

Monday, 12 October 2026

(10.00 am)

CLERK: Good morning. This is an OPEN hearing of the independent Inquiry into matters relating to Afghanistan. Please ensure that all mobile phones and other personal electronic devices are either switched off or in silent mode. Please may I also draw your attention to the fact that the Chair of the Inquiry, the Right Honourable Lord Justice Haddon-Cave, has made a general restriction order for Inquiry hearings, which applies to the conduct of those who are attending and/or viewing this hearing. The relevant parts of that order are contained within the specific restriction order made in respect of these hearings, which is displayed on the Inquiry website and on the door of this court, 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 general restriction order for

1 Inquiry hearings which applies to this hearing arises as
2 the live-stream of these Inquiry proceedings via YouTube
3 will purposely be subject to a ten-minute delay.

4 Where those who have supplied evidence to the
5 Inquiry have applied to restrict information from
6 publication outside of the Inquiry, in some instances
7 the Chair has made a restriction order, the effect of
8 which is to protect that information.

9 The Chair has also made a restriction order
10 prohibiting the use, publication or dissemination of
11 certain information that is contained within the
12 evidence and documents associated to these hearings.
13 That restriction order is displayed on the door of the
14 hearing room, and copies are available on request.

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

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

24 Counsel to the Inquiry or the Solicitor to the
25 Inquiry must be informed of any request to make an

1 application for a restriction order. If an application
2 is made for a restriction order in relation to anything
3 that has been said or done in the Inquiry hearing room
4 in the preceding ten minutes, anything that was said or
5 done during that period is subject to a restriction
6 order, prohibiting its disclosure, repetition or
7 duplication until the Chair has finally determined the
8 application.

9 For the avoidance of doubt, where material or
10 identities in documents shown onscreen or subsequently
11 published have been redacted, with or without an
12 overwritten gist, the redacted material is restricted
13 and it is a breach of the restriction order to disclose
14 what is thought to have been redacted.

15 All of the above orders are subjected to a penal
16 notice. This means that any breach of any element of
17 the restriction orders may be certified to the High
18 Court or the Court of Session, who will have the power
19 to fine or imprison anyone found to have been in breach
20 of the order.

21 **Opening statement by THE CHAIR**

22 SIR CHARLES HADDON-CAVE: Good morning.

23 Before we commence today's hearing, I want to take
24 this opportunity in OPEN to give a general update on the
25 work and progress of the Inquiry and re-emphasise a few

1 points.

2 The terms of reference require me to investigate
3 and report on allegations of the utmost seriousness --
4 and I emphasise these remain allegations at any stage --
5 namely:

6 (1) whether there is credible information that
7 UK Special Forces deliberately executed Afghan males
8 during deliberate detention operations in Afghanistan
9 between mid-2010 and mid-2013;

10 (2) whether concerns and complaints expressed at
11 the time were properly addressed;

12 (3) whether the four-and-a-half-year investigation
13 by Royal Military Police was adequate; and

14 (4) whether unlawful conduct was covered up at any
15 stage.

16 It should be understood, this is not about
17 split-second decisions taken in combat. This is not
18 about the fog of war. This is about whether the SAS
19 engaged in a practice of executing males of a fighting
20 age in Afghanistan.

21 It will be recalled that the allegations of
22 unlawful killings originated from within Special Forces
23 themselves.

24 I am grateful for the continuing support of the
25 chiefs of staff, who have emphasised again, recently,

1 co-operation with the Inquiry is vital to ensuring it
2 can fully and fairly examine these serious allegations
3 and to upholding the values and standards the Armed
4 Forces are rightly held to.

5 I am grateful for the support of the Permanent
6 Secretary, Jeremy Pocklington, on behalf of the sponsor,
7 in particular in providing the Inquiry with the
8 resources it needs to date to fulfil its terms of
9 reference.

10 I'm also grateful for the hard work and efforts of
11 those in the core participant teams and their continuing
12 close engagement with the Inquiry teams.

13 The last witness hearing in open was in January
14 last year, when we heard the expert evidence of
15 Chief Constable Alan Pughsley QPM. The Inquiry has been
16 extremely busy in the interim. The Inquiry team has
17 sifted huge volumes of documents, pursued multiple lines
18 of inquiry, some of which I will touch upon in a moment,
19 and held over 30 weeks of witness hearings, all of which
20 I have ordered to be enclosed for reasons of national
21 security and the protection and safety of witnesses.

22 The terms of reference involve the Inquiry
13 considering hundreds of DDOs which took place during

1 this three-year period. The Inquiry is now on the third
2 phase of its published three-phase investigative
3 strategy.

4 Phase 1 established a high-level narrative of each
5 individual DDO, together with patterns and other key
6 details, such as the number of Afghan males killed
7 during the operations, the use of particular tactics,
8 and the ratio of those killed versus weapons recorded.

9 Phase 2 examined the official staff work
10 documentation, which recorded the events said to have
11 taken place for a selected proportion of DDOs.

12 Phases 3A and 3B involve the comprehensive
13 retrieval and close analysis of documentary evidence and
14 the obtaining of witness statements and oral testimony
15 from the soldiers and officers concerned.

16 It will be recalled that in May this year I issued
17 a ruling permitting the use of terms SAS (Special Air
18 Service) and SBS (Special Boat Service) instead of the
19 ciphers UKSF1 and UKSF3. I did so for reasons of
20 accuracy and transparency. It was evident that it was
21 the SAS who carried out the overwhelming majority of the
22 DDOs in question, and because the previous naming
23 restrictions were no longer necessary for national
24 security, or in the public interest.

25 It should be noted that I have maintained existing

1 restriction order protections for the anonymity of all
2 ciphered witnesses, which remain firmly in place for the
3 present. The Inquiry will continue carefully to monitor
4 media reporting to ensure that all restriction orders
5 are adhered to.

6 As part of its DDO phase 3B inquiries, the Inquiry
7 has identified numerous SAS personnel from whom it
8 wishes to hear direct evidence as to the DDOs in
9 question, and has issued Rule 9 requests for information
10 to each of them. A high proportion have indicated their
11 intention to rely on their privilege against
12 self-incrimination and have refused to answer any
13 questions asked by the Inquiry.

14 The Inquiry has investigated the use of
15 a particular UK Special Forces TTP (tactics, techniques
16 and procedures) of ordering and/or escorting a male
17 Afghan detainee back into a compound building,
18 ostensibly to assist with clearance of occupants, which
19 is alleged to have been used repeatedly as cover to
20 enable the execution of fighting age males away from
21 prying eyes.

22 The Inquiry has also investigated an internal UKSF
23 review into this clearance TTP following concerns
24 expressed about it amongst senior members of both the
25 SAS and the SBS.

1 The Inquiry has obtained some
2 10,000 high-resolution photographic images which were
3 taken in the course of these DDOs but do not appear to
4 have formed part of the Royal Military Police inquiries.

5 An eminent forensic scientist is leading a team of
6 experts in ballistics, blood pattern analysis, clinical
7 trauma and pathology who are currently examining these
8 images to assess their evidential significance.

9 It will be recalled that the Inquiry evidence that
10 in 2016 data was wiped from a key Special Forces
11 computer server known as ITS1, despite the Royal
12 Military Police being given assurances that it would all
13 be preserved for examination.

14 The Inquiry managed to locate and seize the backup
15 tapes to server ITS1 and a team is currently carrying
16 out a specialist forensic analysis of the tapes to
17 determine the nature and significance of material that
18 may otherwise have been deleted.

19 The Inquiry is seeking evidence from the Afghan
20 families who lost loved ones during the DDOs. I intend
21 to hear their evidence in open hearings early next year.

22 The Inquiry has heard extensive witness evidence
23 regarding contemporaneous concerns and complaints raised
24 by both UK Special Forces personnel and other
25 individuals about the manner in which the SAS were

1 conducting DDOs in Afghanistan during the period in
2 question.

3 The Inquiry continues to hear from witnesses who
4 have approached the Inquiry team directly and
5 confidentially about with information about what they
6 saw, heard or learned regarding events in theatre at
7 this time.

8 We continue to encourage anyone who believes they
9 have information, however minor, that they think might
10 assist the Inquiry, to come forward. There are secure
11 and confidential routes available for contacting the
12 Inquiry explained on the Inquiry website, and the
13 personal safety and anonymity of all witnesses is of
14 paramount concern to me. I am grateful to all witnesses
15 who have come forward.

16 As emerged ahead of a hearing in the High Court last
17 week, as a result of inquiries set in train by the
18 Inquiry, the Ministry of Defence identified material
19 that indicated that UK Special Forces personnel deployed
20 on some operations being considered by the Inquiry may
21 have committed serious offences under the
22 Armed Forces Act 2006.

23 The matter was referred by UK Special Forces
24 headquarters to the Defence Serious Crime Command in
25 accordance with section 113 of that Act.

1 It is understood that, following a scoping
2 exercise, the service police have paused any criminal
3 investigation into the matter, pending the conclusion of
4 this Inquiry.

5 It will be recalled that the MOD recently revealed
6 the discovery of 97 million documents on their DAS
7 system, a digital repository on which electronic data is
8 archived and preserved.

9 Counsel for the MOD assured me only a small
10 proportion are thought to be even potentially relevant,
11 and urgent steps are being taken to interrogate this
12 database.

13 I have directed a further update is to be provided
14 at 10 am on Friday this week in OPEN, in order that the
15 Inquiry and the public can be appraised of the steps
16 taken and the progress made by the MOD in this regard.

17 It will be appreciated from what I have outlined
18 that the scale of the Inquiry's task and investigation
19 has proved greater and more complex than originally
20 envisaged. It will also be appreciated the vital
21 importance of care being taken to establish the true
22 facts one way or the other. Over the next few months,
23 the Inquiry has listed a further 16 weeks of hearings in
24 both OPEN and CLOSED. I have set a deadline for the
25 completion of the evidence relating to the allegations

1 of unlawful killings by 30 April next year.

2 I have made it clear that this deadline must be
3 kept. As I've said, it would not be fair to the
4 veterans, serving soldiers and officers, their families
5 or the Afghan families for the Inquiry to be delayed
6 further for want of resources or efficiency.

7 I trust this brief update has been helpful. The
8 Inquiry continues whenever possible, and consistent with
9 national security, to publish summaries of evidence
10 given by witnesses in CLOSED hearings. These summaries,
11 or "gists" as they are known, are important in assisting
12 public understanding of the Inquiry's work and the
13 evidence given.

14 They involve mounts of painstaking work and
15 collaboration by Inquiry and MOD teams to ensure
16 national security, operational sensitivities and witness
17 anonymity and safety are protected.

18 I recognise that the process of preparing,
19 reviewing and agreeing evidence summaries is
20 resource-intensive and takes time. Nevertheless, I am
21 keen to see this process progress more quickly and
22 efficiently, and for delays to be avoided.

23 Finally, let me mention a couple of recent visits.
24 In September I paid a further visit to the Hague, to the
25 International Criminal Court, to which the

1 United Kingdom is a state party, to update the Office of
2 the Prosecutor as to the continued progress of Inquiry
3 and, in accordance with the principle of
4 complementarity, to provide assurance that the Inquiry
5 commissioned by the UK Government continues to carry out
6 its investigations independently and rigorously.

7 I also travelled again to Brussels for meetings at
8 NATO headquarters, including with the Office of the
9 Secretary General, Mark Rutte. I am grateful for their
10 unequivocal support for the Inquiry and for the
11 extensive work being undertaken by the NATO Archives
12 team to identify material that may be relevant to the
13 Inquiry's terms of reference.

14 Turning now to today's proceedings, the
15 preparation for these Royal Military Police hearings has
16 taken a great deal of time, effort and midnight oil to
17 ensure materials could be appropriately considered in
18 OPEN. I wish to thank all those on all sides who have
19 worked hard to ensure that the bulk of these hearings
20 could proceed on schedule.

21 I postponed a small number of RMP witnesses
22 because time ran out properly to address the national
23 security sensitivities of their evidence, and also
24 because it made sense to hear them as a group together
25 with the remaining RMP witnesses next year.

1 We will now hear OPEN witness evidence relating to
2 the Royal Military Police investigation Operation
3 Northmoor, and these hearings will run for a period of
4 almost three weeks: throughout this week, and then the
5 weeks of 26 October and 9 November. Thank you.

6 Mr Glasgow.

7 **Opening statement by of Counsel to the Inquiry**

8 MR GLASGOW: Sir, before we embark on the evidence, I would
9 like to take a moment to open these hearings and to
10 assist with some of the matters that we will be
11 considering over the next five weeks.

12 Thus far, the Inquiry has focused upon the
13 allegations that unlawful killings were committed by UK
14 Special Forces during deliberate detention operations
15 conducted in Afghanistan throughout a three-year period.
16 We have examined the contemporaneous concerns and
17 complaints that were expressed and made at the time,
18 including by and within Special Forces themselves.

19 We have analysed the official accounts and records
20 that were drawn up of the many hundreds of operations
21 that were carried out, and we have heard from some of
22 the key figures involved in the command structure
23 throughout the period mid-2010 to mid-2013.

24 Most, if not all, of those hearings, you, sir,
25 have ordered to be heard in CLOSED session, for reasons

1 of national security and the classified nature of what
2 was being discussed.

3 But as we change the subject matter of the
4 evidence, so too can we change the classification at
5 which that evidence is heard.

6 The Inquiry is now about to turn its attention to
7 the service police investigation that was conducted into
8 the allegations of extrajudicial killings, and that
9 enables us to embark on a series of OPEN hearings to
10 which the public and the media will have access.

11 That investigation, which was conducted by the
12 Royal Military Police between 2014 and 2019 was assigned
13 the name Operation Northmoor. It was carried out by
14 a team of more than 100 investigators and support staff.
15 It had the benefit of independent experts, civilian
16 policing advice and oversight. It had cost several
17 million pounds by the time it was closed down, and no
18 arrests had been made, no charges had been brought, and
19 the RMP concluded that there was no cogent or tangible
20 evidence to prove or support that unlawful killing took
21 place.

22 Since then, Operation Northmoor has been an
23 investigation that has been heavily criticised for its
24 costs, its duration and its failure, as some see it, to
25 uncover evidence either to support or to dispel the

1 rumours of illegal activity that had been circulating
2 UKSF for many years.

3 Its relevance to the Inquiry's work will be
4 obvious to everyone. After all, this was the service
5 police investigation into the very same allegations that
6 the Inquiry has been tasked to examine, and it is the
7 task of this Inquiry, in accordance with the terms of
8 reference, to determine whether Operation Northmoor was
9 timely, rigorous, comprehensive, properly conducted, and
10 effective.

11 The Inquiry has already received preliminary
12 conclusions of the independent policing expert
13 Alan Pughsley, the former Chief Constable of Kent
14 Police, and he offered his opinion following a review of
15 the relevant paper of the investigation's shortcomings.
16 However, it is too early for the Inquiry or, indeed, for
17 anyone else to assess the quality of the investigation
18 or the probity of its findings. That can only be done
19 following a thorough review of all of the evidence. And
20 that is exactly what we are about to embark upon.

21 Over the course of the next five weeks, we will be
22 hearing from the decision-makers within the RMP, the
23 investigators at the coalface and the civilian experts
24 who provided investigative advice and input. Only once
25 that evidence has been called and once the relevant

1 statements and documents have been considered will the
2 Inquiry be in a position to seek the final positions of
3 Alan Pughsley and, in due course, for you, sir, to make
4 your findings in respect of Operation Northmoor.

5 The RMP is and was at the relevant time the army's
6 police force. It exists to provide the necessary
7 military police service to the Army to ensure military
8 effectiveness.

9 At its core is the ability to police and
10 investigate within the powers provided by the Armed
11 Forces Act 2006.

12 In accordance with that statute, all RMP
13 investigations are to be conducted independently of the
14 chain of command. In other words, the RMP should be
15 free to conduct their investigations as they see fit,
16 and without the risk of any interference, no matter how
17 senior the source of that interference might be.

18 The Provost Marshal (Army), or PMA, is the chief
19 officer to the RMP, with overall responsibility for
20 providing the necessary Military Police custodial and
21 armed guarding services to the Army. The RMP is
22 nevertheless still part of the Army. All RMP personnel
23 were and are required to meet the same basic soldiering
24 requirements as all other members of the Army.

25 This requirement has often been referred to by the

1 Army as the "soldier first" principle, a principle that
2 is intended to ensure that the RMP can deploy as part of
3 the field army at any time in support of the full
4 spectrum of military operations.

5 At the relevant time for this the Inquiry, the RMP
6 structure was divided between general policing duty
7 regiments and Special Investigative Branch regiments.
8 In 2010 there were four general policing duty regiments
9 and two SIB regiments, but by 2013, as a result of
10 a restructuring exercise across the Army, the RMP
11 comprised three general policing duty regiments and as a
12 single SIB regiment.

13 GPD, or general policing duty, personnel are
14 broadly equivalent to uniformed officers in
15 a Home Office police force. They conduct garrison
16 policing, operate police stations in larger garrisons,
17 and support the Army on operations. They respond to and
18 investigate volume and non-complex crimes, such as
19 thefts, assaults and service offences, and they conduct
20 initial actions, including arrests, searches, and the
21 management of basic crime scenes.

22 The SIB element of all three branches of the armed
23 forces has now been amalgamated into the Defence Serious
24 Crime Command. But during the relevant period, SIB
25 personnel were similar to a civilian CID, or criminal

1 investigation department. They dealt with offences or
2 incidents which, by their nature, gravity or complexity,
3 required investigation by specially trained personnel.

4 The number of active SIB investigators in 2010 was
5 about 150, and by 2013 this had increased to 220, of
6 a total of approximately 1,800 members of the RMP, the
7 balance being from the general policing duty regiments.

8 Operation Northmoor was the operational name for
9 multiple investigations initially into Afghan detainee
10 abuse and, latterly, into allegations of unlawful
11 killing by UK Special Forces.

12 Formal service police investigation into the
13 conduct of the British Armed Forces in Afghanistan
14 started in 2013 after the solicitors' firm Leigh Day
15 raised a series of civil claims for damages against the
16 Secretary of State for Defence. Those claims alleged
17 that her during UK operations in Afghanistan, members of
18 the British Armed forces had mistreated numerous Afghan
19 detainees. The subsequent civil litigation led to
20 concurrent service police investigations. The first
21 conducted by the RMP, entitled Project Elsinore and the
22 second by the Royal Air Force Police entitled Operation
23 Isoptic. By early 2014, both the RMP and the RAFP were
24 investigating multiple allegations of detainee abuse
25 from the same theatre and from the same time frame and

1 so it was almost an inevitable step for the two
2 investigations to be combined.

3 That took place on 17 March 2014 when the late
4 PMA, Brigadier Bill Warren directed that both Project
5 Elsinore and Operation Isoptic should be joined to
6 ensure that a prompt, effective and properly resourced
7 investigation into Afghan detainee abuse allegations
8 could take place. It was this combined investigation
9 that was given the title Operation Northmoor. Whilst
10 initially focused on detainee abuse allegations, once
11 allegations of unlawful killing were brought to the
12 attention of the investigators, three separate teams
13 were established within Operation Northmoor, each with
14 its own investigative lead and each with its own terms
15 of reference.

16 Team 1, which was to investigate allegations of
17 unlawful killing, within the parameters of the terms of
18 reference, and in particular Objective Tyburn, will
19 inevitably be the team on which we focus; Team 2 was to
20 look at the broader detainee abuse allegations; and Team
21 3 was to provide support to the first two teams.

22 The investigation presented real challenges to the
23 RMP from the very start. They had never taken on an
24 investigation of this size and scale before. Indeed,
25 very few civilian police forces have ever embarked upon

1 such a complex and wide-ranging investigation. In
2 recognition of this, the PMA Brigadier Warren declared
3 Operation Northmoor a critical incident, which is an
4 incident where the effectiveness of the police response
5 is likely to have a significant impact on the confidence
6 of the victim, their family and/or the committee, and he
7 further categorised Operation Northmoor as an A-plus
8 investigation, which is one where the public concern and
9 the associated response to media intervention were such
10 that normal staffing levels are not adequate to keep
11 pace with the investigation.

