn't given any form of rationale of where that number that came from. I was just told to prepare a paper on the basis of 25.

Q. What's your view on whether directing resources impacts on independence? Do you think it does, or not, or --

A. Yes.

Q. Thank you. As in yes, it does?

A. It absolutely does, because if you constrain the

resource, you constrain the investigation.

Q. Thank you.

Next topic I want to ask you about is your relationship -- the RMP Northmoor's relationship with UKSF. And I think the phrase you use in your witness statement is it was "distrustful on both sides"?

A. Yes.

Q. Is that a description you stand by?

A. Yes.

Q. And you distrusted them because?

A. There was suspicions right from the very beginning that we were not being provided with all the information that was relevant and necessary, and --

Q. And -- sorry, go on.

A. And that was borne out later when we found further evidence that we found that to be true.

Q. Yes.

A. So that was -- the distrust only built and sort of became confirmed when we gained information in 2015.

Q. Thank you. And just to be clear, I'm going to ask you some more details about that when there's a closed session, just so no one thinks that's just being skipped over or ignored.

A. Yeah.

Q. But so you're able to give the fullest possible answer

in relation to that.

One of the things that you say in your witness statement is you believe the SF used the protocol to delay and frustrate the investigation.

A. I certainly think that that was a tool. That was a matter that they constantly referred to if we were doing something which they were uncomfortable with.

Q. And in your witness statement, it starts at paragraph 173. I'm not going to go through it, not just because it would take a long time, but perhaps the detail isn't key. You set out a chronology of your efforts to revise the SF protocol.

A. Yeah.

Q. And if we can say that this started in -- the first entry is 23 -- your first entry is 23rd June 2015, then 18th August 2015, sort of --

A. Yeah.

Q. -- you open negotiations. I'm not going to go through all of them, but it took, in the end, 24th May 2016?

A. Yes.

Q. Is that right?

A. Yes.

Q. And would it be fair to say, from the description in your witness statement, it was not a straightforward process?

A. My starting point was there shouldn't be one. That was not palatable to PM(Army), so he instructed that I look at how we can change it to be more workable in an operational environment.

Q. And, in fact, just for your information and so no one is misled, in fact the Inquiry has been informed that, I think last year, or maybe the year before, the Defence Serious Crime Command have indeed withdrawn from --

A. I'm pleased to hear that.

Q. -- the Court of Protocol.

I just want your help, please, with just some of the amendments that you were eventually able to give effect to in relation to the protocol. Behind tab 61, we've got the old version and the new version of the protocol, and what I'd like to do is really just ask for your help, really just to highlight some of the revisions that were able to be agreed. We're not going to do some sort of forensic comparison of putting them side by side but if we look at page 61-10, please, we've got the revised protocol.

A. Mm-hm.

Q. And if we go down, please, to the bottom of the page where we see paragraphs 9 and 10, we see it mentions:

"In operational theatres, the senior SF commander and/or the units" and it says, "Disclosure officer is to

liaise."

A. Yeah.

Q. Now, pretty much wherever we see "Disclosure officer" in the previous version it said "LEGAD", or legal adviser.

A. Yes.

Q. And was that an important change for you?

A. Yes, it was. I don't know how much detail you want me to go into, sir. So ostensibly, every interview with a member of the SF had an Army Legal Services Officer present at it. The role of that individual was to protect national security. They were not there to act as legal counsel to the person being interviewed.

I think that there's, around this time, where we were seeking to gain evidence from those disclosure officers about their interaction with SF prior to the interviews and post the interviews with the service police, and there was certainly anecdotal information which was saying that they believed that their discussions with the witness were covered by legal privilege. My point was that they were acting on behalf of the Secretary of State for Defence to protect national security and disclosure and therefore legal privilege shouldn't exist.

So the reason why I forced this to change was to remove any ambiguity whatsoever that they were not there

as legal advisers; they were there as disclosure officers. Because, as my notes reflect, when I challenged this position with the Director General -- or sorry, the Director of Army Legal Services, I'm not sure that may have been --

Q. We may not need to mention that person's name for various reasons.

A. Okay, that's fine. When I did challenge this, that officer said that they were not willing to tell legal officers that they were not covered by legal privilege, that they had to go by their own moral judgements as to whether or not legal privilege applied in that particular circumstance. To avoid that confusion in the future, that was why I changed the terminology.

