Thursday, 29 October 2026

(9.57 am)

THE USHER: Good morning. This is an open hearing of the 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

25 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 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 temporarily be 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.

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.

(10.01 am)

SIR CHARLES HADDON-CAVE: Mr McAllister, good morning. Thank you very much indeed for coming to give evidence to me and the Inquiry. Thank you very much for your

very detailed witness statement, which I have studied carefully. This isn't, in any sense, a memory test. Leading counsel will help take you to those parts of your evidence, which are particularly pertinent, and any documents.

THE WITNESS: Yes, sir.

SIR CHARLES HADDON-CAVE: All right?

THE WITNESS: Yes.

SIR CHARLES HADDON-CAVE: Can the witness be sworn, please. Thank you.

LIEUTENANT COLONEL JOHN McALLISTER (sworn)

Questions from MR POLNAY

SIR CHARLES HADDON-CAVE: Thank you.

Mr Polnay.

MR POLNAY: Can you state your full name, please.

A. John Derek McAllister.

Q. Mr McAllister, you received a request from the Inquiry under Rule 9 of the Inquiry Rules 2006 to provide a witness statement; is that right?

A. That is correct, sir.

Q. I think you provided, in response, a witness statement with 13 exhibits dated 21 August 2025?

A. Correct.

Q. In preparation for this hearing, you've had a chance, I think, to review that statement and those exhibits, as

well as a number of other documents we've got in the three red lever-arch files in front of us; is that right?

A. We have.

Q. Mr McAllister, I'm only going to ask you about some of the things that are dealt with in your witness statement and some more general points that surround Operation Northmoor and your involvement with that but you understand your witness statement in its entirety, and your exhibits, and other documents will be made available for the public and of course Core Participants to see.

A. *(No audible answer)*

Q. The first thing I want to ask you about, please, is your career, because it may be that your particular background and experience is of some relevance to the decisions that you were later to take and will assist us in understanding that. I think it's right you, in fact, joined the forces in 1980; is that right?

A. That's true, yeah.

Q. You eventually left in 2017?

A. Yes.

Q. So, by maths, that's 37 years of service; is that right?

A. That's correct.

Q. Now, in 1980, I think you joined the Royal Armoured

Corps as a junior leader; is that right?

A. That's correct.

Q. Please correct me if I've got this wrong, as I understand it, that's now a sort of disbanded service training regiment. I think it's now to be the Army Foundation College in Harrogate?

A. Yes.

Q. How old were you when you joined?

A. I was a month before my 16th birthday.

SIR CHARLES HADDON-CAVE: Gosh, that's young.

MR POLNAY: The Royal Armoured Corps deals with tracks, not wheels.

A. Yes, but the Junior Leaders Regiment was for Army Air Corps aspirants, Royal Military Police aspirants and Royal Air Corps aspirants.

Q. Is that what you wanted to do?

A. I wanted to join the Royal Military Police when I went there.

Q. I think you left there in about 1982; would that be about right?

A. That would be right, yeah.

Q. So, staying with the maths, just around when you were 18 or --

A. Just before.

Q. And you joined the RMP?

A. Yes.
Q. So your service from 1982 to 2017: 35 years --
A. Mm-hm.
Q. -- in the Royal Military Police?
A. That's correct.
Q. I'm not going to go through all of the postings and all of the detail, an overview I think will be sufficient. The most junior rank in the RMP is a lance corporal, isn't it?
A. That's correct, yeah.
Q. So you sort of start one rank up and I think you started on GDP, general policing duties; is that right?
A. That's correct.
Q. That's investigating volume crime, effectively --
A. Yes.
Q. -- and --
A. In Germany, that was the main task. It varied, depending which country you were in because of different jurisdictions and primacy rules.
Q. Whilst there's no direct read-across, is the closest thing in civilian policing a uniformed PC?
A. Yes.
Q. So a wide variety of duties depending on what's going on?
A. *(The witness nodded)*

Q. I think it's right, your first SIB involvement, or significant SIB involvement, was in 1986; is that right?

A. That's correct.

Q. Then, in 1986, you had an attachment to SIB; is that right?

A. That's correct.

Q. That was in Londonderry?

A. Yes.

Q. I think you explain in your witness statement, you were there investigating or assisting the investigation of serious incidents in Northern Ireland; is that right?

A. Yes.

Q. That included, I think, looking into issues where there was a question mark as to whether rules of engagement had been breached by soldiers who were serving there; is that right?

A. Yes, in support of the RUC, who had primacy.

Q. I'm going to come to that. RUC had primacy?

A. Yeah.

Q. And would it be fair to say at the time you were a fairly junior soldier?

A. Very.

Q. No one is suggesting you were the SIO, or anything like that, but that is your first experience of ROE --

A. Yes.

Q. -- and soldiers in a perhaps slightly more difficult situation. It may be you obviously did well or they liked you in your work because, in 1988, I think you underwent selection for SIB; is that right?

A. That's correct.

Q. In a sentence or two, what does that involve? What is selection for SIB?

A. After you've done your six-month attachment, if you've received a recommendation to go into further training, you do what's called -- or you used to do what's called the Intermediate Special Investigation Course which is about ten weeks of learning. It's analogous to the initial CID course but under military law, rather than civilian law. And then you go before a board and you're scored as to whether -- amongst your contemporaries as to whether or not you'll be selected for one of the vacancies and, if you are, you're then selected for sergeant.

Q. So you have a look at it, see whether it suits you, you suit it, then the training, then the action for the --

A. Yes.

Q. -- the assessment. I think about 1988, that was, and you got promoted to sergeant?

A. Yes.

Q. 1993, staff sergeant?

A. Yes.
Q. Then in 1994, I think it's right you were posted in Germany; is that right?
A. Correct, yeah.
Q. That is, I think, a fairly typical type of posting at that time?
A. Yes.
Q. That's for green army generally but, in particular, for RMP, who would have had a significant presence there because there was significant UK troops posted there and I think that was your -- whilst in Germany in that posting, you became involved in what was your first homicide investigation; is that right?
A. That's correct, yeah.
Q. That, I think from the description you gave, it was quite a high-profile case at the time; is that right?
A. Yes, it was, yeah.
Q. It was an allegation of murder --
A. Mm-hm.
Q. -- and the suspect -- I'll come onto it -- it was Christine Dryland --
A. Yeah.
Q. -- of Marika Sparfeldt; is that right?
A. Yeah, that's correct.
Q. In a nutshell, the allegation that was being looked into

it was the wife of an army major ran over his mistress; is that right?

A. Yes.

Q. So a lot of scrutiny on that at the time?

A. Very much.

Q. And, for what it's worth, I think that resulted in an accepted plea to manslaughter by reason of diminished responsibility and, in that case, you were the arresting officer; is that right?

A. Yeah.

Q. And you were also the interviewing officer?

A. I was, yes.

Q. 1992, I think you were promoted to warrant officer second class, and posted, I think, to Bosnia; is that right?

A. That was one of the places I went to.

Q. One of the places. Then warrant officer first class in 1998; is that right?

A. Correct, yeah.

Q. One of the postings there again, not a domestic placement, to Kosovo; is that right?

A. No, sir, I did some work from inquiries in Kosovo because my staff were forward deployed there.

Q. So your staff were forward deployed but you were there?

A. Yeah.

Q. Again, is it right that as part of the role that you were undertaking, that involved managing investigations that included, whilst in Kosovo, Armed Forces personnel were alleged to have breached the rules of engagement --

A. Yes --

Q. -- and were alleged to have killed civilians?

A. Yes, sir.

Q. One thing you mentioned in your witness statement, and it's not clear the point, is that at some point you were offered the opportunity to change your terms of service and become a direct entry, a DE officer?

A. Yeah.

Q. When was that?

A. I can't remember precisely, sir, but basically because I was -- I came up through the ranks, my career was limited in terms of how far I could go and the type of work I could do under the rules that were in place at the time and the only way to change that was to be -- volunteer and selected for Direct Entry Officer which changed *(unclear)* as if I'd gone to Sandhurst, rather than there. There are downsides to it, from a personal point of view, but from a career perspective, it opens up greater opportunities.

Q. Is that something you did?

A. It is, sir.

Q. It is? So you then -- understood. I think in 2001 you became a captain and were you commissioned as a captain?

A. Yeah, everyone is commissioned from WO1 as a captain but this happened when I was being promoted to major or when I was a major.

Q. I understood, I think. So you commissioned as an LE officer?

A. That is correct.

Q. Is that right?

A. That's correct.

Q. You went through the ranks, commissioned as an LE officer and, as we'll come to later, I think, in 2007, you were promoted to major?

A. Yeah.

Q. But then your type of commission changed --

A. That's correct.

Q. -- to a DE officer?

A. Yeah.

Q. Understood. Would it be fair to say that's pretty unusual?

A. Yeah, at that time, there was maybe a handful of people who'd done it in the last decade.

Q. As I understand it, and please tell me if I've misunderstood the commissioning regulations at the time, as an LE officer, in practical terms and maybe even by

the rules, the most senior rank it would be possible to reach would be, I think, a Lieutenant Colonel --

A. Yes.

Q. -- and that would be pretty exceptional?

A. Mm.

Q. But as a DE officer, there's no, in fact, ceiling?

A. That's correct, yeah.

Q. Understood. Right. So you became a captain in 2001, having commissioned as a late entry officer, having come up through the ranks. I want to now ask you -- and this is a change of topic -- to ask you about a deployment that you undertook whilst you were a captain. This is dealt with at paragraph 29 of your witness statement for anyone following.

For reasons of national security, I'm not going to ask you about the precise date and I'm not going to ask you about the location of this investigation, for reasons which I hope are obvious.

So at this point you were captain. So you're, what, the commander of an SIB section; is that right?

A. That's correct.

Q. Eight investigators --

A. Yes.

Q. -- of no doubt a variety of experience. You were, I think, charged within a number of investigations,

which involved an allegation of, again, breach of rules of engagement in which civilians were alleged to have been killed or seriously injured; is that right?

A. That's correct.

Q. Would it be fair to say this was a difficult investigation?

A. This particular one that I refer to in my statement was especially so, yes.

Q. Now, there's a limit to the details that I can ask you about in OPEN. It may be we can go into some more detail in CLOSED, if necessary. But were the subjects of the investigation UKSF?

A. Yes, they were.

Q. You carried out, you conducted the investigation, or you supervised --

A. Yeah.

Q. -- and led those who were conducting it. It was sufficiently complex that you sought, from headquarters of Provost Marshal (Army) --

A. *(The witness nodded)*

Q. -- forensic support, additional forensic support --

A. *(The witness nodded)*

Q. -- and also to try to deploy HOLMES --

A. Yeah.

Q. -- in this particular location where there was not

HOLMES, the police Home Office Large Major Enquiry System; that wasn't available. However, that support was not provided to you; is that right?

A. That's correct.

Q. Nonetheless, your assessment was that your team did an excellent job; is that right?

A. I believe so, yeah.

Q. So I just want to ask you about a number of matters, just in relation to that investigation, that may or may not bear on what we *(unclear)*. So UKSF at the time -- and in fact at the time of Operation Northmoor -- there was a protocol, is that right --

A. *(No audible answer)*

Q. -- that governed access and interactions between the RMP SIB and UKSF; is that right?

A. That's correct.

Q. How did you find the operation of that protocol?

A. It was very challenging, from an investigative point of view because it built in a 24-hour delay, which, my understanding is, was intended to allow the person who'd been involved in a particular incident to decompress, de-stress from a particular situation, before they could give evidence.

My concern was that, in my view, this was being used as a mechanism to delay the service police until such

times as the particular service personnel could be debriefed by their own staff and that would possibly shape the evidence that they then provided to us.

Q. Were there any other challenges that came from investigating UKSF that you'd like to ...

A. Yes. Access to information and I can talk about -- I'll talk about access to information first and foremost. I need to be a little bit careful here about people who are involved in that patrol.

Q. Yes. I'm not asking for any sort of names or any --

A. No, that's fine.

Q. -- or the people involved. I'm just interested in sort of more of what was the structural or the barriers, if there were any.

A. It's very important to recognise that we needed to understand everyone who was there and just getting simple information as to which British and international organisations may have been represented in that group, was not forthcoming. It was very, very challenging to get that information. On top of that, the part of the protocol was that a -- the term used at the time was "legal adviser", would be present at the interview with the SF and that person's role was intended to be to protect national security, so that any statement that was taken did not go above a classification that was

likely to cause issues with, you know, current operations, compromise tactics, intelligence, et cetera.

The challenge is that there was a widely believed perception that the army lawyers who were acting in this capacity were not acting as disclosure officer but were actually acting as legal advisers to SF.

Q. Okay.

A. And also that the information from those interviews was being fed back to the SF chain of command.

Q. I'll come back to, if I may, a bit later on in the very specific context of Operation Northmoor, what happened there. Now, I think you set out in your witness statement your conclusion, your personal conclusion, that the actions of UKSF in this particular investigation, it was your view that they in fact amounted to murder; is that right?

A. Yes, it was.

Q. However, it's right to say that no prosecution was brought --

A. That's correct.

Q. -- no doubt having been decided by those responsible that the test was not met.

Nonetheless, that was the view that you took away from it; is that right?

A. That's correct.

Q. To be clear -- and there's, again, limits to what can be said in OPEN -- I think you set out that a review came to a -- I'm not going to give any details -- came to a similar view.

A. Correct.

Q. But, in fact, the position remained: no charges were brought?

A. That's correct.

Q. One final point, just because the development might be important, this time you conducted this investigation was before the Armed Forces Act 2006; is that right?

A. That's correct.

Q. So that meant, at the time, there weren't the statutory protections for independence which we're going to come to later for the RMP; is that right?

A. That's correct, yeah.

Q. And also very specific search and seizure powers --

A. Correct.

Q. -- again, which we'll look at later.

Just before we move on from this particular chapter, I think you set out there was, during this period of time, a further investigation which you conducted that involved UKSF, if I can put it that way?

A. Yeah.

Q. You also said there were a number of administrative and

policy challenges which made that investigation more difficult; is that right?

A. That's correct.

Q. When you say "more difficult" -- I think you say "quite difficult" actually -- we're talking about by comparison to if the matter that you were looking into involved regular army?

A. Yeah, there had been a similar incident involving regular army on the same deployment and the approach that -- or the reception that we received to doing things was entirely different.

Q. Okay. Right. I want to ask you now about some specific training that you received. I mean, I'm not going to go through the list -- we'll be here for some time -- at paragraph 26 of the number of courses and training you went on in your time.

Can I ask you about a general sort of overview. We see, looking through this, there are some courses which are classified as sort of further education or higher education, of an academic type bent. They're obviously still relevant. There are some very sort of military courses, one of them you've got is basic military training and then we've got -- and then sort of NATO ones, as well. But then we've got quite a few which appear to be training with Home Office police forces; is

that right?

A. That's correct, yeah.

Q. Are you able to give us a bit of an overview: what's the relationship between RMP training and Home Office training and good practice?

A. It's really difficult because we have to adopt best practice within the military police because, at the end of the day, a court-martial is a court of law and abides by the same rules as others. But the legislation that we have to apply can be significantly different because when the Armed Forces Act is brought in, it has provisions which relate purely to overseas operations. So for example, our custody times are different, our powers of entry and search are different, our powers for warrants are different.

And the Armed Forces Act, when it was written, is designed to keep the commanding officer at the heart of the military justice system. So that means that things that the police would normally do, so for example, go to a magistrate to get a warrant for further detention, we would have to go to the soldier's commanding officer for that. So there was an inherent sort of rub around there, that when you're doing civilian courses, you're constantly trying do what they want you to do to pass the course but, at the same time, recognising that

actually in a military environment that wouldn't work, simply because the legislation or the practicalities of it are not the same.

Q. So to draw that together, I hope fairly, there's different legislation and sometimes different powers?

A. Yes.

Q. And then there are different contexts; is that right?

A. Absolutely, yeah.

Q. One of the things we're going to come to later is the challenges of investigations that take place abroad?

A. Mm-hm.

Q. However, when it comes to serious investigations -- and I'm talking sort of SIB and some of the matters you we're involved in later -- as to best practice, with obviously appropriate modifications for military context, would you generally adopt best practice for civilian policing?

A. Yes, wherever possible, yes.

Q. Now, whilst -- and so we can see, in 2002, so quite a while ago now, you went on the West Yorkshire Police SIO Development problem --

A. Programme.

Q. -- sorry, Development Programme. Can you explain, what's just the purpose of that programme?

A. It's ostensibly a course which is designed for civilian

police officers who have been previously involved in the investigation of serious crime, particularly murder, kidnap, et cetera. And it's to develop their skills and check that they have sufficient knowledge to conduct their own investigation as an SIO. It normally culminates in what was called, at that point, Hydra, which is an immersive event, sort of -- so sort of an old-fashioned press the button and make this decision and you move on to there, and make the decision and move on to there.

Q. Thank you.

A. Then that's supposed to be followed by a period where you get what's called PIP 3 accreditation, which means you do an investigation as an SIO, normally supervised. You'd create a portfolio and that portfolio is presented to -- I don't know who they are now, they change their name all the time but was the --

Q. College of Policing.

A. -- College of Policing --

Q. National Policing Improvement Agency.

A. Whichever. But it was presented to them and then they would sign you off as being a PIP 3, provided, of course, your portfolio met that and then you had an obligation to maintain regular, sort of, professional development training and get recertified every year.

Q. Okay, so in terms of -- there's two parts I want your help, please. First of all, PIP, we've heard about that.

A. Yes.

Q. That's obviously something you were familiar with because you became PIP accredited; is that right?

A. No, sir, that's not -- this is the key point, is that, at that particular moment in time, the only thing that we were allowed to do as Military Police officers was the first four weeks.

Q. A-ha.

A. So I did the academic phase but we never -- I never did the Hydra phase. I didn't do the --

Q. The second bit that you were referring to.

A. Yeah, and I didn't do a supervised and I didn't do a portfolio. It was something that I think only came in maybe four or five years ago, in RMP, from my understanding.

Q. Four or five years ago from now?

A. From now, yeah.

Q. Thank you very much.

In terms of SIO, we can see, I think it's in 2002, you did the SIO Development Programme, the one we're talking about. Roughly speaking, when was the first time that you acted as an SIO?

A. Probably 2003.
Q. 2003.
A. Yeah.
Q. Again, I'm not asking whether it's the same or a different matter, the matter you described earlier that I was asking you about involving UKSF and allegations of murder, were you the SIO for that or was that someone else?
A. I was the SIO for that one and there was one event before that which I was also an SIO but it wasn't a murder, it was a serious and complex matter.
Q. Okay. Some of the other courses we've seen include forensic science, serious crime investigations; is that right?
A. Yes.
Q. We can see later you did a missing person -- an SIO development day?
A. Mm-hm.
Q. You've mentioned that there's different legislation for Military Police from the Armed Forces Act but there is some legislation that applies equally, I think, or in very similar ways --
A. Yes, very.
Q. -- which includes the -- as was in force at the time we're concerned with -- RIPA; is that right?

A. Yeah, very much. RIPA is one of the few pieces of legislation that's relatively unchanged.

Q. RIPA, as this Inquiry is well aware, regulates, in particular, covert investigatory techniques; is that right?

A. That's correct.

Q. You, I think we can see in 2008, went on an authorising officers course; is that right?

A. Yeah, that's correct.

Q. 2011, a refresher course?

A. Yeah.

Q. And in 2014, an ACPO, Association of Chief Police Officers, RIPA authorising officers course?

A. That's correct.

Q. So is it fair to say that that legislation was something you were at least reasonably familiar with?

A. Yes, I was.

Q. Would that be someone who was applying or considering using them and also later someone who has a role in authorising?

A. Yes, I've been on both sides.

Q. Thank you very much. Just finally, we've got in 2014, you've mentioned about PIP 3, it says 2014 you went on a College of Police PIP 4 --

A. Mm-hm.

Q. -- strategic management of complex cases course. Does that mean you sort of went on the course but didn't get an accreditation or --

A. Yeah, exactly the same. I did the academic phase but not anything beyond that.

Q. Thank you. In 2007, I think it's right you were promoted to major; is that right?

A. Yes.

Q. That would be at the time, then, your commission was switched from LE to DE?

A. That's correct.

Q. As part of what you did as a major, you were deployed on Operation Herrick; is that right?

A. Yes.

Q. As we've heard, Operation Herrick was the UK Armed Forces deployment to Afghanistan; is that right?

A. Correct.

Q. Was this is the first time you'd been to Afghanistan?

A. In a role which -- I'd been there for another reason, sir.

Q. Okay. So I think in -- I think, whilst you were involved, I think -- sorry, I just want to get my time right.

You became, I think, at one point, second in command of the SIB regiment; is that right?

A. That's correct.

Q. That was a bit later. I think it's right, as part of Operation Herrick in your deployment, you were appointed the senior investigating officer, the SIO, for the allegation of murder committed by Sergeant Blackman; is that right?

A. That's correct.

Q. Again, just to be clear, as I'm sure everyone is familiar, he was convicted, I think, at the court-martial of murder?

A. Mm-hm.

Q. However, that was reduced on appeal by the court-martial appeal court and a conviction for manslaughter was substituted; is that right?

A. That's correct.

Q. Just to be clear, that was not a UKSF matter; is that right?

A. That's correct.

Q. I think Sergeant Blackman was a marine?

A. Correct.

Q. So just to highlight some of the experience that you would have got from being the SIO in that, first of all, that was an investigation or it involved events that took place abroad; is that right?

A. Correct.

Q. It involved, I'd imagine, extensive engagement with the service Prosecution Authority --

A. Yes.

Q. -- you say this in your witness statement -- and civilian King's Counsel?

A. Yes.

Q. I hope this isn't a very poor question: what was the issues with that, if anything?

A. We had a fundamental disagreement about the people who were charged along with him, about whether it was joint enterprise or not.

Q. So I don't want to put words into your mouth, just about differences in approach and the challenges in dealing with counsel; is that right?

A. Yes.

Q. One of the things you set out is the -- you say the trial and the subsequent court-martial appeal court decisions raised concerns in your mind as to the level of evidence that would be required if there would be any chance of a successful prosecution in a court-martial relating to UKSF.