12 In other words, it was abundantly clear from the
13 outset that Operation Northmoor required very
14 significant resources and an effective command structure
15 if it was to stand any chance of succeeding in the task
16 it had been set.

17 With this in mind, Brigadier Warren directed that
18 to maintain effective command and control of this
19 incident, a formalised, strategic, operational and
20 tactical structure would be instituted in the form of
21 a Gold/Silver/Bronze structure. This is a tried and
22 tested civilian policing structure with different level
23 commanders performing clearly defined roles in
24 a structured hierarchy. It is commonly used by all Home
25 Office police forces in any investigation of size and

1 complexity because it provides an easily understood
2 system of leadership and cascading responsibility. As
3 such, it is considered best practice for an
4 investigation, such as Operation Northmoor to deploy it.

5 Within this structure, the Gold Commander is the
6 person in overall command, who has full responsibility
7 and accountability for the operation, including
8 overseeing strategy, policy and the overall response
9 framework. It is, as Alan Pughsley made clear in his
10 evidence, a role that is absolutely critical to the
11 success of any investigation. An important
12 responsibility, for example, is to convene Gold group
13 meetings, alongside other senior members of the
14 investigation to ensure that the investigation is
15 progressing and being managed properly.

16 At the very beginning of Operation Northmoor the
17 PMA Brigadier Warren declared himself as the Gold
18 Commander but within a matter of weeks of the
19 investigation having been stood up, it was decided
20 on advice that the Gold Commander role should be
21 separated from the PMA role and that the Gold Commander
22 would hold the rank of a Lieutenant Colonel. This
23 restructure was to continue throughout the currency of
24 Operation Northmoor and two Lieutenant Colonels, first
25 John McAllister and second John Harvey held the role.

1 Alan Pughsley expressed surprise at the change of
2 such significant personnel midway through the
3 investigation. Furthermore, he has questioned whether
4 a lack of leadership on the part of Lieutenant Colonel
5 McAllister contributed to the failure properly to
6 progress the investigation and also that Lieutenant
7 Colonel Harvey appears not to have been suitably
8 qualified to perform the role of Gold Commander and that
9 he failed to hold almost any of the essential Gold group
10 meetings whilst he was in charge.

11 Both gentlemen will give evidence to the Inquiry
12 during the forthcoming hearings about the roles they and
13 others played in the investigation about the progress of
14 the investigation under their respective tenure and will
15 have an opportunity to address the provisional
16 criticisms made of them.

17 Following the structure down, typically the Silver
18 Commander is responsible for interpreting the strategic
19 directions set by Gold, for co-ordinating resources and
20 their activity and for supervising and managing the
21 investigating teams. Within Operation Northmoor, the
22 Silver Commander role was held by individuals of the
23 rank of Major. The role appears to have developed
24 during the course of the investigation. However, it was
25 only from mid-2016, after the change in PMA when Silver

1 group meetings were regularly held. The Inquiry will
2 hear from two of the Silver Commanders,
3 Major Matthew Cox and Major Tina Stinson and they will
4 give evidence on the structure of the operation and the
5 role that each of them played within it.

6 Alan Pughsley observed in his evidence that
7 neither of them made significant efforts to establish
8 the urgency of key lines of inquiry and this is a topic
9 which will be explored with them in order to give them
10 an opportunity to address this criticism.

11 Then to the Bronze Commander. The Bronze
12 Commander within Operation Northmoor was the senior
13 investigating officer, often referred to as the SIO,
14 which is another role of fundamental importance to an
15 investigation of size and complexity because the SIO is
16 the lead investigator. It is the responsibility of the
17 SIO to act as the officer in charge of an investigation,
18 to implement the investigative strategy, to develop the
19 information management and decision making systems, to
20 manage the available resources and to be accountable for
21 the conduct of the investigation.

22 There were two principal SIOs for Team 1 during
23 course of Operation Northmoor, Captain Wright and Major
24 Cox. Alan Pughsley noted in evidence that both of them
25 worked to a degree in line with best practice. But

1 neither of them, he observed, progressed the
2 investigation in a particularly timely manner. The
3 Inquiry will be hearing from both of them, although, due
4 to his current employment, Captain Wright cannot be
5 heard in this autumn window. They will give evidence on
6 the direction that the investigation took, the progress
7 that it made and the challenges that they and their
8 teams faced. The Inquiry will also hear evidence from
9 three of the Deputy SIOs, Warrant Officer N73, Warrant
10 Officer Mark Dempster and Warrant Officer Delme
11 Williams, as well as a key Team 1 investigator, Staff
12 Sergeant Philippa McClain-Inglis. The reason for
13 hearing from them is in order to better understand the
14 command structure, the way that the strategy was
15 cascaded down the teams and the ability that any of the
16 investigators had to influence the scope and type of the
17 inquiries they were said asked to undertake.

18 The extent to which this structure was properly
19 understood, adopted and effective will be something the
20 Inquiry will consider with care, since, unless the
21 architecture of an investigation is capable of
22 withstanding the pressures and challenges it might face,
23 it is almost inevitable that it will fail to make
24 progress or fail to succeed in achieving its aims.

25 From the start of the investigation, it was

1 recognised by the PMA that, because of the seriousness
2 and complexity of the task at hand, there was a vital
3 need for outside assistance and assurance. In other
4 words, external advisers and experts were required.
5 This is good practice in any large-scale investigation
6 but the need was particularly compelling, given the
7 RMP's lack of experience in A-plus investigations. As
8 a result, the PMA, Brigadier Warren approached the
9 Homicide Working Group of the National Police Chiefs'
10 Counsel, seeking support. Greater Manchester Police was
11 identified as a police force that could undertake the
12 necessary reviews of the investigation and former
13 Detective Superintendent Martin Bottomley was brought on
14 board for this purpose, as part of what was known as the
15 Major Inquiry Review Team.

16 For yet further assurance, the National Crime
17 Agency was contacted to provide strategic support to
18 assist the SIO and Detective Superintendent Paul
19 Williamson was tasked to perform this role. Both
20 Detective Superintendent Bottomley and Detective
21 Superintendent Williamson are accredited strategic
22 investigators at the highest level, known as Pip 4,
23 which is the Professionalising Investigations Programme
24 level 4.

25 The Inquiry will hear live evidence from both of

1 them as to the views they formed of the progress of
2 Operation Northmoor, its effectiveness ness and their
3 efforts to assist in taking it forwards.

4 It was also clear to all involved that Operation
5 Northmoor would require the allocation of very
6 substantial resources: not only in the form of manpower -
7 through the recruitment of suitably trained and
8 experienced investigators and support staff - but also in
9 terms of a dedicated and suitable location and the
10 establishment of the necessary IT infrastructure. These
11 were, it might reasonably be thought, the basics or
12 fundamentals that any such investigation is built upon.

13 However, as the Inquiry will hear, the
14 establishment of these essentials appears to have
15 progressed slowly and, in some respects, not at all.
16 A lack of timely progress - if that is what it was -
17 must be put in its proper context. In respect of the
18 allegation of unlawful killing, there was a three-year
19 delay between Objective Tyburn (taking place on 16
20 February 2011) and the RMP starting its investigations in
21 2014. That is because the RMP were not made aware of
22 the allegation until then. Put another way, the very
23 obvious point is that the RMP could only investigate
24 matters of which they were aware.

25 It is perhaps of note that, generally speaking,

1 the RMP relies heavily on the chain of command to notify
2 them of incidents or allegations that take place on
3 operations. Indeed, there is a statutory obligation on
4 all commanders to report to the RMP anything that might
5 amount to a criminal offence committed by those under
6 their command. However, despite concerns having been
7 raised at the time by and between senior individuals at
8 Headquarters DSF, the RMP were not informed about the
9 allegations until after Leigh Day had brought their
10 civil action. This initial delay inevitably had
11 a substantial detrimental effect on the ability of the
12 RMP to conduct an effective investigation.

13 The so-called 'Golden Hour' opportunities -
14 locating witnesses and taking accounts whilst memories
15 and evidence are fresh, securing and recording scenes;
16 following forensic leads, and the like - had either
17 diminished extensively or disappeared entirely.
18 Alan Pughsley observed that the delay "heavily
19 Compromised" and "significantly affected" the proficiency
20 of the investigation. Therefore, Operation Northmoor's
21 approach to the fundamental components of an
22 investigation (which include personnel, premises and
23 capability), and the establishment and progress of these
24 aspects will be among the topics to be considered by the
25 Inquiry.

1 Initially Operation Northmoor was staffed by nine
2 people. By the end of 2014, the proposed staffing
3 requirements had expanded to 123; however this target
4 was never met. By June 2015, the workforce had risen to
5 around 60 and the numbers peaked at 110 in September
6 2016. As a result, Operation Northmoor was clearly
7 drawing on a sizeable proportion of the RMP's overall
8 personnel and with an associated impact on other RMP
9 work. It appears that some in senior command positions
10 questioned whether this staffing level may be too high.

11 Around the time that peak staffing was reached,
12 followed a meeting between the Deputy Chief of the
13 General Staff, Lieutenant General Sir Nick Pope, and the
14 newly appointed Provost Marshal Army, Brigadier David
15 Neal, the Operation Northmoor Gold Commander, Lieutenant
16 Colonel McAllister, was requested to provide an
17 assessment of the viability of reducing the manning
18 levels down to 25. Records suggest that this figure
19 came from the Chief of the General Staff, General Sir
20 Nick Carter.

21 As we will hear in due course, Lieutenant Colonel
22 McAllister made clear it was simply not possible to
23 reduce the personnel numbers in such a way. Closely
24 related to the issue of personnel, was the provision of
25 appropriate premises. An investigation of this size

1 required specific premises and bespoke IT
2 infrastructure. However, it was not until July 2015
3 that RAF St Mawgan in Cornwall was identified as
4 a suitable location, able first to accommodate the
5 projection numbers of personnel and, second, to handle
6 the classification of the material that the
7 investigators would be considering. Operation Northmoor
8 set up at RAF St Mawgan in 2016. Initial operating
9 capability - the point at the investigation was operating
10 in its basic, minimum effective form - was declared in
11 January 2016.

12 However, full operating capability was not
13 declared until August 2016, more than two years after
14 Operation Northmoor was first established. Even then,
15 as Brigadier Kris Rotchell explained in his evidence to
16 the Inquiry in October 2023, it was not until 2018 that
17 "all the required resources were in place". Therefore,
18 Operation Northmoor only had about 12 months during
19 which it was properly resourced, before it was closed
20 down in July 2019. Alan Pughsley has already noted that
21 "the lack of appropriate resourcing ... is of serious
22 Concern and directly compromised the competence of the
23 Investigation", and the Inquiry will seek to explore the
24 full extent of the impact that this had upon about
25 investigation with those witnesses who can assist.

1 The Inquiry has already heard, and will doubtless
2 continue to hear evidence about the facilities available
3 at RAF St Mawgan. The accommodation was poor; the
4 facilities were limited; and the location was isolated,
5 and far from traditional RMP bases. This had
6 a significant impact upon team morale and cohesion and,
7 according to some, at least, Operation Northmoor became
8 known as the place where careers were sent to flounder,
9 rather than to flourish. That may well have impacted on
10 the effectiveness of the investigation itself.

11 Plainly, there are questions to be answered over
12 whether RAF St Mawgan was ever truly a suitable location
13 to send such a large number of RMP investigators and it
14 is likely that the Inquiry will need to determine
15 whether Operation Northmoor was provided with the
16 necessary staffing and required resources and, if not,
17 what impact this might have had upon the investigation.

18 One resource that had been assessed from the
19 outset as necessary, by those within Operation
20 Northmoor, as well as by the external advisers, was
21 a forensic data handling capability, or 'FDHC'. It was
22 clear from the outset that Operation Northmoor would
23 inevitably generate very significant amounts of digital
24 material and that methodical and detailed analysis of
25 this data was going to be required of the investigators.

1 This was a major line of Inquiry.

2 The FDHC was to be a bespoke IT facility, equipped
3 to handle large volumes of data at high classification,
4 including any material obtained from servers belonging
5 to UK Special Forces.

6 Despite its importance to the investigation, the
7 procurement of the FDHC was beset by delay. It was only
8 in March 2016, around two years after it had been
9 assessed as a requirement for an effective
10 investigation, that the Cabinet Office approved
11 procurement at a cost of £7.5 million plus VAT.

12 Having been approved, an interim FDHC was
13 established in April 2016 at HMS Collingwood but the
14 FDHC at RAF St Mawgan never became operational.
15 Ultimately, notwithstanding the facility having
16 previously been determined as a necessity, a decision
17 was made by the PMA, Brigadier Neal, in February 2017,
18 not to proceed with bringing the FDHC online. That
19 decision by the PMA Brigadier Neal is one example of the
20 change in approach that his arrival in July 2016 marked.

21 Indeed, a 2019 RMP document, intended for the
22 National Security Adviser, refers to the investigation
23 as a "game of two halves", with the changeover in 2016 of
24 the PMA "marking the halfway point". This is
25 a potentially significant theme that the Inquiry will

1 seek to interrogate during the course of these hearings.

2 In respect of the "first half", Team 1 principally
3 concentrated on gathering supporting material in respect
4 of the Objective Tyburn, a DDO carried out by the SAS on
5 16 February 2011 and commanded by N1141, who was the OC
6 for the SAS sub-unit. Four people were shot dead during
7 this DDO and it was alleged that they had been killed
8 unlawfully, when one of those who had been detained
9 during the operation, Mohammad Bang, was interviewed in
10 connection with his alleged mistreatment. The
11 investigation into allegations of unlawful killing
12 received significant further information in January
13 2015, when a COS Ops from Headquarters DSF, N1466,
14 approached the investigation regarding his acknowledge
15 of allegations of unlawful killings.

16 N1466 informed the RMP that concerns had been
17 raised about the high numbers of individuals who were
18 shot and killed on some of the SAS operations and about
19 the apparent disparity between the number of EKIA and
20 the number of weapons recovered from the DDOs. He also
21 informed the investigators that this had been noted at
22 the time of the incidents and what was termed as "more
23 bodies than weapons".

24 Furthermore, he explained that there had been an
25 internal review, the TTP review, conducted into 11 of

1 the operations, one of which was Objective Tyburn and
2 those were the operations the SAS had conducted between
3 late 2010 and early 2011, during which numerous Afghan
4 nationals had been shot and killed. N1466 also revealed
5 to the investigators that there was a controlled access
6 security compartment that had been set up to protect
7 contemporaneous anecdotal information about alleged
8 unlawful killings. The contents of the security
9 compartment were recovered in June 2015 and reviewed.
10 Within the contents was a typed document dating back to
11 March 2011 from an SBS officer, N1799, in which he had
12 recorded a conversation he had had with a member of the
13 member of the SAS sub-unit, who had told him that all
14 fighting-age males are killed on target, regardless of
15 the threat they pose.

16 N1799 was interviewed in July 2015 by the
17 investigators and he agreed that he was the author of
18 the document, that the contents were correct and that
19 the member of the sub-unit with whom he had spoken was
20 N1201. Thereafter, N1799 refused to provide a witness
21 statement since he did not want his name to be disclosed
22 and, subsequently, he refused to speak with the
23 investigation team.

24 From that brief summary, it will be apparent that
25 from mid-2015, Team 1 had evidence of potentially

1 serious misconduct, having occurred on more than one
2 operation. Indeed, as well as Objective Tyburn, there
3 were now 10 additional operations that had caught the
4 attention of Headquarters DSF. However, despite
5 conducting some research on the other 10 operations
6 which form part of the TTP review, there was a failure
7 to link the allegations as part of a series of similar
8 incidents for the purposes of the investigation.

9 Indeed, apart from some very general inquiries,
10 the RMP only formally looked at three of the DDOs,
11 including Objective Tyburn. Alan Pughsley regards this
12 as a failure of Operation Northmoor and it is a feature
13 of the investigation that the Inquiry will want to
14 explore.

15 Some eight months later, in February 2016, the
16 external advisers advised Operation Northmoor that
17 N1141, the SAS commander of the sub-unit responsible for
18 Objective Tyburn, and N1201, the member of the SAS who
19 was said to have confessed to N1799 that there was
20 a deliberate policy of killing fighting-aged males both
21 the Operation Northmoor advised, could be designated as
22 suspects. Plans were put in place to arrest them and
23 consideration was given to the use of overt as well as
24 covert tactics by the team, in order to identify other
25 individuals who might have been involved and to

1 establish whether anyone in the chain of command might
2 have been complicit in the incidents being investigated.

3 Alan Pughsley considers the designation of N1141
4 and N1201 as suspects as a legitimate course of conduct.
5 However, neither N1141 nor N1201 was ever arrested.
6 Alan Pughsley has offered the view that the first half
7 of the investigation from March 2014 until July 2016 did
8 not progress "at sufficient pace or to the breath or
9 depth required for a category A-plus investigation". His
10 provisional view is that Operation Northmoor during this
11 period "could properly be seen as a failing
12 investigation".

13 In respect of the "second half", the arrival of
14 Brigadier Neal was foreshadowed for a number of months
15 but he formally took up the position of PMA in July
16 2016. It is intended that he will give evidence to
17 assist the Inquiry since he is an important witness.
18 However, owing to circumstances beyond our control he
19 will not be able to give his evidence until later next
20 year.

21 There are questions to be asked about whether the
22 appointment of Brigadier Neal as PMA was appropriate in
23 the first instance, given there may have been a conflict
24 of interest - actual, perceived, or potential - in his
25 being appointed to the role. That is because, prior to

1 becoming PMA, Brigadier Neal held a post, the Deputy
2 Provost Marshal Operations, that had seen him
3 responsible for all detention operations in Afghanistan
4 during the period being investigated by Operation
5 Northmoor. In fact, his previous role had been deemed
6 of sufficient interest to Operation Northmoor
7 investigators that they had sought to take a witness
8 statement from him prior to his appointment as PMA but
9 did not do so following direction from the Gold
10 Commander, Lieutenant Colonel McAllister.

11 Once in post, it is apparent that Brigadier Neal
12 sought to take charge of the investigation and to
13 influence the direction of travel. Some of the
14 decisions were beyond his control but others will need
15 to be examined in order to determine whether they
16 were considered with care, appropriate for the
17 investigation, and likely to bring it to a successful
18 conclusion.

19 There were significant changes in personnel.
20 Lieutenant Colonel McAllister had to be replaced by
21 Lieutenant Colonel Harvey, a change in such a pivotal
22 role, partway through an investigation, is a significant
23 step and one which can have a real impact upon the shape
24 and progress of an inquiry. This Inquiry will hear live
25 evidence from both of the Gold commanders and will seek

1 their assistance on the steps taken to ensure the
2 handover was smooth uneventful.

3 A decision was also made that Captain Wright, who
4 had been in place as the Team 1 SIO since the inception
5 of Operation Northmoor and who was apparently held in by
6 high regard by the team he led, should no longer
7 continue as the SIO. It is clear from his records that
8 Captain Wright did not want to go. Nevertheless, he was
9 replaced by Major Cox in July 2017. The reasons for the
10 replacement of Captain Wright will be considered by the
11 Inquiry. Was this simply an example of the typical
12 rotation of service personnel or was there some other
13 reason for it, and what was the effect, if any, that the
14 change in SIO had upon the investigation?

15 Almost concurrent to Brigadier Neal assuming the
16 position of PMA, was the appointment of two sets of new
17 external advisers: the Independent Advisory Group --
18 comprising Sir Jon Murphy, the ex-Chief Constable of
19 Merseyside Police, and Mark Ellison, King's Counsel,
20 a criminal barrister; and the Independent Review Team,
21 comprising two retired detectives from
22 Merseyside Police, Clifford Evans and Philip Jones were
23 appointed. Evidence will be received from the members
24 of some of those teams to assist with their instruction,
25 their role and their impact on Operation Northmoor.

1 The appointment of the IAG and the IRT, which
2 effectively saw them replace the Major Enquiry View team
3 and the NCA, appears to have been a significant moment
4 in the story of Operation Northmoor. Alan Pughsley has
5 given his expert opinion that the recommendations made
6 by the IRT in their first report in January 2017,
7 "changed the entire focus of the operational strategy for
8 Operation Northmoor", and he also observed that "the
9 advice from the IRT ... completely shaped and directed the
10 investigation".