Q. And, in fact, we won't do the comparison but "legal adviser" has gone from this protocol.

A. Yes.

Q. It's now "disclosure officer"?

A. Yes.

Q. Which reflected what you considered their role to be?

A. Yes.

SIR CHARLES HADDON-CAVE: Was the original version a reference to "legal officers"; do you remember?

A. It was legal -- it just said, "Legad" sir, which is a generally accepted abbreviation within the military

for a military legal adviser. So you tend to, when you're talking about an ALS officer you tend to talk about a legad, if you would like.

MR POLNAY: Sir, if it would help, by way of example, we can turn to 61-4. We do actually have the previous version and perhaps we could have that up just for a second, where we've got a(ii) -- this is the earlier version:

"The primary role of the SF legad is to ensure that guidance is available for national security, sensitive information and operational security. The SF legad may also raise issues such as the desirability of pursuing an interview under caution if appropriate."

That's the previous version.

A. Yeah.

Q. Which had both of those matters.

SIR CHARLES HADDON-CAVE: Can I ask, were legads experts in national security?

A. No.

SIR CHARLES HADDON-CAVE: They're lawyers, aren't they?

A. They are, sir, yeah. I'm not aware of any specific training they had, but they may have.

SIR CHARLES HADDON-CAVE: Thank you.

MR POLNAY: Can we go back again, just so there's no confusion, could we go to 61-12 and we're back to the revised protocol, revised after your work. And, again,

just to highlight some changes and if we could move down so we could hopefully see all of a, or at least the top bit of a. Thank you. And in terms of changes here, this is the statement section on witness statements from Special Forces; is that right?

A. That's correct, yes.

Q. And we can see circumstances when it says, "Disclosure officers should be present during the interview unless, in the opinion of the RMP SIO, it would cause undue delay to the investigation or would significantly impact on the effectiveness of the investigation."

In fairness, I think that was there in the original protocol. But then we've got, I think, a new bit:

"... or the witness does not consent to the presence of a disclosure officer."

So that was a line that you were able to have included.

A. Mm-hm.

Q. And what was the -- why did you want that included? There's specific provision to cater for a witness saying, "I actually don't want the disclosure officer present"?

A. There was anecdotal information which led me to believe that some of the SF witnesses were of the view that everything they said would be repeated back by the

disclosure officer to their chain of command, and we wanted to be able to give them the opportunity to not have a legal adviser present, so that they could speak more freely if they had any sort of formal concerns about that.

Q. And then (ii), which again I think is considerably amended from the previous version, we've got the bit:

"The SF disclosure officer to ensure guidance is available on matters of sensitive information and national security."

But then I think we've got a brand new sentence:

"No information relating to the evidence given or other investigative matters disclosed during the process is to be disclosed by the SF disclosure officer to the military chain of command without the consent of the RMP investigator."

Was that an important amendment, in your view.

A. Yes, for exactly the reasons I've just said.

And also, at this stage we were becoming more cognisant of the chain of command and their knowledge of events that had occurred, so it was even more important that we made sure that the people in that chain of command weren't being told what was coming out of the investigation.

Q. And then finally in relation to (ii), there's the last

sentence:

"Notes made by the disclosure officer are not subject to legal privilege and although they will not be retained by the service police, they may be subject to third-party disclosure under the CPIA."

A. Yeah.

Q. You say in 1997, 1996.

A. Yeah.

Q. Yes? And I have dealt with the issues you said before.

A. Yes.

Q. Did you think this was a substantial improvement to the protocol?

A. It was a step forward. But again, like any protocol, both sides have got to comply with it and if you don't comply with it, sometimes it's not immediately obvious.

Q. Thank you. Those are the questions I've got on the SF protocol.

Can I turn now, please, to conflicts of interest.

A. Sir.

Q. You mentioned it a couple of times already. Behind tab 50 is the Operation Northmoor conflict of interest policy and, again, if we can just have a very brief look at this document. This was a document that, in fact, you created; is that right?

A. That's correct.

Q. And this one is, in fact, issued in your name, I think --

A. It is.

Q. -- at least in your role, at the bottom.

A. Yeah.

Q. And I'm not going to invite you to take us all the way through it. It contains, would you agree, broadly accepted definitions and views as to relevant conflicts -- sorry, as to how conflicts of interest might be addressed?

A. I would love to take sort of credit for having written it all, but most of it is actually stolen from a GMP document which was provided to me as a guide.

Q. Sure. Borrowed.

A. Borrowed, sir, yes -- copied with their permission.

Q. Thank you. And it sets out in terms of I'm sure will be familiar to many people, setting out what a conflict of interest is, the importance of values of appropriate behaviour. And then, if we could go to 50-4, there's just a couple of matters, including, it sets out the importance of leadership?