A. Yes.

Q. So obviously you're saying this in the context of a statement about Operation Northmoor?

A. Mm-hm.

Q. Now, you'll know that the detail far better, perhaps, than anyone else but, in that prosecution of Sergeant Blackman, there was, in fact, audio and video footage of the incident?

A. Yeah.

Q. Which arguably showed quite a lot of context --

A. *(The witness nodded)*

Q. -- and showed quite a lot of clarity as to exactly what the events were, at least at that moment --

A. Yeah.

Q. -- that took place. I appreciate there was an issue regarding much broader context which became relevant.

A. Mm-hm.

Q. So is this is the sort of point, well, that was difficult enough, when you had actual footage showing, pretty much beyond argument, what happened on the ground?

A. Yeah.

Q. Is that what you're saying: well, when I brought this to Op Northmoor?

A. Yeah, the opportunities for evidence gathering in Northmoor were much more challenging and more complex than the Blackman case, for obvious reasons.

Q. So would it be fair to say that, later on, when you are Gold in Op Northmoor, one of the comparisons you were

inevitably going to draw, because of Afghanistan, because of an allegation of murder committed by troops, is: look how difficult that was with that evidence --

A. Yeah.

Q. -- having gone through the actual trial and appeal process, how does the evidence measure up against that yardstick?

A. Yes.

Q. Thank you very much. In 2013, I think you were promoted, is that right, again to Lieutenant Colonel; is that right?

A. Yes, that's correct.

Q. When you were Lieutenant Colonel, did you conduct some work as a reviewing officer?

A. I did do some reviews over that period although it wasn't within my bailiwick at the time.

Q. Okay, but you were asked to --

A. I was asked to do that.

Q. Just so we're clear, rather like we're going to hear of other people in Northmoor who came in to conduct reviews, that was something that you started doing --

A. Yes.

Q. -- is that right? In fairness, just because you mention it, some of the cases you conducted reviews on were serious cases -- is that right --

A. Yes.

Q. -- and high profile? One of them, I think, was you were the reviewing officer in the case of murder of Christina Menzies, is that right?

A. That was earlier, sir. That was actually while I was still a captain, I think.

Q. Still a captain but you conducted that --

A. Yeah, I did conduct that --

Q. -- that review then. Again, a case that received a lot of publicity --

A. Yeah.

Q. -- at the time and a high level of public concern?

A. Very much.

Q. That was a 16-year old girl who was found, I think, strangled near an RAF base --

A. That's correct.

Q. -- is that right? You instigated, I think, a thorough forensic review; is that right?

A. Yeah, I did that as a major -- I was involved in that case on three occasions: once as a captain; once as a major, where I did the forensic review or started the forensic review; and then there was a subsequent involvement, which --

Q. Is it right that forensic review led to opening a larger investigation?

A. Yes.
Q. So it's right to say that that case remains unresolved?
A. I believe so.
Q. Thank you. So we're about to come to your time at Northmoor. In terms of experience that you had at this point, compared to others in the RMP, as an investigator of serious crime -- I mean, you must have been one of the more experienced; the most experienced?
A. I would go as far as to say one of the most experienced. I wouldn't say the most. There may be others who would claim that. I certainly had a lot of experience.
Q. There's one last topic I want to ask about before we go into Operation Northmoor, and that does relate to Northmoor but it draws on matters before which is about the challenge of conducting investigations abroad --
A. Yes.
Q. -- and in particular, where there is -- where there's actually an active armed conflict.
A. Yeah.
Q. Because I think, as we are going to hear in detail, one of the matters that you had to consider and RMP grappled with, was the deployment of investigators to Afghanistan; is that right?
A. That's correct.
Q. One of the things that questions have been asked about

is shouldn't the RMP have deployed earlier and why were various things not done? You obviously had some involvement in that as Gold; is that right?

A. Yes.

Q. So whilst we've obviously got the documentation regarding, if not risk assessment factors that are being looked at, I do, if I may -- and it's for this reason only, I do want to ask about some of your personal experience because that may have some relevance and help bring to a bit of life the issues that you were confronting when considering deploying Northmoor investigators to Afghanistan.

A. Yes.

Q. I think it's right that you did deploy on Operation TELIC at one point; is that right?

A. That's correct.

Q. Operation TELIC was the British Armed Forces deployment to Iraq; is that right?

A. Yes.

Q. Now, I don't want to ask you great detail of it but I think there were a number of very serious and a number of tragic incidents in Op TELIC that related to the RMP; is that right?

A. That's correct.

Q. Is it right that during the Op TELIC deployment, six RMP

officers were murdered in Al-Majar al-Kabir --

A. That's correct.

Q. -- and three more RMP officers were murdered in Basra?

A. Correct.

Q. At the risk of stating the obvious, that must have been something that stuck in your memory?

A. It was. I mean, I don't claim to have any sort of specific knowledge of the people who had -- who passed but, from a Northmoor perspective, what it did do was make me recognise the need for force protection. Certainly, the six were self-protecting. They had no cover around them and, consequently, you know, we had such a tragic situation, so it made me make sure and emphasise to all my staff that the fact that we want to deploy a team doesn't mean that we have to deploy a team. We have to be able to deploy it safely.

Q. I think one of the things you say is -- it's obviously not the same order of seriousness -- but you saw firsthand that being stationary could and often would draw hostile attention?

A. Yeah, very much so.

Q. Rocks being thrown by crowds?

A. Yeah, it doesn't take much for a small event to escalate quite quickly and we found that quite often in Iraq and Afghanistan.

Q. Again, we're talking about risks to witnesses and I'm talking about potential civilian witnesses. There's, again, one matter, and I appreciate, on one level, it may just be an anecdote but all of these things sort of form part of a decision making.

A. I think the incident you're referring to, we were asked by a UK-based investigations team to conduct house-to-house enquiries in a particular location. We managed to go out there and conduct those house-to-house enquiries. We had to have two platoons of infantry around us to protect us because, obviously, when you're talking to a witness you're not protecting yourself, and we spoke to a huge number of people. And the following day, one of the interpreters came to me and I don't -- again, I don't know if this is true but it did have a massive impact. Sorry.

And he said, you know, "I hope you're proud of yourself"; a young girl of 14 had been killed by the crowd because she spoke to us. It was impossible to verify that, there was no real police force in place at that time in those locations but it did bring home to me the potential risk in the fact that we can't protect witnesses in overseas locations. So, you know, the police can offer protection to people in the UK but I can't do that in Afghanistan or Iraq.

Q. Can I move on to -- it's still part of the same topic but a different part. I think it's right, as part of a foreign investigation, you -- and I think this may have been Iraq -- you carried out two exhumations; is that right? It's very obvious but, for context, these are exhumations of dead bodies --

A. Yeah.

Q. -- to further homicide or an unexplained death investigation; is that right?

A. Yes, again, I don't pretend to be sort of fully aware of the cultural aspects of it but when someone was murdered -- or, sorry, killed -- in Iraq or Afghanistan, the cultural norm was for the deceased to be buried very quickly by the family and, in this instance, the deceased, in an investigation that I was investigating, was buried at Najaf, which is the biggest Shia cemetery in the world but it's quite a substantial distance from the British forces bases.

I wanted to exhume the body because there was a significant discrepancy -- obviously, it's the best practice -- but there was also a significant discrepancy between the witnesses' accounts and the service personnel's accounts of where and how the individual was shot, so I had to arrange for a UK forensic pathologist to fly out with his team from the UK. We built

a temporary mortuary in Shaibah base -- sorry, Shaibah airbase, as it was at the time.

We had to take a service asset out of the line to fly our people to the location. It had to stop to fuel on the way there; it had to be protected by an international force. When it landed in Najaf, we had to locate the grave and, within an hour of -- I think it was within an hour of locating the grave, the outer cordon -- which I believe was Poles, polish forces -- were receiving small arms fire.

So an exhumation would only ordinarily take 12 to 24 hours, minimum, we did two in an hour because it was either pick them up or leave and why I say two is because when one of my colleagues in the UK found out we were going to Najaf, he was investigating another matter from TELIC 2, and he asked me to pick up his deceased whilst we were there. So we did two exhumations.

Q. So one of the matters you mentioned before was the differences between civilian policing and military policing, and I'm sure any homicide investigator would say a postmortem is a pretty important part of a homicide investigation when it's possible. Of course it's not always possible.

A. Yeah.

Q. But a contrast, I'd imagine, to the UK. You were

explaining very significant military assets and you actually had people shooting --

A. Yes.

Q. -- at the people who were protecting your team --

A. Yes.

Q. -- whilst you were trying to conduct your investigation?

A. Yes.

Q. I think that the way you put it in your witness statement, it's a good question you're needing to ask yourself when weighing up the course of action: is this going to -- is this worth putting my policeman -- your soldiers', your investigators' lives at risk?

A. My primary concern must be the protection of my people. It has to be a balanced risk because we are service personnel, after all, and, by the very nature of our employment, we put ourselves at risk but I shouldn't be taking risks which can't be -- which have not been mitigate to the absolute minimum that I can make it.

Q. So again, to bring it to more sort of Northmoor relevance, when you're thinking, well, it would really help if we could have the bodies: these are the sort of factors that you're thinking about, not just as a risk assessment on a piece of paper?

A. No.

Q. It's having had experience of the military resources --

A. Yeah.
Q. -- and you perceived it as a genuine risk to the life of force protection --
A. Yes.
Q. -- or, you know, potentially, depending on the circumstances, and of course your own team?
A. You don't know where the risk comes from, sir. That's the key point.
MR GRAY: Sir, if that's a convenient moment, can I just ask for a break, please. Thank you.
SIR CHARLES HADDON-CAVE: Indeed. Let's take a short break please. Can the feed be halted, please, and all non-state Core Participants and others please leave the room.
(10.48 am)
(Closed hearing)
(10.52 am)
SIR CHARLES HADDON-CAVE: Thank you. Mr Polnay?
MR POL0NAY: Sir, I think just to clarify, there's not, in fact, been a Restriction Order made, just so those who have left and come back don't think there has been.
SIR CHARLES HADDON-CAVE: No.
MR POLNAY: Sir, if I may, just before I move on to the next part, I've just been looking, can I just ask the witness to clarify one matter you dealt with before. When you

were describing the exhumation that you conducted, you referred in passing, to what was described as an "SF base", then you corrected it to an Air Force base. Just to be clear, in this context, would "SF" be "security force".

A. That's correct.

Q. So not in fact a reference --

A. No.

Q. -- I wouldn't want anyone to think, to Special Forces in this context?

A. It was a generic term that was used for multinational bases in Iraq.

Q. Thank you very much.

SIR CHARLES HADDON-CAVE: Thank you.

MR POLNAY: So to move on, please, and I know we've touched on this before and I'm not going to go back over it in any detail, just about witnesses in operational environments -- by which I mean civilian witnesses, non-UK. There's obviously matters that are relevant to foreign civilian witnesses that simply just don't apply to UK investigations; is that right?

A. That's correct, yeah.

Q. In particular, finding a location that's appropriate, managing risks to that particular witness in a contested area or, to be blunt, a war zone; is that right?

A. Correct, yeah.
Q. That's whether you go to their house, they come to your base --
A. Yes.
Q. -- or even if you find some sort of location; is that right?
A. That's correct, yeah.
Q. There's just one thing I want to ask you about, what you mean in your witness statement, it's at the bottom of paragraph 207, you said:

"I was very conscious that an investigation could not be one sided."

A. Yeah.
Q. Could you just explain what you mean by that, please?
A. In operational theatres, since 2003, there was a thing called the shooting incident review policy, which effectively laid it before a commanding officer to review a shooting incident before deciding whether or not it should be referred to the service police.

Too often, when I read those shooting incident review policies, shooting incident review documents, in retrospect, there would be no evidence from any of the local civilians. It would literally be the British military and the interpreters, who provided evidence to say their shoot was lawful.

When matters were referred to me, particularly in Iraq, we made the extra effort to go out to try to identify Iraqi witnesses to determine their side of the story and, sometimes, you know, it actually was really helpful and exonerated the service person and, in other cases, you know, it cast doubt on their credibility. But that was my main concern, was that sometimes we only get one side of the story, and we can -- that can be justified by the operational risk.

Q. Because, in fairness, you complete that sentence on the next page, however important, however much as an investigator you want to get as both sides or as many sides of the story, you point out that can't be disproportionate to the risk to life?

A. That's correct.

Q. The next thing about issues or challenges with investigations abroad: information security risk.

A. Mm-hm.

Q. Can you explain what you mean by that?

A. If you look at a civilian police domain, the incident room and the investigation is almost exclusively conducted within police premises, which are controlled by them over communications which are solely owned by them. If they go out to interview witnesses, they go out as police officers, with nobody else around them,

they can eject people from there.

In a military context, just to get an investigation team into a war zone, there's about four layers of bureaucracy because there's a headcount that starts for the Government saying you can get people in there, then that headcount is split up amongst the Armed Forces, and so on and so on. So you can actually just be stopped just by the number of people that are already in a theatre.

You then have a situation whereby, when you do get into theatre, RMP are deployed in small penny packets, so -- like the eight people in Iraq, which you can't self-protect. I was lucky that the commander of 20 Brigade when I was in Iraq gave me an infantry platoon to protect me for the final four months of my deployment there, and that eased things quite considerably but it also adds an extra problem, because you have service personnel who are effectively standing next to you, protecting you, whilst you're interviewing a witness, gaining information that would never be given to a member of the public that was, you know, police secure.

Also, our communications are entirely controlled by the military. So our radio nets, et cetera, et cetera, are all controlled by the military. I don't know what's

there. You can -- when we're talking about the risk assessments for deploying overseas -- for deploying actually out there. So let's say I do get an investigation team into Afghanistan, like I did for Mr Blackman, we are then entirely reliant on the intelligence of the -- intelligence processes within that military establishment to determine the risk.

All it takes is one person in the intelligence organisation to say, "No, we can't tell you why, but there's too much risk". I, as the SIO, I'm never going to overrule that, whereas the police would go to their own force intelligence bureau and they would assess the risk with an intelligence steer. So there's whole sorts of information. To get that information about risk from the intelligence people, you'd have to give them enough information for them to provide the intelligence back to you. So you have to say where you're going, who you're speaking to, how long you're going to be there, what the force(?) context. So all of that information is not information that the police would provide.

And whether deliberate or just the fact that the operational environments, they're awash with rumours, you know, that's just the nature of the beast. It is not -- it was not uncommon for something we said to be repeated in the NAAFI queue, and that's something that

wouldn't happen in the civilian environment, and that's why I say information security, you try your best, but how -- you know, how do you manage that information back?

Q. Would it be right to say, in at least some of the potential combinations or permutations of this, you're going out to investigate an offence allegedly committed by a member of the Armed Forces and you might rely on, for your protection, obviously not the person you're investigating, but people maybe from the same unit or people who might well know that person?

A. Exactly.

Q. Or know friends and there's simply no way round that, is there?

A. No, there's not. And when you think units, armed forces deploy as formed units generally, there are exceptions, you know, if it's somebody from one particular battalion, just because he's in one company doesn't mean he doesn't know another company and, you know, it doesn't mean he doesn't know somebody in the tanks who he has been on a previous exercise with because they are quite small, tightknit groups who work together.

Q. So the information security risk, you have to divulge information that civilian police wouldn't --

A. Yeah.

Q. -- because you need to?
A. Yeah.
Q. Then there's a risk the information security, whether it's the lines of investigation, details of witnesses, get leaked?
A. Yes.
Q. And there's nothing really to be done about that?
A. You can just try and remind your investigators to be as discreet as they can be but, you know, but there's one point at which discreet becomes ineffective.
Q. The other flip side, I think, of what you're saying is you'd naturally be dependent on others --
A. *(The witness nodded)*
Q. -- and I'm not going to say goodwill because everyone has got their duty to do --
A. *(The witness nodded)*
Q. -- but you are reliant on others, quite simply, to get you somewhere?
A. To get you there, protect your life while you are there and get you back.
Q. Again, I think you highlighted before, you'd be reliant on -- I'm going to call them the host unit --
A. Yeah.
Q. -- but for their assessment of the intelligence on the risks to you and your team --

A. Yes.

Q. -- and to the people who were there to protect you?

A. Yes.

Q. It's not the subject of these hearings, in fact the Inquiry has heard separate hearings in CLOSED in relation to it but you mention in your witness statement, you flag there was one incident in Operation Cestro where a meeting was abruptly stopped by force protection staff?

A. That's correct.

Q. I'm not asking for your view on the opinion of those particular circumstances, that's something that's being dealt with in separate hearings, but do you give that as an example of the reliance for those sort of decisions on those who are protecting you?

A. Yeah, absolutely. That was an overt example of what we suspected in a number of cases.

Q. Thank you. So that reasonably long run up; I want to turn to Operation Northmoor. At paragraph -- this is only for reference for you, I don't need it brought up -- you start -- you talk about risks?

Now, in terms of your experience, we've heard a fair amount about it. This type of investigation, Op Northmoor, how unusual or challenging was this?

A. It was initially a slow burn, I think, is probably the

way to describe it. It was a number of allegations, starting out with one or two, with limited amount of information. There was lots of anecdotes from theatre about events which had occurred but there was no evidence of that, no reports of it. But very quickly, it became clear that the complexities of it were going to be massive and I don't think I appreciated just how massive, when I look back now.

Q. Just to highlight, and I'm just taking this from points that you've mentioned, some of the particular features of Op Northmoor, which may have served to make this maybe even uniquely challenging. So, first of all, the allegations involved Special Forces?

A. Yes.

Q. You've already set out the challenges that that brings. Second, it's the allegations that you were investigating took place or were alleged to take place within an active operational environment?

A. Yes.

Q. So we've got the SF part; we've then got the active operation environment; and the allegations were very serious of, effectively, murder, war crimes --

A. Yeah.

Q. -- and there was allegations or suggestions as to the complicity or otherwise of the chain of command. Is

that right?

A. Correct.

Q. Mixed in with this was undoubtedly very, very sensitive operational information --

A. Yes.

Q. -- which involved not just UK equities --

A. That's correct.

Q. -- but others. You set out in your witness statement, so far as you were aware, post-World War II in the UK, you could find no reference to a similar investigation?

A. I couldn't find an equivalence, no.

Q. I think you, in fact, specifically carried out enquiries with the homicide working group, which is a national working group, to say: is there anything I can draw on; has this been done before?

A. Yes.

Q. And you were unable to find anything there. As we'll come to, was that one of the reasons you decided, right from the outset, to seek support from the NCA and from GMP?

A. Yes, absolutely I did. Seen as best practice.

Q. Yes. So this was declared by the Provost Marshal (Army) at the time, which, I think, is the late Brigadier Bill Warren, two matters. First of all, a category A+ investigation --

A. Yes.

Q. -- and also a critical incident; is that right?

A. Yes.

Q. Now, can I just ask that tab 36, please, is brought up on screen. We've got it on the screen and in the bundle. Now, this is an extract from the Murder Manual. I'd imagine this is a document with which you are -- or at least were -- pretty familiar?

A. Yes, this is a MIRSAP.

Q. Sorry, you're right, this is MIRSAP, not the Murder Manual. Thank you very much, it proves the point you are very familiar with it.

We can see MIRSAP suggests a number of different categorisations.

A. Yes.

Q. So one is category A+, and this was designated a category A+ inquiry; is that right?

A. That's correct.

Q. So this is a homicide or other major investigation, public concern, and associated response to media intervention, that normal staffing levels are not adequate to keep pace with the investigation?

A. Yes.

Q. Now being designated cat A+ has many other consequences or things that may flow from it but almost one of the

things to be established for that is: this can't be treated as business as usual; is that right?

A. Correct, yeah.

Q. Normal staffing not adequate --

A. Correct.

Q. -- to keep pace. One of the things we'll come to is, despite this declaration, it took, in fairness, I think a number of years --

A. Yes.

Q. -- before the number of staff were put in place; is that right?

A. That's correct.

Q. And then it was also designated a critical incident.

A. Yes.

Q. Yes?

A. Yeah.

Q. That's described, we can see it's at the bottom of the same page of MIRSAP:

"Any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community. Such decisions are often made where the true scale and complexities of the investigation are not fully understood and resourcing decisions, particularly where they relate to MIRs, [major incident rooms] need

to be constantly reviewed."

A. Correct.

Q. In terms of that declaration right at the start, Cat A+, critical incident, did you agree with those?

A. I drafted it.

Q. You drafted it; Brigadier Warren agreed?

A. Yes.

Q. Thank you very much. Can I ask you a little bit more about the RMP's interaction with civilian policing, just because one of the things to highlight, I'm going to ask you about later, is some of the specific standards in the Murder Investigation Manual and MIRSAP, and how that applied.

You've given a bit of evidence about this already, and the Inquiry has received some evidence about this already. From Colonel, as I think he then was, Kris Rotchell, as part of the corporal evidence of the RMP. I don't know if you watched that when it was given.

A. Aye.

Q. But we do have a copy of his evidence in the bundle --

A. Yes, I've read that.

Q. -- and I just want to ask you about a couple of parts. Colonel Rotchell sets out the theory. Interested to know how that reflected practice at the time or not. It's at tab 73 and bundle 3 but I can ask that it's

brought up on the screen, if that's sufficient.

I wonder if we could have brought up, please, tab 69-34. So this is the witness statement of Colonel Rotchell, not the evidence he actually gave, but I don't think it materially differed, certainly so far as this is concerned. It's paragraph 73. Everyone has got to have training. There's the RMP initial course: seven weeks investigative training. Then we've got: officers would have completed the Military Police Officers' course, 12 weeks in duration and six weeks of investigative training and a one-week environmental training phase; is that right?

A. Mm-hm.

Q. Then we've got this:

"Due to the commonality in legislative processes, service police investigative training has naturally mirrored and handrailed that of Home Office counterparts."

Is that your experience from when you were in the RMP?

A. I think, as a general statement, it is correct. I mean, I delivered both of those courses, as an instructor and, obviously, had been through them. They do but how quickly they change is also a bit of a challenge. So, for example, if the civil police made a change to how

they did something today, it might be a year or two years before the RMP change and that's because of the structural change that's required to change courses. So we do try but also we can draw false equivalences from civil police training.

So, for example, when they were talking about how to manage sex offenders, there were aspects of the sexual offences prevention orders and things like that that were just never brought in for the service police. So when they would design an intervention, for example, they would incorporate all of these things that, actually, we couldn't, and then -- but, if you cut them off, the first part doesn't make sense. So it's how do you manage those equivalences in the light of differences.