11 Between 5 and 13 January 2017 the IRT conducted
12 a review of the investigations and the lines of
13 enquiry being pursued by Northmoor Team 1. In a report
14 dated the 24 January, the IRT concluded:

15 "At this time it was readily apparent that there
16 is no evidence in relation to any individual who took
17 part in the raid of Operation Tyburn or indeed any other
18 alleged connected incidents."

19 The IRT assessed the presently available
20 information as "untested, untried and without
21 provenance". It was, they said, "of poor quality and
22 cannot support the contention that criminal offences
23 have taken place." In the light of its assessment of
24 Operation Northmoor, the recommendations from the IRT
25 were: to prioritise the obtaining of witness statements
26 from Mohammad Bang and

1 Saifullah; to recover the datasets from UK Special
2 Forces from the ITS1 server by consent; to remove the
3 categorisation of N1141 and N1201 as suspects; to
4 continue to investigate the events identified in the TTP
5 review; not to undertake any covert tactics or
6 investigations; to seek "duty statements" from the
7 members of the SAS identified as participating in
8 Objective Tyburn and in relation to the other 10 events,
9 "as and when significant discrepancies have been
10 identified"; and to limit the material uploaded to the
11 software used to manage the investigation, to that which
12 was relevant only to the main lines of enquiry.

13 The recommendations of the IRT were adopted
14 wholesale by the PMA, Brigadier Neal. Indeed, such was
15 the weight that Brigadier Neal placed on the input of
16 the external advisers that, rather than permit the
17 investigators themselves to decide how best to progress
18 the various lines of enquiry, it appears that he began
19 to impose the IRT suggestions upon his team without any
20 discussion or explanation.

21 Important aspects of the investigation which
22 changed as a result and about which this Inquiry will
23 hear evidence, include the following:

24 The change in suspect status I have already
25 identified. Within Team 1, the suspect status of N1201

1 and N1141 was removed and the potential use of covert
2 tactics were no longer considered. Given the obvious
3 sensitivity of this aspect of the investigation, the
4 evidence about this change in approach, or at least some
5 of that evidence, will have to be heard in CLOSED.

6 As to the UK Special Forces server ITS1, the IRT's
7 recommendation to obtain a copy of the server by consent
8 was, in fact, consistent with the previous approach of
9 the RMP. In summary, it was decided by investigators
10 that it was essential to recover the contemporaneous
11 material generated by Special Forces during the course
12 of the DDOs under investigation. Efforts first began in
13 October 2015 to recover either the server itself or its
14 contents. But UK Special Forces expressed concerns that
15 the server held data for irrelevant operations and other
16 highly sensitive material and they were anxious that
17 there should be no impact to their operational
18 capability.

19 However, despite repeated efforts to obtain the
20 server or its contents, the matter remained unresolved
21 by the time of Brigadier Neal's appointment in July
22 2016. In the autumn of 2016, UK Special Forces told
23 Operation Northmoor that the data was due to be migrated
24 from ITS1 to a new server. It was agreed there would be
25 no modification, change or deletion of any data on the

1 legacy server and it was understood by Operation
2 Northmoor that this server would be made available to
3 them.

4 However, in December 2016, when the RMP went to
5 collect the server, they were informed that data had
6 been irreversibly deleted. It was the view of the SIO,
7 Captain Wright, that the ITS1 server should be recovered
8 immediately, by seizure, if necessary, and he was
9 actively considering arresting those involved in the
10 deletion of the data.

11 Nevertheless, the IRT concluded that obtaining the
12 server by consent was the appropriate option because
13 their view was there were no grounds for seizure.
14 Lieutenant Colonel McAllister instructed Captain Wright
15 that he was not to take any steps to secure the server
16 and not to investigate why it was that UK Special Forces
17 had permitted some of the data to be deleted.
18 Ultimately, the data from ITS1 was not recovered by
19 Operation Northmoor, although, had it been, there was no
20 forensic data handling centre which existed at the
21 material time on which any of the material could have
22 been reviewed.

23 Fortunately, the Inquiry is not in the same
24 position. Despite the assurance that there were no
25 backup copies of the UKSF server, the Inquiry was

1 informed that the relevant backup tapes did, in fact,
2 exist and the Inquiry took immediate steps to ensure
3 that these were seized. Painstaking efforts have been
4 undertaken to ensure the integrity of that material but
5 owing to the age, format and classification of the
6 backups, we have had to build a bespoke system to safely
7 access the data saved upon them. That data is currently
8 being interrogated by the Inquiry team to ensure that
9 any relevant material is identified and is then
10 scrutinised to assess what, if any, impact it might have
11 upon the evidence we have heard.

12 A further recommendation from the IRT was that
13 the RMP should deploy to Afghanistan to obtain witness
14 evidence, the taking of statements from all individuals
15 involved in Objective Tyburn and that the investigation
16 of the other ten DDOs, part of the TTP review, were to
17 continue. On 23 February 2017, Brigadier Neal, the PMA,
18 decided that those ten DDOs should be brought within the
19 scope of Operation Northmoor, although they were never
20 formally linked as a series potentially connected
21 events. The interviews that the IRT had identified as
22 needing take place, took place between 2017 and 2019.
23 When interviewed, the members of the SAS sub-unit either
24 could not recall the operations or gave accounts
25 consistent with lethal force having been used in lawful

1 self-defence.

2 The supporting personnel could not recall the
3 specific operations and the officers from the Afghan
4 partner unit provided no evidence of wrongdoing. Those
5 interviews took place between six and eight years after
6 the events that were the subject of the Inquiry and
7 between two and four years after the RMP were first made
8 aware of the extra judicial killings alleged to have
9 occurred on any of DDOs.

10 It is perhaps easy to understand why the rate of
11 progress of Operation Northmoor will be considered by
12 the Inquiry.

13 During one of the interviews, an APU officer made
14 an allegation of criminal conduct against Special
15 Forces. It was claimed that an English soldier had
16 carried an old AK-47, which, when he killed someone, he
17 would place beside the body. The APU officer was asked
18 to return to make a formal complaint but did not do so
19 and whilst inquiries were still being undertaken to
20 trace him, the RMP were told to stop their work because
21 the operation was now over.

22 In other words, it appears the investigation was
23 closed down before potentially significant lines of
24 enquiry could be concluded.

25 This is a decision about which Alan Pughsley has

1 expressed some surprise and it is one that you, sir,
2 will want to consider in due course.

3 On 15 July 2019, Brigadier Neal, the PMA,
4 concluded that following a thorough and independent
5 investigation, in which all reasonable and proportionate
6 lines of enquiry had been pursued, there was
7 insufficient evidence to support a prosecution for any
8 of the unlawful allegations that have been raised. That
9 decision was endorsed by the Independent Advisory Group
10 and by the Director of Service Prosecutions.

11 Furthermore, in light of the outcome of the
12 investigations into Objective Tyburn, it was decided
13 that investigation of the other operations that had
14 formed part of the TTP review was no longer warranted.

15 In the final Gold group executive summary, the
16 following conclusion was reached in respect of Operation
17 Northmoor:

18 "This has been a large and highly complex major
19 inquiry, which has been extensively assured. However,
20 due to the very nature of those being investigated,
21 there has been rumour, conjecture and hearsay with
22 regard to potential incidents. Despite all reasonable
23 and proportionate evidential opportunities having been
24 explored to date, there is no cogent or tangible
25 evidence to prove or support that unlawful killing took

1 place."

2 Whether that conclusion was correct will be for
3 you, sir, to determine. However, we note that Alan
4 Pughsley is critical of this decision and has offered
5 his preliminary view that it was both premature and
6 inappropriate.

7 The RMP committed huge resources to Operation
8 Northmoor and a vast number of inquiries were undertaken
9 in both the United Kingdom and in Afghanistan. Many
10 witnesses were traced and spoken to and many thousands
11 of documents were sourced and reviewed. The ultimate
12 result, that no arrests were made and no charges were
13 brought, does not mean, in and of itself, that the
14 investigation was a failure and it does mean in and of
15 itself that those who worked day to day, during the
16 course of the five years were anything other than
17 committed, professional and trying to do a good job.

18 But it is clear that there are real questions to
19 be answered regarding the organisation of the
20 investigation, the key decisions made and the strategies
21 pursued, and that is why Inquiry is tasked with
22 determining whether Northmoor was "timely, rigorous,
23 properly conducted and effective".

24 In order to prepare for this phase of the Inquiry,
25 the RMP witnesses have provided lengthy and detailed

1 statements, addressing each of the questions that was
2 asked of them and, in order to assist them, the Inquiry
3 has given the witnesses access to significant
4 quantities of material that was generated during the
5 course of Operation Northmoor. That has been done to
6 ensure that they have been able to refresh their memory
7 of the events in which they were involved between 8 and
8 12 years ago.

9 Each of those witness statements and all of that
10 material is relevant evidence. It has been reviewed by
11 the Inquiry, it has been provided to the Core
12 Participants and, in due course, it will be made
13 available to the public.

14 In order for that to be possible, the Inquiry has
15 engaged in a detailed and comprehensive redaction
16 process, which has been designed to guarantee the
17 protection of national security interests and the
18 preservation of anonymity, pursuant to, sir, your
19 restriction orders. The result of that lengthy process
20 is that almost all of the material has entries that have
21 either been removed or have been gisted (or summarized),
22 but we have retained sufficient information, such that
23 the underlying meaning is not removed and so that
24 everyone will be able to understand the information that
25 we have received and considered.

1 We are conscious that, during the course of these
2 hearings, there may be occasions when either the
3 questions asked or the answers given might inadvertently
4 stray into areas that engage either national or
5 personality security. For that reason, there is, as all
6 are now familiar, a 10-minute delay to the live feed,
7 which will enable any hearing to be paused and for
8 questions or answers to be reconsidered, rephrased or
9 redacted.

10 The public and the media will of course understand
11 if it becomes necessary to interrupt any of the hearings
12 but we will keep any disruption to a minimum and we have
13 already taken steps to minimise this risk as much as we
14 can.

15 In order to avoid the need for anyone to request
16 a pause in proceedings, we've provided advance notice of
17 the areas upon which the questioning will concentrate.
18 All will be relieved to know that, thanks to the
19 detailed nature of the statements, as well as the
20 extensive material that has been disclosed, it will not
21 be necessary to examine many of the issues that might
22 otherwise have required extensive questioning. What the
23 Inquiry has done is to highlight the key issues to the
24 witnesses and to the Core Participants and it is these
25 issues upon which we will focus. The result will be

1 a far more efficient use of court time and a far more
2 focused set of hearings.

3 But that does not mean that the other areas upon
4 which we have received information will not be made
5 public. As I have already made clear, all of the
6 material that was provided by the RMP witnesses will be
7 uploaded to the Inquiry website in order that the public
8 can have sight of the information that has formed part
9 of your review. We will embark upon that task as soon
10 as the evidence has been concluded and it will enable
11 everyone in due course better to understand the findings
12 of the recommendations that you, sir, might make.

13 The timetable for the three weeks of evidence that
14 we will be calling, which runs over the course of the
15 next five weeks has now been made public and before each
16 of the witnesses is called, we will provide a very brief
17 summary of that witness's role and the anticipated scope
18 of their evidence. That will assist anyone who is
19 following the evidence or who wants to review it to
20 understand who we have called and why we have called
21 them.

22 The first witness to give evidence before you
23 today, sir, is Delme Williams. He was one of the
24 Deputy Senior Investigating Officers with Team 1 on
25 Operation Northmoor and I anticipate that his evidence

1 will not be concluded before lunch and I am likely to
2 trespass into the afternoon but I wonder whether that
3 would be a convenient moment for all to have a short
4 break and then we can deal with the first tranche of the
5 evidence without further interruption, between about
6 12.05 and the break for lunch.

7 SIR CHARLES HADDON-CAVE: Indeed. Thank you, Mr Glasgow.
8 I will rise briefly until 12.05 and then we will call
9 Mr Williams, who has been waiting patiently. 12.05.

10 **(11.56 am)**

11 **(A short break)**

12 **(12.08 pm)**

13 SIR CHARLES HADDON-CAVE: Mr Williams, thank you very much
14 indeed for coming to give evidence today. Thank you for
15 your very detailed witness statement, which I have read
16 carefully. Thank you for your patience this morning, in
17 sitting through a rather long start to the day. This
18 isn't in any sense a memory test, so lead counsel
19 Mr Glasgow will help take to any bits of your evidence,
20 documents, that are particularly pertinent. We've got
21 plenty of time, all right?

22 Can the witness be sworn, please, thank you.

23 **MR WILLIAMS, affirmed**

24 SIR CHARLES HADDON-CAVE: Thank you. Mr Glasgow.

25 **Examined by Counsel to the Inquiry**

1 MR GLASGOW: Could you give the court your full name,
2 please, sir.

3 A. Delme John Williams.

4 Q. You have a file in front of you, which I hope contains
5 two witness statements you have provided to the Inquiry:
6 the first dated 3 June; the second, 18 September; both
7 from last year. It then has series of tabs behind it.
8 There are ten exhibits which originally featured in your
9 witness statement and an additional 21 documents that
10 you have been invited to look at since providing the
11 statement.

12 Have you got that file available to you had have
13 you had a chance to go through all of that material
14 before coming into court this afternoon?

15 A. I have, yes.

16 Q. In addition to the answers that you give to any question
17 that might be asked of you today, would you like those
18 witness statements and those documents to stand as part
19 of evidence to the Inquiry?

20 A. Yes.

21 Q. What I would like to do, sir, is to try and identify
22 some of the points that we will be looking at with your
23 help. I'm going to start very briefly with your military
24 career. I'm going to go through it quite quickly, not
25 as a discourtesy to you because it's set out in full

1 but, obviously, I want to try to get on to some of the
2 more important things that we need to consider.

3 But what I would like to do, first of all, just as
4 an introduction: you joined the Army in 1995, left in
5 1999 and re-enlisted into the RMP in 2001.

6 A. That's correct.

7 Q. Since it's not set out in your statement, it's just
8 really a matter of interest, what caused you to go back
9 to the Army but to the RMP, rather than the Royal
10 Engineer you'd been before?

11 A. I wanted to be a police officer but I also enjoyed
12 certain aspects of soldiering so it was a natural
13 choice.

14 Q. So did you have any policing experience before you went
15 back into the RMP or was it simply a desire to be
16 a police officer?

17 A. Somewhat on the periphery. I would have seen the RMP
18 obviously when I was a Royal Engineer, but no experience
19 with the police, no.

20 Q. Okay.

21 Just thinking about your ultimate posting to
22 Operation Northmoor, that was in April of 2017, and by
23 that stage you'd got various experience, you'd been
24 attached to the SIB, you'd been an investigator at
25 70 Section, an intelligence officer, you had worked at

1 4 Investigation Company and at 32 Section?

2 A. Yes.

3 Q. In any sense had you thought that Operation Northmoor,
4 which by that stage was an investigation that had been
5 running for three years, did you have that in mind as
6 somewhere that you might want to work?

7 A. I had it in mind as somewhere I didn't want to work, to
8 be honest, yeah, from the outset, yeah --

9 Q. I think we appreciate the honesty, sir.

10 A. Yes.

11 Q. So why was it somewhere that you didn't want to work?

12 A. I think as I've explained in my statement, my background
13 is all investigations, police work. The areas where
14 I worked, including the 70 Section SIB, as a sergeant,
15 and then SIB Section, and prior to that working in
16 a different unit, investigation elements, with SIB
17 investigators, everything was leading me -- my own
18 personal preference would have been a warrant officer in
19 a busy policing section in somewhere like Germany, which
20 is different to Northmoor.

21 So it wasn't a dislike of Northmoor or, you know,
22 irrational or -- or whatever the word might be it was,
23 I wanted to be an SIB (WO2) in a busy policing section.

24 Following the path my career took me to that
25 point.

1 Q. So you were promoted to WO2 just before joining
2 Operation Northmoor; is that right?

3 A. Yes.

4 Q. And in terms of your selection for that post, in any way
5 were you spoken to about it or interviewed to find out
6 whether you were suitable, or was it simply a case that
7 you were told, "This is where you're going, pack your
8 bags"?

9 A. I haven't got complete memories of that time. There
10 would have been conversations and probably suggestions,
11 and it might have been brought up: what do you think of
12 going there at some point?

13 But that decision-making process I had nothing to
14 do with, and at some point I would have been told that
15 that's where I'm going.

16 Q. I mean, had you expressed any view on your JPA that this
17 wasn't a particular task that you would have wanted, or
18 did you not get that chance?

19 A. I can't remember whether preferences were taken into
20 account. I don't think it would have been. I don't
21 think I would have been asked: where would you like to
22 go? But I might be wrong in that respect. Yeah. So,
23 I can't recall my, sort of, input into it.

24 Q. Just so the Chair and we have a better understanding of
25 the qualifications and the experience that you brought

1 with you into Operation Northmoor, you've set them out
2 again in your witness statement, but just to run through
3 them very briefly with your help, the Serious Crime
4 Investigators Course you had completed.

5 A. That's correct, yeah.

6 Q. You had done Disaster Victim Identification.

7 A. That's correct.

8 Q. You were a crime scene investigator?

9 A. Correct.

10 Q. You were a tier 3 suspect interviewer and witness
11 interviewer?

12 A. Yes.

13 Q. And do you feel that those qualifications and your
14 experience working within the SIB put you on a good
15 footing to join Operation Northmoor?

16 A. As we will probably go into, my knowledge of Northmoor
17 was limited going there, and perhaps whilst I was there,
18 more broadly, you know, as we went up through the ranks,
19 because I was a WO2, but I feel like my training, my
20 experience, specifically as an SIB investigator in Hona,
21 in Germany, in these busy policing sections, was leading
22 me towards, like I said, a posting as a WO2 in a section
23 rather than up Northmoor. That was how I thought my
24 qualifications and my experience were leading me at that
25 time.

1 Q. Had you any homicide experience? Had you been involved
2 in investigating an homicide allegations?

3 A. No, I wasn't a homicide investigator. As I've detailed,
4 in my time as an SIB investigator, I obviously did come
5 across instances of sudden death, suicide, unexplained
6 death, where I was either lead investigator or I was
7 part of a team investigating those deaths. They were
8 generally in Germany, where we had primacy or we did
9 have primacy with certain ejections.

10 During my deployment there was no operational
11 deaths during -- during those, but I was working with
12 SIB investigators -- sorry, to go back to my experience
13 on Op (unclear) 5, which was Iraq, when I was out there
14 as a GPD and, you know, I was working with the SIB team
15 then, who were investigating operational deaths, and as
16 an SIB investigator on Op Ed 20, the tempo was a bit
17 different, but -- I wasn't investigating homicides
18 there, but I was working with experienced investigators
19 on -- on the periphery.

20 Q. And in terms of how you had seen your career developing,
21 do we need to understand that you saw yourself as an
22 investigator and you wanted, as a WO2, to take that
23 investigative skill forwards within the SIB?

24 A. Yeah. My entire career was aimed at that, from my very
25 first posting with the (unclear) police unit, where

1 I worked with the URE, investigations-focused. And
2 career paths within the RMP can vary, but if you are
3 more investigation-focused, you do tend to find your way
4 into that. If you're more soldier-skill-focused, if
5 that's the correct way to put it, you'll probably find
6 yourself doing more Provost ops or close protection,
7 different career paths. I went the SIB way.

8 Q. So if we try to put you back to 2017 and when you found
9 yourself appointed to Northmoor, the Germany option that
10 you'd hoped for has not come to pass.

11 A. Yeah.

12 Q. Northmoor and RAF St Mawgan is on the table. Did you
13 have any understanding of what you might need to do as
14 the DSIO, the Deputy Senior Investigating Officer, when
15 joining the team?

16 A. My recollection is no. I just arrived there, day one,
17 would have been thrown straight into the investigation,
18 and then began to understand as I -- as I, you know,
19 settled in, what my role was going to be as the
20 Deputy SIO.