A. Mm-hm.

Q. And consequences of poor responses from leaders?

A. Yes.

Q. And then you deal with, at paragraph 14, ways that

conflicts of interest can be managed. And we see there registering, restricting, reviewing, recusal, relinquishing or resignation. Obviously, which of those measures may be necessary would completely be fact-specific; is that right?

A. Yes, correct.

Q. And it sets out below a procedure for managing conflicts of interest, which include declarations --

A. Mm-hm.

Q. -- which are to be made, including declarations to be made at any meeting, and registers; is that right?

A. Yes.

Q. Thank you.

Finally, I think if we could just turn to 50-5 from that document, just so we're clear. We've got cases -- it's paragraph 20 at the bottom -- cases with RMP and MPS military provost service ISIL(?) detention.

"Subject to the involvement of a member of the RMP or MPS as a suspect or witness in any investigation is not automatically considered to be grounds for the whole of Op Northmoor being removed from that matter."

A. Yeah.

Q. So just to deal with that in the abstract, just because someone in the RMP happens to become a suspect or a witness doesn't mean, well, because we're RMP, we're

all automatically --

A. Yes.

Q. It would depend, I'd imagine, on any number of detailed matters?

A. **(Witness nodded)**

Q. You could think of circumstances, if it was a very close relative --

A. Yeah --

Q. -- it might be an issue or it might not?

A. If they'd served together for a long period of time, if they were personal friends. It would have to be very much on an individual basis.

Q. Yes. Thank you. Can I ask you now about having dealt with the general policy, and that's 2015 I think we see the date of that policy --

A. Yes.

Q. -- that you created. A very specific issue that arose. And this related to Lieutenant Colonel Claire Waterworth, please.

A. Yes.

Q. So an issue arose, insofar as far as you're concerned, regarding Lieutenant Colonel Waterworth; is that right?

A. Yes, I -- yes.

Q. And just in terms of the timeline, I think this was in August 2014?

A. Correct.

Q. And in your witness statement you say, and this is really just to hang a date on it before we go to documents, you say in paragraph 277:

"On 27th August 2014 [you] spoke to the Director of Service Prosecutions about [your] concerns in relation to Lieutenant Colonel Claire Waterworth and [your] belief there should be some form of recusal."

A. Yes.

Q. So can we just have a look, please, with your help, at some of the documents because the documents at the time may be of assistance in what was being said. At tab 12, we've got an email chain and you may, in fact, just want to turn this up in your paper bundle because it may help you to flick around, bundle 1, it's the one that's got "1" on the top of it and it's tab 12.

As ever with these emails, sometimes you have to go a bit forward and backwards to find the right order of things and they're not necessarily in the order of always top to bottom and we're going to see some parts are repeated. Have you got tab 12?

A. Yes, I have it here.

Q. And if you wouldn't mind going to 12-5 and we've got to sort of dive in somewhere, but I hope if we do it through this, we can follow the chain through in at

least a reasonably sensible way without undue duplication. So this is an email of 20th August 2014 and it's from you, we can see there, to Brigadier Bill Warren; is that right?

A. That's correct.

Q. And the references are -- there's another document. There's -- I think you say "localbail", I think you're referring to a specific case; is that right?

A. That's correct.

Q. And that's a case relating to recusal and bias; is that right as you understood it?

A. As I understood it, yes.

Q. And you're also referring to the CPI, the Criminal Procedure and Investigations Act.

A. Yes.

Q. So this is, whilst it's in an email, we can see the very familiar to us now staff format. At the top you're setting out "issue", what is this about? So it's:

"Proposed course of action to deal with the potential of a conflict of interest" and it relates to Lieutenant Colonel Waterworth and Colonel David Neal as he then was.

A. Yeah.

Q. And then we've got your recommendation, "Seek urgent legal advice, seek policy advice from DJEP on

presentational" and then "Provide direction".

So effectively you're saying, "Get some advice, and then make a decision and let me know."

So background. Can we -- because here at paragraph 4, I think you set out really in a nutshell what the problem may have been.

"So Operation Northmoor is the main effort for SIB, and will subsume considerable resource for at least the next two years. The focus of the investigation is the treatment of detainees within UK holding facilities in Afghanistan during Op Herrick."

Now, in fairness, this is Team 2, is that right, you're talking about there?