Q. So you're saying you've got to be quite careful?

A. *(The witness nodded)*

Q. You can't just say, "Well, this is what they do, we're going to do that here" --

A. That's correct.

Q. -- because some of it might not be possible?

A. That's correct.

Q. At paragraph 76 of Colonel Rotchell's statement -- it's on the following page, I think we can have this brought up again, 69-35:

"During the relevant period [I think he's talking about Operation Northmoor] we would send RMP personnel on numerous policing and investigation courses ... to ensure our people received the best and most current training and education we could provide them. This approach, then and now, ensured our people received training to Home Office police force standards particularly for specialist roles, including the SIO development course and Management of Serious and Complex Investigation Development Programme."

A. That may be true when Colonel Rotchell wrote this statement but, certainly during my career, civilian courses were almost a prize or a pat on the back for good work. There was a very small budget to put people on Home Office courses because they have to be paid for and, also, there was a number of courses which the Home Office kept to themselves because they didn't see the legislation as being particularly relevant to the military police.

On top of that, as I said, we may have sent people on the academic side of it but, to then lose that person for maybe three months to gain the experience, to get the accreditation which makes you that qualified person, was not permitted because of MS rules, which I know you've heard a lot about.

Q. So, yes, but not quite?
A. I think it's got better over the years but, certainly in the periods that we are talking about now, I wouldn't say that that statement was correct.
Q. We've seen the courses that you went on -- we've not read them all out -- does that mean effectively you got that prize because --
A. I was very --
Q. It does appear you went on quite a lot of those courses?
A. Yeah, I was very fortunate that certain senior people sought to invest in me for various reasons. So I was very lucky.
Q. I'm just drawing this to your attention, just really for completeness, so far as Colonel Rotchell is concerned, because at paragraph 78 of his witness statement, he goes on to say:

"In recent years we have taken an iterative approach to reduce the small gap [he describes it] between College of Policing standards ... and those of the RMP, through professionalisation agenda [and] a programme of achieving PIP 1 for all RMP personnel before March 2024 and have a pathway to PIP 2 [for the DSCU]."

A. Yes.
Q. He goes on but that's obviously forward looking, post-operation Northmoor.?

There's just one last part I do want to ask you about, and that's at paragraph 110, it's page 69-50. Here Colonel Rotchell says:

"The management of serious and complex investigations [which Northmoor undoubtedly was] was undertaken by SIB in line with the national best practice wherever possible."

A. Yes.

Q. Is that a statement you agree with?

A. Certainly that was the aspiration, yes.

Q. That was the aspiration?

A. Yes.

Q. He goes on to say:

"Two key documents for the relevant period were the Murder Manual and MIRSAP."

A. Yes.

Q. Is that right?

A. Yes, yeah.

Q. As you've already demonstrated, you obviously are very familiar with both of those documents.

So, with that in mind, can I ask you, please, for your help with some matters. They're in the Murder Manual. We can use that almost as a handrail but I'm particularly interested in your understanding, in particular in the RMP, in real life, what it meant.

A. Mm-hm.

Q. The first is the role of the SIO.

A. Yeah.

Q. As the Chair said, this isn't any sort of memory test, so we can have up the manual there. In fact, it's probably up. Can we just bring up page 18-1 on the screen. This is the Murder Investigation Manual. It's the bottom part, if we could, which has got the role of the SIO. Anyway, that's the book definition.

A. Yes.

Q. Did the RMP use the term "SIO" in the same way as civilian policing, in your understanding?

A. Yeah, we do. We certainly did. Obviously, there are differences, for example, CPIA is different for the service police than it is but, yeah, in general.

Q. So that's a definition you're comfortable with?

A. Yes.

Q. That's something you expected when you were appointed SIO in all --

A. Yes.

Q. -- sorts of investigations that you would have to deal with?

A. Yes.

Q. Thank you. That obviously includes being Officer in Charge, that's a CPIA thing, but developing and

implementing investigative strategy, managing resources, and being accountable?

A. Yes.

Q. Now, at tab 19, page 1, which again we can bring up, this is another page from the Murder Investigation Manual, which is the skills of the SIO. Now, it divides them in a two: investigator and manager.

A. Yeah.

Q. As to investigator, the manual makes the observation there's a very wide range of circumstances in which homicides may occur and no two investigations are the same --

A. Yeah.

Q. -- and in many cases, the available material is limited, ambiguous or of unknown accuracy.

A. Mm-hm.

Q. Perhaps a description that may be applied to Northmoor, at least at some points. So the manual says:

"As a consequence, SIOs need to be skilled and experienced investigators who are able to develop investigative strategies based on the unique circumstances of each case ..."

Would it be fair to say that's a statement with which you would, I'm sure, agree?

A. Oh, yes, very.

Q. In particular the skills we've got, it sets out a knowledge of the criminal law. I suppose you'd have to add to this Armed Forces law, as well, for the RMP; is that right?

A. Yes.

Q. Circumstances in which homicides are committed --

A. Yeah.

Q. -- and skills and experience in applying the techniques of homicide investigations?

A. Mm.

Q. Is that right?

A. That's correct.

Q. Then, we've got the bit below which says, "Manager", the SIO as manager:

"SIOs must also acquire the necessary resources for the investigation."

A. Yeah.

Q. Again, are those skills which the Murder Manual says is necessary for an SIO to have, is that sort of policy or approach also adopted by the RMP in practice, as well as in theory, as far as is possible?

A. Again, I'm not going to bore you to death with the MS principles and all of that sort of stuff --

Q. Military secretary --

A. Military secretary principles. Whilst you might have

the absolute perfect person as a candidate for a particular role, that doesn't necessarily mean you will get them and that may be for career reasons, non-availability reasons, personal reasons, it could be a number of things. So you fish from the pond that they give you.

Q. Yes. I think I'm going to return to that in a few minutes.

So it's fair to say this principle was perhaps not put into practice in every way, in the way it might be in civilian policing?

A. Yeah, I think -- again, I know civil police do tend to -- there are situations where the civil police will want a particular SIO and they're not available, so I don't want to say it's always perfect in any other world. But I think we had a unique or more unique problem in the fact that military secretary, the posting rules, the promotion rules, clouded things, and also the fact that we are international. The perfect SIO might be sat in Cyprus.

Q. Understood. Finally, I just want to ask you at tab 20, which is another part of the Murder Manual, just two matters. The Murder Manual -- and this is the 2006 manual -- it's not the 2026 version, looking back -- so perhaps they were ahead of the curve by referring to the

term "resilience", which now has a lot more currency than it perhaps did in 2006 --

A. Yeah.

Q. -- because the Murder Manual notes that:

"Homicide and major ... investigation may require SIOs to perform long periods of duty under intense pressure."

It concludes at the end of that paragraph that:

"... those responsible for managing [SIOs -- so not just on SIOs], should recognise that this intensity of pressure can have an adverse effect on their performance as well as on their general health and welfare."

A. Yes.

Q. Now, I think perhaps it might be fair to say understanding of the consequences of stress and pressure is a lot better in 2026 than maybe it was certainly in 2006 when this manual was produced.

A. Mm-hm.

Q. How good or otherwise were the RMP in considering resilience in this RMP investigative structure?

A. I think we try to look after our people.

Q. Yes.

A. But within the resources that were available to us, and then that -- that, I think unfortunately, did have an impact on this, where we would have to trade a little

bit of, "Oh, can you do a little bit longer?", when we know the individual should be swapped out, whereas you may have wanted to have swapped them out three months before you actually did. So there was things like that where you had to compromise.

Q. Thank you. The final bit I want to ask you about the Murder Manual, you may or may not be pleased to know. Just below it says "PIP investigation".

A. Yeah.

Q. So it says:

"To meet the investigative and management challenges, SIOs should be registered at [PIP 3] or above."

Just pausing there, I think you've explained, at least the time of Northmoor, that wasn't quite the position. Now, we know you went on -- I was going to say half the PIP 3 course but maybe that's not fair, maybe half the PIP 4 case. Would that be all SIOs or would it any be some?

A. I can't think of anyone in my time who became accredited.

Q. Can you just highlight because it's a matter that we will, I'm afraid, come back to. It's the second sentence that says:

"Despite this registration, the complexity of

investigations varies. SIOs who have only recently completed the SIOs Development Programme, or who have not been involved in a wide range of investigations since completing it, may not have the depth of experience necessary to perform competently in complex investigations."

A. Yes.

Q. As a statement of principle, is that something with which you would agree?

A. As a statement of principle, yes, without doubt.

MR POLNAY: Sir, I wonder if that might be a convenient time for our mid-morning break and, after that, I think we'd better return to some of the issues, if there any, with the implementation of some of these principles in Op Northmoor.

SIR CHARLES HADDON-CAVE: Indeed, Mr Polnay. Thank you. We'll break now, please, for a cup of coffee. 20 minutes and I remind all witnesses, please don't discuss your evidence with anybody during the break.

THE WITNESS: Yes.

SIR CHARLES HADDON-CAVE: 20 minutes, please. Thank you.

(11.27 am)

(A short break)

(11.48 am)

SIR CHARLES HADDON-CAVE: Mr Polnay.

MR POLNAY: Moving on, please, now, Mr McAllister, from the theory to a bit of the practice as to how it related in Operation Northmoor.

Now, we've heard quite extensive evidence of how Operation Northmoor, at least after a while, was divided into three teams. The team we're particularly interested in is Team 1, which dealt with the allegations of extra judicial killing, which is *(unclear - audio disruption)* as this Inquiry is.

Now, Captain Wright was appointed the SIO of Team 1; is that correct?

A. That's correct.

Q. Now, who appointed Captain Wright?

A. I did, from the three people who were made available at the time. I thought, of the three, he was the most suitable.

Q. So can you explain the sort of nuts and bolts of the process?

A. It was a bit of a -- I won't say a *fait accompli* but it was very much "Here's your choice of three. That's who you're getting for your three SIOs for the three teams", because I had that in my mind right from the beginning, and, of those three people, Captain Wright was, certainly in my view, the most competent.

Q. So a few questions from that: first of all, who gave you

the list?

A. I can't remember a specific person.

Q. I'm sorry, I don't mean the name of the person. I mean, what was their role or their function?

A. It's -- it would have ultimately come from Brigadier Warren or at least been sort of approved by him. But I can't think of a particular situation where I was in and I was told by an individual "I am giving you these three people". It was just "These are the three people".

Q. These are the three people. Again, I'm sorry if it's me being a bit slow, so there comes a point in Op Northmoor where there's a requirement: we've got three teams, we need three SIOs; is that about where you got to?

A. Yeah.

Q. So you put in somewhere into RMP and wider army, three SIOs?

A. Yeah, I think Captain Wright had actually already started on Cestro, prior to Northmoor existing, I think, and it was a choice to remove him or make him continue.

Q. Okay. Now, in terms of the three SIOs, do you mean you were given three candidates and you had three spots, effectively, so your choice was as to who I'm going to put into each role?

A. Yes, it was which peg I was putting in a hole, not: do

I want to put that peg in a hole?

Q. So it wouldn't be right to say, for Team 1, you had three choices?

A. No.

Q. So it literally was "From the resource I've been given"?

A. Yes.

Q. So Op Northmoor, perhaps even at the start, it must have been obvious it was a Cat A+ critical incident?

A. Yeah.

Q. It must have been clear that this was going to be a pretty serious and difficult investigation?

A. Yeah.

Q. Did that give you any more scope in terms of selecting personnel --

A. No.

Q. -- in obtaining a wider pool?

A. No, it had no material effect.

Q. Why not?

A. It's difficult to put a finger on a particular aspect of it but there was always an inbuilt friction within the military police as to which was bigger, the "M" or the "P": the military or the police. And, consequently, I was fighting for resources that may be employed on operations, and that might be seen as the priority by one commanding officer and not a priority by another.

So it was -- I think that internal politics got in the way, if I'm honest. But I also think that there was just a limited scope to choose from anyway. We didn't have a vast number of SIOs who were massively qualified. They just didn't exist.

SIR CHARLES HADDON-CAVE: Can you help us with what you meant by internal politics, in this context?

A. If you're a commanding officer of a regiment who is training a company or two companies to deploy to Afghanistan, you -- you're going to be measured against that: how you prepare your people, how you train them, how you deploy them, how they behave, how they recover, et cetera, et cetera.

It's really difficult for a commanding officer to give up their best people, and I can understand that because they had to think about the same risk profiles as I do, deploying people to investigate. They have to deploy people into environments to conduct military policing duties where there are equal and arguably, in some ways, more risk.

MR POLNAY: If I may, just for a bit more detail on some of those points. First of all, you said there's a fairly limited pool of number of people who were actually capable of being SIOs?

A. Yes.

Q. Now, in terms of the size of the RMP, certainly the policing part -- and tell me if this isn't something you can help with -- at the time, if you were to compare it to a civilian force, it would be, wouldn't it, smaller than the smallest Home Office police force?

A. Yeah, thinking back to my time on the Homicide Working Group, I think Cleveland is about the smallest force and they still had more SIOs than I had.

Q. Right. So you had: here is Op Northmoor, an investigation perhaps more complicated or bigger in some ways, or certainly at the level of the biggest investigations conducted by the biggest police forces, that you had to bring in the resource for that, and the personnel --

A. Yeah.

Q. -- being smaller than the smallest.

A. Yes.

Q. So we've got this limited pool.

A. Mm-hm.

Q. There's competing priorities for the pool?

A. Mm-hm.

Q. So would there ever have been any scope to say, "Look, this is Cat A+. I know all the SIOs in there. This is the best; I want that"? Would that ever have been an option?

A. I've tried it.

Q. Right. What happened?

A. No. I think the outcome was one of the exhibits that you've -- well, you haven't already put out yet, which is the direction from Provost Marshal, again which I drafted, saying that, you know, this was the priority investigation for the RMP but even that had limited effect.

Q. So part sheer size, there's not this large pool to fish in; part other priorities --

A. Yeah.

Q. -- and part, as you said, internal politics --

A. Yeah.

Q. -- and that sort of thing? In terms of Captain Wright, Team 1, I suppose, would it be fair to say they are the most challenging --

A. Yes.

Q. -- not the most challenging team, the most difficult?

A. Yeah.

Q. Did you appoint him or keep his appointment on Team 1 because he was the most experienced or the best suited for that particular --

A. Of the people who were available, he was the most suited.

Q. Yes.

A. And I had experience of Captain Wright in the past when he was an OR -- sorry other rank -- and he was a very capable and competent investigator and manager.

Q. So he's obviously someone you rated?

A. Yeah.

Q. But, in any event, he was the best of the choice that you had?

A. Yeah.

Q. Now, so far as Captain Wright was concerned, were you aware when you appointed him, that he hadn't actually acted as an SIO before?

A. Yes, I was.

Q. You'd say: well, there we go, there wasn't really any other choice in the matter?

A. Yes.

Q. Not going to ask for it to be brought back up on the screen but you'll remember the document we were looking at before the break, from the Murder Manual about PIP registration and continued professional development.

A. Yeah.

Q. The manual commented: well, SIOs who have only recently completed the SIO Development Programme, basically saying it may not be a good idea to give them a very complicated homicide as their first.

A. Yeah.

Q. That's a sentiment with which you'd agree?
A. Absolutely.
Q. Because here he's not just been given not just a complicated one, a category A+?
A. I'd agree, yes.
Q. But you'd say that there was simply no other choice?
A. I wasn't presented with any options and, right from the very beginning, to try to mitigate some of that, that was why I reached out to the Homicide Working Group and the NCA in particular, to allocate a senior SIO who could act as a mentor for him.
Q. I'm going to come to that, in fact, in just a minute. But would it be fair to say, at least from a civilian policing context, it would be unheard of for an SIO in their first role, to be given a Cat A+?
A. Yeah, I didn't underestimate the challenge that had been given to Captain Wright, and we discussed it. He expressed confidence, and I went with what I had.
Q. In fact in a couple of chapter's time I'll come to it but, as you've raised it, it was his relative inexperience or inexperience as an SIO, or with these very large investigations, was something you recognised?
A. Mm-hm.
Q. We'll come to the steps that you took to mitigate that risk --

A. Yeah.
Q. -- or supposed to make the best of it?
A. Mm-hm.
Q. All right. So in terms of Captain Wright, because we're going to be hearing from him next year -- for various reasons, he's not available to give evidence now -- you mentioned him a little bit in your witness statement and, because he's obviously a very central character in all of this, I'd like your help, please, on your experience of him. Sir, if you're following this in the witness statement, it's at 135(f). You've set out you rated him, he's someone you knew and I don't think anyone would suggest he was doing anything other than his best in the role that he was appointed to.
A. Yeah.
Q. It's the military, isn't it, he didn't really have any choice in the matter, I suppose, whether or not he wanted the appointment?
A. No.
Q. I am going to ask you about your -- could you describe your relationship, please, with Captain Wright?
A. It was cordial. We were never best friends. You don't have to be; you have to be able to work together. I think in a lot of ways we had similar characters and that was probably why we occasionally butted up against

each other. But I think I find that useful because to go unchallenged, I think, is the worst possible option in these environments.

Q. You mention you disagreed on policy at various occasions --

A. *(The witness nodded)*

Q. -- and, as you say, there's no vice in disagreeing with someone on whatever it may be.

One of these things, you'd say he would wildly swing from underconfident to overconfident.

A. Yeah.

Q. I'm only interested in terms of the investigation. Are you able to give a sort of an illustration of that?

A. It's really difficult to give you a sort of "This is the one event" but there were times when we would be sat having informal private discussions where he would express views where he would seem to be doubting himself. But I saw that as natural and would try and build him up and there were other instances where, because it's his nature, it was, you know, "I'm going to do this and I'm going to drive forward and do it in this particular way", where I would have to sit there and say, "No hang on a second, have you thought about this?" et cetera, et cetera.

That's why, when I say "wildly", that sounds really

negative but, actually, I think it's just an expression of the situation he was in, rather than anything adverse for him, personally.

Q. Sure. I think one of the things you point out that you thought Chief Superintendent Williamson from the NCA, having him present helped?

A. Oh, I believe so, yeah.

Q. Just two other matters relating to Captain Wright from here because command and the structures is something I'm going to be asking for your help on a bit. You say you made a note to speak to him about the concept of mission command --

A. Yes.

Q. -- as you thought he may have misunderstood your respective roles. First of all, just in a sentence -- we don't need the doctrine -- mission command and what do you mean in this context?

A. So, in this context, it's delivering a central part of a wider activity. So he was responsible for delivering a central part of Northmoor but he wasn't responsible for the wider activity and, sometimes, you know, you have to look at the bigger picture, rather than just driving on to finish your mission. And that was the sort of -- the fact that he had autonomy to do certain things didn't mean he had full powers to do everything

without considering the impact of it. That was what I meant by that.

Q. Okay, understood.

I think we said -- does that explain the context for your later comment that sometimes he'd want to make decisions without appreciating the wider context of it?

A. Yes, in my view.

Q. The wider context would, in certain circumstances, be for Gold --

A. Yes.

Q. -- or at least certainly involve others?

A. Yes.

Q. You said you got frustrated on occasions about the speed of his approach?

A. Yeah.

Q. Again, what do you mean by that?

A. He's not a big risk taker and there were areas where I felt progress could have been made but he would choose to take a more convoluted route, perhaps involving more specialist activities, which I would question as to: so what? You do that, so what? What would it bring us?

So there was those sorts of things.

Q. Then just looking at the screen, there's the next sentence, which is something we will deal with later in a bit of a different way but this may have some

relevance to it. You thought he had a fixed view on the use of covert means; is that right?

A. Yes. This was a particular area -- obviously I wouldn't have been the authorising officer, had he made an application, but the things that he was considering, I wasn't sure if I would have authorised them and, therefore, I had some concerns about their potential ability to be applied in this circumstance and, also, actually, so what. You get that, so what?

Q. Just looking at your next comment in relation to this, because it may be important as to the different functions, I think you said you saw less value in relation to potential covert techniques.

A. Yeah.

Q. That's not saying no value but less value?

A. Exactly.

Q. Then you go on to say:

"However I believe that I did not know enough and had not had time to constantly second-guess him."

A. Yeah.

Q. There's potentially a number of aspects to that. First: he is the SIO not you?

A. Yes.

Q. Is that the important part?

A. Mm-hm.

Q. And there are matters that really are for him; and there are matters that are for you?

A. Yes.

Q. We'll come to Gold in a minute but you're looking at the strategic position, not necessarily the deployment of each tactic.

A. Yeah.

Q. However, and it's important you mention it, were there to be an application, you may have been the actual authorising officer --

A. I wouldn't have been.

Q. You wouldn't have been?

A. No, I would have not taken it on because I'd have been -- I could have been seen to have a vested interest in the authorisation.

Q. Understood. Thank you for that clarification. So if an application -- you're at one point looking at it: well, maybe if I was, from the perspective of an AO, understood, but if an application was made, that would obviously --

A. Yeah.

Q. -- you wouldn't be involved --

A. *(The witness shook his head)*

Q. -- because you were the Gold Commander? Thank you very much.

The last -- well not the last but the next thing I want to ask you about in relation to appointment, and it bites on Captain Wright but more generally, is we've heard, across this Inquiry, about, in particular for officers, a two-year cycle of appointments. Can you just explain --

A. Um --

Q. -- what this -- well, explain first of all in the RMP, how this goes?

A. Within the military, there is a structure which relies on you doing, as an officer, doing certain jobs at certain times of your career. So that might be a staff officer in a headquarters, it might be a company commander, it might be a platoon commander. But it's really key that you do those at particular times because, unless you get the appointment and you get a report which says you've done it and you've done it well, you may not be eligible for promotion against your peers.

So to hold someone outside of that can massively impact on their future career development. So, for example, if I'd stopped Captain Wright from becoming a company commander, then he would probably never have become a Lieutenant Colonel, and it's that sort of thing you have to consider.