21 Q. Had you ever had any role that was similar to a Deputy
22 SIO before then?

23 A. No. I don't know whether we will go into the definition
24 of a Deputy SIO, but no.

25 Q. We will look at it together. That's bound to assist

1 you, and others.

2 There is, of course, specific training that's
3 available for WO2s who want to become DSIIOs. Did you
4 undergo or take part in any of that coursework?

5 A. No.

6 Q. You didn't? Okay.

7 Did you ask if you could undertake any of the
8 courses that might bolster your potential effectiveness
9 for the role?

10 A. No, I didn't, no.

11 Q. Is there any reason why not? I mean, it may have been
12 that you were far too busy and didn't have the time, it
13 may have been that you didn't know of the courses --

14 A. As time went on, I understood the extent of my role and
15 what it was going to be. It didn't seem to be something
16 that would help.

17 Q. Okay. In terms of the role itself, and to assist you
18 and others with your understanding of it, could we just
19 look together, please, in the file that you have, to
20 divider 16, so tab 16, and we've got there page 28 of
21 the Murder Investigation Manual. It's numbered 16-1 is
22 the pagination we've got.

23 And I think for those who don't have the documents
24 available to them, we're going to be able to see it on
25 the screen.

1 Thank you very much indeed.

2 We can see the Deputy Senior Investigating Officer
3 role is identified at the top:

4 "In all but the most straightforward of
5 investigations, it is likely that the Deputy SIO will be
6 appointed. The role of the DSIO is not simply to mirror
7 that of the SIO and to deputise in their absence. The
8 DSIO should be given specific responsibility for
9 managing key areas of the investigation to enable the
10 SIO to focus on strategic issues."

11 And if we just look at the sub-bullet points that
12 we can see:

13 "As a general rule, the DSIO should be for:

14 "- deputising in the absence of the SIO.

15 "-- (... read to the word ...) strategy."

16 Now, that is how the role is described very
17 broadly for the Murder Investigation Manual that is
18 applicable to the civilian and Home Office police
19 forces.

20 Can I just ask you, the description we have got
21 there of developing the investigative strategy,
22 managing the logistics, and implementing the strategy.
23 Does that chime with the role that you undertook as the
24 DSIO for Team 1 of Op Northmoor?

25 A. Perhaps in a much reduced manner than is suggested by

1 this.

2 The way I understand this would be the Deputy SIO
3 would stand in in the absence of the SIO. I never felt
4 that that was something I was expected to do. When it
5 comes to assisting and developing an investigative
6 strategy, managing logistics and implementing an
7 investigative strategy, in a very much reduced way is
8 the best way to describe that. Everything was led by
9 the SIO, who was, for the majority of my time there,
10 Silver.

11 Q. Okay.

12 A. Okay.

13 Q. You described in your witness statement that essentially
14 your role was to manage the team and resources.

15 A. Yeah.

16 Q. Insofar as it's fair to describe the role, was it more of
17 an administrative role rather than an investigative
18 role?

19 A. I don't know. I know at the time I was trying my best
20 to be involved in the investigation as much as I could
21 be, and that would be by mentoring and checking the
22 police work that was being created by the investigators.
23 And I would be working with them, to -- going through
24 their statement (inaudible) et cetera, going through the
25 different outcomes that might need -- that would need to

1 be required to meet the strategy or the investigative
2 direction that was coming down.

3 So there's certainly a lot of the managerial to
4 it, managing people's leave, managing people's courses,
5 moving people around the different teams, et cetera,
6 ensuring they've gone on adventure training or having
7 time away, but it was also a certain amount of police
8 work that I was doing, but not in a way that's
9 describing it now.

10 Q. If we can just look at that second bullet point:

11 "- assisting in developing the investigative
12 strategy ..."

13 Do you feel, thinking about it, that -- whether
14 you had any input at all into the investigative
15 strategy?

16 A. No. I would say no, no input.

17 Q. When you think about it, did that disappoint you?

18 Because you have told us that you wanted to be an
19 investigator, so when you can't have an input into how
20 the investigation goes or where it goes, did that
21 disappoint you at all?

22 A. Of course it did. Yeah, I felt professionally
23 unfulfilled, I think is the best way to put it. But
24 I kept that to myself, to -- to -- well, to a major
25 degree. I wasn't telling people that I felt

1 professionally unfulfilled, but it was a disappointment,
2 yeah.

3 Q. I mean, insofar as you were responsible for managing the
4 logistics of the investigation, is that something that
5 fell to you?

6 A. I was in a team with -- made up of investigators, but
7 also senior NCOs, so there would have been certain
8 people that I would speak to to make sense if something
9 happened. I mean, I -- generally the direction comes
10 down from -- well, eventually to me from Silver.
11 I would then -- it would come to me, it would be my
12 responsibility to make certain -- certain things happen
13 based on those actions that -- that needed to happen.
14 I would then speak to a senior NCO, a senior
15 investigator within the team, if needed, to ensure that
16 they made it happen. But I would also be checking the
17 quality of the work at the end of that.

18 Q. Since you have mentioned direction from Silver, could
19 I just ask you a little bit about the structure, so that
20 we can understand how it worked or how it was supposed
21 to work. Obviously you sat through the opening that
22 I have just given, and I have spoken about the best
23 practice Gold, Silver, Bronze standard that was applied
24 to Operation Northmoor.

25 In terms of strategy, if we think about that for

1 a moment, do you know who set the strategy? And if you
2 don't know who set it, how was it passed to you?

3 A. Well, I'd expect Gold to set the strategy, and then that
4 then cascades to Silver, and then to the investigation
5 teams, Team 1 ...

6 Q. Okay. In any way, were you able to give advice back up
7 the chain to suggest that the strategy might need to go
8 a different way or that a particular line of enquiry
9 wasn't bearing fruit?

10 A. Not that I recall, no.

11 Q. And were you surprised that, as the Deputy SIO, you
12 weren't able to have that degree of input or even
13 influence over the direction of travel for the
14 investigation?

15 A. I was, yes. I need to be clear that I went with
16 Major Cox, it wasn't a one-way street in some respects.
17 He wasn't just saying "Make this happen", he would have
18 conversations with me, he would have conversations with
19 the investigators, with me present, and it was very much
20 encouraging that investigational mindset during my time
21 there, but I felt that, regardless of what was said by
22 anyone below the rank of officer, it had no impact
23 on going back up the chain.

24 It was listened to because he wanted to develop
25 people as investigators, and he wanted to keep people

1 involved and maintain morale, but ultimately it didn't
2 matter what people said.

3 Q. Could we just consider your paragraph 55 in your witness
4 statement together. So it's your tab 1.

5 You will have it available to you, as will
6 everyone else.

7 If we turn to 1-14, please, thank you very much
8 indeed, which is paragraph 55.

9 And I will allow you to catch -- to find the
10 point. It's bottom, in blue. Have you got that? 1 of
11 14?

12 A. I have, yes.

13 Q. You wrote:

14 "I was dissatisfied with my role within
15 Operation Northmoor as my career within the SIB had been
16 as an investigator (... read to the word ...) It was not
17 a standard investigation where the investigators were
18 making decisions based on the where the evidence led
19 them, as I perceived that all decisions were being
20 dictated for the investigators by Silver, Major Cox, and
21 above."

22 So that we understand what you mean by that, in
23 terms of decisions being dictated by Silver, you have
24 just spoken about meetings where there would be
25 discussions with Major Cox. In any way, were you able

1 to influence or alter or change that direction that was
2 being dictated by Silver, or were you simply expected to
3 accept what you were told and act accordingly?

4 A. I feel that it was more -- more the way you described it
5 earlier, and I was expected to -- to just go along with
6 what -- those decisions that were being made.

7 Q. In terms of Major Cox being responsible for sharing the
8 direction with you, you have used the phrase "dictated",
9 but was it your understanding that Silver, Major Cox,
10 was being given the direction from Gold.

11 A. That was understanding, yes.

12 Q. So we shouldn't think the way you use the word
13 "dictated" about Major Cox that he was doing anything
14 other than relaying what he had been told to you?

15 A. I think that's where it becomes difficult for me,
16 doesn't it? Because I don't know what he was being
17 told, outside of what he was telling me. I don't know
18 what decision he was making outside of what he told me,
19 and don't know how much he was able to -- to make those
20 decisions.

21 Q. I mean, in terms of the direction for strategy being set
22 by Gold, which is where we started when we embarked on
23 this little foray into the Gold/Silver/Bronze structure,
24 Gold at the time was Lieutenant Colonel Harvey.

25 A. Yes.

1 Q. If we just look in your witness statement, please, to
2 paragraph 69, which is page 1-17, please, you wrote in
3 your paragraph 69 -- so, 1-17 ...

4 I will read it out in any event, because I know
5 you have the document available to you, and I'm sorry
6 that I've taken everyone by surprise by going to it.

7 "Lieutenant Colonel Harvey was Gold throughout my
8 time in Operation Northmoor. I felt ..."

9 And we're there. Thank you very much.

10 Paragraph 16:

11 "I felt that Lieutenant Colonel was following
12 orders/instructions based on the different advice he was
13 given by the advisory and review teams and by
14 Brigadier Neal. Therefore, ultimately ..."

15 As you wrote:

16 "... I questioned whether he was fulfilling the
17 role of Gold Commander."

18 Now, as you've just explained, you weren't fully
19 aware of what information was being given to Major Cox
20 at Silver. How is it that you think that you can
21 question Gold Commander, so Lieutenant Colonel Harvey's
22 fulfilment of his duties when you weren't privy
23 necessarily to what he was being told?

24 A. As I said, a lot of this is based on memories and
25 feelings.

1 Q. Okay.

2 A. Obviously I have nothing written down, or -- no other
3 way to describe this. I'm only going back on how I
4 remember my feelings and my memories at the time.

5 Q. Understood.

6 A. And I'm quite open to the idea that that might be
7 incorrect, yes, but this is how I remember feeling at
8 the time.

9 Q. Just so we understand, if we can, the basis on which
10 that feeling has been reported by you in the statement,
11 were you present at any meeting when Lieutenant Colonel
12 Harvey was issued with directions or orders for the
13 strategic direction of Operation Northmoor?

14 A. No.

15 Q. Were you ever present at any meetings when he,
16 Lieutenant Colonel Harvey, issue his direction to
17 Major Cox?

18 A. Who would give direction to Major Cox on --

19 Q. Yes, Lieutenant Colonel Harvey.

20 A. Gave direction to --

21 Q. Were you present at any meetings when Lieutenant Colonel
22 Harvey, as Gold, gave the direction down to Major Cox,
23 as Silver?

24 A. The only one that comes to the mind is the incident
25 regarding photographs, if that's what you mean, but

1 other than that, no.

2 Q. Okay, so there is a specific incident which I promise

3 you we will come to --

4 A. Okay.

5 Q. -- but in general, is it fair to observe that you

6 believed that the direction you were being given by

7 Silver had come from Gold?

8 A. Yes.

9 Q. And that Gold had got that direction from higher up the

10 chain, but you weren't quite sure from whom it had come

11 or how it had reached at least the person that spoke to

12 you, which what Silver, Major Cox?

13 A. That's correct, yeah.

14 Q. Okay.

15 Did you think it was an effective way to issue you

16 with information about the strategic direction of the

17 investigation? In other words, rather than being told,

18 "This is what we've been asked to look at, this is what

19 we've been told to prioritise, this is what I want you

20 to do", simply being told "This is what I want you to

21 do", do you think you would have had a better

22 understanding of the investigation and its ultimate

23 goals if you had been privy to some of the other

24 decisions?

25 A. I think so, yes. But I also need to -- to sort of

1 emphasise that my memories of the time aren't complete,
2 and there may have been occasions where I was given more
3 information, but I cannot remember that.

4 Q. Okay. And you've very fairly pointed out in your
5 witness statement on a number of areas where you've
6 struggled, given the passage of time of course, to
7 recall everything. We're looking at things that
8 happened, now, nine years ago.

9 Have you found it difficult to put yourself back
10 in the position you were in in 2017, and to remember,
11 even with some of the documents, what happened and why
12 it happened?

13 A. Almost impossible. The amount of time that's passed
14 since then, I left the Army not long after leaving
15 Northmoor, started a new career, and effectively removed
16 myself from that world entirely.

17 I wasn't even on the periphery of investigations
18 or speaking to people or involved in military police
19 work, so effectively I just lost all the information
20 from that time in a lot of ways. Which is why a lot of
21 my evidence I believe is based on feelings or
22 memories -- or memories rather than specific facts.

23 Q. Can we deal with some of the themes that you offered in
24 your witness statement, and then what I'm going to do is
25 take you through the documents, I hope in a

1 chronological order, and what I want to do is identify
2 some of the things you are confident you can remember,
3 and then, with the documents, to just try to look at the
4 progress of the investigation whilst you were DSIO.
5 Would that be a -- is that a helpful way of trying to do
6 it?

7 Okay. So, in terms of some of the themes that
8 you've been able to identify, one of the things you
9 observed in your witness statement was that you felt
10 that your role had been diluted as the Deputy SIO.

11 A. Yes.

12 Q. Now, that may mean a lot of things to different people.
13 If it helps, you can find this particular bit in your
14 witness statement, paragraph 27, which starts at the
15 bottom of blue numbering 1-8.

16 So paragraph 27, 1-8. I will allow you to find
17 your place, sir.

18 Do you see there:

19 "I am asked what challenges I have faced whilst
20 carrying out my role as DSIO. It is difficult to
21 explain due to the amount of time that has passed, and
22 I am mindful that memories of how I felt at the time may
23 have been changed by media coverage and subsequent
24 criticism. However ..."

25 You wrote, and this is now to the top of page 9:

1 "... I felt that my role as DSIO was diluted or
2 less than previous DSIOs, due to the investigation being
3 smaller or perhaps coming to an end. The fact I was
4 never offered the opportunity to complete the DSIO
5 course was further evidence of this to me."

6 Having had a chance to look at that, what I'd like
7 to ask, please, is what you meant by "diluted", and
8 particularly why you thought your role was diluted by
9 comparison to the previous DSIOs.

10 A. So, by "diluted", lessened.

11 Q. Understood.

12 A. Not -- not fulfilling that sort of definition in -- in
13 the Murder Investigation Manual. I feel like perhaps it
14 was less than previous Deputy SIOs. That's quite
15 difficult to explain, because I don't know what the
16 previous Deputy SIOs were doing to a certain extent.
17 I know they would have been fulfilling a role the same
18 as mine in a lot of respects, but I don't know what else
19 they would have done. So, again, it's a feeling, and
20 that's the best way to describe it, really. And we've
21 already discussed about how I wasn't being utilised
22 beyond cascading down that direction.

23 Q. You've expressed a view here that you thought you were
24 being used less because the investigation was being
25 smaller and perhaps coming to an end. On what do you

1 base that feeling or memory, please?

2 A. I can't recall. I do know from my time there that I
3 remember feeling, for whatever reason that I can't
4 exactly recall, that things were being pushed to an end
5 and that people had an end in mind for Op Northmoor.
6 But I can't explain it better than that.

7 Q. If we just stay on your page, the blue is 1-9, if we
8 look down and to paragraph 29, please, and just to the
9 first sentence in case it helps you:

10 "I recall that I felt I had almost no input into
11 investigative strategies."

12 Is that how you recall it?

13 A. That's how I recall it.

14 Q. That you as the DSIO really weren't able to feed
15 information back up the chain of command. All you were
16 simply doing was relaying the direction down?

17 A. That's correct, yeah?

18 Q. Okay. You then wrote in paragraph 30, if we look at it
19 together:

20 "I do recall a general feeling that inquiries were
21 being stopped too soon, and that there was no appetite
22 above Silver, or perhaps Gold, to pursue all lines of
23 inquiry or for anyone to be referred for prosecution."

24 The lack of appetite that you have identified
25 there, can you identify any inquiries that you feel

1 weren't taken forwards that perhaps should have been?

2 A. I can't recall, no. I do recall that the investigators
3 who I was managing, and the other teams, were all
4 committed and hard working and working hard, and
5 following those lines of inquiry, but I can't comment
6 above that.

7 Q. Did you ever speak to anyone else that was part of
8 Northmoor about your sense that things weren't being
9 investigated the way you would have wanted them to be?

10 A. No. I was mindful, as I think you alluded to earlier,
11 of the morale of people, is probably the best way to
12 describe it, the location, how people might have felt
13 being at Northmoor. And throughout my career I've
14 always been mindful of how my actions, especially as
15 I rose through the ranks, affects people of a lower
16 rank, so I would have kept this to myself, with that in
17 mind.

18 Q. So, if you were dissatisfied, it's not something that
19 you allowed others to understand?

20 A. That's right, yeah, I would have kept it to myself. And
21 it wouldn't have influenced my work and -- how hard
22 working I was. And I do know that if a senior rank
23 talks about certain things in a way which does bring
24 down morale, there -- I don't feel that's appropriate
25 and shouldn't happen. They should speak up, if

1 anything, up the ranks.

2 Q. Did you speak up?

3 A. No. I felt like it wouldn't have helped, due to the

4 unique nature of Op Northmoor. I felt that Silver,

5 Major Cox, had enough on his plate, perhaps is the best

6 way to describe it. And I remember feeling at the time:

7 he -- he understands better than me the sort of

8 pressures above him, et cetera, so how is someone who is

9 there to support Major Cox, how is raising concerns that

10 will lead nowhere, because it's so big -- I don't know

11 if I'm describing that well, but by speaking to Silver,

12 it would have had no impact whatsoever, and perhaps had

13 an impact on his morale or his trust, whatever it might

14 be.

15 Q. So, and I don't mean this in any critical sense of you

16 at all, but do we understand that you took the view that

17 by reporting it up that nothing would change?

18 A. That's correct.

19 Q. So the appropriate thing would be -- was to focus on the

20 tasks you had been set and to ensure that they were done

21 to the best of your and others' ability?

22 A. One hundred percent, yeah.

23 Q. All right. Okay.

24 In any way, did that leave you feeling slightly

25 marginalised or even powerless in trying to do your job?

1 Because you're the DSIO, and as we know from the Murder
2 Investigation Manual, strategy is something that you are
3 expected to have an input in?

4 A. I did feel powerless, yeah, and it left me with -- I was
5 trying to find meaning during my time there. You know,
6 as in trying to bring people on, trying to keep morale
7 up, trying to be approachable in difficult
8 circumstances, trying to encourage people to do the best
9 police work they could by paying an interest and really
10 helping them and reminding them of, you know, those --
11 those sort of core principles of the Military Police,
12 you know, to investigate -- that's the best way I can
13 describe it, really.

14 Q. In terms of morale, because you've mentioned it a couple
15 of times now, are you able to give us a feeling for the
16 general morale that there was within your Team 1 team
17 that you were the Deputy SIO for?

18 A. I felt the Team 1 I was pretty good because people were
19 carrying out actions, they were deploying, they were
20 travelling around the country, they were taking witness
21 statements. There was a good set of senior NCOs, senior
22 investigators, within the team. So I felt morale was
23 pretty good. I do not know about the wider team.

24 Q. Presumably, given that you tried to keep your concerns
25 out of the view of others, do you feel that you were

1 able to encourage them to keep their morale up and that
2 they were happy with the work they were doing?

3 A. I do, yes, yes.

4 Q. You touch a number of times in your statement about
5 unknown pressures or political pressure or external
6 forces that you have described as possibly directing
7 things. When you do that, again, is that a feeling or a
8 sense that you had or can you put your finger on a
9 tangible incident that makes you say that's an example
10 of why I think there was outside influence?

11 A. I think at the time there must have been reasons why.
12 There must have been reasons I felt like there were
13 outside sources or whatever the best way to describe
14 that is, putting pressure on people higher up the ranks.
15 But now they're gone, lost to my memory. I don't know.

16 Q. Can we just consider the particular incident that you'd
17 identified when having conversations with Lieutenant
18 Colonel Harvey. You picked up on the photographs and
19 you had asked whether that was something I would come
20 back to.

21 What I want to do is to ask you about that and to
22 see if that had any bearing at all on your perception or
23 feeling that was outside pressure or influence being
24 brought to bear.