A. Both Team 2 and Team 1.

Q. Both Team 2 and Team 1?

A. Yeah.

Q. Right. Now, the CO SIB regiment, and that's the proposed appointment?

A. Yes.

Q. "Lieutenant Colonel Waterworth will have considerable access to sensitive information and a deciding role in the prioritisation of assets to support [I think it's the investigation] as well as being able to influence lines of enquiry. In addition, she will have an MS reporting role over almost all Op Northmoor staff."

Now, just pausing there, is this going back to the issue we were talking about before, Gold might be the strategic leader but didn't have the authority over the people who were actually doing the stuff?

A. Yes.

Q. The investigations; that was the commander of the SIB?

A. That's correct.

Q. And that's the position that Lieutenant Colonel Waterworth was about to be appointed to?

A. That's correct.

Q. So that's the context for where we're going to. She wouldn't have been the Gold or the Silver for Op Northmoor but, as you're saying, would have considerable influence, as you, or whoever would have to go via her to get things done?

A. That's correct.

Q. Thank you.

"Whilst Lieutenant Colonel Waterworth has not been previously connected with the handling of detainees, her husband, Colonel Neal, had been directly responsible for the inspection of holding facilities, the development and implementation of a detainee policy, including dealing with complaints, and has professional responsibility for a considerable proportion of staff who have been employed in these roles and may therefore

be subject to investigation."

So again, just to put some of the meat on those bones with your help, your concern is not Colonel -- well, not directly Colonel Waterworth, it's Colonel Neal; is that right?

A. Yes I'd just like to say at this point that I have huge respect for Colonel Waterworth and never, ever thought that she was morally compromised or professionally compromised at all but, again, it comes down to this perception aspect. One of the reasons for writing this document was questions that were being raised to me by SIOs, DSIOs about the propriety of someone who was in charge of an investigation that we were investigating, and how that information could be protected.

Q. Because the point, if I've understood it, is that it may not be set out explicitly here, that Colonel Neal had the potential to be a witness --

A. Absolutely.

Q. -- or maybe even in extreme circumstances, who knows, a suspect, or certainly had direct involvement with the matters that you were responsible for investigating?

A. At that stage, I was considering that at minimum, he would be required to be a corporate witness on the structures of detention in Afghanistan, and the mechanisms for dealing with complaints.

Q. And so your issue is that the perception of bias or question marks that might be made about independence?

A. Yes.

Q. Thank you.

So I'm not going to go through all of these email chains, I hope only the parts of the important points, that we will get there. If you now turn backwards to page 3, and if we go to them:

"In advance of the VTC [video telephone conference]"?

A. Yeah.

Q. A bit of an old-fashioned phrase now.

A. Yes.

Q. "... please see the issue and the notes sent to the head of the SPA" and then you're providing some details.

Then this is an email from you to Russ Jackson and Martin Bottomley and they're from the GMP.

A. Yeah.

Q. And cc Paul Williamson, who's NCA. So you're now bringing into this the outside advisers; is that right?

A. Yes, that's correct.

Q. And again, just to summarise what you've set out there, Brigadier Warren has said, "Andrew" and that's addressed to, I think, Andrew Cayley, who was the Director of Service Prosecutions:

"I'll try and ring you before you take leave, but I want you to know ..."

He says he's spoken to the Deputy Director:

"Having been advised by ADPM investigations, there's a reasonable perception of a lack of impartiality."

Then if we go over the page, we can see that he sets out that he's taken legal advice from his own legal adviser and from DGALS. Is that the Director General of the Army Legal Service?

A. Yes.

Q. And he would like to discuss it?

A. Mm-hm.

Q. And then his sort of three sub-bullet points note that:

"The investigative interest is best served by the RMP continuing to investigate the allegations grouped into Op Northmoor".

And again, for context, this is in "Should it be the RMP or should it be a completely different force"?

A. Correct.

Q. At the second bullet, it says:

"Claire Waterworth is one of my most experienced army and Military Police Officers."

And his conclusion stating:

"If you removed her from command, and replaced her, that suspected the command of SIB in Northmoor would

be less effective".

So there's certainly, it seems, a vote of confidence in her professional ability and skills.

A. Mm-hm.

Q. And then at the -- he goes:

"If you were to agree ..." he's talking about mitigations by formally recusing potentially Colonel Neal.

And then at the bottom he says:

"So what? I'd like to discuss whether or not you share my view."

And, as he goes over the page to say, he's recognising the importance of a perception of a lack of impartiality:

"Given her husband is my principal deputy, SME on operational detention matters and has acted as such, and that it would be a significant step to remove her from command and replace her with an officer who is perhaps not as well suited to the appointment."

