

Friday, 16 October 2026

1

2 (10.45 am)

3 SIR CHARLES HADDON-CAVE: Good morning. Thank you very much
4 indeed for coming to give evidence to me and the Inquiry
5 team. Thank you very much for your very detailed
6 witness statement, which I have read carefully.

7 This isn't in any sense a memory test, so counsel,
8 leading counsel Mr Polnay, will help take you to those
9 bits of your evidence which are particularly pertinent.
10 We've got plenty of time today. We will take breaks.
11 All right?

12 THE WITNESS: Yes, sir.

13 SIR CHARLES HADDON-CAVE: Thank you.

14 Could the witness be sworn, please. Thank you.

15 **COLONEL ROBERT HUNTER MORRIS (affirmed)**

16 SIR CHARLES HADDON-CAVE: Thank you. Mr Polnay.

17 **Examined by Counsel to the INQUIRY**

18 MR POLNAY: State your full name, please.

19 A. Robert Hunter Morris.

20 Q. Colonel Morris, I am going to be asking you some
21 questions today about your involvement in
22 Operation Northmoor.

23 Now, you have provided, I think, two witness
24 statements to the Inquiry; is that correct?

25 A. That's correct.

1 Q. One dated 24 July running to, I think, some 89 pages,
2 and a further witness statement of 1 October 2026; is
3 that right?

4 A. That's right.

5 Q. You also provided with those witness statements, or
6 certainly the first one, quite a large number of the
7 exhibits or documents that you refer to, and we've got
8 those in the bundle.

9 You will appreciate that witness statement will
10 stand as part of your evidence, and those documents, and
11 they will be published on the Inquiry website in due
12 course. And so you understand, it's just some of those
13 documents and parts of that witness statement I'm going
14 to ask you about in your evidence today.

15 A. Yes.

16 SIR CHARLES HADDON-CAVE: Can I just pause for a moment.
17 I have left my witness statement.

18 Emma, can you get the red file from next door,
19 please. Thank you very much. Forgive me.

20 *(Pause)*

21 Mr Polnay, forgive me.

22 MR POLNAY: Thank you.

23 Colonel Morris in your conclusion to the first
24 witness statement, you say that, within the constraints
25 that were existing, you believe Operation Northmoor was

1 a comprehensive investigation, and you consider that
2 Operation Northmoor was conducted effectively.

3 As a summary, does that remain your view?

4 A. Based on what I've seen, I think perhaps not, no.

5 Q. Right.

6 A. I think based on what you have given me to view and
7 documents, I think perhaps it wasn't -- even though we
8 had a lot of constraints, perhaps it wasn't done as
9 effectively as it could be.

10 Q. Those are the two key topics, the comprehensiveness and
11 the effectiveness, that I am going to be asking for your
12 help with today, please.

13 I'm going to start, please, just with your help,
14 so that the Chair and the public understand a little bit
15 of your background.

16 Document-wise, you have got your witness statement
17 in front of you. I will let you know which paragraphs
18 I'm going to so you can follow along and refer to parts
19 if you want. The first part I think I will be familiar
20 to you.

21 I think you were commissioned into the Army
22 in 1990; is that right?

23 A. That's correct.

24 Q. That's pretty much straight out of higher education?

25 A. That's correct.

1 Q. And you were commissioned into the Gloucestershire
2 Regiment, I think then known as Glosters?
the
3 A. Yes.
4 Q. That is an infantry regiment?
5 A. Yes.
6 Q. And you were an infantry officer?
7 A. That's correct.
8 Q. Now, you were promoted to captain, and you left the Army
9 in 1996. I think you explained in your witness
10 statement that you couldn't convert your commission from
11 short service to regular service. And for those of us
12 who may not be as familiar as you will be with the
13 different types of commissioning, can you just explain
14 in a sentence what that --
15 A. In the Glosters you were commissioned on a short service
16 commission, which -- ordinarily it was up to eight years
17 at that point, back in the early '90s, and then it was
18 a stepping stone on to a regular commission, which would
19 give you a full career up to 55.
20 The Glosters amalgamated in 1994 with another
21 regiment, it has become the Royal Gloucestershire,
22 Berkshire and Wiltshire Regiment. Two regiments coming
23 together meant there were less opportunities for regular
24 commissions for -- you know, all the officers coming
25 together.