25 Now, if I've understood correctly what you'd set

1 out in your witness statement, there was an occasion
2 (and you can't put a date on it) when photographs of a
3 particular operation were being discussed and you had
4 identified that there were bullet holes you thought
5 seemingly quite low to the ground that could be seen on
6 the photographs.

7 A. It wasn't me who would have identified them. They would
8 have been known and there would have been discussions
9 with Silver and other investigators. But I didn't
10 personally identify. I didn't (unclear) draw attention.
11 It was known that those bullet holes were low.

12 Q. In any way did your training as a crime scene
13 investigator help when you came to look at the
14 photographs and to agree or disagree with what others
15 had said about them?

16 A. Obviously, I'm not an expert within whatever field we
17 look at, those photographs, and say look at trajectory
18 or analysis or use whatever modelling.

19 But as a CSI, and an experienced CSI -- I've
20 attended many scenes of perhaps lesser seriousness --
21 one of the key things you do is take photographs from
22 the scene, you take loads of photographs, because it's
23 understood that a picture paints a thousand words but
24 also that opens up sorts of investigative avenues that
25 can be looked at by an expert. Why shouldn't they be

1 looked at by an expert? And for that -- I do sort of
2 recall it would be: follow the evidence where it goes.
3 Perhaps that would have been very much on my mind at the
4 time. Why not get those photographs looked at?
5 I couldn't, and I still can't, understand why they
6 wouldn't be looked st by an expert and that evidence
7 either deemed admissible or useful or not. But to not
8 even look at them or not even get an expert to look at
9 them struck me at the time as being unusual.

10 Q. What were you hoping an expert might be able thought
11 help with when it came to an examination of the
12 photographs?

13 A. Give an opinion and that opinion would influence the
14 investigation and follow that evidence.

15 Q. But would that be an opinion to suggest that they were
16 or were not bullet holes, or an opinion about
17 trajectory, as you have just mentioned?

18 A. Yes, I am mindful that my CSI training and my CSI
19 experience is a few years back, so the terminology and
20 how I would have been thinking at the time is lost to
21 me. Nut the expert would be able to give certain
22 opinions which then when cross-referenced or used in
23 conjunction with the accounts that we had of whatever is
24 alleged to have happened, witness statements,
25 et cetera, it can give a veracity of the accounts given

1 or disprove. But it could be used in various different
2 ways. But the exact ways that I had in mind at the
3 time, I can't recall now.

4 Q. Can we just look to your paragraph 71 in your witness
5 statement, please, sir. It's in the blue numbering
6 1/18. So it's behind tab 1, 118, paragraph 71.

7 A. Yes.

8 Q. I think it is seven lines down or so. We will see a
9 sentence almost in the middle of the line beginning "the
10 images were discussed at length".

11 A. Right.

12 Q. "The images were discussed at length. I put forward
13 that the images should be referred to an expert so that
14 an opinion could be given on their placement and whether
15 they corroborated or disproved the account given by
16 UKSF. I do recall that some of the bullet holes caused
17 me some suspicion as to where the Afghan male was when
18 he was shot by UKSF. The position of the bullet holes
19 was in some cases low to the ground, so I believe that
20 an expert should be shown the images to give an opinion
21 whether a person was lying down or not during the
22 engagement by UKSF."

23 So when you talk about having an expert provide an
24 opinion, is that the sort of opinion that you had in
25 mind?

1 A. Yes.

2 Q. Then with the photographs and the opinion, you could
3 compare that to the accounts that were given either by
4 soldiers when they were interviewed or in the staff work
5 to see whether the two actually overlaid on top of each
6 other accurately or whether they might be inconsistent.

7 A. That's exactly it. You know, I said, like, a picture
8 paints a thousand words, doesn't it. It's ideal
9 evidence to compare to witness statements and interview
10 articles.

11 Q. This meeting in which these were discussed, as you've
12 said at length, present in the meeting were Lieutenant
13 Colonel Harvey, Major Cox, yourself and Staff Sergeant
14 Smith?

15 A. Yes.

16 Q. So that's Gold and Silver present in this meeting when
17 it's discussed as well as Staff Sergeant Smith. What,
18 if anything, do you recall being the response of Gold
19 (that is Lieutenant Colonel Harvey) when you suggested
20 that these photographs should be looked at by experts?

21 A. My recollection of the event is that I put forward my
22 opinion; that didn't progress for various reasons.
23 I disagreed with what was being said about them not
24 being examined or not used, so I pushed back. Probably
25 this was one of the few occasions where I could do that

1 because I was in meeting where I was being asked, or I
2 though I was being asked, for an opinion and, on pushing
3 back, as detailed in my statement, I was shut down
4 categorically.

5 Q. And shut down by who, please?

6 A. By Gold.

7 Q. So in terms of your understanding of the decision, when
8 you went into the meeting, did you think there was going
9 to be a discussion about what should happen with the
10 photographs?

11 A. I can't remember the events leading up to the meeting on
12 my thoughts but I think it's safe to assume that it was
13 there, we were there to discuss the photographs and I
14 would be giving an opinion on that.

15 Q. Having given that opinion, what was the response of Gold
16 Lieutenant Harvey?

17 A. I can't remember the exact reasons at all or if he
18 articulated it in any way. All I recall is that I was
19 told "no, that won't be happening" quite, quite
20 forcefully -- not, you know, unreasonably so. Perhaps
21 going back to my expectations what a deputy SIO is
22 expected to do, I went into that meeting with those
23 expectations but I think, as we've already alluded to,
24 the role of deputy SIO on Op Northmoor was not the role
25 of deputy SIO as we understand it from the manual. So

1 perhaps this was one occasion where I was able to step
2 up and give opinion, but it was closed down.

3 Q. You said in your witness statement you were quickly shut
4 down by Lieutenant Colonel Harvey in an abrupt manner.

5 A. Yes.

6 Q. Did you feel that there was any scope for you to push
7 back further and say, "Well, actually. Sir, I've got
8 some experience in this field and I really think you
9 need to listen to me"?

10 A. Not at all, no, and I think this is one of the occasions
11 where perhaps my misunderstanding of Op Northmoor comes
12 to the fore. I was a Sgt Major, a WO2. He's a
13 lieutenant colonel and at that point it was very
14 apparent that ranks were being used and for me to push
15 forward in any way would have insubordinate in a which
16 way I wasn't used to. So I didn't push it at all at
17 that point.

18 Q. In any way did this incident affect your feeling or have
19 any impact on your feeling that there was outside
20 influence or that someone was interfering?

21 A. It probably consolidated or reinforced those feelings?

22 Q. Did you ever discuss that incident or that particular
23 meeting with, for example, Silver who was Major Cox
24 because he was there and he was someone who issued
25 direction to you?

1 A. No, I didn't. I can't recall now. I remember thinking
2 about it when I was putting the statement together. Did
3 I make a mistake there? Should I have tried to? But at
4 the time I didn't. I just accepted that he had been
5 there during the incident where I had been told no and
6 he didn't speak up to give an opinion, so I assumed that
7 he agreed or he was going to follow that direction or
8 course.

9 Q. Despite the decision that had been taken and the very
10 clear answer that you were given, did you continue to
11 think that experts ought to look at the photographs, or
12 did you think that actually on reflection you got it
13 wrong and that Gold was right?

14 A. No, I think they should have been looked at. I can't
15 recall now whether anything else has come out since then
16 or during my time or after to, you know, question the
17 provenance of those photographs and whether they would
18 have been useful or not. But my memory of it until the
19 day I left Northmoor was that those photographs remained
20 in my mind, that they should have been looked at.

21 Q. Can you remember now either the date from which those
22 photographs originated or the operational name from
23 which they came?

24 A. I have an objective in mind. I'm not certain whether it
25 will be something I can talk about. Can I check that?

1 Can I write it down perhaps and then ...

2 Q. You're more than welcome to write it down. You can also

3 check the list, although I appreciate the list is quite

4 a long one, so it might be easier to write down first of

5 all.

6 (Pause)

7 A. Show that to Mr Glasgow.

8 Q. It's known by us as objective 1, if that helps. Sir, I

9 am going to keep the note. We will attach it, in due

10 course, as part of your evidence but thank you very much

11 for the care in which you have dealt with that.

12 SIR CHARLES HADDON-CAVE: Can it be timed and dated, please.

13 A. So I do recall -- shall I carry on talking?

14 MR GLASGOW: Please.

15 A. I do recall objective 1, that name that I've written

16 down. I recall that the photographs were a matter of

17 quite a bit of consideration. At some point they would

18 have been put up on a board, within a secure location

19 obviously that we're in but in a more secure area within

20 a secure area and we have looked at them in quite

21 some detail. There would have been discussions with

22 investigators at (unclear). We would have looked at the

23 evidence from objective 1, the witness statements and

24 there would have been quite a bit of the thought given

25 to those images and objective.

1 Q. Do you recall that objective 1 was one of 3 particular
2 DDOs that got close attention by Operation Northmoor
3 objective Tyburn being one and then objectives 1 and 2
4 being two others that were looked at?

5 A. I do, yes.

6 Q. Making sure that there's no room for confusion, is there
7 any chance that you've -- because there was prominence
8 given to those three DDOs that you have linked
9 inadvertently these photographs to one of them?

10 A. I believe there's quite a bit of potential for me being
11 mistaken here, my memories being incorrect, yes.

12 Q. But in terms of examining photographs from a particular
13 DDO, given one was principally the focus on enquiries
14 (namely, Objective Tyburn) and that objectives 1 and 2
15 also had thorough examination, do you think it's likely
16 the photograph at least relates to one of these three if
17 you aren't sure which of the three?

18 A. That's correct, yes. One of those three.

19 Q. Your feeling, if I can put it that way, is you think
20 it's objective one?

21 A. That's my feeling, yes.

22 Q. What I would like to do shortly before we break for
23 lunch is just to help you with how I am going to go
24 forwards because we have dealt with some of the themes
25 that you had a clear or an almost clear recollection of

1 and we've looked at some of those together. What I want
2 to try and do is to help you with a chronological order
3 of some of the documents you have been asked to look at
4 because it may well be that they will assist on the
5 themes or not or they may be able to draw out other
6 points.

7 We will deal perhaps with one just before we
8 break. In the file that you've got, behind divider
9 number 3 and in the blue numbering on the page -- you
10 need to turn it side on, I'm afraid because it is from
11 one of the workbooks -- it is 3.8.

12 It is almost that last page in the pack. Perhaps
13 this gives a good example, if you will bear with me for
14 a moment, sir, just to identify that everyone who can
15 see this on the screen will see how black boxes have
16 been applied to some of the information and, where
17 appropriate, the alternative name or descriptive phrase
18 has been applied. So just for no reason at all, top
19 left you will see that, a continuation from the previous
20 page records about and then someone's name is there.
21 That name has been blacked out and the number N1786 has
22 been applied to it. So wherever that person's name
23 appears, the number N1786 has replaced it.

24 Now, what I would like to do, is with your help --
25 and I hope you are able to read your own handwriting --

1 the right-hand of the two pages as we look at it, do you
2 see beneath the entry SIB NM047 which is crossed out --
3 A. Yes.
4 Q. -- you have an entry there which is "decision made to
5 prioritise action from emails specific to Objective
6 Tyburn as this is main focus of investigation. The
7 other ten objectives can be returned to."
8 This is an entry which, if it follows on
9 sequentially from the previous page, is in July 2017
10 because that was the last dated entry the page before.
11 Now, in terms of there being focus on the main enquiry,
12 namely objective Tyburn, is that how you remember the
13 Inquiry progressing back in 2017?
14 A. What do you mean, sorry?
15 Q. In terms of one DDO only being the main focus.
16 A. I have no recollection of that really other than what
17 I've read here which suggests that I can't recall, can't
18 remember.
19 Q. Do you recall that what had been made available to the
20 RMP was in internal review that that had been conducted
21 by Special Forces into 11 DDOs.
22 A. Yes.
23 Q. And do you remember any consideration being given to
24 investigating every single one of those DDOS?
25 A. I can't remember. I presume there would have been but I

1 can't for definite say.

2 Q. I mean, if there was an investigative strategy that was
3 designed to either look at all eleven or to focus in
4 one, two or three of them, would you have wanted to be
5 able to have any input into that as the deputy SIO?

6 A. If I think about it, what a deputy SIO should do, then
7 yes at is this point perhaps I was more conversant with
8 what was expected of me and perhaps I wouldn't. I can't
9 say for certain now.

10 Q. In the sense that you were managing the team beneath you
11 and allocating resources to the various tasks, would
12 they feed back to you their progress on the different
13 actions they had been set?

14 A. Most definitely. It was a two-way street, yes.

15 Q. So in terms of being able to then give information about
16 what was happening on the ground to Silver and then up,
17 you would be the source of that information. would you?

18 A. Yes, yes.

19 Q. So if a particular enquiry into one DDO was going well,
20 you might know about it and be able to say to Silver,
21 "Actually, this DDO appears to be bearing fruit?"

22 A. That's correct. I can't recall now how involved Silver
23 would have been as in would there be occasions where he
24 would go to investigators direct or would they go to him
25 direct, if I wasn't in the office. I can't recall that

1 now. But generally the way it would have worked is I
2 would be that conduit between investigators, me, Silver.

3 Q. Do you recall at some point having to go to your
4 investigators after this entry and say, "Right,
5 Objective Tyburn is the main focus. The other ten DDOs
6 from the TTP review we can come back to if we need to
7 but we're going full steam ahead for Objective Tyburn".

8 A. I presume that's the way it would have been but I can't
9 recall that. There will be different ways to cascade
10 information down or to pass our direction down. It
11 might be speaking directly to the investigator or the
12 team of investigators or investigators or the team of
13 investigators who would be doing whatever they might be
14 doing. One might speak, for instance, to one of the
15 staff sergeants, the senior investigators and say, this
16 is what has come down, this is what's going to happen,
17 we'll make it happen.

18 MR GLASGOW: Thank you very much indeed.

19 Sir, would that be an appropriate moment to break
20 for lunch. I have been reminded of the time.

21 SIR CHARLES HADDON-CAVE: It would be indeed, Mr Glasgow,
22 thank you. We will break now please until 2.00
23 precisely. I remind all witnesses please don't discuss
24 your evidence with anybody during the break. 2.00
25 please.

1 **(1.03 pm)**

2 **(Luncheon Adjournment)**

3 **(1.59 pm)**

4 CLERK: Good afternoon. This is an OPEN hearing of the
5 Independent Inquiry into matters relating to
6 Afghanistan.

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

10 Please may I also draw your attention to the fact
11 that the Chair of the Inquiry, the Right Honourable
12 Lord Justice Haddon-Cave, has made a general restriction
13 order for Inquiry hearings, which applies to the conduct
14 of those who are attending and/or viewing this hearing.

15 The relevant parts of that order are contained
16 within the specific restriction order made in respect of
17 these hearings, which is displayed all the Inquiry
18 website and on the door of this court, but I will
19 summarise its purpose.

20 The first part of the general restriction order
21 for Inquiry hearings prohibits any person from making an
22 audio or video recording of Inquiry proceedings without
23 the express permission of the Chair.

24 Furthermore, no person may take a photograph in
25 any room in which Inquiry proceedings are taking place

1 and at a time the Inquiry is sitting without the express
2 permission of the Chair.

3 The second part of general restriction order for
4 Inquiry hearings which applies to this hearing arises as
5 the live-stream of these Inquiry proceedings via YouTube
6 will purposely be subject to a ten-minute delay.

7 Where those who have supplied evidence to the
8 Inquiry have applied to restrict information from
9 publication outside of the Inquiry, in some instances
10 the Chair has made a restriction order, the effect of
11 which is to protect that information.

12 The Chair has also made a restriction order
13 prohibiting the use, publication or dissemination of
14 certain information that is contained within the
15 evidence and documents associated to these hearings.
16 That restriction order is displayed on the door of the
17 hearing room, and copies are available on request.

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

20 In the event that something is said during the
21 course of this hearing which may breach a restriction
22 order made by the Chair, the evidence may be halted and
23 the hearing room may cleared for closed legal
24 submissions as to whether any restriction order has been
25 breached, and the live-stream YouTube recording will

1 temporarily be stopped for this period.

2 Counsel to the Inquiry or the Solicitor to the
3 Inquiry must be informed of any request to make an
4 application for a restriction order. If an application
5 is made for a restriction order in relation to anything
6 that has been said or done in the Inquiry hearing room
7 in the preceding ten minutes, anything that was said or
8 done during that period is subject to a restriction
9 order, prohibiting its disclosure, repetition or
10 duplication until the Chair has finally determined the
11 application.

12 For the avoidance of doubt, where material or
13 identities in documents shown onscreen or subsequently
14 published have been redacted, with or without an
15 overwritten gist, the redacted material is restricted
16 and it is a breach of the restriction order to disclose
17 what is thought to have been redacted.

18 All of the above orders are subject to a penal
19 notice. This means that any breach of any element of
20 the restriction orders may be certified to the High
21 Court or the Court of Session, who will have the power
22 to fine or imprison anyone found to have been in breach
23 of the order.

24 SIR CHARLES HADDON-CAVE: All right. Mr Glasgow.

25 MR GLASGOW: If it please you, sir.

1 Mr Williams, could we have your help, please,
2 onwards in the chronology, and I would like to take us
3 to September of 2017.

4 In your file that you've got in front of you,
5 could we go, please, to divider 5, and within the blue
6 pagination it starts at 2, so in the bottom it will be
7 Williams 5-2.

8 What you have here are a set of minutes from one
9 of the Silver meetings held at RAF St Mawgan, this one
10 from 27 September 2017.

11 So, by this point, you are now five or six months
12 in post, and hopefully you've been able to find your
13 feet and you've been able to understand the remit of
14 your role as the DSIO?

15 A. Yes.

16 Q. Okay. Now, if we look, we can see that you were present
17 at this particular meeting, because you are identified
18 as the second name on the list, and your title accorded
19 next to you:

20 "DSIO [Team] 1"

21 This is a meeting chaired by the Silver Commander,
22 Major Cox. Were these regular meetings that were
23 attended by you and the team to update him and for him
24 to cascade down direction?

25 A. Make him aware, yes.

1 Q. Thinking back to the meeting that we discussed before we
2 broke for lunch, which was when photographs were
3 considered, was that at an official team meeting or was
4 that a specific meeting designed entirely to deal with
5 the photographs, or can you not now remember?

6 A. I can't recall entirely. I think it would have been
7 just to discuss photographs, but I can't say for
8 certain.

9 Q. So, here we can see, from those who are attending, a
10 number of people from team 1, but obviously we have a
11 lot of people who are able to give some input into the
12 progress and direction that has been taken thus far?

13 A. That's correct, yeah.

14 Q. With your help, just some of the entries, please, but if
15 either you or anyone else wants me to look at any other
16 entry, of course I will do so, but I was going to invite
17 attention, please, to paragraph 7 at the bottom of the
18 page:

19 "The Op NORTHMOOR investigation to step away from
20 Greater Manchester Police and NCA, in regards to review
21 and oversight. Silver believes that no more support
22 needed at present from either agency."

23 Now, by the date of this Silver meeting, there's
24 not only the Greater Manchester Police, MERT and the NCA
25 offering assistance, but there's also the Independent

1 Advisory Group and the Review Team who are offering
2 help.

3 Did you have particular involvement with any of
4 the external oversight bodies?

5 A. None, as far as I can recall.

6 Q. In terms of your understanding that the investigation
7 would step away from the first pair of assisting teams
8 and then move to next pair, did anyone ever explain to
9 you, as the deputy SIO, why there would be a change from
10 the MERT and the NCA now to an IAG and the IRT?

11 A. Not that I can recall, no.

12 Q. Do you think it would have been helpful, if you weren't
13 given that explanation, for someone to say to you,
14 "Look, this is what we've been doing before you arrived,
15 this is what we think we're going to do and how we want
16 to go forwards"?

17 A. That would have been helpful. I'm saying no, I can't
18 recall. There may have been discussions, there may have
19 been something mentioned. It might not have just as
20 been as simple as Silver saying, "Yes, it's going to
21 happen", he might have invited some comment from me, but
22 I cannot recall that.