Yes?

A. Yes.

Q. I mean, it's a tricky issue, isn't it?

A. Very.

Q. So if we turn, please, to tab 11-2, we've then got an email from Martin Bottomley to you where he wants to

formalise his discussions; is that right?

A. Yeah.

Q. And if we turn over to 11-3, we've got -- this is, in fairness, the note from Mr Bottomley, his note of the meeting; is that right?

A. Yes.

Q. And set out at some length is the background and what was discussed; is that right?

A. Yes.

Q. And I think if we go to 11-6, we get to the advice that the GMP provided; is that right?

A. Yes.

Q. And so the first bullet point:

"They [GMP] remain of the view that it is correct that the RMP should continue to carry out Northmoor", yes?

A. Yes.

Q. They state though:

"However, based on the known facts, previous issues around the independence of the RMP as the appropriate investigating authority for military detention and abuse allegations in Iraq, and the real possibility of a perception of a bias or lack of impartiality arising should Lieutenant Colonel Waterworth be confirmed in the role, then GMP notes that a simple solution would be to

not confirm the appointment."

Then they note in the second paragraph GMP acknowledge that that is obviously a matter for the military command and that there's the potential for a detrimental impact to managerial oversight of other investigations, if she wasn't.

Then they continue:

"Should the RMP choose to confirm Lieutenant Colonel Waterworth as the regimental commander, then GMP would advise the following action in order to minimise any conflict of interest and any perception of actual bias."

And then they say:

"The command structure would be structured so as to remove Lieutenant Colonel Waterworth from the chain of command for the operation. So they would then report directly to Lieutenant Colonel McAllister, who would then report in turn to Brigadier Warren."

So can you just explain what that sort of proposal is, please?

A. It was proposing what I'd been advocating for, which was effectively to give me C2 command and control of the individuals within Op Northmoor to avoid these potential conflicts of interest by involving people that may not necessarily have an actual necessary role within it.

Q. And they conclude:

"This measure would provide clear and independent governance for Op Northmoor whilst affording a degree of protection against any allegations of impartiality against Lieutenant Colonel Waterworth in her role as regimental commander."

A. That's correct.

Q. So that was GMP's advice in relation to impartiality and conflicts of interest.

A. Mm.

Q. And in fact, going right back to some of the documents at the start, was that one of the reasons for this sort of issue that GMP were brought in --

A. Very --

Q. -- questions about independence on the RMP investigating its own?

A. Yeah, very much so. It was -- it had to have an external perspective of what we may not see, because we're too close to the problem.

Q. And what was the decision that was taken?

A. I can't recall a meeting where the actual decision was communicated to me, but I'm aware that Colonel Waterworth was appointed as CO SIB and it was some time after that before any form of changes in command took place.

SIR CHARLES HADDON-CAVE: There were changes, were there?

A. Much later down the line, sir.

MR POLNAY: Just before we move on from this chapter on to the next bit, just to be clear, as I think your concern, you're being explicit, was not about in any way the professionalism or --

A. Certainly not.

Q. -- relating to Colonel Waterworth; it was the perception because her husband was someone who had potentially an interest -- I don't mean an interest in Op Northmoor, of course, everyone did -- but had potential to be a witness or potentially even a suspect?

A. Yes, it wasn't about her; it was about the perception.

Q. It was about the perception because of who she was married to?

A. Yeah.

Q. Thank you very much.

SIR CHARLES HADDON-CAVE: Mr Polnay, do you mind if we went back to 12-4 for a moment?

MR POLNAY: Certainly.

SIR CHARLES HADDON-CAVE: And the middle bullet point, starting:

"Claire Waterworth is one of my most experienced officers."

Then it's about seven lines down:

"If I was to remove her from command rather than

limit my mitigations, to formally recusing her husband from any interest in the conduct of the investigation and replacing her with another officer, I suspect that would be less effective."

Can you help us with what was meant by formally recusing her husband from any interest in the conduct of the investigation?

A. I can't speak to what the Brigadier was thinking about that, sir. This was prior to me approaching him about Brigadier -- Colonel Neal becoming Provost Marshal.

SIR CHARLES HADDON-CAVE: He became PM(A) subsequently?

A. Yes.

MR POLNAY: The next topic is, in fact, Brigadier Neal.