1 So, at that point, didn't convert, and so I left.
2 I could perhaps looked to have transferred at that
3 point, but I decided not to, so I left the Army.
4 Q. You pursued, as you set out, some other opportunities.
5 I think you set out you worked in business in London and
6 you travelled and I think worked in Australasia and
7 Southeast Asia, and you, perhaps of slightly more
8 relevance to where we are, I think in February 1999 you
9 joined the British Transport Police; is that right?
10 A. That's correct, yes.
11 Q. You worked at BTP I think from February '99 to
12 November 2000, so around 21 months or so?
13 A. That's correct.
14 Q. Again, just in a few sentences, can you just provide an
15 idea of what you did.
16 A. So I was a probationary police constable for that period
17 of time, so operational on the London Underground.
18 Q. So --
19 A. I had a patch, a beat, that I went through. So I went
20 through probation, so I was an operational police
21 officer on the Underground, dealing with crime as it
22 arose on the Underground.
23 Q. Fine. So, not as a detective?
24 A. No.
25 Q. But I would imagine, if you arrested someone, you would

1 need to take witness statements?

2 A. We went through the whole -- yes, yeah.

3 Q. An operational police officer.

4 For completeness, and as you mention, that you

5 were selected for the accelerated promotion scheme at

6 BTP, though in fact I think you never started that

7 scheme because you left BTP and rejoined the Army; is

8 that right?

9 A. No, I did start on it, as in it was a nationwide -- so

10 it wasn't a BTP scheme, it was a nationwide scheme that

11 I was selected for as a BTP officer. So I started the

12 process in as much as I was preparing towards also

13 looking at the sergeant's exams, up to the point -- at

14 the point that I was leaving, and I had a mentor as part

15 of the programme.

16 Q. Thanks for the explanation.

17 You rejoined the Army. However, you didn't rejoin

18 as an infantry officer, you joined the RMP; is that

19 right?

20 A. That's correct.

21 Q. Why?

22 A. So at that point, in 2000, the RMP were advertising in

23 the Police Review magazine for individuals like myself,

24 who had prior commission service and had experience as

25 a police officer, to rejoin the Army and transfer to

1 the RMP. Because at that point I think there was an
2 issue with RMP officer manning numbers. So there were
3 about six of us, so I think -- went through that process
4 and rejoined the RMP -- or rejoined the Army and
5 transferred across to the RMP.

6 Q. So, picking up then, you are in the RMP, and you set out
7 that whilst you were in the RMP you completed RMP
8 officer career courses?

9 A. Yes.

10 Q. In fact you list at some point --

11 A. Sorry, could you just confirm which paragraph we're on.

12 Q. Yes. I'm at the end of paragraph 10, which is on --
13 yours says -- do you see the numbers at the very bottom,
14 that say 11 dash -- I'm going to use those
15 numbers because they're easier.

16 A. Okay. Thank you very much.

17 Q. 11-5. You set out those would have been in respect of
18 the management of investigation roles rather than
19 conducting investigations.

20 A. Yes.

21 Q. Can you just explain the difference between the two.

22 A. So, coming back in as a captain and then promoting to
23 major, I would -- as a company commander, I would have
24 been responsible for the level 1 investigations that my
25 GPD company did, but I wasn't necessarily conducting

1 those investigations.

2 Q. I'm sorry, just to translate, if I may, some of the

3 abbreviations.

4 GPD is general policing duties, so not SIB, which

5 is DID.

6 A. Yes.

7 Q. And level 1, that's the more basic investigations.

8 A. Correct, yes.

9 Q. For example, fighting, stealing?

10 A. Yes, that type of stuff.

11 Q. That sort of thing?

12 A. Yes.

13 Q. Sorry, go on. I interrupted you.

14 A. So -- and then there was a management of investigations

15 course that we did as company commanders, I recall.