23 Q. We know from other documents that the NCA were giving
24 particular assistance to Captain Wright, who was the
25 SIO, and he was being mentored by Detective

1 Superintendent Williamson, in any way did somebody
2 say to you, as the deputy SIO: would you like the
3 assistance of someone from an outside force to give you
4 some assurance and guidance?

5 A. No, that never happened, no.

6 Q. Do you think that might have been helpful for you?

7 A. If I was fulfilling the role of a deputy SIO as might be
8 expected in a different investigation, yes. Perhaps not
9 in the context of Northmoor.

10 Q. If we look over the page together to 5-3, and can we
11 look to entry number 11, which we can see almost in the
12 middle of the page:

13 "[Any other business] - confirmed Op Northmoor
14 must end at some point but at this stage only the
15 'investigative' side discussed. [Approximately] 2,000
16 emails still being reviewed in regards to the detainee
17 abuse allegations, however, only in the event that new
18 evidence resulted from any of this material would this
19 [line of enquiry] be reactivated."

20 Now, in terms of the idea that Op Northmoor must
21 end at some point, this is September 2017, you've been
22 in post for five or six months at this point, and you're
23 expecting to work as the deputy SIO presumably for more
24 than five or six months?

25 A. Yes.

1 Q. Did anyone say to you, "By the way, we think Op
2 Northmoor will come to an end at some point"?
3 A. From reading this, I presume yes, but I can't recall
4 specifically being told that, no.
5 Q. I mean, if in a Silver meeting someone had raised the
6 question of Op Northmoor coming to an end, might -- the
7 obvious question will be: well, when do people think
8 it's going to end? Is there an end date in mind?
9 A. And perhaps this influences my overall feelings at the
10 time. As I alluded to it or mentioned earlier on,
11 I felt that I'd come in amid the -- the investigation
12 was coming to an end. But I can't recall this, no.
13 Q. Okay. I mean, again, trying to push you slightly, if I
14 may, recognising that you don't recall this particular
15 meeting, do you remember whether there were any other
16 occasions when, either at a Silver meeting or at other
17 meetings, talk of an end date or a shutdown was ever
18 mentioned?
19 A. I can't recall a specific meeting, no. But going back
20 to my initial point there, perhaps there were
21 discussions and that's what's influenced my memories,
22 but I can't recall specific ones.
23 Q. I mean, given that this is a live investigation, if we
24 can call it that, and as we go through the documents,
25 we'll look at some of the progress that has and has not

1 been made, are you surprised when you cast your eye back
2 to this particular meeting in September of 2017 that
3 people were talking about end points for the
4 investigative side of the case?

5 A. No, I'm not surprised, because of my previous comments,
6 yeah.

7 Q. I mean, in terms of whether it is or is not appropriate,
8 as an investigator and putting yourself back into those
9 shoes, would you be guided by an end date or a shut-off
10 point, or would you be guided by the evidence?

11 A. Yeah, you'd never be guided by an end date. There would
12 be no specific date given -- "We think it should end by
13 this or by that date" -- for any investigation. There
14 shouldn't be an end date.

15 Q. Okay. In terms of the investigative side that's being
16 discussed at this point, if we look to the next entry
17 down, 12, Major Cox identifies that:

18 "... the IRT will be looking at housekeeping of
19 investigative process."

20 Now, you explain to us that you had little input
21 into the direction or the strategic decisions on the
22 process itself, but you were responsible for the
23 managerial side.

24 A. Yeah.

25 Q. At any stage, did the IRT help you with the housekeeping

1 of the investigative process?

2 A. Not that I can recall, no.

3 Q. Do you remember meeting with people from the IRT for

4 them to talk to you about how process had been run thus

5 far and what resources you might need to give to it?

6 A. My memories of the time are that IRT was speaking to

7 Gold and perhaps Silver, and it weren't speaking

8 directly to me. That's my memories.

9 Q. I mean, if one wanted to consider housekeeping of the

10 investigative process, who is the best person to speak

11 to, Gold, Silver or you?

12 A. I think they might have spoken to previous deputy SIOs,

13 and obviously I can't answer for that, but they weren't

14 speaking to me.

15 Q. Well, I mean, clearly at this stage, in September 2017,

16 you're the deputy SIO in the hot seat.

17 A. Yeah.

18 Q. So if it is about housekeeping and if the IRT as an

19 outside agency wants some involvement in the

20 housekeeping, would -- do you think you might be the

21 best person to help with that?

22 A. Yeah, most definitely, I take your point that, you know,

23 they should have spoken to me, but they didn't.

24 Q. I mean, in the sense of how these meetings went, if we

25 go back -- and I'm sorry for jumping around in the

1 bundle, but if we go back to tab 1, to your witness
2 statement, and if we look together, please, to
3 paragraph 135, that can be found towards the top of the
4 page 32, in blue, you wrote:

5 "I attended SILVER Group meetings. I recall that
6 meetings were held quite often and were minuted. The
7 meetings were in person."

8 You then wrote:

9 "The meetings allowed SILVER (Major Cox) to gain
10 updates from team leaders individuals within the team to
11 ensure that his direction and orders were being carried
12 out. It was to ensure that everyone knew what decisions
13 were being carried out and what was happening so, for
14 example, when you asked a question to Team 2 they had an
15 understanding of SILVER's overall direction ... There
16 was no real debate discussion as to how [the]
17 investigation was going. SILVER was more concerned
18 about whether there being carried out and there was no
19 real pushback or disagreement."

20 Thinking back now to the Silver group meetings in
21 general, when you talk about there being no real debate
22 or discussion about how about investigation was going,
23 does that surprise you, given the complexities of this
24 investigation?

25 A. Yes, it does surprise me. I mean, perhaps that's a bit

1 black and white. Obviously, like I've said already,
2 Silver did invite discussion and things were talked
3 about, but when you -- I think -- well, what I do mean
4 there is there was no real debate that could change the
5 direction of the investigation. It wasn't as black and
6 white perhaps as that statement makes it appear there.

7 Q. Okay. So there was discussion.

8 A. Mm-hm.

9 Q. But in terms of you wrote "no real push-back or
10 disagreement", do we understand from that that whilst
11 there was discussion, no one necessarily challenged what
12 was being said by Silver?

13 A. No, that's correct, yeah. Yeah.

14 Q. I mean, was there any concern on the part are you or
15 other people that if they challenged something might
16 happen?

17 A. What do you mean by that, sorry?

18 Q. So -- well, you've described the occasion where you
19 pushed back in respect of the photographs and you'd been
20 shut down, and you felt that that was an occasion where
21 rank had stepped into the arena and you'd been very
22 firmly put in your place.

23 A. Mm-hm.

24 Q. If you challenged or pushed back or had disagreement
25 with Silver about the direction that the investigation

1 was taking, would anyone be concerned they might be put
2 down in the same way?

3 A. That never happened, so I can't say what might have
4 happened. The impression I got from Silver is that he
5 would invite discussion and he would invite someone to
6 challenge him, but I can't remember it ever happening,
7 no.

8 And I -- but, like I said, I don't know how he
9 would have responded to a junior investigator, for
10 instance, pushing back. I never witnessed that.

11 Q. So, just so I understand this, you're saying that Silver
12 (Major Cox) did invite disagreement, but that it didn't
13 happen?

14 A. Yeah. I mean, it's hard for me now to remember exact
15 conversations, but, like I have said, we did get
16 together as a team, we did discuss things, et cetera, he
17 invited people to put forward hypotheses and work
18 through the different avenues on it or evidence that was
19 available, but there was no real, as far as I can
20 recall, any push-back against Silver that I observed, so
21 I can't comment, really, how he would have dealt with
22 that.

23 Q. I mean, is the absence of the push-back a reflection of
24 the hierarchical structure, that Silver is a major and
25 that it's difficult to push back against someone of

1 senior rank?

2 A. I don't know. I would have relied on those
3 investigators below me in rank to come to me and say, "I
4 disagree with this, sir", and then I would take that to
5 Silver and discuss it as his deputy SIO, but that never
6 happened.

7 So if we take that rank structure, then perhaps
8 they might felt dis-empowered to speak to a major, or
9 above, but because on the way we ran the team, or the
10 way I encouraged people to talk openly, I would have
11 expected them to come to me and me to go to Silver, if
12 needed.

13 In certain meetings he did invite people to give
14 opinions, et cetera, like I've said. So there may have
15 been the opportunity for the investigators to do it in
16 that sort of context, but I can't remember that being
17 taken up, if that was the case.

18 Q. Do you remember if anyone ever said, "I understand that
19 Objective Tyburn is a focus of the investigation because
20 we have information that's been given to us by Saifullah
21 Yah and we want to speak to Mohammad Bang, but what
22 about the other ten DDOs, did anyone ever raise that?

23 A. I can't remember.

24 Q. You were involved in taking a witness statement from
25 N1466 in which he reviewed the material that lay behind

1 the TTP review?

2 A. Yes.

3 Q. So you had had an opportunity, at least first hand, to
4 see and speak to him --

5 A. Mm.

6 Q. -- about that.

7 Did you ever say to anyone: before this
8 investigation gets closed down, what about all the other
9 information that we got from N1466?

10 A. I can't recall.

11 Q. Would you like to think you would have said that?

12 A. I would hope so, yes. Yes, for the reasons I've already
13 explained yeah.

14 Q. Okay.

15 Can we go back to the chronology, please, and with
16 your help, can we turn to tab 22. And there we have an
17 assurance document from the IRT which is dated November
18 of 2017.

19 If we look together at some of the recommendations
20 that they had made, and the response to them, just so we
21 can understand, if we can, your help, because this
22 followed a meeting that took place on 13 November, when
23 two member of the IRT attended RAF St Mawgan, and were
24 given updates from the team.

25 Just out of interest, if we look to page 22.4,

1 please, and to entry 3.1.

2 3.1 deals with:

3 "... the planned visit to Afghanistan in an effort
4 to obtain witness statements from [Mohammad] Bang and
5 ... Saifullah [Yar], and any other available evidence to
6 be progressed."

7 And also:

8 "Engagement with APU personnel ..."

9 It then identifies that the AB interview of
10 Saifullah Yar had taken place in September, but that it
11 hadn't yet been possible to speak to Mohammad Bang
12 because, if you look at paragraph 3.3, you see straight
13 away, he was not well enough to travel to Kabul.

14 Then if we look to the bottom of that
15 paragraph 3.3 -- that you've just had up, I'm so sorry
16 -- those last two lines:

17 "The IRT take the view that obtaining his account
18 would not assist this investigation; his solicitors
19 [Leigh Day] have previously communicated his claim."

20 Now, what was your understanding of the assistance
21 that Mohammad Bang might be able to offer the RMP when
22 it came to Objective Tyburn?

23 A. What do you mean by that.? Do you mean in the form of a
24 witness statement or whatever ...

25 Q. Did you understand that he was an individual who had

1 brought to the attention of at least his solicitors and
2 then to the RMP that potentially illegal activity had
3 taken place on that objective?

4 A. I did, yes.

5 Q. And in terms of trying to get actionable evidence that
6 might take an investigation forwards, would you, as an
7 investigator want to try to speak to the source of any
8 allegation to see what that person may or may not be
9 able to say?

10 A. Yes. Most definitely, yeah.

11 Q. Now, obviously Saifullah Yah had been spoken to, but in
12 terms of Mohammad Bang and the observation made by the
13 IRT that taking his account would not assist the
14 investigation, did you agree minutes with that?

15 A. I can't recall my exact feelings about that at the time,
16 but I don't think I would have agreed with that. But
17 again, it's -- I can't recall exactly what I thought at
18 that time.

19 Q. Can you remember now whether there was any discussion,
20 either within a Silver group meeting or within any other
21 meeting, where someone said: this is the suggestion of
22 the IRT, what do we think about it? Do we agree with
23 it?

24 A. There would have been discussion. I don't know whether
25 the word "suggestion" would have been used, rather than

1 "This is the direction that we're going to follow",
2 yeah.

3 Q. So, in terms of your understanding of the IRT's input,
4 was it a suggestion or was it a direction?

5 A. I remember it being for -- I think of it as a direction.
6 That's the way I recall it.

7 Obviously, when you speak to other people involved
8 in the investigation, whoever that might be, they may
9 have a different opinion, but that's the way I recall it
10 at the moment.

11 Q. Can we look over the page together, please, to page
12 22-5.

13 If we look to paragraph 3.9:

14 "Recommendation 4. That the ten similar incidents
15 identified by the then [N1466] continue to be
16 investigated in an effort to identify any evidential
17 discrepancies."

18 And then what is written thereafter:

19 "The scoping of the ten similar events identified
20 by [N1466] and outlined in the Op A Report dated April
21 2011 has been thorough and appropriately focused with
22 still images being recovered along with some associated
23 reporting. The SIO has indicated that he would prefer
24 to prioritise efforts towards the most interesting of
25 these images ie. those contained with Operations 2 and 1.

1 The IRT and the SIO have had lengthy discussions with
2 regards to the significance and ongoing management of
3 these images. Whilst the current scoping of Operation 2
4 and 1 is ongoing and incomplete the IRT take the view
5 that unless there is additional material, intelligence
6 or evidence obtained, then there would be little value
7 in exposing what has been achieved to date. It must be
8 borne in mind that witnesses and or other material may
9 emerge in the future and the integrity of the material
10 which has been gained to date does not need to be
11 exposed to SF without a compelling argument or other
12 reason to do so."

13 In terms of the scoping of those ten similar
14 incidents, what did you understand the scoping entailed,
15 rather than an investigation?

16 A. I can't recall.

17 Q. Do you remember whether it was discussed that you would
18 only scope those ten investigations, but you would
19 investigate Objective Tyburn?

20 A. I do recall, but that is because my memory has been
21 refreshed by reading this. That's as far as I do
22 recall.

23 Q. I mean, if you, as the deputy SIO, had wanted to push
24 back on that direction, and to suggest, for example, "I
25 spoke to N1466, I can give you a first-hand account of

1 his view, his feelings, and I think the ten incidents
2 merit investigation", would you have been listened to?

3 A. I don't think so, no.

4 Q. In terms of the photographs which are mentioned in
5 paragraph 310, was there a forensic strategy in place
6 for how photographs would be dealt with?

7 A. Not that I can recall, I'm sorry.

8 Q. I asked you before lunch about the one incident on the
9 photographs, and you've been able to describe it to us.

10 A. Mm-hm.

11 Q. Do you remember having any discussion at all with the
12 IRT about photographs and what, if anything, should
13 happen to them?

14 A. So, just to refresh my memory, when we were discussing
15 it earlier on, the IRT were present during that meeting
16 with Silver and Gold. That was the extent of the
17 conversation I had with them about it.

18 Q. Right. So the one incident where you were shut down
19 from the proposal that an expert review the photographs
20 was a meeting at which the IRT were also present?

21 A. From what I recall, yes. Yeah.

22 Q. Okay. Did they engage in the discussion at all or was
23 it simply a case of Gold, on that occasion, giving
24 direction and you giving way?

25 A. I seem to remember them -- there being some conversation

1 with them, but I can't remember the extent of that.

2 Q. I mean, if we just jump ahead in the bundle for a
3 moment, and bear with me, if we were go to tab 27
4 please. 27, page 2, we go back a month or so, to
5 11 September, the policy file report here from Major Cox
6 records:

7 "Forensic Strategy required update to include
8 [photographs]."

9 And then the reason:

10 "Although previously discounted SILVER considers
11 that all SSE photos must be reviewed and forensic
12 strategy created. They form the scene footage and could
13 provide key [lines of enquiry] to prove or disprove the
14 allegations."

15 Does this sort of chime with what you were telling
16 us before lunch, that you thought the photographs might
17 provide valuable information?

18 A. That's correct, yeah, it does.

19 Q. Was there ever a forensic strategy put in place for the
20 examination of the photographs?

21 A. I can't recall seeing one, unless there is a strategy
22 you can show me now to ...

23 Q. I'm afraid I can't, which is why I asked whether you
24 were aware of one.

25 A. That suggests to me there wasn't, but I can't recall.

1 Q. As part of the proposed actions put in place by the IRT,
2 did they suggest that actually, contrary to the
3 discussion that you had had with Gold, really the
4 photographs ought to be looked at?

5 A. No, that never happened, no.

6 Q. Did that continue to trouble you as a line of enquiry
7 that was shut down?

8 A. I think it did. I think there would have been plenty
9 that troubled me. That's the only incident that I took
10 with me through the years, and recall with any sort of
11 certainty. But my overall feeling is that there would
12 have been things that troubled me and -- you know, which
13 I can't recall now.

14 Q. If we go back -- and bear with me for doing so -- to
15 divider 22, please, Mr Williams, and back to the IRT
16 assurance document, if we look to page 22-5, and we can
17 see the response to recommendation 3 is set out at
18 paragraph 3.8:

19 "The suspect categorisation of both N1141 and
20 N1201 was appropriately removed the then SIO,
21 Captain Jason WRIGHT.

22 Did you agree with the re-categorisation of those
23 two individuals as not being suspects?

24 A. So I am aware I keep saying I can't recall, and I do
25 apologies about that, but I can't recall my feelings

1 about that now.

2 Q. You express your concern in your witness statement that
3 you thought that the bar from referral to the SPA was a
4 low one, and you thought that people should have been
5 referred?

6 A. Yeah.

7 Q. In terms of who you thought should have been referred,
8 can you remember now who those individuals or which
9 individual it might have been?

10 A. I can't, no.

11 Q. If we just look over the page to 22.6, please, and to
12 the response set out in paragraph 3.12, this is the
13 response to the use or otherwise covert tactics, what is
14 written is:

15 "The move from covert to overt investigation has
16 been positive, productive and led to an appropriately
17 managed investigation with a realistic focus towards all
18 outstanding issues."

19 Can I ask you this. Given the change from covert
20 to overt that took place when you were part of the
21 Inquiry, did you feel that that had created a positive
22 and productive atmosphere? Had that led to an
23 appropriately managed investigation?

24 A. Those words, "positive" and "productive", no, I wouldn't
25 use that. Regarding an "appropriately managed

1 investigation", that would be Silver and above, I
2 think -- I think I would say I could comment on that,
3 but that "productive" and "positive", I can't remember
4 thinking those words or those feelings at the time.

5 Q. If we just go down the page, please, to the response at
6 paragraph 3.14, which deals with "Operation Tyburn", as
7 it is called, "Objective Tyburn" in fact is what
8 it should be called, they write in respect of Objective
9 Tyburn, in the last four lines:

10 "In this instance no crime had been committed and
11 no suspects at the anticipated time of request,
12 existed."

13 Did you agree with the observation that there had
14 been not crime committed and that there were no suspects
15 in respect of Objective Tyburn?

16 A. I can't recall my specific thoughts about that,
17 but I would -- I would presume no, I don't agree with
18 that.

19 Q. Well, recognising that your memory of this is limited,
20 and this, of course, is a document that you may not have
21 seen before, can I ask you one additional matter, which
22 is on to the last page, page 22-7, please, Mr Williams.
23 It deals with the ancillary matters, in particular in
24 respect of paragraph 6 of the Forensic Data Handling
25 Capability:

1 "... the IRT do not consider that there will be a
2 need to use the enterprise (large) scale Forensic Data
3 Handling Capability which is located within the
4 Operation Northmoor Investigate suite. The current
5 processes and procedures are sufficient to manage this
6 investigation in an efficient and effective manner."

7 Did you agree that, in November 2017, it would be
8 worth getting rid of that capability, or was that a
9 capability you wanted to have available to you as the
10 deputy SIO?

11 A. I do recall that the -- the FDHC -- I -- I have memories
12 of questioning that at the time, so I believe it --
13 I would have thought it would be more appropriate to use
14 it, to keep it.

15 Q. The FDHC have been brought online as an essential
16 requirement in order to handle the large volume of
17 material that you received in electronic form and at an
18 appropriate classification via UKSF. Is that your
19 understanding of what it was intended to facilitate?

20 A. That's right, yes. Yeah.

21 Q. And if you were to continue to conduct inquiries, even
22 if only on Objective Tyburn alone, but on other
23 objectives hopefully, did you anticipate the need,
24 possibly, to be able to marshal and ingest and examine
25 electronic data from Special Forces?