We've got the concerns that you've raised, and we've got the mitigations that GMP said should be put in place because of a perception of bias relating to Brigadier Colonel Neal at the time, in relation to Lieutenant Colonel Waterworth. I think we know what in fact happened was Brigadier Neal became PM(A).

A. Yes.

Q. And that meant he was responsible overall for Operation Northmoor?

A. Yes.

Q. So never mind that he was married to someone who might have an impact or an indirect impact; he was now overall

in charge?

A. Yes.

Q. Did you consider that amounted to a conflict of interest?

A. It -- as I go on to say, it's one of the reasons why I resigned in January 2016, his appointment or anticipated appointment.

Q. And did you think it was appropriate, given the matters you've set out about his direct involvement, that he should be responsible and in charge of and have the ability to direct those that were investigating?

A. As I say in my statement, and in the notes I made at the time in relation to my conversations with Brigadier Warren, I didn't think it was appropriate.

Q. It was your view he had a clear conflict of interest?

A. It was my view that he would still possibly be required to provide a statement in relation to, if nothing else, the organisational aspects of detention, and whilst, you know, there was no, in my view, allegations at that time of improper conduct, it's the external perception of others of him having control over a matter, investigating a matter, that he was responsible for.

Q. And I think it's right you raised those concerns with Brigadier Warren; is that right?

A. Correct.

Q. You also raised those matters with Captain or Navy Captain Darren Reed of the SPA; is that right?

A. Yes.

Q. It's set out in your witness statement.

A. I'm sure I did, yeah.

Q. You do, and he invited you to fill out a form 3, which is a formal request; is that right?

A. That's correct.

Q. Just to be clear, there's one further issue relating to Brigadier Neal's appointment I'll ask you about when we have a closed hearing, but again, just to flag there is still one further matter.

What was -- and can we just put aside for the minute the conflict of interest, but just so we have the full picture -- what was your view of Brigadier Neal, as a person?

A. It's always difficult, sir, because separating personal likes and dislikes from professional likes and dislikes is *(unclear)*. I didn't personally get on with him. We were amicable when we met, and professional when we met. I didn't like his management style, and it was as a result of that that I genuinely didn't -- just didn't want to work for him, as a commander.

Q. You'll understand why I ask this: do you think your personal views may have had an impact on your assessment

as to whether or not he had a potential conflict of interest, or do you separate those personal views and those professional views?

A. Someone -- some people may think that. I genuinely believe that I tried to separate the personal and professional, which is why I laid it out in the terms I did in writing: so that people could see my rationale and challenge that rationale if they thought it was personal rather than professional.

Q. Thank you.

So I'm just going to, now, just two last parts, which is about leaving Op Northmoor, and then I'm going to ask, if I may, for some of your -- in OPEN, for some final reflections on one or two matters.

So can I ask you to look at a document. That's tab 44-2. We can probably do this on screen. And this is an email. It was sent to you --

A. Yeah.

Q. -- by Martin Bottomley on 7 July.

A. Yes.

Q. Now, we can see there's a full email statement we can go to. This is at the time you were leaving, or you were going to leave?

A. Yeah.

Q. And in fact, this wasn't an email that you replied to?

A. No.

Q. Though, so others -- just to flag for later, though, in fact John Harvey, in fact, later made a reply to it. So it was dealt with.

I just want to ask you a few matters in relation to this. So Martin Bottomley is emailing you -- and I think it is just you; it wasn't to a very wide distribution list -- and he's cc'd in Russ Jackson from there. And he's noting your intention to retire shortly, and he wants to arrange a meeting to discuss some of the issues.

There's a document which sets out all of their involvement. And then, it says this -- it's actually the paragraph below. It says:

"We recognise Northmoor is a very unusual resource intensive case and that you're operating in an incredibly difficult environment. The obstacles, the staff, the complexity, the demandingness and the national security interest."

And they go on and they say:

"It is for these latter reasons above we are considering our independent views need to be shared with you formally."

Now, would it be fair to say this is a very polite way, perhaps, of saying to you these are their views on

what are important issues?

A. Yes.

Q. And I'm sure others can consider it, but they're perhaps sort of laying the groundwork for what might be some criticisms, or matters they want to highlight to follow.

A. Yes.

Q. And if we could go, please, to the next page there. And I'm not going to go through all of these, you may or may not be relieved. But then they put their main concerns as follows, and I just want to deal with what they raise. And this is at 2016.

So they raise the role of Gold and the inherent risks in this collapsing into an OIOC or SIO-making decision role.