16 Q. So, to be clear, you are responsible for the people

17 conducting the investigations. You would have, what,

18 a management or a review function?

19 A. Yes, so there would have been a case -- so, in a general

20 policing duties company, there would have been

21 a policing element, run by a policing captain, with

22 various members of staff from NCOs, and they would have

23 been responsible for collating the -- or making sure the

24 progress of the investigations. And then there would

25 have been a weekly or a monthly review that I would have

1 conducted alongside the policing captain.

2 So it was a review of our ongoing investigations:

3 where we're at, what delays there were, what did we need

4 to do. So that type of function.

5 Q. We're going to, I'm jumping forward a bit to

6 Operation Northmoor. And by the time you started on

7 Operation Northmoor, I think, and you confirm this at

8 paragraph 31, you didn't have any SIB investigative

9 experience; is that right?

10 A. Correct, yes.

11 Q. Is it your view, notwithstanding not having SIB

12 investigative experience, and perhaps it's fair to say

13 limited direct investigatory experience, that you felt

14 that you were confident that you had the level of

15 training, skills and experience to effectively fulfil

16 your role in Northmoor?

17 A. As AH Northmoor or previously as Deputy Provost

18 Marshal --

19 Q. Any of your roles.

20 A. No, I think I -- yeah, absolutely I did, yeah.

21 Q. Thank you.

22 In fairness, just for the context to that, you

23 point out in your witness statement that you didn't

24 hold, lead or direct investigative matters in Northmoor?

25 A. That's correct, yes.

1 Q. That's a point we'll come on to in a bit, if I may.

2 So, in terms of the Army, we've heard from other
3 witnesses that it's quite typical for officers to change
4 their roles every two years to gain experience. And was
5 that your general experience as well?

6 A. Yes. So I think it's extended. Certainly towards the
7 end of my time, my last tour was up to three years. So
8 things were changing. There would be extended tours for
9 certain roles. But in the main, yes, every two -- two
10 or three years. I changed sometimes more quickly than
11 that. So the first job I did when I came back in I did
12 for about 13 months, and then I was moved on to another
13 job.

14 Q. Now, one of the things that you observe, and I think you
15 comment on this later on in your witness statement in
16 relation to that, as Alan Pughsley, the Inquiry's
17 policing expert said, is you noted that there's this
18 usual career rotation.

19 A. Yes.

20 Q. And you said this is for career reasons, to allow
21 individuals to build up experience in certain ranks to
22 allow them to be competitive for promotion, and this
23 moving around this norm of the Army. And the phrase you
24 put is it's the needs of the overall Army that come
25 before the needs of individuals.

1 A. That is the binding principle for postings. So Military
2 Secretary is a two-star officer who is in charge of
3 postings, promotions, assignments, et cetera. There is
4 a binding -- what is known as the binding -- what's
5 known as the binding MS principle, certainly was when
6 I was -- that the needs of the service come first, the
7 needs of the individual come a close second.

8 Q. In the context of a serious and complex investigation,
9 as Northmoor was on any view of it, what about the needs
10 of the investigation?

11 A. Yes, I'm not sure how many -- how people -- how many
12 people moved around, how quickly they moved around.
13 I haven't got sight of that. But certainly the first
14 SIO was in post for, I think, four years. But,
15 absolutely -- and it was a point observed whenever we
16 were looked at by external agencies. So we had an
17 inspection by His Majesty -- Her Majesty's Inspector, at
18 the time, Her Majesty's Inspectorate of Constabulary,
19 and policing, and that was one of the points, that we
20 seemed to rotate much more quickly than they did in
21 civil policing.

22 Q. I mean, one of I -- think evidence we've heard is that
23 it would be unusual in civilian policing --

24 A. Yes.

25 Q. -- for people holding significant roles, for example,

1 Gold or Silver or SIOs, to move.

2 A. Yes.

3 Q. But that wasn't the case, is it fair to say, in the --

4 A. No, I think it is still -- it was still a military

5 structure and we were still following the military

6 posting rules.