1 A. I can't recall. The way you've explained it there would
2 suggest yes, obviously, but I can't -- can't (unclear)
3 my thoughts.

4 Q. The IRT give themselves a sign-off at the end in respect
5 of the summary, where they seek, one might suggest, to
6 describe the impact that they have had on
7 the investigation.

8 They write that since their last review:

9 "The IRT have been impressed with the organisation
10 and approach adopted ..."

11 It described the:

12 "[Morale] ..."

13 "Moral" as they call it.

14 "... on the enquiry is high. This atmosphere has
15 produced valuable outcomes which have materially moved
16 the enquiry forward in a balanced manner. Refreshingly,
17 each of those persons interviewed by the IRT have been
18 shown to be open and realistic about the investigation
19 and its outcomes. The progress that has been achieved
20 in the last year in almost every aspect of this enquiry
21 has been quite outstanding."

22 In terms of the outstanding progress that has
23 taken place since their first visit in January and their
24 more recent visit in November, are you able to help with
25 any of the particular outstanding areas in which there

1 have been improvement?

2 A. No, I've not, no.

3 Q. If you were writing a review of the first seven months
4 of your time as deputy SIO, at any stage would you use
5 the word "outstanding" to describe the progress of the
6 investigation?

7 A. I wouldn't, no.

8 Q. It may well be their personal reflection on the way in
9 which they see that their direction has been taken to
10 heart, but insofar as the progress -- and by that I mean
11 tangible advancement that had been made by Northmoor in
12 the time that you had been deputy SIO -- did you feel
13 that there had been significant progress going forwards
14 on any of the enquiries?

15 A. My memory of my feelings at the time were no, I wouldn't
16 agree with that in -- in any way.

17 Q. Can we look, please, on two dividers to divider 24,
18 which takes us almost to the end of the year, to
19 December of 2017, 24-2, please, Mr Williams.

20 It's recorded as the "DCGS [Deputy Chief of the
21 General Staff] Office Call 6 [December 2017] -- Briefing
22 Notes".

23 Now, it's not clear from that title whether this
24 is a note prepared by someone in advance of the call, in
25 order what they are to brief on, or whether in fact this

1 is a briefing note about the call.

2 But if we look at its content, it may be that the
3 contents reveal that this is a description of what
4 happened on the call.

5 If we look under the title "Investigation", we can
6 see the progress of witness interviews is set out.

7 A read-out is given from a witness interview in
8 Kabul. The IRT review of progress and findings are
9 recorded as.

10 "... excellent progress; [with] high moral[e]."

11 And then we can see the Gold group decision on the
12 FDHC.

13 And then as to manning, what is recorded here is:

14 "... draw down to 80 pers[ons] [on or by]
15 1 Jan[uary] and then continue downward trend over first
16 6 months of 2018."

17 Can I ask you this. In terms of reducing the
18 number of people, did you want fewer people to work with
19 on team 1 to conclude these inquiries?

20 A. I think my priority at the time would be ensuring that
21 our team 1 had adequate personnel, and I would have
22 asked for that. I mean, certainly trained and
23 experienced people were there.

24 Regarding manning as a whole, this would be
25 something that I would have no, sort of, input into, or

1 thoughts about perhaps other teams.

2 Q. So, provided your team was kept as it was, you were
3 content, and it would be for other teams to argue about
4 their requirement?

5 A. I think if I had been aware at the time, say, perhaps
6 that loss of manpower in other teams would impact the
7 investigation into -- well, the team 1 investigations,
8 then I would have drawn attention to that. But I can't
9 recall that ever happening.

10 Q. Then the entry beneath that, please, Mr Williams:
11 "Look forward: Close down of the investigation."
12 Are you surprised that in December of 2017
13 it seems that the Deputy Chief of the General Staff
14 might be looking forward to the close down of the
15 investigation?

16 A. I'm surprised --

17 Q. That accurately records what was said?

18 A. Yeah, I'm surprised to see it in writing. I am. But
19 perhaps it ties into my general feeling at the time
20 that, yes, it is coming to an end.

21 Q. Would you consider the close down of the investigation
22 as appropriate at that stage?

23 A. No, for the reasons already described, yeah.

24 Q. And when you say you are surprised to see it in writing,
25 can I ask you to explain that to us, please, sir,

1 because it may be very obvious to you what you mean, but
2 why is that this sort of thing surprises you that it
3 appears in writing rather than simply being said?

4 A. I think it surprises me to see it in writing -- to see
5 it articulated and written down by the people who were
6 making decisions and want the investigation to go a
7 certain way, that's why I am surprised to see it in
8 writing, rather than perhaps conversations which people
9 have decided not talk about.

10 Q. Could we go ahead, please, into 2018, and what I would
11 like to look at first of all, please, in an effort to
12 ensure that I don't take up too much of the afternoon,
13 is to move ahead to May of 2018, to divider 6 and to
14 page 2.

15 We pick it up on 1 May with another set of Silver
16 meeting minutes, again attended by you, and also present
17 being Major Cox in charge as Silver.

18 If we just look at some of the information that is
19 set out on that front page, we can see at paragraph 8:

20 "Confirmed meeting in a month with Gold Group and
21 that IRT will be back down to Northmoor at some point
22 over the summer."

23 In terms of the IRT's interaction with the Gold
24 group, did you play any part in that, given it was a
25 Gold group, or did you have nothing to do with it?

1 A. Nothing to do with that.

2 Q. Okay. Then it records Silver carrying out a review on
3 cradle to grave presentation.

4 Now, it's not clear whether that is a presentation
5 to the IRT or whether it's a presentation to someone
6 else, but in terms of a cradle to grave presentation,
7 does that describe something from the beginning to the
8 end?

9 A. I would suggest it does, yes, yeah.

10 Q. If there's a review on a beginning to end presentation,
11 does that suggest in any way that there is a possible
12 end date in mind for Operation Northmoor?

13 A. It does, yes. Yeah.

14 Q. Did anyone discuss with you the possibility of there
15 being a presentation on an end date?

16 A. The term "cradle to grave" does ring a bell, yeah, I --
17 because it sticks in your mind, doesn't it? I do recall
18 that.

19 I can't recall specifically someone saying this --
20 we're looking to end this. You know, I can't. But that
21 does ring a bell when I see "cradle to grave" there.

22 Q. Are you able to help us with any meeting or from any
23 person that that might have been said?

24 A. When the term is used, do you mean?

25 Q. Yes.

1 A. No, no, I can't. Whether I'm just remembering it from
2 this meeting, this specific meeting, or whether there
3 were other times, but I do recall the term being used.
4 I can't recall how I felt about that at the time, but
5 we've already discussed how I would feel it
6 inappropriate to put an end date on an investigation.

7 Q. In terms of considering the end date, if there was one
8 in the mind of anyone, that we were just dealing with
9 was the beginning of May. If I could take you forward
10 in the chronology, please, to June of the same year.
11 Can I invite everyone, in particular you as well, Mr
12 Williams, to turn to divider 25 and page 6. So 25-6 in
13 blue at the bottom.

14 Another set of briefing notes from an office call,
15 this time on 14 June 2018, with the Deputy Chief of the
16 General Staff. We can see:

17 "Gold Group last week to review progress and
18 provide advice on direction."

19 That may well be the Gold group that was heralded
20 in the Silver meeting notes we've just considered.

21 Then, as to Objective Tyburn, allegations of
22 unlawful killing.

23 "A number of investigative lines of enquiry to
24 follow, determining proportionality unlikely at this
25 stage based on evidence collected that we will refer

1 anyone, but ..."

2 If we just try to consider where you were in June

3 of 2018, had you completed the inquiries in respect of

4 the investigation into Objective Tyburn?

5 A. I don't know.

6 Q. In order to reach a view that it is likely or unlikely

7 whether anyone will be referred, would you like to have

8 the evidence available to consider it before you offer

9 that opinion?

10 A. Of course, yeah.

11 Can I ask who -- I know you have already mentioned

12 about these being a note, you're not certain whether

13 it's what was made up before or after, but this is like

14 a contemporaneous sort of note taken of a conversation,

15 then, or ...

16 Q. I'm afraid I cannot assist with that because I'm not the

17 note-taker --

18 A. No, neither am I, so I'm not certain how to approach

19 that.

20 Q. But in terms of providing a set of typed notes in

21 respect of discussions that are either going to or have

22 happened with the Deputy Chief of the General Staff,

23 would you like to think that people would have made an

24 effort to get them right?

25 A. Yes, of course.

1 Q. Right. And:

2 "If one is going to record alongside the main

3 focus of Objective Northmoor [namely Objective Tyburn]

4 that it is unlikely at this stage that we will refer

5 anyone."

6 When it reads "we will refer anyone", who is the

7 "we" going to be in that, please, sir?

8 A. That would be the investigators, SIB Op Northmoor.

9 Q. Right.

10 So it either looks like the Deputy Chief of the

11 General Staff was told or that he was going to be told

12 that at this stage the investigators were of the view

13 they were unlikely to refer anyone in respect of the

14 allegations of unlawful killing from Objective Tyburn.

15 A. I suppose it depends what you mean by investigators,

16 doesn't it? I presume that would be Silver and above,

17 would be making that decision.

18 Q. Well, did you have any part to play in a decision that

19 there were unlikely to be any referrals?

20 A. Not that I recall, no.

21 Q. Okay.

22 Would you have wanted that decision to be taken

23 before you had had an opportunity to complete all the

24 outstanding lines of enquiry?

25 A. No, the decision should come at an appropriate time.

1 Q. Okay. If we look down, we can see:
2 "Gold group to convene in September."
3 Do you see that entry, sir?
4 A. Where are we, sorry?
5 Q. Three entries down, three bullet points down from where
6 we were. We were at Ob Tyburn. Now:
7 "Gold group to convene in September ..."
8 I'm sorry, my fault.
9 "Gold group to convene in September to advise PMA
10 to allow him to make decision on referrals or not for
11 Objective Tyburn, and way forward with +2 and remaining
12 8."
13 The +2 being objectives 1 and 2, and the remaining
14 8 being the other of the TTP review DDOs.
15 A. Yeah.
16 Q. Were you part of any discussion about the PMA being able
17 to make a decision in September 2018 about whether
18 anyone would or would not be referred?
19 A. No.
20 Q. I mean, if the author of this document is right, it
21 seems unlikely that anyone is going to be referred,
22 doesn't it?
23 A. If you refer back to the earlier comment, yes.
24 Q. Well, the giveaway may be in the next line:
25 "Once any decision made to conclude investigation,

1 need to construct narrative and ensure close down is
2 done to protect reputation, including disclosure
3 responsibilities, future location of stored material,
4 and be prepared for ICC approach. Scale down of Op
5 Northmoor and scale up of (... read to the word ...)
6 activity."

7 Now, of course, this is a document that seems to
8 be looking forward to what might happen, but it does
9 appear to be preparing for the possibility, does it not,
10 that within a matter of two months or so after this
11 phone call, that there will be a decision to close down
12 Operation Northmoor. A narrative behind that will need
13 to be constructed, reputation will have be protected,
14 and so on.

15 At any point were you party to any discussion
16 about how to close down the operation within the next
17 few months?

18 A. No. No.

19 Q. In the sense that you and the investigators you
20 were tasking were still working to try to gather
21 evidence and information to take things forward.

22 Do you think it would have been helpful to be told
23 that those from Silver or Gold and upwards were
24 considering shutting the inquiry down?

25 A. Of course, yes. And, you know, it is -- it's difficult

1 to read that, because I know how hard the investigators
2 and the support teams are working at the time of June
3 2018. And this wouldn't have been something which would
4 have been cascaded down. I wouldn't have been talking
5 about this because I wasn't aware of it and it -- it is
6 a difficult read, to be honest, to see that, like that.

7 Q. I mean, as far as what was being -- taking place within
8 the investigating team of team 1, were efforts still
9 being made for people to fly out to Afghanistan to
10 conduct interviews?

11 A. Yeah, up until the day I left people were working hard
12 to get out there to do certain things, and to interview
13 witnesses and to do all the investigative activity that
14 should be taking place. So, yes, this is at odds with
15 my perception of the investigation at that time.

16 Q. Okay.

17 Picking up the chronology again, can we turn,
18 please, to tab 11 and to page 2 within that section, so
19 11-2.

20 Minutes of a much shorter Silver meeting held on
21 18 June. And Silver records at point 2:

22 "Golds would be visiting RAF St Mawgan between 19
23 and 22 June and will be focusing on direct
24 investigations and the presentation to the DSP."

25 What was the presentation to the DSP going to be

1 about, please?

2 A. I can't recall.

3 Q. Well, in terms of referring people for consideration for
4 prosecution, that would be done by the RMP referring
5 people to the SPA, so the Service Prosecuting Authority?

6 A. Yeah.

7 Q. And the DSP is Director of Service Prosecutions, so
8 ultimately if a referral is made by the RMP as someone
9 to be considered for prosecution or not, it goes to the
10 organisation of which the DSP is the head?

11 A. That's correct, yes.

12 Q. Now, we know from the earlier notes that we have looked
13 at that it's considered unlikely that anyone is going to
14 be referred.

15 A. I suppose it comes back to who was making that opinion,
16 who was giving that opinion, who was saying that, and I
17 don't know.

18 We've talked about, you know, who made those notes
19 exactly. So, yes, I can't comment on that further.

20 Q. Well, we see, can't we, that the DSP is planning to
21 visit between 25 and 29 June. Whether that is all of
22 those days or just some of those days isn't clear, but
23 if one puts the documents together in the sequence in
24 which we have just looked at them, does it appear that
25 someone might be considering whether or not to refer

1 people, and now there is a visit from Gold, followed by
2 the DSP, and then followed by the IAG and the IRT, as we
3 can see.

4 A. What is the question, sorry?

5 Q. The sequence of that, if one takes a step back from it,
6 it appears that people are looking at a close down date?

7 A. Yeah.

8 Q. It appears that manning has been considered as being
9 reduced. It appears that the focus on Objective Tyburn
10 seems that the IRT at least think there's no actionable
11 evidence. It's considered unlikely that anyone is going
12 to be referred. And this is all at a time when your
13 team are trying to get out to Afghanistan to conduct
14 inquiries.

15 A. Yeah.

16 Q. And now, the people who might be responsible for making
17 those ultimate decisions are visiting in a sequence in
18 June and early July, first Gold, then the DSP, then
19 Sir Jon Murphy and Mark Ellison.

20 A. Okay.

21 Q. In any sense is there a possibility that this is
22 directed towards a shutdown of Operation Northmoor, even
23 at this stage?

24 A. You could draw that inference, yes.

25 Q. Okay.

1 Now, clearly you weren't present at those
2 meetings, but you were present at this Silver meeting
3 when these were discussed.

4 Did anyone say: why is the DSP coming down?

5 A. No.

6 Q. Did anyone they say: any chance we can refer people for
7 prosecution?

8 A. Not that I recall, no.

9 Q. I mean, did you want people to be referred to
10 prosecution?

11 A. Yes. Yeah.

12 Q. So would the DSP's visit give you an opportunity to say,
13 "Sir, I think there are certain people that need to be
14 given very careful consideration"?

15 A. I don't know whether that would have been appropriate,
16 you know, that -- that -- you mentioned already the
17 referral process was someone for charge. That paperwork
18 is put together, it goes to DSP. Whether him visiting
19 would have been that opportunity to do that, I don't
20 think it would have been. I think he would have just
21 been there perhaps to look at Northmoor more broadly,
22 rather than to be considering evidence or potential
23 charges.

24 Q. I can't assist you with notes either for the Gold
25 meeting or for the meeting with the DSP but I can,

1 I anticipate, with the visit from Sir Jon Murphy and
2 Mark Ellison because if we turn on in the bundle,
3 please, to tab 29, page 3.

4 The IRT visited on 30 July and another document in
5 which they provide their assurance of their
6 recommendations. In terms of the efforts to interview
7 Mohamed Bang, which is action 1 seen at paragraph 2.0, it
8 is recorded that any reasonable steps should be taken to
9 interview him and the response from the IRT at paragraph
10 2.1:

11 "The IRT are entirely content that a wide variety
12 of options have been considered and that none are
13 considered to be viable primarily due to the physical
14 location of Bang and his previously documented ill
15 health which does not permit him to travel. The
16 inquiry team are prepared to pursue this action in the
17 future should either of these situations change."

18 Do we understand from that that what was being
19 recommended was that investigation would continue
20 without getting any account from Mohammed Bang?

21 A. That appears to be the case, yes.

22 Q. And as the DSIO, did you have any input either to debate
23 that or to challenge it?

24 A. No.

25 Q. Did you think it appropriate that efforts to interview

1 Mohamed Bang should be stopped?

2 A. I can't recall my thoughts or feelings at the time.

3 I don't know whether this mention here of his ill health

4 would have give me an understanding that perhaps it

5 wasn't appropriate for him. So I can't ...

6 Q. It certainly impeded his ability to travel.

7 A. Yes. I suppose the question would be other ways to get

8 that evidence. I can't recall now.

9 Q. In terms of some of the other recommendations that they

10 identify within this document, we see over the page to

11 page 29.4 at the top of the page under action 3:

12 "The scoping of the (... read to the word ...)

13 continues with prioritisation towards operations 2 and 1

14 with a view to recovery of the SINCREPs and OPSUMs,

15 recovery of relevant SIRs and any other material that is

16 able to contextualise each event."

17 Is there any reason which SINCREPs, OPSUMs and the

18 relevant SIRs had not already been obtained in respect

19 of operations 1 and 2?

20 A. I can't recall at this time.

21 Q. It then deals with the photographs and the reason I'm

22 asking now about the photographs is you will recall that

23 before lunch you thought the photographs that you had

24 raised a concern with Gold were in respect of objective

25 1. The photographs written at paragraph 25A:

1 "The photographs in both objective 2 and objective
2 1 at the present time remain a concern. There is
3 associated continuity with regards to whom, when and
4 where they were taken. Consequently, they are
5 considered by the IRT not to be viable evidence at
6 present. Lengthy discussion between the SIO and the IRT
7 has revealed there's little prospect of this continuity
8 independently and in a timely fashion."

9 Did you agree with the observation that those
10 photographs had no real evidential value?

11 A. No. I thought they did.

12 Q. In terms of whom, when and where they were taken, these
13 were photographs that had been provided to the
14 investigators by UKSF?

15 A. That's correct, yes.

16 Q. Provided as photographs that had been taken on the DDOs
17 they were said to relate to?

18 A. That's correct.

19 Q. Was it your understanding that they were supposed to be
20 photographs taken in the aftermath of the DDO as part of
21 the sensitive site exploitation?

22 A. That's definitely the way I thought of them, yes.

23 Q. So in terms of who took them, that may not matter quite
24 so much but, in terms of when or where, was it your
25 understanding, because Special Forces had given it to you

1 for those DDOs. that it related to those DDOs?

2 A. That's correct, yes.

3 Q. So in terms of examining the photographs to see what

4 evidential use could be made of them or, as you

5 suggested, showing them to an expert, did you think

6 there was still value in that?

7 A. I did yes.

8 Q. Were you ever given an opportunity to debate with the

9 IRT, or indeed with anyone else, about the view they had

10 taken that it wasn't viable evidence?

11 A. No.

12 Q. When you were told that it wasn't viable evidence, do

13 you remember if this coincides with when you had that

14 conversation with Gold or not?

15 A. It must have been around the same time but I can't

16 remember the exact time sequence, no.

17 Q. Given the difficulty in speaking to Mohammed Bang

18 because of his ill heath and his location, and given the

19 obvious challenge that there might be in speaking to

20 members of Special Forces who could be deployed at

21 anywhere at anytime, might the photographs be a good

22 starting point?

23 A. Yes. Yes.

24 Q. Can we just look over the page please to 29.5. If we

25 look to paragraph E, this deals with the interaction as

1 it's described between N1201 and N1799 on a UKSF course
2 and it records that N1201 has been interviewed about his
3 participation in Operation Tyburn. However, he's never
4 been interviewed about the contents of his conversation
5 with N1799.