A. Mm-hm.

Q. Is this something they'd raised with you before, where sort of decisions were being made at a senior level?

A. Yeah, this was probably a continuation of the conversation we had yesterday, sir; the questions you asked yesterday about when does a tactical decision become a strategic view.?

They had particular views. And exactly as I said to you about pushing back, had I seen this, it would have given me the opportunity to identify what particular roles or particular decisions he thought were

collapsing, and to determine whether or not I'd made those decisions from a basis of a knowledge of the military system, and I could explain that to him, and he could then challenge that. That's generally the relationship I had with both Martin and Russ.

Q. Thank you. The next point, if they are separate points, I think, are the continuity of staff, particularly at Gold and OIOC level.

A. Yeah.

Q. Now this was, in fact, a point we know, because you've given evidence about it, that you have had flagged on your appointment regarding continuity; is that right?

A. That's correct, yeah.

Q. And in fact, we can see from the chart being four(?) Silver Commanders?

A. Yeah, and when you look at those timelines, the military term is "non-effective". So although the individual was in the post, they may have been off sick and therefore not actually doing the role, and that was being picked up by me or by Captain Wright or Captain Robbins.

Q. I mean, would it be fair to say this is -- because we know you highlighted this on your appointment, on your appointment at the start of this, for whatever reason, this was still -- this regrettably was still an issue; as it had not been resolved?

A. Yes.
Q. We've then got the critical role of the SIO including, you mention, continuity, which is another aspect of the same point?
A. Yeah.
Q. And appropriately experienced?
A. Yes.
Q. And again, I think the issue regarding experience was something that you'd flagged at the start, and as you'd explained regarding the role of MS and other "small P/big P", regrettably had not been involved. That was as it was at the start; is that right?
A. That's correct.
Q. We've got the regularity and structured agenda of fully minuted Gold meetings, and I know we've been over that, but again, is it fair to say that was an issue at the start, and regrettably it appears it was still an issue then?
A. I think it started out okay. I think we had the first sort of six months or so and then, as I said, I think it tailed off and I don't think it got any better.
Q. Yes. We've then got -- and this perhaps falls into part of the strategy that we were discussing -- clearly defined terms of reference for each senior role and each strand of it. And again, that was sort of an ongoing

issue?

A. Yeah.

Q. And then one of the points they raise is the decision making of Team 1 SIO in relation to declaration of suspect status and rationale for allowing "suspect", in quotes, to remain operational, apparently without full appreciation of attendant risk in not notifying appropriate higher authorities. So it appears they had some concerns in relation to that issue?

A. There's a matter that I think we'll be covering in CLOSED, which may not be apparent from that statement, sir, that I would rather make a comment later.

Q. We'll comment on that later.

We'll turn to you personally, in a minute.

I appreciate this is only just some of the matters, but these are the matters they feel they need to raise.

A. Yeah.

Q. In terms of your tenure as Gold, at least in relation to some of those issues, as a matter of fact, those that you raised at the start, it wasn't possible to resolve them, or you weren't able to resolve those during your tenure?

A. No, sir. It -- yeah, I didn't. I couldn't.

Q. Can I ask you now, and we can do it reasonably briefly, the reasons why you decided to leave -- and you didn't

just decide to leave Northmoor -- why you decided to leave the armed forces after, I think, 37 --

A. 37 years, yeah.

Q. After 37 years.

A. I could have served for another sort of four or five years; I had a commission until I was 55. But the two years of Op Northmoor, and some personal circumstances, were such that it just became too much, and the impending change of Provost Marshal, that I've explained earlier, I felt the relationship that I had with Brigadier Warren, although not perfect, was very professional. And I didn't feel that that would continue under Brigadier Warren.

For personal reasons, I had to give a year's notice, which started in the January 2016, which is what I did, which is when it all started to become apparent. However, unfortunately, in sort of July/August, I became unwell. I didn't believe that I was in a position to be able to discharge my duties to the standard I expected, and I informed Colonel Morris that I wouldn't be returning, and I was declared unfit for duty for the remainder of my service.

Q. You've mentioned Brigadier Neal.

A. Yeah.

Q. And, to be blunt, the fact you didn't want to work for

him?

A. Correct.

Q. Has Northmoor had an effect on you?

A. Massively. It's -- the pressures of constantly fighting over so many different things on top of everything was -- it's easy to look back than it is at the time when you're actually seeing it, but it was overwhelming. And I think that, had I had the ability to be more self-reflective and step back, I would have seen that. And despite the fact that I did, on a number of occasions, try and hand over Gold, I tried to do different things to make it happen, I focused too much on being the army officer who follows orders and tries to make the best of a bad situation, and I shouldn't've.