Q. Okay. So military structure and the RMP.

A. *(The witness nodded)*

Q. Part of the military, you need to do certain things Certain t times and if you don't, that's potentially quite a serious --

A. Oh, massive.

Q. So if we could have a quick look at tab 14, page 2. Now, this is an email.

A. Yeah.

Q. I think it's actually a meeting invitation.

A. I was just going to say: it's a printout of a meeting invitation.

Q. We can see the subject is "Op Northmoor Resilience"?

A. Yeah.

Q. Location APC, is that army personnel?

A. Army Personnel Centre in Glasgow.

Q. So a reasonably hefty meeting because it's got two hours. You can't see it on the screen but it's signed "John" and I'm going to assume that's you, in this context --

A. It is, yeah.

Q. -- unless you say it's someone else. So we can see what you've got and we can see the various people that have been invited to this:

> "PM(A) [Provost Marshal (Army)] has asked that I,

(as Deputy Provost Marshal (Investigations)) ..."

We'll come to your many roles in a bit.

A. Yeah.

Q. "... look at how Op Northmoor is to be manned and importantly how we can manage the resilience of key points for 2 to 4 years without significantly impacting on their careers."

A. Yeah.

Q. Now, would it be fair to say in Op Northmoor you had an inquiry that, even at the start, looked like it was very likely to go beyond, if you like, two years, which would be your normal, I think --

A. Yeah.

Q. -- posting for an officer?

A. Mm-hm.

Q. So is this is an email where you're trying to see if you can find a way around --

A. Yeah, this is --

Q. -- or have a look at what can be done?

A. When you look at the date of this, it's relatively in its infancy, in comparison to -- I know it's six months in but that's sort of symptomatic in its own right. But this was my own attempt to breakthrough that MS barrier, to try to create that resilience, to try to select the individuals.

You'll see that I say later on there's a list of about five officers, 10 or 12 ORs to discuss. That's me trying to secure what limited specialist resource I had for a longer period but without impacting on them as individuals.

SIR CHARLES HADDON-CAVE: You were anticipating the problem --

A. Yes.

SIR CHARLES HADDON-CAVE: -- and seeking to deal with it?

A. Yes.

MR POLNAY: If we look at appointments schedule, I think you should have that in front of you, which is -- it obviously only contains some of the roles, it doesn't contain everything here but it's got the roles of a number of people of a number of time.

A. Yeah.

Q. If we look at Op Northmoor starting in March '14 and look through the roles that there are, would I be right in saying there's not one person in post at the end who was there at the start?

A. Yes, that's correct.

Q. So that means, literally -- we've only got the key posts here, I'm sure there's plenty more that are important, and I'm sure there may be a few people, maybe junior soldiers, who were there the whole time but, in terms of

the leadership or the key leadership, there was no continuity?

A. Correct.

Q. In terms of best practice, at least in civilian policing, whilst of course it's going to happen from time to time, would it generally be considered undesirable, very undesirable, to change an SIO?

A. Massively.

Q. As we can see here, literally SIO for every team and DSIO --

A. Yeah.

Q. -- and Gold --

A. Yeah.

Q. -- and PM(A), it literally changes at every level?

A. Yes.

Q. Going back to 14-2, as the Chair has observed, you perhaps anticipated that this issue was going to occur.

A. Yeah.

Q. Does it follow from the chart that we've seen that, despite your identification of the issue, was this is an issue that you were able to break the deadlock?

A. No, it was a constant battle. As you can imagine, every time someone changed -- and I should emphasise here that some of the changes were due to ill health and various other reasons.

Q. Understood.

A. But those where it was, in inverted commas, a "choice" being made, I did try and intervene but, you know, there's a saying, MS is king.

Q. MS is king?

A. Yeah.

Q. Perhaps one of the things, and I'll put it as a mark for later -- one of those things that perhaps we can explore later with the DSCC to see if this might still be an issue, were something like this to crop up.

Right, we're going to move on now, please, to Gold Commander and you.

A. Mm-hm.

SIR CHARLES HADDON-CAVE: I think you're in Gold on the plan, appropriately.

MR POLNAY: Yes, it's the colour was selected for you because of your role. Now, in fact, if you've got that table in front of you, you can see first of all the late Brigadier Warren appointed himself as Gold Commander --

A. Um --

Q. -- right at the start.

A. I actually drafted that document, sir, and I asked for PM(Army) to take the Gold Command. The main reason for that was I recognised right from the beginning that we would need -- it's called one-star clout, so, you know,

if a one-star brigadier, talking to other brigadiers to get the resources we need because we didn't have the money, we didn't have the autonomy and we were going to be taking people from all different commands. So we needed someone who could engage at an appropriately high level.

And when you look at Gold groups, which I suspect you're going to later on --

Q. Yes.

A. -- one of the principles of Gold groups at the shore(?) was to be an ACPO member and in RMP, to try and use a term which is equivalent, that's assistant head, Deputy Provost Marshal or a Provost Marshal.

Q. Yes.

A. We were subsequently advised by, I think it was Paul Williamson, that a brigadier shouldn't be a Chief Officer. It should then have rolled down, in my view, to the Assistant Head but I believe that was Pat Cairns at the time and Pat was about to retire and then it was going to be gapped for eight months, and that's why it ended up as me.

Q. So dealing with this at the start, just dealing with the ranks that the Provost Marshal (Army) is a rank of Brigadier --

A. Yes.

Q. -- and he's the head of the RMP?
A. Yes.
Q. So if you want an equivalent: a chief constable?
A. Yes.
Q. We've then -- there are a number of functions, roles, at colonel level; is that right?
A. That's correct.
Q. Then the rank below that is lieutenant colonel, and that's the rank that you held?
A. That's correct.
Q. Is that right?
A. Yes.
Q. So when Northmoor was set out or set up, effectively, you encouraged or you drafted -- you persuaded --
A. I advised --
Q. -- you advised Brigadier Warren that he should be the Gold --
A. Yeah.
Q. -- and he accepted your recommendation?
A. He did.
Q. Right. Now, in terms of the Gold Commander, first of all, in theory, in the perfect world of investigations, what is the function of the Gold Commander?
A. Well, it's to secure the resources, set the strategic direction for the investigation. I think we can

probably summarise it in that. I mean, obviously there's multiple lines within it.

Q. Yes. At the risk of stating the obvious, some of the things it would not be, would be the day-to-day conduct of the investigation?

A. No.

Q. The supervision of -- the day-to-day supervision of the investigation?

A. No.

Q. Deciding which witnesses might need to be spoken to --

A. Absolutely not, no.

Q. -- that's for the SIO or even those potentially under the supervision --

A. Yes.

Q. -- of the SIO; is that right?

A. Yes.

Q. Now, in terms of the appointment of who should be the Gold Commander, you explain Brigadier Warren because of what was needed --

A. Mm.

Q. -- and the clout of --

A. Yeah.

Q. -- a one star. Now, you must have been aware that this investigation involved UK Special Forces?

A. Yes.

Q. That sort of one-star clout that you were talking about, did the involvement of UKSF, as potential suspects or the potential subjects of the investigation, have any bearing on that?

A. No, not -- it's hard to say. I think, had it not involved SF, I would still have gone down that route but I think that SF made it more important, in my view.

Q. Right. Now, I want to deal with, at this point, you and your job or jobs that you had at the time.

A. Mm-hm.

Q. So you're a lieutenant colonel.

A. Mm-hm.

Q. Just before Op Northmoor started, what was your role?

A. I was basically on promotion, sent to the SO1 Investigations and Policing Headquarters, PM(Army).

Q. So Staff Officer 1 --

A. Yeah.

Q. -- Investigations and Policing?

A. Yeah.

Q. Is that one of the more tricky jobs?

A. It's seen as one of the more challenging ones, I think, there are several challenging jobs but it's seen as one of -- well, it is the most challenging policy and investigations role, I think.

Q. Again, just in a couple of sentences, can you just give

an idea of the duties that that job entailed? What were you responsible for and the sorts of things you were going to be doing?

A. New and emerging legislation engaging with the MoD, Parliamentary enquiries, Freedom of Information, complaints against RMP, vetting matters. The list was endless, to be quite frank.

Q. At the risk of stating the obvious, that's a full-time job?

A. Yes.

Q. Right. Now, I think it's right at some point you also covered someone else's role; is that right?

A. Yes, I covered the Deputy Provost Marshal (Investigations) which became later known as AH(Inv).

Q. Right. Do you remember the period that you were also Deputy Provost Marshal?

A. I think it was from June '14 to February '15 or -- I can't really remember, to be honest.

Q. Roughly, rough sort of time. So that's for --

A. About eight or nine months.

Q. So for eight or nine months, not just --

A. Yeah.

Q. -- for a week or a month. Again, are you able to give, just in a sentence or two, the duties of the DPM?

A. Well, it's one rank up and it's sort of one level up, as

well, so they're engaging at higher levels, dealing with much more complex issues, and issues that might be across the three service police and various other stuff. But, importantly, also acting as the person who will go to the other commanding officers, the other lieutenant constables, with that additional rank of colonel to say, "You're not doing that quite right, you need to be doing that", so it's about a standards thing, as well.

Q. Now, in that role as the DPM and also as the SO1 Investigations, was any part of that an operation or policing role in terms of leading actual investigations?

A. No.

Q. Who typically would that fall to?

A. It would normally fall to a person of -- well, in this instance, it would have been a Lieutenant Colonel from RMP who had a significant background in crime and investigations and that could either have been as a bespoke appointment or, normally, these things fall to COSIB. However, taking note of the categorisation of the thing as A+, that recognises that she, within her existing resources, would not have been able to do it without additional support.

Q. Let's turn to what happened here. So we've got Brigadier Warren, who, on your advice, appoints himself as Gold, but then we can see there's a time -- we've got

it on the chart in front of us -- where you become Gold?

A. Yeah.

Q. What happened?

A. Paul Williamson advised that it was inappropriate.

Q. Inappropriate for --

A. The Chief Officer --

Q. -- the Chief Officer --

A. -- to be Gold.

Q. Yes.

A. Therefore, it would ordinarily have fallen down to AH(Inv)/DPM(Inv) for the colonel rank. As I say, I'm not sure if this was when Pat Cairns was there or as he was leaving. He was certainly heading out to retirement. So he wasn't going to take it on, and PM(Army) said I was the only other person who could, so therefore I was to take it on.

Q. Right. It's the army; you have to follow orders.

A. Yeah.

Q. Did you want to take it on?

A. I think I expressed at the time that doing it by itself, I think, yeah, I would probably have got my teeth into it. I think I'd significant concerns about the structure and the amount of inactivity. It was like I used to make it -- refer to it as pushing treacle uphill. You're just pushing treacle uphill; you know,

it's virtually impossible.

Q. What was pushing treacle uphill, sorry?

A. Just the resourcing, the constant requirement for statement of user needs, business cases, you name it. You know, there was 100 things. So all of this, in the back of the investigative policy, was just -- was somewhat overwhelming. So trying to do both setting the structure up in a military way but also delivering the Gold investigation, it was almost like those were two jobs in their own right.

So not only was I doing the infrastructure and resource; I was doing the Gold, I was doing the SO1(Inv) I was doing the AH(Inv) stuff as well at the same time.

Q. We'll deal with it later but when you left, what happened regarding the fact of these two roles?

A. My understanding is that my successor took the role as an individual. It was his sole job and he had a dedicated -- I think he had a dedicated colonel who was acting as his AH, AH Northmoor.

Q. So, effectively, the work, as you understand it -- and we can check this --

A. Yeah --

Q. -- I don't think there's any dispute, it appears that the work that you were expected to do was then done by two?

A. Three because there was still an SO1 Investigations as well.

Q. So that split to three?

A. Yeah.

Q. Nonetheless, we can see as a fact you were appointed Gold.

A. Yeah.

Q. Can I ask you this, and it's about paragraph 15 your witness statement, which is something I am sure will be obvious to all military leaders but perhaps less so to others. So you're the Gold Commander.

A. Yeah.

Q. You're the strategic head. You then say:

"I was not, however, given military command of the individuals who served on Operation Northmoor."

A. Yeah.

Q. Can you just explain, what does that mean; what's happening here?

A. Basically, when you're in command of someone, you write their reports, you're responsible for their welfare. You can tell them to go and do something and can't be overruled -- can't be overruled, in effect.

Q. Yes.

A. And also, there's -- you've got powers of discipline over them, as well, so if they do something wrong you

can discipline them. If you don't have command, then you have to go to the commander if you want to do any of those things. So, for example, if someone misbehaved, I couldn't deal with them as their commanding officer and sort of do that. It would have to go to whoever their commanding officer was.

Also, things like their staff reports, their staff reports depended whether they were going to get promoted or certain appointments or if you've got influence over that, then that is a mechanism of command, if you would like. It's a way of encouraging people to perform better because you can see say, well, I'm going to look at this -- you do this, I'm going to reflect in the report how well you've done.

If you don't have that sort of carrot, then it detracts from the ability to command people in a military environment.

Q. Understood. So, on the one hand, you're in as Gold Command, at least strategic command.

A. Yeah.

Q. However, on the other hand, you're also not in command, so far as those discipline matters and reports are concerned, and those are matters which you say are, what, an integral part of --

A. Yeah.

Q. -- being a commander in the military?

A. Yes, very much. And also, the prioritisation of work, of shared assets as well. So I think I say in my statement, there's one particular incident where a specialist asset, I wanted to do something as part of Op Northmoor and the commanding officer -- that person's commanding officer said, "No, you're doing my stuff first".

Q. One thing though, just to be clear on, you're the Gold Commander, you've got strategic command of Op Northmoor.

A. Mm-hm.

Q. We'll come to that. If you gave a strategic direction, as in "This is the strategy it will take", and other people had to implement that, the SIOs or Silver, or whoever it might have been; did you have to go through a CO for that?

A. Probably more layers than that. So to give you example of the location, I wanted use the existing MIR set-up, both to try to speed things along, at a suitable classification, and I was overruled. I wanted to roll in some assets from another investigation that was in our commanding officer's area. I was told no, you can't do that. And that may have been me going to the AH(Tech) or going to Brigadier Warren and saying, "Can I do this?" He would then go to the commanding officer

and say, "Right, tell me what the pain and grief is for doing this" and he would come back and tell me either yes or no.

Q. So you have strategic responsibility --

A. *(The witness nodded)*

Q. -- and, in theory, strategic decision making responsibility and power but not, at least, the direct ability to put into action your decisions?

A. Correct.

Q. You have to ensure that others put them into action?

A. Correct.

SIR CHARLES HADDON-CAVE: But not the levers?

A. That's right, yeah. I couldn't pull the lever to make it happen.

MR POLNAY: In terms of the -- I think, as you've explained, I'm going to say, ranks below, you'd have to go via someone else to do that?

A. Yeah, but -- well, effectively, the commanding officer is the person who is responsible for all of that person's life. So, at one time, I think there was three or four commanding officers that I had to engage with, depending on where the individual had come from and what their command status was.

Q. So that's the difficulty with ensuring your directions were given effect to, sort of you couldn't pull the

levers yourself, you had to get others to pull the levers for you --

A. Mm-hm.

Q. -- and they may or may not want to, or want to pull them a different order?

A. Mm-hm.

Q. Then would it be right to say there were issues of a different type going upwards and outwards? So for example, personnel -- that we've already looked at --

A. Yeah.

Q. -- and accommodation and funding?

A. Yeah, this is why I wanted the Brigadier involved, was because when you're dealing with Defence Infrastructure Organisation, when you're dealing with the Director of Resources, MoD, Directorate of Judicial Engagement, having that rank and authority as Provost Marshal (Army), is a force multiplier, as we call it.

Q. One of the things that -- so that's sort of the issue going up, if I could put it that way. We've dealt with the issue going down. One of the things you comment at your peer level around there is that the people in, at or around similar rank to you, didn't have experience of conducting or leading murder or serious, complex investigation?

A. No, they didn't.

Q. So you haven't got that peer professional support --

A. Yeah.

Q. -- at least in respect of that function?

A. Correct.

Q. In your witness statement, you say this, and where you're talking about your role as Gold:

"In hindsight, I feel I was more of a project manager seeking resources to ensure the SIOs had the best opportunity to deliver and, as a troubleshooter, to protect them from interference or inertia by the chain of command.

A. Yeah.

Q. Is that a reflection you stand by?

A. Yes, it is.

Q. Now, also in relation to your function of Gold Commander you gave, if I may say, something not far off a textbook definition earlier, as to the roles of Gold and being able to gather resources and set the strategic direction for others to follow, and you've explained the constraints on, in fact, doing that --

A. Mm-hm.

Q. -- because of the lack of your -- because you didn't have command and because of the reliance on others. In your witness statement, you say this, that you felt the term "Gold" was, in fact, used inappropriately --

A. Yes, I do believe that.

Q. -- and for presentational purposes?

A. I think presentational, yes. But it was a way to try to explain to the civil police or try and make it something that civil police understood because they had a real difficulty in understanding what we are discussing now of MS and resourcing and all that sort of stuff. So it was trying to simplify it but I think it overly simplified it in the end.

Q. You say you had no autonomy?

A. I don't believe I had, no.

Q. No power to commit resources, neither personnel or financial?

A. *(The witness shook his head)*

Q. None of the structures that would be expected for such a high-profile and serious incident?

A. Yes.

Q. So you were the Gold, because you were but with none of the powers that a Gold Commander, at least in civilian policing, would have?

A. Yeah, and that's why I say it was probably wrong to call it that.

Q. You may have at least technically had power but no control?

A. Um, yeah.

Q. Now, so far as your experience and you've set out in great detail -- because I've asked you to -- your investigative experience as an SIO and then, as you've progressed through your various promotions and investigations that you led on, being a Gold Commander is, of course, a different role, isn't it, to being an SIO?

A. Yes.

Q. I'm sure there are fantastic SIOs who are maybe not great Golds and perhaps the other way around as well?

A. Mm.

Q. Had you been a designated Gold Commander before this?

A. No.

Q. So this was your first time?

A. Yes.

Q. So looking at what we've got here, for arguably one of the -- or the most complex ever RMP SIB investigations, you have a first-time Gold --

A. Yes.

Q. -- and a first-time SIO?

A. Yes.

Q. Had you been on any training in relation to being a Gold Commander?

A. You could argue the PIP 4 is training but that was more about managing existing SIOs in sort of smaller-scale

organisations but that, again, it was two weeks of classroom learning, effectively.

Q. Now, if we have a look at, please, tab 13, page 2, and again if we can have this brought up on the screen. Now, this is a document -- I won't take you -- if you look at the end, it looks like it's signed by the PM(A). If I were to guess, is this a document you drafted --

A. Yes, it is.

Q. -- for the PM(A)?

A. Yes.

Q. It's obviously approved by him or he accepted your advice?

A. Mm-hm.

Q. This is a document entitled "Op Northmoor -- Command and Control". I was going to use the word "orders" but I think I'll get in trouble because that's got a very different meaning?

A. Yeah.

Q. But this sets outs, does it, effectively the formal structure, effectively who has command and who has control?

A. That's correct.

Q. We can see this is sent to DPM (Investigations) -- is that right --

A. That's right.

Q. -- to the CO of SIB regiment?

A. Yes.

Q. Are you one of the recipients?

A. No, I'm not on that.

Q. -- on this but obviously you knew about it because you drafted it and you probably issued it --

A. Yeah.

Q. -- on behalf of the PM(A)?

A. Yes.

Q. Of course, with his approval?

A. Yes.

Q. We've got the direction which sets out there, sort of here's what's happening. In terms of paragraph 5 at the bottom, you're going to -- it's going to be the -- it's described as amended, the strategic, operational and tactical structure?

A. Mm-hm.

Q. Set out here is the strategic head, the Gold?

A. Mm-hm.

Q. And that is you?

A. Yeah.

Q. Then we've got the Silver, which is to be Major Ward; is that right?

A. That's correct.

Q. Then the tactical or Bronze allocated by the OIOC, which

means it's allocated by Silver; is that right?

A. Yes.

Q. Can we just look over the page, please, to paragraph 6. Then there's the actual roles within there and it's "Strategic" I'm interested in because this is yours?

A. Yeah.

Q. You've been very helpful. You've, in fact, drafted this:

"... this officer combines all RMP resources towards managing and resolving the investigation in a prompt and effective way. He is to create a Strategic Management Group ..."

Then you've got:

"... overall responsibility and is accountable for providing resources towards the strategic objective."

A. Yeah.

Q. Now, was that possible?

A. No, it was what was wanted to happen but I think structures and reality bit on it and it just wasn't -- it wasn't feasible in the end.

Q. Did you realise that when you wrote this?

A. No. If you look at the date of it, I think it's within a couple of days of the meeting at APC Glasgow.

Q. It is. It's at the start.

A. Yeah, and I think it was an attempt to try to get

Provost Marshal (Army)'s, again, one-star clout to make APC bend a little.

Q. So this is what you -- or what the PM(A) has directed, we can see but this is what you want to happen?

A. *(The witness nodded)*

Q. And this is at the start where --

A. Yes.

Q. -- you may have had some optimism bias.

A. Yes.

Q. We can see number (ii):

"[You] will set, review and update the strategy ..."

A. Yeah.

Q. "... which may include setting tactical parameters."

A. Yeah.

Q. So is that a way of saying that you set the overall strategy and you do have some direction and control over Silver and Bronze but whilst respecting their functions --

A. It's about don't go too far to the right because, again, we had a limited amount of resources and a massive task. So what we didn't want to be doing was chasing stuff that wasn't as important as other stuff that might be getting missed.

Q. There's then importantly a number (iv):

"... Staff Officer responsible for engaging with

external organisations when determining strategy."

A. Yeah.

Q. So when there was a strategic issue out of RMP, that would be for Gold to liaise with other strategic leaders, perhaps?

A. Yes.

Q. But that doesn't mean you'd be doing the inquiries with --

A. No.

Q. -- whatever department may have anything.

Then we've got (v), including documentation of the strategy for a clear audit trail.

A. Yes.

Q. Resilience of the command structure, and your job: to brief PM(A)?

A. Mm.

Q. I'm not going to deal with the Silver and Bronze with you, could we just go over the page. So we've now got the role of CO SIB regiment, and is this part of the document you drafted, directed to try to make this work together. So whilst Gold has got the strategic leadership, to try and make it work with the SIB?

A. Yeah, by the time I wrote this I'd lost the battle to have the command of these people put to me(?), so it was then a matter of trying to get a way of removing

personality from the conversation, and personal interest, and using PM(Army) to say "Right, look, this is my policy; this is what's going to happen".

Q. We've got sort of MS, military secretary, reporting, career management, discipline and welfare. What about (b) though, provision of G4/G6 support. Can you just explain what that is?