6 I pause to observe that's said to be the
7 conversation in which he said that all fighting age
8 males were killed irrespective of the threat they posed.
9 That, as is described here, is the catalyst which caused
10 N1466 to act upon his concerns. This is a document that
11 we know from its date relates to a meeting that took
12 place in July of 2018. Do you know any reason why N1201
13 has not been interviewed about the suggestion or
14 allegation that he confessed to unlawful activity taking
15 place on DDOs Afghanistan?

16 A. I can't recall the reasons why.

17 Q. Does it surprise you that, given Northmoor has been in
18 existence for quite a long time by now, that that line
19 of enquiry has not been chased down?

20 A. Yes.

21 Q. I mean, is that the sort of enquiry that you might want
22 to chase down before you decided that no-one was going
23 to be referred for prosecution?

24 A. I think you are right, yes, it should have been right.

25 Q. Lastly to pick up again with the photographs, and I have

1 done it in the sequence of the document, if we turn to
2 the last page at 29.6, this may assist with timing when
3 it was that your interjection was shut down by Gold:

4 "The IRT are of the view at 2.6 and section 4 that
5 the scoping should be completed prior to seeking expert
6 opinion outside this inquiry. The IRT take the view
7 that the photographs relative to objectives 2 and 1
8 should not be subject to expert until the continuity has
9 been established, i.e. who took the photographs, where
10 and when."

11 The same point as before: did you have any concern
12 about continuity when it came to showing the photographs
13 to experts?

14 A. No. I can't remember the exact details but I do recall
15 obviously that I felt strongly enough at the time to
16 push for that to happen. So I don't believe it would
17 have been a concern.

18 MR GLASGOW: Sir, I see the time and I think I am going to
19 be another 20 minutes or so possibly. I am entirely in
20 the court's hands as to whether now is an appropriate
21 moment for a break or whether I press on with a view to
22 trying to finish by quarter past 3.

23 SIR CHARLES HADDON-CAVE: Press on and see if you can
24 finish, Mr Glasgow. Thank you.

25 MR GLASGOW: Of course I will.

1 Can we turn to August of the same year, please.

2 So we're on to the following month. Can I invite your
3 attention please, Mr Williams, to tab 21, page 2 within
4 that tab 2. So it is blue numbers 21.2. Further policy
5 file report, a decision log for Silver Major Cox.

6 "We will expedite all lines of enquiry in relation
7 to Mohamed Bang whilst preparing investigative actions
8 in relation to objective I was objective 1 and 2."

9 In terms of expediting all lines of enquiry, why
10 might there be a need suddenly now in August 2018 to
11 expedite those lines of enquiry?

12 A. I don't know.

13 Q. I mean, presumably they had been lines of enquiry that
14 people had wanted to make progress on for some time.

15 A. Yes, I agree with you.

16 Q. I mean, in any way might the expediting of these lines
17 of enquiry be linked to the possibility that there's now
18 an end date in sight?

19 A. I don't know.

20 Q. The reason that's provided here is:

21 "Gold has verbally informed me that on 8 August
22 Provost Marshal (Army) [that's Brigadier Neal] was
23 briefed on the IRT report and has verbally accepted the
24 recommendation held within. Therefore, in accordance
25 with the IRT report the outstanding actions be

1 sequenced. It's unlikely that the IRT report will be
2 formally endorsed during the next Gold group scheduled
3 for September 18."

4 Did you know what the recommendations of the IRT
5 were that Gold had spoken to the PMA about?

6 A. I don't know. I presume I would have seen a document or
7 something, the report. I don't know.

8 Q. Continuing the narrative if we may, can we look please
9 to divider 12 and to page 2, a Silver meeting held on
10 18 August and to entry 2. Silver Major Cox informed you
11 and others.

12 "Silver confirmed that IRT had carried out their
13 review and the Brigadier has verbally endorsed their
14 recommendations."

15 I pause: the Brigadier must be PMA Brigadier Neal?

16 "The Brigadier has verbally endorsed their
17 recommendations. He will formally endorse these at the
18 Gold group in September."

19 Do you remember now thinking to yourself either
20 I know what the IRT recommendations are or I want to
21 know what the IRT recommendations are?

22 A. Do I remember now?

23 Q. Yes.

24 A. No.

25 Q. I mean, if that information was provided in the meeting

1 in August, do you think it's likely that you would have
2 already been told what the recommendations were?

3 A. Yes.

4 Q. In terms of those recommendations, do you remember now
5 whether Northmoor had long to go?

6 A. No. I kindly refer back to what I have said more to do
7 with general feelings that I had that I detailed in my
8 statement that it felt like it was coming to an end and
9 perhaps every (unclear) you showed me today are the
10 reasons for that.

11 Q. Picking up then with the Silver meeting in September, if
12 we can look to divider 8 please, the second page, so
13 8.2, entry number 2:

14 "Silver confirms meeting recently had with Gold
15 yesterday and reported that the IRT report had been
16 endorsed."

17 In terms of this endorsement at Gold, at PMA and
18 then with Silver, at any point did you, as the deputy
19 SIO, want some involvement or engagement in whether the
20 IRT recommendations should be accepted?

21 A. I presume I would have wanted that but I can't recall.

22 Q. Silver reported that the key factor at present is
23 expediency. In terms of a quality assured
24 investigation, is "expediency" the best word to be used
25 to describe it.

1 A. Do you want me to give an opinion on that?

2 Q. Yes, please, since you are the deputy SIO and an
3 investigator.

4 A. I'm not anymore, am I -- an opinion now.

5 Q. You were.

6 A. Expediency is probably an unfortunate word and it
7 doesn't emote trust.

8 Q. Is there a risk that everyone is told that everything
9 needs to be with expediency that there's a sense of rush
10 being --

11 A. I can't recall that. I can't recall feeling rushed,
12 I can't recall rushing people to do certain things that
13 that might be that disconnect between what was happening
14 on the ground with the investigators and what we doing
15 and the way we perceived the investigation and what
16 people above Silver thought.

17 Q. How about the next entry:

18 "Silver confirmed that a hold on all unnecessary
19 activity, such as courses, has come into effect."

20 In other words, that if someone wants to undertake
21 a course in January, for example, that's no longer an
22 option?

23 A. Yes, I do recall that, yes.

24 Q. Might that suggest to those people that were looking
25 forward to courses in January that the end of Operation

1 Northmoor might be on the horizon?

2 A. Yes, and this could feed into that overall impression I
3 already alluded to and perhaps other had that and it
4 become a general feeling that things were coming to an
5 end or they wanted them to come to an end.

6 Q. And might that have an impact on morale and on the
7 confidence of investigators that their work's being
8 taken seriously?

9 A. I imagine it would. We managed -- well, I tried to
10 manage that with the seniors in my team to not convey
11 that to people and to ensure that the work that was
12 being completed, and I think they had the same mindset
13 and needed to be of a standard that would eventually
14 lead to someone being charged.

15 Sorry, sir, there was no sense of rushing at all
16 from what I recall in the way that police was carried
17 out. That could mean there was a disconnect in what was
18 happening Silver and above in the way that actions were
19 coming down, but when those actions were allocated, they
20 were never rushed and they were completed professionally
21 and properly.

22 Q. I certainly didn't seek to suggest that the work being
23 done by the investigators were not being done
24 professionally, I'm seeking to explore with your help
25 whether the information being cascaded down from PMA

1 through to Gold through to Silver was one that
2 expediency was the watch word of the day?

3 A. Understood, and it is there in black and white so I do
4 appreciate that.

5 Q. You've just mentioned the question of referral? Can we
6 just look on, please, to October of 2018 and if you
7 wouldn't mind to divider 19 and page 2. Another policy
8 file report and a decision log for Major Cox. In terms
9 of whether or not people are likely referred, in respect
10 on objective1 he recorded:

11 "All personnel will be treated as witnesses at
12 this time."

13 Then the reason:

14 "Whilst from the SIR, we have identified
15 potentially three of the shooters, following
16 consultation with Mr Kell, a lawyer at the office of the
17 DSP, they will be treated as witnesses until such time
18 as further evidence changes the situation. There are no
19 suspects at this time."

20 In terms of being able to get anyone referred, do
21 you at least have to have a suspect to start it?

22 A. You do, yes, and I do recall -- I don't know whether my
23 memories of the time have changed but I recall being
24 frustrated by that decision or the way that happened.
25 I can't describe it better than that, sorry.

1 Q. I mean, in terms of frustration, objective one was a DDO
2 in which there were nine deceased Afghan male and only
3 three AK-47s found. it was one of the DDOs that caught
4 the attention of the headquarters and was part of the
5 TTP review.

6 Given what you had been made privy to about the
7 conversation between N1799 and N1201, and given what you
8 had been told by N1466, were you comfortable with the
9 idea that identified shooters would not be treated as
10 suspects but would be treated as witnesses?

11 A. No, I wouldn't have been comfortable with that.

12 Q. Again, just to ensure that there is no misunderstanding
13 about the entry, if we look over to the next tab, which
14 you will find at divider 20, you see at 22 a further
15 entry on the same date recording:

16 "No suspect status will be designated at this
17 time."

18 And the reason:

19 "I currently do not have an accurate picture of
20 who did what on this operation and therefore cannot
21 assume suspect status to any one individual as yet.
22 This policy reflects the IRT assessment accepted by
23 Provost Marshal (Army).

24 In terms of that assessment, is that one that you
25 agree with?

1 A. I would say I don't agree with it. I mean, I can't
2 answer for Major Cox. I do wonder why he has made a
3 point of putting on there about reflecting the ILT
4 assessment accepted by PM army. But he has clearly
5 stated that on there. So I don't know.

6 Q. I mean, is there a sense that Major Cox has made sure
7 that there is a record of the rationale behind the
8 decision which points to somebody else's assessment
9 rather than his own?

10 A. Perhaps. That's the way I read that, yes.

11 Q. Can we jump ahead then, please, to 2019 which takes you
12 almost up to the end of your tenure because you left the
13 operation in 2019 and, indeed, then left the army soon
14 thereafter because you left the army ultimately in June
15 of 2019. But if we look please to the Silver minutes
16 for May 2019 behind divider 9.

17 A. Sorry, just to clarify, I left the army in January 2020.

18 Q. I do apologise. I have written that down wrongly.
19 Thank you.

20 A. What tab are we at, sorry?

21 Q. Sorry, the tab is 9, the page is 2.

22 Silver minutes for May of 2019, a meeting at which
23 you were present. We can see here that the PM visit had
24 been described, as has the deputy chief id the general
25 staff briefing at point 4.

1 "DCGS will be updated on Op Northmoor between 10
2 and 11 June. Silver warned off all members who were
3 expected to prepare a briefing."

4 In terms of the briefing, were you expected to
5 provide any sort of briefing to DCGS?

6 A. I can't recall doing so and I can't see my name on
7 there.

8 Q. At that time, in so far as there were any outstanding
9 lines of enquiry to be pursued, are you aware of any
10 that were still outstanding or can you not remember at
11 this remove?

12 A. I can't remember at this remove. I would assume there
13 was but I can't remember.

14 Q. It certainly records here, if we look to entry number 5:
15 "That a further team will deploy to Afghanistan in
16 order to recover witness statements from members of the
17 APU as soon as practicable."

18 So it would seem that there were still enquiries
19 being conducted and enquiries that were going to take
20 some of Team 1 overseas to Afghanistan.

21 A. Most certainly, yes.

22 Q. That's notwithstanding the IRT recommendations in so
23 far as potential suspects or the future of the
24 investigation are concerned?

25 A. No.

1 Q. Now, May takes you almost then to the end of your time
2 as deputy SIO for Team 1 of Operation Northmoor.
3 Looking back now at the near year that you spent working
4 within that team, how did you feel that that was as the
5 sort of sign off for your military career?

6 A. I think what has happened today is that's reinforced the
7 way I felt at the time, that there was -- I wasn't there
8 as a deputy SIO. I wasn't fulfilling the role as a
9 deputy SIO. It took me some time to find my place
10 within Op Northmoor. I tried to find meaning within
11 that -- my placement there. The team worked hard and
12 I worked hard with the team to produce the best police
13 work we could, to follow up lines of enquiry, to you --
14 you know, to approach every sort of avenue of that
15 investigation that was cascaded down us in the best
16 possible way. But there was no upwards movement with
17 decisions; it was all down. And that was from my rank
18 as a deputy ISO, which perhaps should be that first push
19 up, that first disagreement, whether it's mine of the
20 investigators below me, and from me down there was no
21 bush back up. There was no disagreement with that
22 direction coming down from Gold.

23 The way I feel about it now is that's because of
24 the -- the way it was arranged, the way Northmoor was,
25 it didn't invite that sort of input from investigators.

1 As I already explained, Major Cox did try to or he did
2 invite discussion. But discussion isn't the same as
3 giving also input that is then acted upon. It is just:
4 this is what we think, sir; this is what we've done;
5 this is how we would approach this. Major Cox would
6 then listen very carefully to what people were saying
7 and then do what was cascaded down to him. That's the
8 way I perceived it.

9 Q. In terms of trying to ensure that that's not a situation
10 that's repeated, you've described this feeling of
11 outside influence or pressure being brought to bear and
12 you've not been able quite to put your finger on it.
13 But the RMP is identified as being independent of the
14 chain of command and that's one of the integral tenets
15 as to how it operates.

16 In reality, is that how it is able to operate or
17 does the chain of command still have some influence over
18 the RMP?

19 A. I think what this demonstrates, perhaps, is
20 investigators, lance corporals, corporals, sergeants,
21 staff sergeants, WO2s, they approach investigations with
22 that mindset without, you know, to use the term without
23 fear or favour, follow the evidence where it goes, no
24 matter what the rank is or the person or what the
25 circumstances are, following the rule of the law and

1 that absolute authority.

2 I think it's been demonstrated that my knowledge
3 of what happened above that, and that would perhaps be
4 above the rank of major, is limited and I do not know
5 what pressures and how the wider army works in that
6 respect, and I think that is shared by a lot of
7 investigators perhaps. That's my view on that.

8 When I look at the notes there from the DCGS, et
9 cetera, which was surprising to me, that is something
10 which I have no party to and people on my rank at that
11 time wouldn't. We just focus on the investigation and
12 doing what we need to do. There would have been perhaps
13 other people shared that same sort of disappointment,
14 disillusionment perhaps, that I had at my time during Op
15 Northmoor but I was careful not to convey to people.
16 Perhaps other people conveyed that -- acted in that
17 manner, sorry.

18 When we look at the IRT, sort of where they say
19 everything is fantastic, morale is high, perhaps that is
20 because people were presenting that way because that's
21 what we used to do. We work in difficult circumstances
22 and we just get on with it. So perhaps that's what was
23 happening there.

24 But you would have to obviously speak to other
25 investigators of similar rank to me to really understand

1 that.

2 Q. It may be inevitable that in a hierarchical structure
3 there are decisions that are taken that are above a
4 certain individual's position and they may not be able
5 to be privy to those decisions. But in terms of trying
6 to explain how decisions get cascaded down into
7 directions or requests for action, do you think it would
8 have been beneficial to the investigators if greater
9 explanation had been given or if there had been greater
10 debate encouraged as to how or why things would take
11 place?

12 A. Most definitely, yes. I know we model or we -- sorry,
13 when I was in the service, we did model ourselves on
14 Home Office police forces and the way I understand is
15 how that would be done more so. But I have no
16 experience obviously of being an investigation in that
17 respect. Definitely more communication top-down would
18 have helped and that perhaps would have facilitated
19 communication from the bottom up.

20 Q. Just picking up then on that last point and the
21 experience that you didn't have of a Home Office police
22 force but the efforts of the RMP to model itself on a
23 Home Office police force, in any way do you think that
24 there would be greater benefit if there was closer
25 co-operation or interaction between Home Office police

1 forces and the RMP? I don't mean simply by way of a
2 review body or an advisory body, as in shared joint
3 investigations?

4 A. Most definitely. The (unclear) thing I had all through
5 my career was that we model ourselves on civilian police
6 forces, then we should be training with them, we should
7 doing attachments with them.

8 Major Cox, I don't know if he shared that view
9 because he put me on a detachment with the NCA when I
10 was in 32 section and that was a CSI crime scene
11 photographer for NCA operations. So I presume he at
12 that stage had a similar view that those attachments to
13 civilian police -- working alongside civilian police can
14 only help us or help the SIB at the time. I think that
15 should be moving forward.

16 I'm very much removed from the SIB now and
17 I understand there have been huge changes during the time
18 I've been away, formed another unit, et cetera. I've
19 deliberately not taken an interest in that because I've
20 moved away from that world. But I do understand things
21 are quite different now and I hope that's a positive
22 when it comes to professionalising and training with
23 civilian police. I hope that's really took off but I
24 don't know.

25 Q. We have had some assistance in that regard from then

1 Colonel Rotchell, now Brigadier Rotchell, who was able
2 to assist us with history of the RMP and to touch on the
3 development of DSCC.

4 A. Right.

5 MR GLASGOW: Sir, would you mind my back for a moment while
6 I just check something.

7 Sir, there's nothing further that I would like to
8 ask Mr Williams. I don't know if you have any questions
9 for him, sir.

10 SIR CHARLES HADDON-CAVE: I don't, Mr Glasgow, thank you.

11 Mr Williams, can I thank you very much indeed for
12 coming to give evidence and can I thank you very much
13 for the very careful and clear way in which you have
14 answered all Mr Glasgow's questions.

15 A. Thank you sir.

16 SIR CHARLES HADDON-CAVE: You are free to go now. Thank
17 you.

18 MR GLASGOW: Sir, in terms of progress this afternoon, I am
19 afraid that I have trespassed further into the afternoon
20 than I had meant to. We do have another witness who we
21 had hoped to call but I am confident that we will not
22 manage to call her in what is left of the afternoon and
23 I understand, quite naturally, she would prefer that she
24 could give her evidence in one piece rather than being
25 split between today and possibly Thursday this week or

1 even later. So unless everyone's got a burning desire
2 to sit until 6.00, I think I would quite like to invite
3 you to rise today and that we will put in arrangements
4 -- we've already spoken to the witness in question and
5 she has changed plans, if necessary, to be available on
6 Thursday, which was the day we weren't going to sit but
7 we do have the rooms available.

8 SIR CHARLES HADDON-CAVE: Okay, Mr Glasgow. Can you please
9 thank the witness for me, apologise for the
10 inconvenience and we will slot her in on Thursday
11 commenting at ...?

12 MR GLASGOW: Can I give everyone an update on the time. I'm
13 not sure whether we can start first thing at 10.00 -- I
14 do need to check -- but I anticipate if we can make a
15 start by about 11, then we would still close her
16 evidence before lunch.

17 SIR CHARLES HADDON-CAVE: And that accords with Mr Martin's
18 view as well, doesn't it? Thank you very much.

19 Good. Well, thank you, Mr Glasgow. We will
20 adjourn now please until tomorrow morning. I will just
21 say something tomorrow morning in the's arrangements.
22 We will reconvene at 10.00 tomorrow. To give effect to
23 restriction orders that I have made, I have directed
24 that special measures will be in place tomorrow. Both
25 of tomorrow's witnesses will give evidence from a remote

1 location. In the case of the first witness, N73, the
2 video feed will be available as to myself and counsel
3 to the Inquiry alone. Those in this hearing room would
4 hear the audio feed of N73's evidence and those not in
5 this hearing room, including those watching the
6 ten-minute delayed stream of proceedings, will see N73's
7 transcribed evidence only.

8 In the case of the second witness, Mark Dempster,
9 Mr Dempster will be screened when he provides evidence.
10 Those within this hearing room will be able to view the
11 live video feed. Those not in this hearing room,
12 including those watching the ten-minute delayed stream
13 of proceedings, will hear the audio feed only.

14 We will adjourn now please until 10.00 tomorrow
15 morning. Can I thank everybody in the team for the
16 arrangements that have been made for this hearing today.
17 Can I thank everybody for their quiet attention and can
18 I thank you again, Mr Williams, for coming to give
19 evidence.

20 All right, 10.00 tomorrow please.

21 **(3.25 pm)**

22 **(Adjourned until 10.00 am the following day)**

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