Q. We're 10 years on. Does it still have an effect on you today, do you think?

A. Aspects of that, but aspects of former service elsewhere absolutely still has an effect on me.

Q. Really, in conclusion, I just want to ask for your help on one or two matters, and you deal with them -- it's at paragraph 332 in your witness statement, your overall impression.

You set out how you believe you did the best with the resources that you had, and that your view is the RMP -- and I think you're saying corporately wanted an

effective investigation. And you've said yourself a number of times you personally, as Gold, you wanted an effective investigation?

A. Yes.

Q. And an independent investigation. That's what you wanted?

A. Yes.

Q. So far as -- and it's at paragraph 334 -- your conclusion is that Op Northmoor was not effective. You do not believe it was effective. You do not believe it was conducted expeditiously. Does that remain your view?

A. Yes.

Q. As someone who was Gold Commander?

A. Absolutely.

MR POLNAY: Mr McAllister, those are the questions that I've got for you.

Sir, do you have any further questions for Mr McAllister?

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

Is there a matter?

MR GREANEY: There's a short matter of detail, sir, if I may.

SIR CHARLES HADDON-CAVE: Indeed.

MR GREANEY: It's very short. I'm happy to deal with it now

or once you've addressed the witness. Whichever you think is best.

SIR CHARLES HADDON-CAVE: Shall I address the witness first?

MR GREANEY: As you please, sir, yes.

SIR CHARLES HADDON-CAVE: Mr McAllister, can I thank you very much again for coming to give evidence to me and to the Inquiry Team. Can I thank you very much for the very clear and comprehensive way in which you've answered all Mr Polnay's questions. Your evidence has been very helpful, and I am very grateful. I hope that this experience of coming to give evidence has helped clarify various matters.

THE WITNESS: Thank you.

SIR CHARLES HADDON-CAVE: It certainly has for me, and I would invite you to put all this in the rearview mirror and leave the considerations of these issues to me, which is my job.

THE WITNESS: Thank you, sir.

SIR CHARLES HADDON-CAVE: I wish you well. Thank you very much indeed.

THE WITNESS: Yes, sir.

SIR CHARLES HADDON-CAVE: Mr Greaney?

MR GREANEY: Sir, the small matter of detail that we wanted to raise relates to an exchange between Mr Polnay and Lieutenant Colonel McAllister that started at 10.42 and

19 seconds. So this is page 30, line 7 of the transcript --

SIR CHARLES HADDON-CAVE: 10:42:19?

MR GREANEY: 10:42:19.

SIR CHARLES HADDON-CAVE: Thank you. Let me just find that. Yes, thank you.

MR GREANEY: Sir, Mr Polnay, no doubt out of fairness to Mr McAllister, as I know he wishes to be described, said this: "In fact, just for your information and so no one is misled, in fact the Inquiry has been informed that I think last year, or maybe the year before, the Defence Serious Crime Command had indeed withdrawn from the Court of Protocol."

And, sir, according to my ears, but not transcribed, the witness said, "I'm pleased to hear that."

That in fact is not the matter of detail. The matter of detail is this: that it was, in fact, the Royal Military Police and not the Defence Serious Crime Command that withdrew from the protocol. They did so by a letter dated exactly three years ago, so dated 30 October 2023, in a letter from the PM(A) to DSF. And as we understand it, the DSCC has never entered into a similar protocol with the Special Forces.

That's all, sir.

SIR CHARLES HADDON-CAVE: Mr Greaney, thank you very much

indeed for clarifying that.

MR POLNAY: I'm very grateful for the corrections to my evidence, sir.

SIR CHARLES HADDON-CAVE: I don't think Mr Polnay was wishing to give evidence, but insofar as he did, thank you very much for that clarification, and it's all understood and recorded. All right.

Can I say thank you again to the witness. It's time for a cup of coffee, I think.

THE WITNESS: Thank you, sir.

SIR CHARLES HADDON-CAVE: And can I thank everybody for their quiet attention and for the arrangements that have been made for this open hearing. There will, as you know, in due course be a further occasion where we may seek your assistance.

THE WITNESS: Thank you, sir.

SIR CHARLES HADDON-CAVE: I'll rise now, please, and can all the documents and so on be looked after carefully. Thank you very much indeed.

(11.34 am)

(The hearing adjourned)

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Questions from MR POLNAY (continued) 4