A. G4 is effectively all the bits that people need to do their job, so it's the sort of -- but it also sort of extends to the married quarters, single living accommodation, access to medical facilities, where they get the new piece of uniform if they rip the other one. It's sort of as low or as high as you want.

Q. So a pretty key function, as well?

A. Very much.

Q. But as you've explained, by this point you'd lost the discussion as to actually have direct command?

A. Yes.

Q. Okay.

Now in terms of having a Gold, Silver, Bronze structure -- let me put it this way, the labels, Gold, Silver, Bronze: whose idea was that?

A. It was probably mine.

Q. With hindsight, was that a good idea?

A. No, I think the -- I think the way I've described it in

that document, the PM(Army) side of strategic -- I can't remember now, you'll have to excuse me. But its -- the three levels. It's probably been better to use those terms than Gold, Silver and Bronze.

Q. I think you set out later, you thought it may have caused some sort of confusion with -- certainly with civilian police?

A. I think in retrospect, absolutely it did.

Q. Now, paragraph 37 of your witness statement, and it's a part we've looked at before -- you've said "I believe that this became clearer" -- I'll wait for you to catch up with it. It's at the very bottom. You say, as it became clear, as the operation developed, you don't believe that you fulfilled the Gold role as is known in civilian policing and you've explained, certainly in the military context, why there are constraints with that.

Then you say:

"I feel the term was used inappropriately and for presentational purposes."

A. Yeah.

Q. Can you explain what you mean by that, "used inappropriately": by who and in what way?

A. Again, I think I take a lot of the blame for this, of using those terms at the beginning, which I think they were then used by others. But I think what it did was

you had sort of MoD police advising centre -- MoD centre, as well, you had the Department of Judicial Engagement Personnel who had experience with Gold groups from other stuff that had been going on, as in civilian Gold groups. So that's why I think that, whilst we used it for the right reasons, it just had the wrong effect and that's one of the big regrets.

Q. So when you say you feel the term was used inappropriately, I mean, do you mean by you, by others or can you -- because it's a striking statement.

A. It is, yeah, and I think -- again, I think I would probably amend the word -- "inappropriate" sort of says that we're doing it for nefarious reasons.

Q. Yes.

A. We weren't. We just used the wrong word.

Q. Yes.

A. That's the reality. We used a title which wasn't appropriate for the actual activity.

Q. Fine. So you're saying Gold, Silver and Bronze but, in fact, you didn't have the powers of Gold --

A. Yeah.

Q. -- or the responsibilities of Gold?

A. I had a lot of the responsibilities of Gold but not in the civilian police context.

Q. Thank you.

In terms of the command structure -- and you've already explained regarding how that worked, would it be fair to say you didn't regard that as satisfactory, putting aside Gold, Silver, Bronze.

A. Yeah, and I never thought it was satisfactory.

Q. Can we just have a quick look, please, at the GMP review of August 2014, which is at tab 43. I'll ask that we can have that brought up on the screen because, as ever with any sort of consultant, naturally there's going to be a review of the structure and management processes.

Can I ask that 43-3 is brought up. So you've already explained that one of the things that you did in relation to Captain Wright, but might it also be fair to say in relation to your inexperience as a Gold, was to bring on these external advisers?

A. Yeah, it's best practice to have periodic reviews at certain points in a serious investigation but we had so many of them and there were so many external things, what I wanted to do was have a very experienced external review capability who could act as both advisers and reviewers.

Q. Right. So we've got -- and we'll -- Mr Williamson, he's there really with Captain Wright --

A. Yeah.

Q. -- on more of a day-to-day basis to mentor and assist

him.

A. Yeah.

Q. Then we've got the GMP Review Team?

A. Yeah.

Q. This is a number of people, isn't it?

A. Yeah, Martin and Russ.

Q. There's Martin Bottomley, there's Russ Jackson and then I think there was other people working for them. So it's sort of ability to access, on one hand, HOLMES and MIR, as well looking across the strategy as well.

This is their review. I think it might even be one of their first reviews and this is one which I think is prepared by Mr Bottomley.

A. Yes.

Q. It is dated 15 August 2014.

A. Yeah.

Q. It goes on to 19 or 20 pages or so, with an appendix. Did you read this review when it came out --

A. I remember reading it but ...

Q. I'm not saying you're going to be aware of each paragraph like you may have been in the Murder Manual. So in terms of the audience for this, who did you feel this was addressed to: was it you, as Gold; was it to the PM(A); was it to the SIO; or was it everyone, or what?

A. It was addressed to me, in that role as Gold, but the audience, in my view, was basically the people who could influence resources and policy. So Provost Marshal (Army), the Assistant Heads, the SIOs. So -- because they were commenting across the piece.

Q. So you're thinking this also may be useful as a tool?

A. Yes, very much --

Q. To help, so it's not just you saying you need something: "Look this is what GMP have said".

A. Yes.

Q. Understood. I'm going to ask you about one particular part and it's obviously one we need to focus on, at page 43-6, paragraph 2.4. This is where GMP raise -- it says:

"The absence of any formal or structured minutes for the meeting on 18 July 2014 is somewhat surprising ..."

A. Mm.

Q. That might be a polite raised eye --

A. Yeah.

Q. -- from a policing colleague, given that's where the investigation plan was presented --

A. Mm-hm.

Q. -- and where a new one was recommended. Perhaps slightly unsurprisingly, over the page, there's a recommendation given that the RMP produce and register

the minutes for Operation Northmoor.

A. Yeah.

Q. Now, could I ask, I think there's a document you've got in front of you which is a schedule, which we've prepared, it's a list of all of the minutes that we've been able to identify. Have you actually got that in front of you? I think it might just be --

A. Sure. Oh, here.

Q. It's a loose piece of paper. It's also on the screen, as well. So these are the dates, just so you understand where.

A. Yeah.

Q. The Inquiry has been able to obtain documents relating to Gold groups.

A. Yeah.

Q. Just so we're clear, your tenure, if you like, was from 2014 into 2016, so I'm not going to ask you about what happened after then.

So we can see that there's minutes on 18 July '14; two in August '14, which is the sort of time we're at; then there's a gap; then there's two in November.

A. Mm-hm.

Q. Then there's a gap for nine, ten months, to September '15; then October; then November; then January; then another gap to June.

A. Yeah.
Q. Now, I want to make clear: these are the documents that the RMP have provided us when we've asked them to but there's also a possibility that something might be misfiled or --
A. Yeah.
Q. -- whatever. But this is what we've got. Now, do you think, doing your best, this document sets out the dates of all of the Gold Group meetings that were held?
A. Potentially. There was a real challenge putting gold meetings together. I refer back to what I said earlier about an ACPO member being present. We took the opportunities when we could to discuss Northmoor, particularly if I needed some traction. So there were things called the strategic command group, RTC, which is Red Tab Cabal, and other things, where we would inject Northmoor in there to try and get some of the higher level stuff done. So it's not excusable but that's probably why some of the gaps are there, because there was limited reason because there was perhaps limited progress, because we were getting limited response.
Q. Again, no one is suggesting that these are the only times that Operation Northmoor was on your desk, far from it. I'm sure you'd agree, it's an important principle that Gold --

A. Absolutely.
Q. -- Gold meetings are recorded and minuted --
A. Yes.
Q. -- for all sorts of obvious reasons.
So would you agree, that maybe -- I'm not saying there needed to be very lengthy Gold meetings but there might have been -- there probably ought to have been more than at least we have on that record?
A. I think we lost impetus after the end of 2014 and I think it trailed off then and I think, to a certain extent that was, I'd agree, had been worn down, where the value of these, particularly when we're having to gather people from all over the country to come into a Gold group, it was a question of, well, what is it actually achieving? And, of course, we didn't have the benefit of having secret VTCs and various things like that available to us at that moment in time, so we didn't have a hybrid option, and it was either turn up or --
Q. This is pre-Covid, so people in all functions will be used to meetings in person.
A. That's correct.
Q. But you said people from all over the country.
A. Well, you've got GMP would need to come down; Paul Williamson -- I can't remember where he was based at the

time. But there would have been others as well. So the SIOs were not all based in the one place. Some of them were based in Bulford, others where based elsewhere. There's an inquiry team up at Northolt, for example.

Q. So just in terms of other meetings and, in fairness you do set this out in your witness statement at paragraph 181, there were in practice, other meetings during which Northmoor would have come up --

A. Sure.

Q. -- and I think you've given the names of some of those?

A. Mm-hm.

Q. You said also, whenever an opportunity presented itself, if relevant individuals were around, then you would discuss strategic direction?

A. Mm-hm.

Q. So it's not necessarily that the discussion weren't happening?

A. Yeah.

Q. Might it be fair to say, though, that those happened but they weren't formally minuted?

A. Yeah, it's something I really regret. I should have minuted them instead of just writing notes in my personal notebooks.

Q. Okay, thank you.

I'm going to move on, please, to something else that

GMP raised in, I think, that first report that we're looking at and I'll ask it's brought up on the screen again. It's paragraph 6.3, 43-13:

"In his report on 30 June 2014, the NCA Adviser also highlighted that 'there are at present insufficient resources to ensure a "prompt and effective" investigation'."

A. Yeah.

Q. Did you agree that that was a problem?

A. Yes.

Q. In your time as Gold, was that a problem that you were able to solve?

A. I think we ended up at 130 people, which I thought was the minimum that we needed. But I think that took two years to put together. Even then, the structure wasn't right and the knowledge, skills and experience of a number of those that were involved certainly wasn't sufficient for the task.

Q. I apologise if this is reducing a very complex problem to a simple question: why was it so difficult to get the resources?

A. Back to the "MS is king" piece. And the diversity of RMP is quite massive. You can have people who may be at the rank of staff sergeant or warrant officer who have not made an entry in their notebooks since they were

corporal because they may have been off doing close protection, they may be working in Northern Ireland, they may be in an operational role, they might be in a motor transport section, and we had no control over those who were assigned to us, particularly at the lower levels. So I may have a corporal posted in from Northern Ireland, who literally hadn't done any policing and not taken a statement or written an entry in a notebook in two years.

Q. Now, one of your functions as Gold, maybe fairly or maybe unfairly, as you've set out, was to ensure the resourcing --

A. Yeah.

Q. -- the proper resourcing, of Op Northmoor?

A. Yeah.

Q. In that regard, do you think you achieved that objective?

A. No.

Q. May I ask you about one last matter from the report, and this is, please, at page 43-7. It says here:

"The review officer has been sighted on a report by the NCA Regional Adviser ..."

It says other people have been brought in to help with various bits:

"... in which he states that consideration should be

given to the following terms of reference for this group."

One of the matters is to develop a Gold strategy.

A. Yeah.

Q. Now, so far as you were concerned, was a Gold strategy in a document ever done?

A. I think again, in the terms of Gold strategy now, I think the closest you get is the terms of reference document which is put out at the very beginning.

Q. If we turn to tab 71 -- I'm afraid I've got quite a few documents -- and can I ask that 72 is put up on -- sorry, 71-10. We can see that there's -- this is from 17 March 2014.

A. Yes.

Q. This relates to Operation Isoptic, which was Team 2 matters, and it goes on and it sets out in perhaps at least bare format a strategy for it.

A. Yes.

Q. Now, the fact, as I think you're saying, that that was not done in terms for Team 1, for EJK, why wasn't that done, if you accept it should have been done?

A. I need to check, sir. I think there is a terms of reference document which refers to the killings. I would need to sort of re-look at it. I think it brings together Cestro, it brings together a couple of

others.

Q. Yes.

A. But I agree with you that in -- it would have been much better for me to have put together a very clear strategic document.

Q. Again, it's always easy enough to look back and say, "Oh, maybe I should have done this, or maybe this would have been better". But in relation to these matters which might be at least of not trivial or of some importance, do you think that maybe the number of non-Northmoor responsibilities had a part to play in that or might it be the experience that you had? I just wondering for your reflections on what might lie behind those matters?

A. I think that, on reflection, there were a number of factors. I probably had far too much confidence in my own abilities to be able to do the multiple things. I should have had a little bit more self-reflection on that. But I do think that the multitude of responsibilities, together with, you know, life goes on around you outside of work, that, you know, there are other things that go on in your life. I didn't realise, until probably far too late, that I was not doing -- in an attempt to do everything well, I was not doing anything to the standard that I would normally have

liked.

Q. Perhaps with hindsight, do you think if, being the Gold Commander was your only job, at that time your only responsibility, and that you had command, those things might have been done, or might have been done better or --

A. I think in my view, undoubtedly, if that had been my sole job and the command structures had been sorted out, it would still have been massively challenging but I think it would have been delivered better at that point than it was.

Q. Thank you.

SIR CHARLES HADDON-CAVE: I think you said in your statement that about 10 per cent of your job was Gold --

A. Yes.

SIR CHARLES HADDON-CAVE: -- and the rest of it were all these other multifarious responsibilities.

A. Correct, yes.

MR POLNAY: Sir, I wonder if that might be a convenient time for lunch.

SIR CHARLES HADDON-CAVE: Indeed. Thank you, Mr Polnay.

We'll break now for lunch, please, until 2.05. All right?

MR POLNAY: Thank you, sir.

SIR CHARLES HADDON-CAVE: Thank you. Thank you.

(1.03 pm)

(The Short Adjournment)

(2.01 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 ten-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.

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.

(2.05 pm)

SIR CHARLES HADDON-CAVE: All right. Thank you, Mr Polnay.

MR POLNAY: Mr McAllister, can I just pick up on and finish

one or two of the matters we were discussing regarding your role as Gold.

A. Yes.

Q. So in terms of, for example, funding and the securing of resources, which was I think you said one of the strategic functions of Gold, but for various reasons you felt you in fact did not fulfil in the end, whether it was due to clout or other issues, if you weren't able to fulfil that, was there anyone else in the RMP who was doing it because you weren't able to?

A. No, I don't believe so. I think it's -- you've got the power to ask, but you've not got the power to make it happen.

Q. So is it fair to say that the finishing point or the outcome of this, for the reasons that you've set out, this wasn't a function you in fact in the end were able to fulfil, so it wasn't effectively fulfilled?

A. No, it wasn't.

Q. And I don't want to put an undue emphasis on it, but looking at the Gold Group and the gaps that we've identified where there are formal minuted meetings, not to say "Oh, well, that would have changed anything" but might more regular meetings in there have assisted in marshalling the case and trying to progress things, or would you say it would have had simply no bearing on it?

A. I think, sir, it would have no bearing because the people who could actually make the decisions and make it happen weren't going to be present at those meetings.

Q. Okay. Just to flag the Gold Group, there's one aspect I'm going to return to later but I'm going to move on from that for now.

A. Sure.

Q. The next thing I'm going to ask you about is the chain of command and, in particular, the chain of command above you.

So there's obviously the Provost Marshal (Army), but he was two ranks above you, I think.

A. Yes.

Q. So the one above was AH Tech; is that right? DPM?

A. Yes, DPM as I used to know him.

Q. And I've only got one point. That was Colonel Pat Cairns; is that right?

A. Yes.

Q. But for most -- I say most of the time, a fair amount of the time we can see from the chart that was Colonel Rob Morris?

A. Yes.

Q. And, as you may be aware, Colonel Morris has already given evidence to the Inquiry?

A. Yes.

Q. Just so you're aware of that.

A. That's fine, sir, thank you.

Q. Now you say in your witness statement, in your role as Gold Commander you were directly responsible to, and received direction from, AH Tech/DPM, with investigations. Can you just explain and what does that mean, you received direction from?

A. As you're aware, the sort of strategic command, the Gold Commander, is responsible to the Chief Officer for how the investigation conducted, etc, etc, raising any issues. Ostensibly, it's using the chain of command to gain access to PM(Army).

The military is a hierarchical system; so, in effect, I would go to AH Tech, as you know, and provide a briefing, say what I'd wanted to happen, and then they would determine whether or not it was something that had to be taken directly to PM(Army) or whether they could deal with it at their level or whether it needed to be discussed at all.

Q. Would he ever give you direction on strategic matters relating to the progress and the monitoring of the investigation?

A. No, not in terms of investigation policy. Perhaps in relation to resource, which has an impact on policy, but not directly on investigative policy.

Q. Okay. So far as Colonel Morris is concerned about in particular, were you aware of any potential conflict of interest that he might have had with the subject matter of Operation Northmoor?

A. No. No, not that I was made aware of.

Q. Can I just ask you specifically, were you aware that he was responsible for detention facilities in Afghanistan over the time period of which Team 2 was specifically looking into complaints about what happened in detention?

A. It wasn't something I was made aware of. As you're aware, I put out a conflict of interest policy.

Q. Yes.

A. But no.

Q. And were you aware that he may have had some personal knowledge, not firsthand knowledge, but reporting knowledge at the time from when he was the senior RMP officer in Afghanistan?

A. I don't recall that being mentioned to me.

Q. If it had been mentioned, is that, do you think, something you might have recalled?

A. Yes. As you're aware, I dealt with another matter of a similar nature involving another officer. So I would have probably approached it in exactly the same way.

Q. And that would include documenting --

A. Yes.
Q. -- and looking into the extent of any potential or perceived conflict of interest. Can I underline those words --
A. Yes.
Q. -- perceived conflict of interest which, to the reasonable bystander, might that present a conflict of interest between them?
A. Yes.
Q. And that would involve looking at it and documenting it and seeing whether it -- considering quite transparently whether or not it might amount to one and, if so, any mitigation or any measures that might be put into place?
A. Yeah, I think in terms of my conflict of interest document I put out, it puts down the, I think, it's seven ways of resolving conflict.
Q. We may, in fact, look at that in a different context because it's fair to say we're looking at the context of some of the other things that were going on along at the time in the RMP world. That included the legacy from Iraq; is that right?
A. Yes.
Q. And one of the very particular issues that came up was: are the RMP investigating themselves?
A. Yes.

Q. Do they have sufficient investigative independence?

A. Mm-hm.

Q. So would it be fair to say you'd hope, amongst officers, and senior officers with significant leadership responsibilities, the position regarding conflict of interest should have been, one would hope, pretty clear?

A. I recognise that everyone has to look to themselves and that's the whole point of conflict of interest. I know Colonel Morris and I believe that if he had believed there was a conflict he would have approached me with it.

Q. Thank you.

Can I move on now to ask about external support and the details of the external support and the rationale behind it.

A. Yes.

Q. I want to look at some of the detail and the precise terms of reference with your help.

A. Yes.

Q. Now, I think you've explained one of your rationales in advising Brigadier Warren that there should be external groups?

A. Yes.

Q. And one of them was to mitigate an experience amongst the investigation team.

A. Mm.
Q. Was there another rationale in particular?
A. It was to partially counter the independence argument of RMP investigating themselves. Having an external police officer who has their own responsibilities and own allegiances outside of RMP, I felt was very important to be transparent in that way.
Q. And, again, following out of litigation that arose out of Iraq, and criticisms of the RMP and whether or not they could conduct them, conduct investigations, you felt, I think, that having an external group would assist in that?
A. It was going to be layered. Obviously we were looking to the NCA for mentorship, which they provided. We were looking for GMP, MERT. I had plans for a chief officer adviser and an independent advisory group. So there would have been layers built in of external bodies to demonstrate both competence and independence.
Q. We're going to turn in a minute to a particular document where you set out the risk and prejudice, but I suppose looking at this in the context, whilst there is obviously risk and as a senior leader you're always going to be looking at what are the risks here, this independence matter, this must have been pretty high up the agenda for the RMP?

A. I think it was. I mean, we'd been through such a period of litigation through IHAT and all of the other things that came with it. So I think there was a sensitivity both within RMP and within the MoD wider.

Q. And tell me if this is putting it too high -- it really is as a question. Was it regarded almost as an existential issue for the RMP because, if you can't investigate soldiers who are committing crimes, almost what can you do?

A. I think that's fair in a way. But I think the actual risk to RMP as an investigating agency wasn't a "they either are or aren't" because the next question is: somebody has to do it, who is it going to be?

Q. Sure. And can we have just have only a quick look, please, at document at tab 71 which is a document dated 27th March 2014, addressed to DJEP, Head of Public Inquiries.

A. Yeah.

Q. We'll talk about DJEP in a little bit. It's signed by the PM(A) and, again, is this in fact a document you drafted?

A. It is sir, yeah.

Q. So this is a document to DJEP, Head of Public Inquiries, and this is written in what's now very familiar to us, the army staff work in standards in accordance with the

correct JSP, and you're referring -- the reference is a letter and the decision of the Court of Appeal in Hussein v Secretary of State for Defence. The issue is the risk held by the Provost Marshal (Army) in terms of challenges to the independence of the RMP.

A. Mm.

Q. So you're looking forward because this is starting to come up, isn't it, and you're anticipating there will be a litigation risk and a challenge --

A. Yes.

Q. -- as to whether or not the RMP should be allowed to.

A. I believed it was inevitable, inevitable.

Q. And taking a step back from the litigation risk and whatever, you know, you're looking at what the courts may or may not decide, do you think the RMP was suitably independent to investigate these sort of matters?

A. I think we were. I don't believe that any, certainly none of the Military Police Officers that worked with me through Op Northmoor or elsewhere would ever countenance taking pressure from the chain of command to not do their duty effectively.

I think whether there's a wider institutional threat is a different question.

Q. And that may be one we return to later. There's the recommendation, which is in military format. You're

recommending that they note something?

A. Yeah.

Q. So this is sort of "I'm telling you"?

A. Yeah.

Q. That's the way -- that's the appropriate way to write this.

A. Sure.

Q. That there's a number of claims being made, that you note at point C, which is again potentially important:

"Whilst this is at an early stage, it is assessed that one member of the Royal Military Police and 30 members of MPF" -- is that Military Provost Service?

A. Yes, effectively the prison officers.

Q. "The prison officers and detention facilities may be considered as suspects."

A. Yeah.

Q. So the point here is, well, it's not just the army investigating the army; it's, on one view, RMP investigating RMP?

A. Yeah.

Q. And you're asking DJEP to note the mitigation methods. And you also note at this stage in March 2014, "We're going to require an immediate uplift in infrastructure and technical resources."

A. Yes.

Q. If we just turn over, please, to the next page and paragraph 7. You say:

"The risk associated to RMP investigating these allegations was accepted, as there was no clear alternative."

Effectively, you're saying that there simply wasn't anyone else who could do it in the view as stated.

A. Mm-hm.

Q. "The investigation opportunities were closing daily and still are."

This is a recognition of getting on with it; is that right?

A. Yes, that's correct, sir.

Q. And:

"There was no clear evidence of RMP or MPS criminality at the outset."

A. Yeah.

Q. So you're saying that, "When we started this, this wasn't necessarily where we foresaw we would be"?

A. Yes.

Q. And then we look at 8, risk mitigation:

"This investigation is still being supervised by the NCA at the strategic level and at the tactical level by the Greater Manchester Police Major Enquiry Review Team."

Now, is that the wrong way round?

A. It is and it isn't. It was a product of its time.

Q. Okay.

A. If you look at the dates, the initial ask that I went through with -- I don't need to name the individuals, but when I spoke to the NCA seniors and Homicide Working Group people, the initial ask was for more than we got.

Q. Okay.

A. So that was almost a statement of intent rather than a statement of fact and it should have been worded better.

Q. So when it says "still being supervised" it's, in fact, more aspirational?

A. Yes, very much.

Q. And you're saying -- and that makes, if I may say, a lot more sense -- if we read it as it's intended the investigation will be supervised, and at the time you were thinking it was the NCA that would do --

A. Yes.

Q. -- what GMP ended up doing and the other way round, but that's just not in the end how it worked out?

A. Yes.

Q. And there's just this word -- and, again, noting you're saying "is still being" is wrong, it should be a statement of intent -- "supervised". Was that your

understanding or intent of what they were going to do?

A. It was my intent if you look at it being analogous as to how the Independent Office of Police Conduct look at investigations, they do independent, they do supervised, or they do "Get on with it yourselves" type investigations, the intention was to have a sort of supervision type role where they could turn in and say, "Well, actually do you realise not just the impact this has had but the possible perception of others?"

Q. Yes. And you say:

"It's to ensure the RMP are conducting the investigation promptly, effectively and they're following all reasonable lines of enquiry, thereby adding some surety to independence."

A. Mm-hm.

Q. Then it goes on to say:

"All allegations are being investigated thoroughly and no investigation is discontinued until the NCA and MERT have provided their professional view on the decision."

A. Yeah.

Q. And then:

"In addition, no matter is discontinued unless it has been assessed and agreed by the Director of Service Prosecutions."

A. That the was agreed with Mr Cayley.

Q. So sort of a triple lock. Nothing is stopped, you're saying is at least the intent, until signed off by the NCA and MERT and the independent DSP?

A. If I remember correctly, sir -- you'll need to excuse me, my memory of the legislation is somewhat out of date -- but I think there's a legal responsibility upon the RMP to seek the advice of the DSP when it comes to schedule 2 matters.

Q. Yes. And it goes on to say:

"Whilst this does not guarantee the courts will agree that it is independent, it provides significant additional surety that was available when the courts assessed the RMP involvement in IHAT."

A. Yeah.

Q. Now, taking this as a statement of your intent or aspirations or your advice to the PM(A), which he accepted, do you think in the end that's how the NCA and GMP would have seen their roles?

A. Not at that time. Again, this was all happening at pace. I don't think they would have seen that as their role at the time and I don't even think they would see that as their role now. Again, product of its time.

Q. In terms of the product of its time, what was the point of the product? Was it to sort of try and, to be blunt,

fend off DJEP and give yourself some breathing space, or -- I don't mean -- I was going to say a land grab and I don't mean a land grab, but is it sort of defending your RMP role with your slightly more corporate hat on saying "We've got this"?

A. There were multiple aspects of it. We were receiving a significant amount of pressure because the RAF police were taking so long to assess the detainee cases and they were not moving forward. There was a lot of pressure on us about independence. But also, DJEP I think is a two star who sits in MoD who's got the ear of the people who can get us the resources. So I think a part of this was seeking his support for that.

Q. And the part of the basis of support is you've got this risk mitigation in place?

A. Yeah.

Q. Though, again, by use of the word "still being supervised", it was aspirational on those terms.

A. Yeah.

Q. Perhaps it was a bit more ...

A. It was more than it should have been, sir, absolutely. Again, it's been written at pace. I'm not a lawyer.

Q. No.

A. And I wrote it in the terms that were acceptable at the time.

Q. And just to be clear, I suppose in the outcome you were trying to seek by this, it was to get DJEP to help?

A. It was trying to stop them complaining about the independence argument and say: look, you know, we've put in mitigations this time, it's not the same as the last time, but also to try and get their support when it comes to resources.

Q. To get them off your back on some stuff?

A. *(The witness nodded)*

Q. And get them on side on others?

A. That's right.

Q. All right. And that was the purpose, or at least one of the purposes, of this?

A. Yes.

Q. Thank you.

Now, to return to your witness statement, dealing with what happened, and we're not going to go through a detailed timeline of all of the appointments, many of the documents are going to be made available. At paragraph 138 of your witness statement, you say, in your view the work of the NCA was essential?

A. Yeah.

Q. And again, looking back on it now, whether it was or, as it would seem, not the role as articulated in that memo, that document to DJEP, in your view they provided

a positive influence on Op Northmoor?

A. Yeah. I still would like to use that terminology. It was invaluable. In fact, I don't think we could have even got as far as we did without the NCA.

Q. And just in terms of some of the detail -- well, it's not really the detail, it's a high level of what Mr Williamson did, and he will be giving evidence himself in due course, is he would be able to reach back into the NCA to get specialist advice on particular topics; is that right?

A. Yes, and access to specialist resources as well.

Q. And also he acted as, you say, a sounding board or a sort of mentor --

A. Yeah.

Q. -- or support for Captain Wright?

A. Mm-hm.

Q. Again, at paragraph 139 you say you don't believe they influenced the strategic direction of Op Northmoor but their views were always considered as part of the decision-making process.

A. Yeah. I don't believe that they ever came to us and said, "You're doing this all wrong" but they may have said, "You might be able to do this better this way, have you considered this?" So that does influence how you approach things because it's a -- you use the term

"critical friend". So I don't believe that they impacted significantly on the strategic direction, just -- but they certainly informed it.

Q. And would you have contact with Mr Williamson?

A. He would normally contact me if I -- if he wanted to raise a particular issue and vice versa. But the main contact he had was with Mr Wright.

Q. Okay. And that was the sort of level at least in the organisation that was intended he'd primarily operate?

A. Yes.

Q. But he had a path to speak to you if he thought it was necessary?

A. Absolutely.

Q. Right. And just to flag to others, there's -- you deal with -- in your witness statement, you mention some sensitive matters that you ended up dealing with with the NCA. I am going to ask you some questions about that but that's going to be in a closed session on another occasion.

A. Okay.

Q. So as far as MERT is concerned, and you deal with this at paragraph 148 of your witness statement, you led on the involvement of the GMP MERT?

A. Yeah.

Q. And their function was what, a case review function?

A. Yeah, it's best practice, whether it's in civil police or in any investigation, that you have an external professional organisation come in to look at where you are today. In SIO terms, you would normally have to have one after 48 hours. Then you would have one at another set point and it would continue from that point onwards, and I thought it was really important to have that from a really experienced police force like GMP.

Q. Yes.

A. And I knew Mr Bottomley and Russ Jackson from the Homicide Working Group and I knew that they would tell me the truth, that, you know, there'd be no -- so I approached him directly and said, "Would you consider this?"

Q. And so Mr Bottomley, you say, you knew from before?

A. Yeah, I knew him from the Homicide Working Group, him and Russ Jackson.

Q. And so far as Mr Williamson, is he someone you knew before?

A. No, I didn't know him before the NCA appointed him.

Q. Right. Now, in terms of the appointment of these people, they were reviewers in one case?

A. Yeah.

Q. A mentor and -- I can't remember the exact term you used for the NCA.

A. Yeah, the NCA -- it was aspirational that they would be strategic oversight. In the end, ostensibly, Mr Williamson performed a function which is what they call a regional adviser, where they come in and they advise on the construct, and -- but he did provide mentorship to Captain Wright.

Q. Now, I'm sure you would say that as the -- this was an RMP investigation and, whilst the advisers advise, the RMP decide?

A. That's correct.

Q. Now, speaking first of all for yourself, you were, whilst it was your first time as Gold Commander, you had a very extensive experience of leading on investigations yourself. How comfortable would you have felt in rejecting advice, either from the NCA or from GMP?

A. I think one of the things I never suffered from was lack of confidence at this time, and if I genuinely believed that what they were saying was wrong, I would have challenged that and wouldn't have followed it. But I think also, again, they were advising in a civilian context. So they may say: right, well, go out and secure that crime scene and do this, that and the other. That was just not going to happen because they didn't understand the force protection issues, et cetera, et cetera. So there's a balance.

If it was a purely -- for example, if they were advising me on some technical matters, I would absolutely be influenced by their decision because they are the experts. But if they were talking about something that was more in my domain, then obviously I'd be less likely to take their advice.

Q. Now, obviously the whole point of advisers and reviewers is to influence.

A. Yes.

Q. I mean, that's almost the intrinsic purposes.

Do you think, when you said you would have had the confidence if you disagreed, does your, again, personal experience of having led on investigations, would that have played a part in your confidence and feeling able to do that?

A. Yes.

Q. Now, we don't need to go back to it, but if we look at the risk and resource document we looked at before that you drafted, I think it would be fair to say that the involvement of these external advisers, whilst -- there's this twin track, isn't there? There's, as you've explained, to help to get the expertise on board and as part of what's really good practice in policing and support for the inexperienced team. There's also sort of the DJEP line of travel --

A. Yes.
Q. -- which is, and this is I don't want to say a legal requirement, but it's a bit more existential, isn't it? We need these people there to show that we have the independence?
A. If the NCA, GMP and others hadn't stepped forward at our request, I do not think we could have gone ahead. I think there would have been too much pressure because of the independence argument.
Q. So the scenario I'm sort of coming to is this: you mentioned, and it's my phrase, this sort of triple lock, regarding discontinuing allegations. Given this sort of scaffolding(?) of why they're there, if advisers' advice was rejected on something important -- and I don't mean sort of a small operational thing -- by the RMP, that might present a problem, mightn't it?
A. Yes. However, I go back to the point of all schedule 2 matters must be consulted with the DSP prior to discontinuance.
Q. Yes.
A. And the fact that we went against the advice of NCA or GMP would be part of that discussion. So there was always a safety net if we chose not to follow their way.
Q. I suppose I'm asking you about a scenario a bit more broad than just sort of discontinuing an allegation

where, you're right, there's a statutory role for the DSP.

I'm talking about, say, a strategic matter about the course of the investigation. It's just in his note to DJEP, this isn't -- the external agencies aren't really just they're a sort of advice, it's a lot more assurance, isn't it? And what I'm coming to is: is that not going to present a bit more of a problem for a decision-maker if you say, "Don't worry, we've got these other people supervising" and that was the word, I think "our work" if you're then not going to follow what they said?

A. There's a problem like that every day, sir, you know, when you think about how civilian police do their business. They have external reviewers coming in as well for major and complex crimes and exactly the same principle applies. Now, the SIO, as you say, has autonomy to make decisions at a tactical level. You know, the Gold has a responsibility. So it's the old thing of you take all the information that's available to you and all the advice that's available to you and then you make the decision.

Q. Sure.

A. And it's up to you to stand by that decision when you've made it.

Q. And I suppose so far as the decision making is concerned, as you've explained, you considered your experience put you in a good enough position where you felt able to evaluate the advice that you were being received --

A. Yes.

Q. -- you received and apply your own judgement to that advice?

A. Yes.

Q. The next thing I want to ask you about externally is an IAG.

A. Yes.

Q. You mention this at paragraph 156 in your witness statement. You proposed an Independent Advisory Group --

A. Yes.

Q. -- in late 2014 and you continued making this proposal.

A. Yeah.

Q. Ultimately, it was picked up, I think, though perhaps not in the terms that you suggested.

A. Mm-hm.

Q. Just so we're clear, the -- your concept of an IAG -- and it's got different terms in different policing contexts, but your idea is this is an external check where a decision -- a non-prosecution decision has been

taken?

A. *(The witness nodded)*

Q. That's your function?

A. Yeah, where there was a decision not to prosecute, serious or -- serious matters, that an IAG would be part of that.

Q. So not mentoring or anything like that for a Gold or PM(A)?

A. No.

Q. Not community impact --

A. No.

Q. -- or anything like that. It's a non-prosecution review.

A. Yes.

Q. Thank you very much.

SIR CHARLES HADDON-CAVE: Can I ask why you thought it was necessary to have somebody separate from MERT and the GMP to give that advice?

A. It's just bolstering the whole independence thing again, sir. This was sort of a big thing in -- to everyone's mind at the time. And also what was very clear on is that the IAG would need very carefully selected in terms of how these decisions would land with the audience. Because it's not just about how it lands in policing or how it lands in the courts; it's how it lands elsewhere.

When you look at Afghanistan, for example, decisions made by us during investigations, et cetera, et cetera, can have serious implications on the ground. You just have to look at things like the inadvertent burning of Qurans by US forces to see what happens if you make these ill-advised decisions.

SIR CHARLES HADDON-CAVE: Can I also ask, to what extent did the whole Shiner imbroglio cast a shadow at this time?

A. I think it was still very fresh in people's memory at the time, and I think, when that all came to a head -- and you'll need to excuse me, I know that it came to a head but I don't know the full circumstances -- there was a sort of breath of relief, but I think there was also a belief that we could then just ignore certain things because it had all gone away. But, you know, it was never going to go away.

SIR CHARLES HADDON-CAVE: Thank you.

Thank you, Mr Polnay.

MR POLNAY: Finally, in terms of external people, I want to ask you about the Director of Service Prosecutions.

A. Yes.

Q. And you deal with the DSP at paragraph 163.

A. Yes.

Q. And at least at the time that we're looking at, the SPA, the Service Prosecution Authority, that's responsible

for the independent prosecution of serious offences committed by members of the Armed Forces; is that right?

A. That's correct.

Q. So its lawyers, I think, maybe draw from lawyers within the Armed Forces; is that right?

A. At the time they were from all three services.

Q. And they may have had different functions within those armed services as legal advisers or all sorts of --

A. Yeah, they've got a long history. A bit like I said, normal officers, legal officers, have to do certain types of jobs to come out.

Q. And the DSP, the Director of Service Prosecutions, is the Independent Head of the Service Prosecution Authority?

A. Yes.

Q. Is that right?

A. That's correct.

Q. And just, really, to pick up on one of the things you mentioned before, as you set out here: if, following investigation, RMP concluded a serious crime had been committed, such as an extrajudicial killing, a referral would be made to the DSP?

A. Yes.

Q. -- the SPA, and, as you've said, there can be other circumstances where you still might have to make a

submission in any event.

A. Mm-hm.

Q. But that decision for serious proceedings to institute or not, that was the responsibility of the DSP?

A. Absolutely.

Q. Rather in the way that the Crown Prosecution Service will make similar decisions in England and Wales --

A. Yeah.

Q. -- in respect of civilian police forces. But you then go on to say this:

"Therefore, I believe the DSP is conscious of the role he played so as to maintain the independence of the SPA."

A. Yeah.

Q. "Consequently, the DSP resisted taking up a role which had any semblance of an advisory role as the SPA was not properly seized of the case."

Can you just explain what you mean by that sentence?

A. It was -- when the Armed Forces Act came in, there was a -- there was grey areas about when the DSP could get involved, because, for example, there would be -- I could refer someone for assault but the DSP could charge murder. It doesn't really matter. What we refer them for is not necessarily what they're going to be charged with. But if it was a matter that the DSP

wasn't properly seized of because we didn't know quite what we were looking at yet, then there was, I felt, a tension as to whether or not he should be getting involved, like a CPS prosecutor might get involved at the early stages.

Q. Early investigative --

A. -- investigative advice. There was a degree of -- and that's why the Form 3 system was designed, which is where we'd written advice. And we used that quite extensively, I think at times, to try to get round some of those sensitivities.

Q. Because you're saying you wanted legal advice?

A. Oh absolutely, yeah.

Q. When it says here "The DSP would direct the RMP to army legal services", what sort of advice is that talking about?

A. When a matter is not a schedule 2 matter, it still belongs to the commanding officer of the regiment of the soldier that's been suspected, and he is advised by army legal service officers based at a formation headquarters, not by the SPA. So that's why we would go to army legal services officer at, say, a brigade or divisional headquarters of the commanding officer for that particular area, because technically the commanding officer still owns the case.

Q. So far as the DSP is concerned, or his or her deputy, or anything of that sort, as far as Op Northmoor generally, you know, the general course, the general strategy, did they play a role in that or not?

A. No, they became involved in specific cases, I would say, rather than the generality of it. I did have discussions with the DSP about command responsibility, and I seem to recall that he agreed to provide some training because it wasn't something we had a lot of experience in.

Q. And so to draw this to a close, if I've understood it correctly, the DSP's role was, at least in the very large part, restricted to providing advice and decisions on very specific matters that fell within his statutory responsibility?

A. Yeah.

Q. But would draw back --

A. Yes.

Q. -- from more general matters?

A. Yes.

Q. Was the DSP a member of the Gold Group when you were Gold?

A. No, but we also didn't have any members of the SPA, or any of his staff there either. And again, I think my recollection is that this was one of the areas where

this independence sort of impacted, because he didn't want to have somebody who was present at a decision-making forum.

Q. Understood. So at the time you were Gold, DSP, SPA, not more involved with that?

A. Yeah.

Q. Thank you very much.

The next thing I want to ask you about is ITS1.

A. Yes.

Q. You remember ITS1?

A. Yes.

Q. You remember the issues regarding ITS1?

A. Yes, I do.

Q. And as a gentle run-up to it, we've heard evidence already in this Inquiry which I wasn't proposing to set out in front of you unless you'd like me to: that Captain Wright became aware that there were emails on ITS1 that had potential relevance to the Team 1 inquiries.

A. Mm-hm.

Q. So it may prove, or tend to prove or disprove, that allegations of extrajudicial killing had taken place?

A. Mm-hm.

Q. Is that right?

A. Yes, I believe so.

Q. And he wanted to obtain that server in a forensic form for his own --

A. Yeah --

Q. -- I say "for his own", so the RMP could analyse it; is that right?

A. That is correct.

Q. So there's a few things I want to ask you about in respect of that. Now, at paragraph 217, you say:

"In relation to ITS1 as a starting point, there was not a formal agreement to obtain the server by consent."

A. I don't think there were -- well, we never went to them and said, "Do you consent?" We went and said, "We want a copy of this." And that was, I'm sure, the matters you're going to lead on to, sir.

Q. Yes, and indeed the Inquiry has heard evidence, in fact some time ago now, about a gentlemen's agreement and the preservation of the server. But that may be in fact, I think, in a slightly later point in time --

A. Mm.

Q. -- to certainly the start of your tenure. You say:

"Ultimately it was necessary for us to adopt a consensual approach."

A. Yeah.

Q. "We needed UKSF to cooperate."

Can you set out why that was, in your view,

necessary?

A. Section 95, the saving provision in relation to search, allows us to go into non-service accommodation to conduct a search for evidence. But if you look at the practicalities of this, particularly along the seizure policies or powers, one of my jobs is to ensure legal compliance. Any search needs to be reasonable, targeted and proportionate to the outcome. You're talking about a server which contains ... I don't know how much detail I can go into, sir.

Q. Say "lots".

A. Lots of information from multiple sources, some of them international. And just because you've got the clearance to read one thing, doesn't mean you've got the right to read it. There's also air gap systems, there's large datasets. And we were being advised that, had we gone in to do a forensic copy of that, effectively it would take it offline, and that would jeopardise people's lives overseas. So that was why I think we had to do a consensual, because it wasn't -- there was a belief that was on ITS1, but ITS1 was not, in my understanding, a standalone. It was fed by other stuff.

Q. Okay.

A. So where do you go? How far do you go? There was a real challenge around it. And also, what does that

look like, if we walk in and take it? The location has armed guards. You've got a commander who is protecting national interests, national security. I'm not sure that any form of Mexican stand-off would have been sort of valuable in this instance.

Q. If I may, I'm just going to ask for your help with dealing with different aspects of those, and I'm afraid, as a lawyer, the first one I'm going to turn to is the legal one.

A. Yeah, of course.

Q. But that, as you've made clear, is just one of the matters that was in your decision making.

Now, paragraph 168 of your witness statement, I think that's where you deal with the powers question.

A. Yeah.

Q. Appreciate this -- you're dealing with this a bit in the abstract, here, rather than specifically. And you say:

"The question of whether we should have exercised our powers on the AFA has been discussed."

And you say:

"It should have been noted under this Act ..."

That's the Armed Forces Act?

A. Yeah.

Q. "... RMP powers of search and applicability of warrants were limited to relevant residential premises."

And as you say over:

"As a consequence, we could not seize UKSF material as it would have been in an office premises, not a residential premises."

A. That was a factual error by me, sir, when I wrote this statement. I mean, I was writing this statement 12 years after.

Q. No, no, that's entirely understood.

Can we just have a look at tab 40, please, which just has the actual legislation. This is part of it. Section 83 of the Armed Forces Act is the power of a judge advocate. And this sets out here, doesn't it, that you can get a warrant to search residential premises; is that right?

A. That's correct, yes.

Q. And there's the test for that.

A. Mm-hm.

Q. To make it clear, the point is the RMP cannot -- you can't just walk in to, for example, a soldier's residential service accommodation on base?

A. Yes.

Q. Of course there are specific legislative exceptions. We don't need to deal with those. But you need to go to a judge?

A. Mm-hm.

Q. Just like if the police want to search someone's home, they will generally need to and go get a warrant from a magistrate or a judge?

A. Mm-hm.

Q. Now, Section 95 of the Act is the saving provision.

A. Yes.

Q. It says:

"Nothing in this part affects any power of a service policing or CO [commanding officer] to enter and search, or order the entry and search, of premises which are occupied for the purposes of any of Her Majesty's Forces to the extent that the premises do not constitute service living accommodation."

A. Yeah.

Q. If we go to the explanatory notes -- and if you'll excuse me, I'm not going through the very specific requirements as we would do in a court to turn to these -- they might provide some assistance as to what's meant by it. And in section -- explanatory notes, section 83, it says:

"The power to search residential premises is limited to there and doesn't apply to other premises. This is because COs and the service police need no statutory power to enter those other areas."

A. Yeah.

Q. And Section 95, the explanatory note makes the same point.

A. Yeah.

Q. So again, would you agree with me, it would seem that when it comes to -- I'm going to give an example, an operations room, guardhouse, just a random office -- if the RMP want to search there, come to -- just because you have a power, doesn't mean you should exercise it -- you don't need to get a warrant, do you?

A. No, that's correct, sir. It was a factual error in my statement.

Q. And that's because the reason you don't need anyone's permission is because you are a Provost officer. It's like the army. It's the army's own premises.

A. *(The witness nodded)*

Q. You have the authority to do that as a Provost officer?

A. Yes.

Q. Is that right?

A. That's correct.

Q. Similarly but also differently, just like if a chief constable wants to authorise a search of part of his police station he doesn't need to go anywhere because it's his police station?

A. Yes.

Q. This is part of the army; you don't need a warrant?

A. Yes.
Q. I've not got it on the screen, but I'm sure you'll be familiar with Section 27 of the Armed Forces Act, which I'll remind you of, just in case it's not on the tip of your tongue: it is an offence, a service offence -- potentially a civilian offence -- to intentionally obstruct a service policeman acting in the course of his duty?
A. Yeah.
Q. So I hope we can be really clear. Let's say, as a Provost officer, a member of the RMP, lawfully conducting an investigation, and they say, "I've made the decision", I need to go and enter any office --
A. Yeah.
Q. -- and seize any item for my investigation. And if someone intentionally obstructs you doing that, they will be committing an offence?
A. Without a lawful excuse, yes.
Q. Without lawful excuse.
A. Yeah.
Q. They could be arrested and --
A. Yes.
Q. -- that would be the service justice system.
Now, you've explained in your witness statement when you said here: "Look, we didn't have the power under the

Armed Forces Act." You said you've made a mistake. And you go on at paragraph 169 to say you considered getting production orders in the context of ITS1 --

A. Mm.

Q. -- and other matters which you said made this unfeasible.

A. Yeah.

Q. Is that sort of a mistake?

A. It is in part. Again, I think we had to be very specific about -- there was a discussion -- and you'll need to excuse me, sir, my memory -- there was a discussion about what we could actually -- we had to be specific about what we wanted. It couldn't just be a fishing trip. But we didn't actually know exactly what we wanted. And I can't remember the basis for that, so I apologise.

Q. No, can I just ask you -- and I appreciate this is going back some time now, this bit is 10 years ago -- whilst I think we may agree you've made a mistake in your witness statement as to the statutory power, and we can see, having a look at that -- is it a mistake in your witness statement when you've written it, or is that what you and quite a lot of other members of the RMP believed at the time as to their powers?

A. I think there was a misunderstanding about what the

powers are. In particular the saving provision, where it is, is not really reflected on in the Manual of Service Law very well, and it's not -- it's not something that -- wasn't being taught doctrinally when I was at, certainly, the police school. So I think there were limitations. I was aware of it. I was aware of it, but it was the practicalities of actually doing it that --

Q. No, no, and we'll come to that in a minute. I entirely accept that. It's just say you made a mistake about that, if we look through -- and I don't have them all to hand, but if we go through a lot of the logs at the time, and in fact the witness statements of many other witnesses -- many, many other witnesses -- they appear to have made exactly the same mistake as you have.

A. Yeah.

Q. So what I'm wondering is, was there in fact, for whatever reason, a misunderstanding or a misapprehension as to the powers that you had, and that you thought, and your colleagues, that there was this gap in the Armed Forces Act that we can't do anything because it's not residential premises? Is that at least possible?

A. Yeah, I think there was a training gap of our staff on how to deal with this. But I don't -- the sort of challenge around this is -- I think that I was at the

MoD when this was being written, and I don't think they anticipated us going in and taking top secret servers from various sensitive locations. So I think walking into a roomy office and seizing some stuff from there was taught, but this bit wasn't. And I think that we got it wrong.

Q. Again, you know, to say if anyone was concerned, when you say "top secret", you mean that as a sort of figure of speech rather than --

A. -- a figure of speech, not --

Q. -- a government security classification or anything of that sort?

A. No.

Q. Because sort of moving on to the next part of this, which is just because you do have a power, doesn't mean it's a good idea, or it's lawful or correct to use it, to make a mistake or a misunderstanding as to the powers you've actually got might influence those subsequent decisions; is that fair?

A. Yeah, yeah, very much.

Q. Because, I suppose, thinking of a couple of examples, well if you think: well, there's nothing I can do to get it, really, well, you're going to focus a lot -- you're not even going to consider that as an option if you think it's not open to you?

A. I think contextually, you know, as a hypothetical, yes. However, in this instance my view was that we could walk in and take it.

Q. Your view was actually that you could?

A. We could, but it's whether we should. The discussions around search -- sorry, around warrants and around production orders was about how to force people to do it without going down the line of arresting them for obstruction. Because some of these facilities are protected by civilians and civilian police officers. And again, they wouldn't understand the intricacies of the law, and you'd end up in a situation where we would go in, you're taking a whole host of information, a lot of it which is not relevant to your inquiry or potentially not relevant to your inquiry; there's no opportunity to sift it on site, so you're going to be taking all of that off site. So you've got a proportionality aspect of it. We didn't have anywhere to store it. We didn't have any facilities to actually analyse it anyway. So you therefore ask question one: why am I doing this?

Q. Yes. No doubt, if you're -- if the SIO is considering, as I think we know that he certainly was at some point --

A. He was.

Q. -- what can we do to seize this? And if he is in -- in contemplation is a raid on UKSF, and all the implications that will cause that, if I may say, that's obviously a matter of strategic importance --

A. Exactly.

Q. -- and a matter for Gold --

A. Yes.

Q. -- to consider --

A. Yes.

Q. -- as to the risks that are going to fall out of it.

A. Mm-hm.

Q. But all of these matters, the issues regarding sifting and irrelevant information, matters relating to security and classification of material, all of these sort of matters, do we actually have a decision of where you --

A. No.

Q. -- draw all of these together?

A. No. Again, you know, I fully say that my decision recording was not of the standard required. There are various notes in my notebook about concerns, as you're aware. But there's no sort of coalesced policy. It was just something that was constantly on my mind.

Q. I'm sure you'd agree, from the matters you've set out before, where there's a strategic decision of quite considerable importance to it, it is important, isn't

it, that that is set out in writing -- I don't mean a statutory Inquiry -- so anyone can understand --

A. Yeah, absolutely.

Q. -- the reason for the decision isn't deference to UKSF --

A. Yeah.

Q. -- or anything of the sort; it's that you've weighed a number of your factors there?

A. I should have written it down, recorded it, absolutely. And I didn't.

Q. All right. Can I just ask you about two other specific investigative matters and your involvement or not involvement with them. One is photographs.

A. Yeah.

Q. Now, we know that photographs were taken on the DDOs that were under investigation by Team 1 as part of SSE, the sensitive site exploitation?

A. Yeah.

Q. I can give you one for a particular date. One of the important SIRs was obtained on 18 May 2015, if you'll take my word for it.

A. I'll take your word for it, yes.

Q. And that had appended to it photographs of deceased individuals and photographs of the scene. That sort of thing. Are you aware of any discussions regarding

submission of those images for forensic analysis?

A. No, I can't recall anything.

Q. Now, in terms of, I'm going to call it a forensic strategy -- or a monitoring of a forensic strategy, perhaps better put -- would you agree at least that the monitoring of it is something that Gold would or should be involved in?

A. I don't think necessarily that's the case, because the decision on how and what evidence to secure is a tactical decision. So I would expect the SIO to make an informed decision based on the advice of the forensic warrant officer in that instance, and perhaps reaching out to scientists at various laboratories to say, "Right, this is what I want to do. What's possible?"

Q. Let's just deal with what you would expect to happen. So they investigate and secure some photographs.

A. Yeah.

Q. You'd say, "What would you expect to happen?" There's a forensic warrant officer. Can you explain who -- not by name -- what their function is?

A. No. Basically, a lot of it is all about money, as everything is. The investigator, or SIO, would seize evidence and they would decide what they think they want to achieve. They would discuss it with the forensic warrant officer, who is the senior scenes of crime

officer within RMP who is responsible for liaising with the labs.

Q. Yes.

A. The forensic warrant officer would decide whether or not it was proportionate, whether or not it was possible, whether there was a better way of doing it, and he would either authorise or not authorise the submission of that. And in reality, the first time I would get involved is if there was a dispute between the two of them.

Q. Right.

A. And again, one of my other many jobs was to make sure that the bills were paid.

Q. Yes. Were you ever informed of any sort of dispute of that nature?

A. Not that I'm aware of, sir.

Q. If photographs were obtained of the scene, or of the aftermath of a scene, as an SIO, for example in a case such as Northmoor, would you expect that they would be submitted for a review --

A. *(Unclear)*

Q. -- at least to see if something useful could be gained from them?

A. Absolutely. And I have done so myself on previous inquiries.

Q. Thank you.

The final matter of that detail I want to ask about is going back to the covert strategy, or the covert approach.

A. Yes.

Q. You touched on this a bit earlier when I was asking about Jason Wright, and you said, so far as covert was concerned, that he had a fixed view and you saw less value in it, but you didn't -- you said you didn't know enough, so you didn't second-guess?

A. Mm.

Q. Now, obviously the sort of the tactical decisions, as you said, are a matter for the SIO and it's not for you to second-guess it, but in your role as monitoring and the strategic direction, perhaps with hindsight, do you think, as Gold, not deciding it, but bringing matters to a head in either developing or saying this is a -- not a line of inquiry that should be followed, but the appropriateness of various strategies was something that you might have got involved in, or you ought to have got involved in?

A. You tread a very fine line as to what is doing the SIO's job and what is guiding the strategic side of it. Arguably, if I go in and say to an SIO, "I don't think you should be doing X", a bit like the point you made

earlier about advice, you know, you could be said to be interfering with the tactical delivery of the investigation. So there's always a fine balance between what am I actually doing here and why am I doing it?

Q. One of the things we're going to be talking -- I'm going to ask you about a bit later on, it's in fact an email from Mr Bottomley where he raises the concern of Gold collapsing, effectively, into a Silver or a decision-making role. And I accept you may be damned if you do, damned if you don't, but I want to ask you about this, given potentially some importance that was attached to the covert strategy.

A. Yeah.

Q. One of the matters I think you said is within the terms of remit of Gold was to monitor progress.

A. Yes.

Q. And in terms of at least understanding what was proposed, and in that review function, do you not think that's something that you might have looked at?

A. I'm conscious of the Restriction Order, sir, in terms of -- what I would say is that Captain Wright and Paul Williamson did discuss with me certain tactics.

Q. Okay.

A. And it was at that point where I expressed my view that this needs to be really thought through, and what's it

actually going to deliver? So I did get involved.

Q. Despite your scepticism?

A. I think "scepticism" is probably a little bit too much.

Q. Okay.

A. I think it was the "Have you thought about". It's that, I suppose, critical friend in a way. I know I shouldn't be using that term, as a Gold. But it was a "I know what you want to achieve, but is this is the right way to achieve it?" Because what I would have expected is that any tactic would be discussed by the CLEM, with the CLEM -- the Covert Law Enforcement Manager -- before it even got to the point of a RIPA AO. So as far as I was aware, it was only at the stage of this is what Captain Wright wanted to do, and it hadn't even had any of the discussions with the process that you would need to go through to deliver it.

Q. All right. So you're saying it hadn't reached the point at where you needed to have a decision?

A. To make -- no.

Q. Can I come across it -- just come at this from a different direction. Let's say you didn't have three jobs that you were meant to be doing; you had one job and you had a bit more time. In terms of the direction of the investigative strategy, might that have been something you spent more time on?

A. Yeah, absolutely, because there was a role.
Q. Yeah.
A. In generality, where I saw those certain tactics would be of great value, but I didn't have the time to give it the level of detail that I would hope to have given it.
Q. And I think as you've accepted, albeit in a different context, if you weren't doing it at Gold, there wasn't anyone else who would be?
A. Yeah.
MR POLNAY: Right.
Sir, I wonder if that would be a convenient time for the mid-afternoon break.
SIR CHARLES HADDON-CAVE: Indeed. 3.30, Mr Polnay?
MR POLNAY: Yes, thank you.
SIR CHARLES HADDON-CAVE: Twenty minutes, please. 3.30, thank you.
(3.11 pm)
(A short break)
(3.31 pm)
SIR CHARLES HADDON-CAVE: Mr Polnay.
MR POLNAY: Mr McAllister, the next subject I want to ask about is DJEP, so if I could ask that tab 2 is brought up, this is a document we've looked at before but it manages to appear twice in the bundle at tab 2, please. So this is the memo we've looked at before, that you

drafted for PM(A).

A. Yeah.

Q. Now, DJEP is the Department for Judicial Engagement Policy?

A. Personnel, I think it was.

Q. You think it was personnel?

A. I'm not sure.

Q. It may not be the key issue this Inquiry has to resolve. I'm sure we can find out. We can see this memo you've sent to DJEP, is that Head Public Inquiries?

A. Yeah. That would have been -- I can't even remember his name now.

SIR CHARLES HADDON-CAVE: Do you want to keep his voice up.

A. Sorry, that would have been Mr Ryan.

MR POLNAY: Peter Ryan?

A. Peter Ryan, yeah.

Q. So at this time, Peter Ryan was Head of Public Inquiries?

A. I think so, yeah.

Q. It may almost be a footnote, obviously this particular Public Inquiry wasn't set up at the time. Why is it being sent to the Head of Public Inquiries?

A. Because that was where the independence issue was being raised. There was a -- I'm not sure why he was called Head of Public Inquiries, as far as I'm aware, that was

his title.

Q. All right, so there's litigation that was going on --

A. Yeah.

Q. -- in relation to, I think, Iraq?

A. I believe so.

Q. -- generally, generally. Some very specific matters. Can you explain what's the relationship of DJEP to the Royal Military Police?

A. I actually don't know if -- well, there is no direct relationship, I don't believe, in terms of command relationship or the ability to influence. I think that where they come in is they were the sort of contact point for sort of the independence argument. It just sort of developed as a relationship over the years, is my understanding.

Q. Okay.

A. But also, as I previously outlined, the role of DJEP in MoD centre was seen as a potential enabler.

Q. An enabler?

A. Yeah, for resources, et cetera.

Q. Yeah, so one of the -- just going back to the context of this document because it's perhaps helpful as an exemplar for other issues relating to DJEP, you've got here -- and if we can go to the second half of the page, please, the recommendation and, again, giving due

allowance for the fact that this is army, this is staff work speak, you're telling them that you are going to investigate Op Northmoor?

A. Yeah.

Q. Now, we've got your 2(e) resources?

A. Yeah.

Q. You think DJEP may have some influence in respect of that. But did DJEP, when you were looking at this, do you think they had to power to tell you not to investigate it?

A. No. That's why it's written in the terms that it is. We're telling them "You should note we are doing this". Effectively, "Deal out with the fallout and support us".

Q. I see. So when we go over to the second page, 2-3, and look at paragraph 8, which is the "Risk Mitigation" part that we've looked at. When you're saying this, you're saying "This is our decision, you're requested to note that".

A. Yeah.

Q. And your hope, because if there is litigation, they will manage the litigation; is that right?

A. Yes, correct.

Q. Okay. Now, in terms of the Gold Group, when you were Gold Commander, was there a representative of DJEP on the Gold Group?

A. Definitely not.
Q. Definitely not?
A. Not that I'm aware of. I can't recall one and I wouldn't have accepted one.
Q. You wouldn't have accepted it? Can you explain why you would not have accepted it?
A. Because they're not part of the investigation and they're not part of the discipline chain; they're not part of the legal advice chain. They may be provided with information that wouldn't be ordinarily given to people without there would be, as part of this enabling role, of, "Look, if this gives you enough to get the minister to approve this money, then, you know, we'll give you it, on the basis you don't tell anyone".
Q. So would it be fair to say by use of -- if I've got it right, when you're saying "I wouldn't have had it", your view is would be inappropriate for there to be DJEP on effectively a Gold command group?
A. From a personal perspective and a professional perspective, I don't believe that they have a place.
Q. Thank you. In terms of litigation that was going on, and whether or not this fed into your view, I don't know if you're aware that, in 2013, in a -- in litigation arising out of Iraq -- and so it's the case of Mousa v Secretary of State for Defence, the High Court made

a finding that DJEP cannot be described as independent.

A. Yeah.

Q. It acts on behalf of the Secretary of State and is an integral part of the defence and military hierarchy.

A. Yeah.

Q. I'm asking whether you'd read paragraph 93 but, in terms of the import of that, was that something that you were aware of?

A. Yeah, I was very aware that -- and, again, that's one of the reasons why I wouldn't have allowed DJEP to be involved. I was always very careful about what we briefed them. Again, it was how do we use them to get the result we want?

Q. Yes.

A. Because we can't do it ourselves.

Q. I'm not sure we necessarily need to labour this point much further but, if we turn, please, to tab 41 on the screen we've got Section 115A of the Armed Forces Act, and this is very much a lot more of a general point, and the Provost Marshal has a duty to ensure investigations carried out by the force are free from improper interference; is that right?

A. That's correct.

Q. That's defined as:

"... any attempt by a person who is not a service

policeman to direct a investigation ..."

A. Yeah.

Q. The Gold Group, of course, directs the strategic --

A. Yes.

Q. -- strategy --

A. Yes.

Q. -- for the investigation. Again, as you said, whilst you were at the point where you were Gold, there was no DSP, there was no Peter Ryan?

A. To my recollection there wasn't.

Q. Thank you. Now, in terms, though, of what DJEP could do for you or what you thought DJEP might be able to do for you, I think you deal with this in paragraph 161. It's page 1-62 of your witness statement. In fairness, it's at the bottom half, please, thank you. In fairness here, you're talking about Peter Ryan of DJEP, Head of Public Inquiries and I think may have been the Head, the Director or even the Director General at various times.

A. Mm-hm.

Q. So the PM(A), so that's the Provost Marshal (Army) --

A. Yeah.

Q. -- that would have been Brigadier Warren or later Brigadier Neal?

A. Brigadier Warren.

Q. You're referring to Brigadier Warren?

A. Yes.
Q. "... deemed Peter Ryan as an enabler, as someone who could progress matters within MoD due to knowing the right people to engage."
A. That's correct.
Q. Can you just explain on what topics?
A. Resourcing, risk, just to -- obviously, the litigation around Iraq cost the department a fortune. So the hope was he would say, "Well, you're spending money now to save money later on".
Q. I see.
A. That was the sort of conversations we wanted him to have.
Q. So you've -- I don't mean you personally -- the RMP are putting in their bids for funding; you're saying we need more resources?
A. Yeah.
Q. We need Glasgow to help us out; we need MS?
A. Yeah.
Q. All of these people to fall into line?
A. Yeah.
Q. And the PM(A)'s view was Peter Ryan might be able to fix that for the RMP, to help us out --
A. Yeah.
Q. -- and thereby to progress Northmoor?

A. Yes.
Q. Right. So the thing is we're going to see you engaged with Peter Ryan on a number of occasions; is that right?
A. That's correct.
Q. You say this:
"As time progressed, it became clear that he either couldn't or wouldn't -- I do not know which one."
Couldn't or wouldn't what?
A. Provide the resources, create the connections that were required within MoD main building, to get us the resources to sort the infrastructure, et cetera, et cetera.
Q. Right. Thank you. It -- and it perhaps might be in that function, at paragraph 301 of your witness statement, you talk about 27 August 2014. So this is again, this is in that --
A. Yeah.
Q. -- relatively early phase.
A. Mm-hm.
Q. There's a discussion with Peter Ryan -- so there's the PM(A), there's you, and there's Peter Ryan?
A. Yeah.
Q. His recommendation is David McKay --
A. Yes.
Q. -- should be appointed as the policy adviser to PM(A)?

A. Yeah.

Q. So what's that? Is that sort of a staff officer or POLAD?

A. Yeah, he's POLAD, effectively. Policy adviser, so a civil servant who understands the MoD and might be able to guide us through those ropes.

Q. So he's recommending someone who the PM(A) should appoint effectively to sit within RMP as the POLAD?

A. That was misunderstanding, yeah.

Q. What was David McKay doing at that time?

A. I don't know what he was doing before. I had good relationship with David.

Q. So he was someone who was, in fact, appointed?

A. He was appointed, yes.

Q. Fantastic. We can see here that -- I presume that's Mr Ryan said the seed has been planted in relation to funding?

A. Yeah.

Q. "We were to be prepared to brief unspecified senior members of the MoD with funding authority in early [December]."

Is that right?

A. September.

Q. Sorry, early September.

A. Yes, that was the gist of the conversation from my

recollection, and the notes.

Q. So who actually held the purse strings; do you know?

A. Sir, I worked at the MoD for two years and I don't know how the finances work, I'm afraid. I just knew that we couldn't get the money ourselves. We didn't have the money ourselves. We had to go into the central pot, if you would like.

Q. If you want to go into the central pot or if you needed to for investigative matters, was the only route to -- or was the route to do that via DJEP or were there other routes, or you simply don't know?

A. I simply don't know. That's what I was advised by PM(A).

Q. Okay. Then at paragraph 304, you say:

"On 16 October 2014 [you] were informed by the RMP legal adviser that the funding for Op Northmoor had been cleared by DJEP ..."

A. Yeah.

Q. Now, again, I'm not sure --

A. I think the terminology is wrong there. I think probably "confirmed" is probably a better word. So what I was trying to say there was that I'd been told the money had been secured and it was DJEP that had told us that.

Q. Right. Understood. So where it says "cleared" that's

not right --

A. No, that's not correct.

Q. I was going to say: are they the decision maker here, but that's not right?

A. No, it's confirmed, sir.

Q. Thank you very much.

Could I ask -- and I think it's probably best if it's brought up on the screen, if we could turn, please, to tab 10, page 12. Now, when we see this in a minute, I think you'll recognise it.

A. Ah, right.

Q. Now, this, I think, is your notebook; is that right?

A. Yes.

Q. We've got a number of bits of notes here and there's just some I want to ask for your help with. Partly in helping with your handwriting, if that's all right?

A. *(Unclear).*

Q. Then part also just to explain a bit more detail, if you're able to assist in relation to that. So we can see on the left-hand page, this is an entry that you wrote on 25 January 2016; is that right?

A. That's correct.

Q. Now, so we're sort of towards the last year of your time in Northmoor or your last full year?

A. Yeah, my last year.

Q. In Northmoor. In terms of the notes, are you writing these sort of at the time, the same day, later?

A. Almost contemporaneously.

Q. So these are, you'll understand, as a policeman, the significant -- these are your contemporaneous notes?

A. Yeah.

Q. -- as you're going along, so not necessarily the benefit of reflection or sort of pulling it together in a narrative. It is literally probably as you're going along?

A. Mm-hm.

Q. Right. So we've got here, for 25 January 2016, we've got then -- it's the entry on the bottom left I want to ask you about. We've got 14.20 to 17 --

A. 30.

Q. 30?

A. Yeah.

Q. Something --

A. That's MS so I'm doing administrative work, which is about soldiers' careers.

Q. Soldiers' careers. Something at home?

A. At home, yeah.

Q. So you're working at home?

A. Yeah.

Q. It's this entry we've got below that. It's a question

mark; is that right?

A. Yes.

Q. "Call from DSP"?

A. Yeah.

Q. Director of Service Prosecutions: was that Andrew Cayley --

A. Yes, it would have been, sir, yes.

Q. -- at the time, "to say that Peter Ryan wants me to brief PUS"; is that right?

A. Yes.

Q. Permanent Under-Secretary?

A. Yes.

Q. The senior civil servant in the Ministry of Defence --

A. Yes.

Q. -- and three-star civil servants?

A. Yeah.

Q. And I think three star, in the army, would be a lieutenant general, I think the equivalent might be probably a Director General in the Civil Service --

A. Yes.

Q. -- or a very senior civil servant?

A. Yes.

Q. "... on the risks and challenges of Op Northmoor."

A. Yeah.

Q. You also passed comments on "the command structure

post-my retirement".

A. Yeah.

Q. Then at the bottom we've got:

"Briefed Colonel Rob on the above."

A. Yeah.

Q. Would that be Colonel Rob Morris?

A. Yes.

Q. Who is the -- maybe not Assistant Head of Northmoor at that time, but --

A. He was --

Q. AH(Tech) --

A. He was the AH(Tech) at the time, yes.

Q. So working backwards, if I may. So when it says, "He also passed comments on the command structure post-my retirement", do you remember, is that the DSP?

A. That's the DSP.

Q. Passing comment or is he saying that Peter Ryan is passing?

A. No, it was the DSP that was asking me what was going to happen after I retired, because I think this is four days after I'd actually submitted my resignation.

Q. Okay. So in terms of what we're getting from that, so these are sort of two separate bits, then, is that right?

A. Yes, they are, but a part of the same conversation.

Q. Fine. So you've got -- so the DSP, was that a usual or unusual or just one of those things?

A. It's just one of those things, occasionally Mr Cayley would call me on particular matters but it would be for a specific reason.

Q. Understood. So -- and again, it may or may not amount to anything, is there a reason he's calling you to say that Peter Ryan wants you to brief PUS and three star rather than sort of Peter Ryan calling you or is that just one of those things?

A. My understanding and recollection in the call was that Peter Ryan had been speaking to the DSP on an unrelated matter, through the normal course of business, and that they had -- and this had come up as part of that conversation: that there was still resourcing issues, et cetera, et cetera, relating to Northmoor, even at this time, you know, in January '16. And I was still trying to find ways of unblocking some of the *(unclear)*. So I think that was the context.

Q. Thank you very much.

Can I ask, please, that -- sorry, the last thing. About the DSP passing comments on the command structure. Do you remember what comments he passed?

A. He expressed concern that there was no clear succession plan.

Q. Thank you.

I wonder if we could move on, please, to page 10-28, and this is another page of your notebook.

A. Yeah.

Q. If you'd take it from me, to avoid flicking back, this is an entry on 21 March 2016 I'm going to ask you about. So do you see the entry that says "1800"?

A. Yes.

Q. We've got an entry here, "Chief Constable Crompton"; is that right?

A. Yes.

Q. Who was Chief Constable Crompton?

A. He was the Chief Officer of South Yorkshire police and the Head of The Homicide Working Group.

Q. So he is someone that you know from work on the Homicide Working Group --

A. Yes.

Q. -- a national working group, that you --

A. Yes.

Q. -- for the RMP -- well, not representative, you sat on the Homicide Working Group.

A. Yes.

Q. So you got a call from the Chief Constable?

A. Mm-hm.

Q. From what it's worth in your witness statement, you

said, "I was asked to call him". It may not matter much. Do you remember --

A. Yeah, it was Chief Constable Crompton's staff assistant/PA, called me and said, "Can you please ring Mr Crompton at 6.00."

SIR CHARLES HADDON-CAVE: The call from Alfred Hitchcock must have been a bit of a surprise, was it?

A. Definitely, sir.

MR POLNAY: So I think we're there, and just -- I think that's the reference to Alf Hitchcock. I think is that the late Chief Constable Alf Hitchcock?

A. Yeah.

Q. -- of the Ministry of Defence Police?

A. Yes, it is.

Q. So, at the time, he was the Chief Constable of the MDP and that's the MoD's civilian police force, yes?

A. Well, they are constables, so --

Q. They're constables; they're not a Home Office police force?

A. No.

Q. They've got different responsibilities again. Right. So you're asked to call Chief Constable Crompton.

A. Yeah.

Q. You deal with it in your witness statement at page 316, if you want, but I'm sure you've probably prepared that

from your notes.

A. Mm-hm.

Q. So could you tell us what happened in this call?

A. Mr Crompton said that he was quite -- I don't think he used the word "shocked" but it was of a similar nature -- that he'd received a call from the Chief Constable MDP enquiring about Op Northmoor. Mr Crompton was aware of Op Northmoor because I'd reached into there to sort of get the support that I needed, and that he'd said that Alf Hitchcock had been approached by a civil servant named Peter Ryan, who obviously I knew. And it says there I rattled his cage about structures and resources and the gist of the conversation was "Has this been overegged? Is there too much? Is there too little? What do you think?"

And he said that his -- again, it's -- he said that Alf Hitchcock had been asked if he could review the structure of Op Northmoor. Mr Crompton was very clear that that wouldn't be appropriate and told him, if he's got any issues, to get hold of Russ Jackson because Russ Jackson is supporting it.

Q. He's one of the NCA --

A. He's part of the Homicide Working Group but also -- I think he was the Head of Crime for GMP at the time. And, as far as he was concerned, he told Alf Hitchcock

that we'd got things in place to support us in the form of the NCA and GMP. And what he said was, you know, as far as he's concerned, we're doing the work that we need to do but he will sort of support me within the Homicide Working Group should I need further support.

Q. Can I just ask for your help, just unpicking that a bit because, just like whenever someone is giving a narrative of what someone else has told someone, it's just important to understand who you said what?

A. Yes.

Q. So you're calling Chief Constable Crompton, South --

A. Yorkshire.

Q. -- Yorkshire Police, who is a professional colleague of yours from the Homicide Working Group.

A. Yeah.

Q. Have I understood this right: he, Chief Constable Crompton, said he received a call from Chief Constable Hitchcock?

A. Correct.

Q. Chief Constable Hitchcock was the chief of the Ministry of Defence Police?

A. Correct.

Q. That's because Chief Constable Hitchcock, effectively MDP, spoke to Chief Constable Crompton?

A. Mm-hm.

Q. Because he, Chief Constable Hitchcock, had been approached by Peter Ryan?

A. Yes.

Q. Have I understood the --

A. That's correct.

Q. Now, we can see, instead, that the civil servant -- this from your witness statement, named Peter Ryan, had rattled his cage?

A. Yes.

Q. Chief Constable Ryan had rattled whose cage?

A. Chief Constable Hitchcock.

Q. About he had been asked to review --

A. Yeah.

Q. -- Northmoor?

A. He had been asked if he would review --

Q. Asked if he would review Northmoor --

SIR CHARLES HADDON-CAVE: Hitchcock?

A. Hitchcock had been asked if he could or would review Northmoor.

MR POLNAY: Ah, right, so that's the point. So was Peter Ryan asking, raising the question of Hitchcock reviewing Northmoor --

A. Yeah.

Q. -- or getting him to ask Crompton if he would review Northmoor?

A. No, no, asking Hitchcock to review, and Hitchcock was phoning Crompton to say, "Do you know about this?" And, you know, et cetera, et cetera, and trying to get information, because he was aware that Mr Crompton was part of the Homicide Working Group and that I'd been engaging with him.

Q. So, did you know about this question of a review?

A. No.

Q. So far as you're aware, was the PM(A) aware of this?

A. No.

Q. So would it be fair to say that Peter Ryan was maybe going over the head of, or around, the PM(A) to Chief Constable Hitchcock?

A. Whilst I don't know, it's a reasonable conclusion to draw.

Q. What's this got to do with Peter Ryan?

A. Nothing.

Q. I mean, it's something we'll obviously be able to ask him in due course but why is it for him to request an order or direct a review?

A. It's not, and that's why Mr Crompton asked me to call him.

SIR CHARLES HADDON-CAVE: Asked you to?

A. Call him.

SIR CHARLES HADDON-CAVE: As I understand it, you were

getting the support that you needed from the Homicide Working Group?

A. Yes.

SIR CHARLES HADDON-CAVE: There'd been an ongoing relationship?

A. Yes.

SIR CHARLES HADDON-CAVE: And this approach had come out of the blue?

A. Yeah, it was a total shock to me.

MR POLNAY: I think you said earlier it appeared to you that Mr Crompton was a bit shocked.

A. Yes, he was certainly surprised, if not towards shocked.

Q. I appreciate you can't -- why did it seem to you that he was shocked about what was going on?

A. It would have been classed as highly unusual for one Chief Officer to phone another Chief Officer about a matter that they weren't even seized of.

Q. Yes. I think in your witness statement you say that Mr Crompton was the consummate professional?

A. Yes, very much.

Q. His comment, he didn't comment beyond he found the approach unusual --

A. Yes.

Q. -- which is why he was speaking to you?

A. Yes.

Q. That comes to why his PA or staff officer had got in contact saying, "Please can you give him a call"?

A. Yes.

Q. Did this call concern you?

A. Yes, I briefed PM(Army) the next working day.

Q. If you wouldn't mind just spelling it out, though it may be obvious, why did it concern you?

A. Because I thought there was a degree of attempts to externally influence how we were doing things or second-guess how we were doing things, if nothing else. I didn't -- for exactly the same reason why I didn't feel it was appropriate for DJEP to be part of Gold Groups, et cetera, I didn't think it was appropriate for him to even make that approach to Chief Constable MDP.

Q. Thank you. Could we move, please, to page 10-47. Just to make it clear, I wouldn't want anyone watching this to think all of these notes are about DJEP and Peter Ryan; they're not. This is the line of questioning I'm going down and I'm isolating those ones we can see and, in fact, I think maybe many of these pages of notes with a number of redactions will be published in due course.

So about page 10-47 and again I think I can help you with the date if you don't mind, this is, in fact, 11 May --

A. Yes.

Q. -- 2016?

A. Yes.

Q. You can see, I think, at the bottom right, it is 1645?

A. Yes.

Q. This is, I think, a note of your call?

A. Mm-hm.

Q. Again, call from Peter Ryan at DJEP?

A. Yeah.

Q. We can see lasted 45 minutes.

A. Yeah.

Q. I mean, obviously you've written these notes at the end because you couldn't have known at the start how long it would last.

A. Yeah.

Q. Then it says:

"Dealt with Op Northmoor, risk and mitigation."

A. Yeah.

Q. "Said there is no 'No Risk' option, just mitigation of foreseeable risk."

A. Yeah.

Q. When it says, "Call from", it sounds like it was Peter Ryan who called you --

A. It was.

Q. -- rather than the other way round. We can see, there's a few words here describing a 45-minute conversation?

A. Yeah.

Q. We should take that into account. It's not going to have any nuance of it and, obviously, Mr Ryan wasn't given this note to ask whether he agreed with it or not. This is your personal note?

A. Yeah. I actually remember the call because it was at 16.45 and I was late for an event. And it was very much repeating and reflecting on the risk in mitigation document that we'd generated much, much earlier.

Q. Is that the one we were looking at right at the very start?

A. Yeah, right at the very start, yeah. It was very much going over old ground, effectively. And it was -- the sort of final thing was: is there any other way of doing this? That's why I said, at the very end, I said, "Look, there is no known risk option here."

Q. When he said, "Is there any other way of doing this?", what are you talking about by terms of "way"?

A. I think that it's, it was starting to eat up a lot of money, a lot of people, a lot of time, a lot of resources. And I think -- I genuinely don't think he was trying to interfere in the direction of the investigation, he was just wondering if -- just trying to find out if there was a different way of doing it that we could achieve the same aim but perhaps --

I don't know -- cheaper with -- less impactive, et cetera.

Q. You raised, in relation to the Corps before, if what was being reported to you was correct, I think you said you didn't consider that appropriate --

A. Mm-hm.

Q. -- as it may be effectively interfering with an investigation.

A. Mm-hm.

Q. In terms of this, and you've got a recollection of it, did you have any concerns about that in this call or not?

A. No, not particularly, because I don't -- my recollection is that he wasn't talking about how we should do the investigation; he was talking about the resource implications of doing the investigation.

Q. Fine, and I think as --

A. And the independence --

Q. As you explained, and independence and litigation risk.

A. Yes, that's correct.

Q. And you explained, I think, they would deal with any ensuing litigation --

A. Yes.

Q. -- and I think you also explained that you thought Peter Ryan was someone who may be able to help you with money?

A. Yeah.
Q. Thank you. And I say "you with money": the RMP with resources?
A. Yes.
Q. Thank you. Can we now please turn to your notebook, tab 10-50e. This is another note which -- from 24 May 2016, if you'll take my word for that.
A. Yeah.
Q. I'm going to give you a bit more context in a moment. In your witness statement, you say you received a call from Peter Ryan?
A. Yes.
Q. Is that right, we don't see that in the note --
A. That is correct.
Q. -- but it was him calling you.
A. Yeah.
Q. Do you remember this call?
A. Yeah, I do. There was a degree of -- it was that terminology, which is why I put it in quotes of "Why are we doing this to ourselves?", which makes me remember the call because it was -- he seemed to be of the view that we were effectively self-flagellating with Op Northmoor.
Q. Right, he was of the view that we were self-flagellating --

A. The MoD were.

Q. The MoD? The wider MoD were self-flagellating?

A. Yeah, sort of why are we doing this to ourselves because he thought there was no choice -- there was a choice.

SIR CHARLES HADDON-CAVE: What do you think he meant by that?

A. I think he feels that we were creating a problem(?) for ourselves, as in the MoD, using our own resources but I did explain to him that this -- you know, it's not an "if".

MR POLNAY: So just to try to unpick this call a little bit, if that's all right. When he's saying, and this is a quote "Why are we doing this to ourselves?", as in when you say he thought there was a choice, do you mean a choice as to whether or not to investigate, a choice to continue with --

A. Well, whether the RMP should be doing it and whether it should be centralised, you know, central to -- and funded by MoD. If you notice the next line down, it says:

"Resources -- are we prudent. Should RMP stop doing other stuff."

That was his -- that's -- again, it's along this resources thing of, instead of asking for more resource, should RMP stop doing other stuff and re-divert that

resource, rather than create new resource?

Q. There's also, just so we complete this, there's also the line "Ministerial strategy", just above there?

A. Yeah, that was a reference to MINSUB, a ministerial submission which I think we were expected to do in relation to the resources and ongoing issues in relation to Op Northmoor.

Q. Now, when we can see it says presentational and, in your witness statements, you say the call was from Peter Ryan citing presentational issues surrounding your work?

A. Yeah.

Q. Was that or did you understand that as a reference to the articles that were coming out in the newspapers about Special Forces?

A. That was my understanding.

Q. And the publicity that was being generated, which was suggesting that Special Forces may have committed crimes?

A. That was my recollection, yeah.

Q. In terms of he thought there was a choice, can you explain a bit more what you understood from this?

A. Well, when we're talking about the two choices of why are we doing this: should we do it or not? Well, the answer is: it's none of your business and we need to do this. That was the reality of it.

Q. Did you say, "That's none of your business"?
A. Well, no, but he thought -- obviously, you've got to be diplomatic, and I said, "Look, the choice as to whether or not these investigations continue is not a choice". We must continue with them and, in terms of are we being prudent? Well, we believed we were, we were asking for the resources that were required and whether or not RMP should stop doing other stuff really was outwith my bailiwick and, you know, I said that clearly to him, because there's, you know, (a) it's PM(Army)'s decision but it's informed by what the wider army expect Royal Military Police to do to support operations.
Q. In terms of the issue about, you know, is it necessary to -- you know, should we continue to investigate it, which you're at least thinking this is none of your business: did you consider at the time it was appropriate for Mr Ryan to raise this with you?
A. I don't think he felt it was inappropriate.
Q. No?
A. I think that, in -- I had to manage relationships and that was why I dealt with it in the way I did, which was effectively to placate him and carry on doing what I was normally doing, and that was the context in which I took it.
Q. I understand, Mr McAllister, and I'll come to -- well,

appreciate, given the role you explained of Peter Ryan, I'm not suggesting you should have -- or people may well understand why you weren't going to react in a certain way.

A. Yeah.

Q. But looking back on it now, do you think that was an appropriate intervention?

A. I don't believe it should have been done in that particular way. I think that there was other ways in which you could have done it that was more transparent.

Q. Because of course the perhaps irony, if irony is the right word, is going right back to the document you were putting, it's all about transparency, wasn't it, for the --

A. Yeah.

Q. -- RMP investigation?

A. Yeah.

Q. In fact, what the courts had said, in various matters, and yet as it happened, perhaps in a discussion which started a long time back about transparency and independence, you had someone working for a central MoD department, and he's raising the question with you about continuing an investigation?

A. Yeah, I can see how that looks. I mean, in the context of MoD at this time, obviously there's operations going

on all --

Q. Yeah --

A. And so everyone's mind is elsewhere. Peter Ryan was the one person at MoD, or Peter Ryan's department was the one place at MoD which focused on legal risk --

Q. Yeah.

A. -- so, rightly or wrongly, that was the way we saw to get in to the agenda because we weren't on the agenda.

Q. Now, this isn't obviously any sort of court, but one thought must have been in your mind that, if there were -- if you did decide to discontinue Operation Northmoor or parts of Operation Northmoor and that were subject to a challenge, it wouldn't be good, would it, for the purposes of transparency, exception at the very least, that there is an official at least inviting you to consider that course?

A. I don't think it was very helpful to say the least. But I also go back to the point of, if we were going to close Northmoor, there would have been a closing review by GMP, and they would have advised us on whether or not we could or should close it.

Q. Could we just have a look at tab 72 of the bundle please. It wasn't your note but it's a note that you have seen since. This a note by Jason Wright which is 9 May 2016. Have you got that one there? Then, just

for timeline, just so we can put this in, the last call we spoke about was 24 May, the "Why are we doing this to ourselves".

A. Mm-hm.

Q. 11 May was the risk to MoD, regarding Op Northmoor and the no known risk option, and 21 March 2016 was the call with Chief Constable Crompton.

A. Yeah.

Q. I'm going to deal with -- and it may well be tomorrow -- other seniors at the MoD and senior officers. So this is Captain Wright's note.

A. Yeah.

Q. We can see he's recording your direction about command responsibility on the N50 operation and your decision -- and it's about a decision not to inform the service police, at the time, and then there's the reason. He's recorded that:

"Gold has indicated he's coming under political pressure; he did not expand on the meaning of this."

It goes on:

"In the main, the C2 ..."

That's command and control, isn't it?

A. Mm-hm.

Q. "The C2 around the material of N50 will be considered in any case and therefore any identified offences will be

appropriately investigated."

Now, is that something you think you said to Captain Wright.

A. Yeah, I think the context is everything now.

Q. Can you explain the context --

A. When I talk about political pressure, I'm not -- I'm talking with a small "P".

We're not talking here ministers or even MoD. I'm talking about the pressure around resourcing within RMP, never mind outside. And the key point here was he was wanting to expand his investigation into command responsibility, going right up the chain and I knew we didn't have the resources to do that. So it was -- and there was no way I was going to get the resources to do that in any short period of time so, effectively, I was telling him to take bites of the cake, rather than try and eat the whole cake at once.

Q. Understood. So when we see -- and it's important, perhaps, because it's mentioned in that book, I'm not quite saying this is office politics, but it's about managing the strategic direction --

A. That's correct.

Q. -- in a different way, having regard to the context and resources available --

A. Yes.

Q. -- it wouldn't be right to read that as -- big "P" -- Pressure being put by --

A. No, absolutely not.

Q. -- chain of command, improper pressure --

A. No.

Q. -- or any official --

A. No.

Q. -- or politician?

A. No.

MR POLNAY: Sir, so far as Mr McAllister's evidence is concerned, I think I've probably got about an hour and a quarter, that sort of time, and the next topic is briefings to the chief of the general staff and other matters. It's been a reasonably long day and so, subject, of course, sir, to your better view or anything the witness may wish to say, I wonder if we might deal with that tomorrow morning?

SIR CHARLES HADDON-CAVE: Indeed, Mr Polnay, that will be fine.

Mr McAllister, thank you very much indeed for giving evidence today. It's been quite a long day. We'll break now, if that's all right --

THE WITNESS: Yes, sir.

SIR CHARLES HADDON-CAVE: -- and reconvene tomorrow morning at 10.00. Thank you very much, and not to discuss your

evidence with anybody in the meantime.

THE WITNESS: No, I'll not.

SIR CHARLES HADDON-CAVE: Right. Thank you very much, Mr Polnay. We'll break now, please, and reconvene at 10.00 tomorrow.

MR POLNAY: Thank you, sir.

In relation to that last matter, I think there's perhaps one additional document we're going to be adding to the bundle, which we may ask the witness to look at. So I hope he may be spoken to, just to give him that document and the chance to read it.

SIR CHARLES HADDON-CAVE: Indeed.

MR POLNAY: It's not very substantial. Thank you.

SIR CHARLES HADDON-CAVE: Of course. All right. Thank you.

MR POLNAY: Thank you very much.

(4.17 pm)

(The hearing adjourned until 10.00 am the following day)

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