7 Q. And those perhaps used differently, soldier first?

8 A. No, not necessarily -- not necessarily soldier first,

9 but there were certain -- in order to -- not

10 disadvantage an individual for future promotion, there

11 was a movement of people around in different ranks --

12 sorry, in the same rank, to get different experience, to

13 make them -- to enable them to be competitive for

14 a promotion.

15 So it could be seen -- if somebody's in a post for

16 a prolonged period of time, that could be seen as

17 a disadvantage to them in terms of their career

18 progression. I don't know whether things have changed.

19 I left the Army five years ago. I suspect that in key

20 technical posts that has changed.

21 Q. Perhaps that's a topic we will pick up with another

22 witness.

23 Returning to you and your career structure or your

24 career progress, I think you set out you rejoined the

25 Army I think it was in --

1 A. December 2000.

2 Q. December 2000. And you were promoted in 2003 to major.

3 A. Yes.

4 Q. And 2010 to lieutenant colonel. And 2015 to full

5 colonel; is that right?

6 A. That's correct, yes.

7 Q. That's a quick to very quick progression in the Army,

8 would you agree?

9 A. Not necessarily, no. But don't forget, I had had

10 previous experience, and when I came back in I was in

11 a certain position, so I'd, you know, previous six and

12 a half, seven years' experience I had, that -- that

13 would have still counted as I looked to be eligible for

14 promotion to major and then on to lieutenant colonel.

15 Q. Thank you very much.

16 Now, one of the questions you were asked to answer

17 by the Inquiry in your witness statements, and this was

18 in a document called a Rule 9 request, was to set out

19 a brief summary of your service history. Now, I'm only

20 asking about the first witness statement for a moment,

21 and I'm going to, of course, deal with the full picture.

22 Your first witness statement, though, I think

23 contains no reference, does it, to the fact you were the

24 senior UK military police officer in Afghanistan for

25 a period during the Inquiry's terms of reference; is

1 that right?

2 A. That's correct, yes.

3 Q. Was there any particular reason why that was not in the

4 first witness statement?

5 A. I believe that must have been oversight on my behalf.

6 I certainly wasn't trying to hide the fact. I believed

7 it was already common knowledge that those of us who had

8 been Provost Marshal in Afghanistan had previously been

9 given in evidence.

10 Q. I am going to complete the picture in relation to that,

11 and you may not be aware of all of the sort of detail

12 that lies behind it.

13 On 5 August of this year, your solicitor wrote to

14 the Inquiry stating that, following a meeting that they

15 had had with you, it came to your attention that you

16 didn't raise the fact that you were the Provost Marshal

17 in Afghanistan, and, the way it's put, in the interests

18 of transparency you wanted to make the Inquiry aware of

19 that.

20 There then followed some further correspondence

21 where the Inquiry requested that you provide

22 a supplementary witness statement covering your role as

23 Force Provost Marshal in Afghanistan. And in fact that

24 is what you did; is that right?

25 A. That's correct.

1 Q. So we're going to turn to that witness statement now.
2 I am going to deal with it only in one chunk, which is
3 why I have not pulled it out of the bundle for you. You
4 have two red folders in front of you. Hopefully one
5 has got, "1" written on it and one has got "2" written
6 on the front it.

7 A. Yeah.

8 Q. It's file 2, please, tab 53, where we should have this
9 witness statement that you gave.

10 A. Thank you.

11 Q. So this is your witness statement of 1 October, which
12 deals with exclusively your Afghanistan role, yes?

13 A. Yes.

14 Q. Now, as you set out at paragraph 3 on page 2 of this
15 witness statement, you were the Force Provost Marshal in
16 Afghanistan from -- that's what FPM stands for, isn't
17 it?

18 A. That's correct.

19 Q. From 13 December 2010 to 13 June 2011, and that made you
20 the senior UK military police officer in Afghanistan; is
21 that right?

22 A. That is correct.

23 Q. Now, there's lots of different types of responsibility
24 that you had. One of them -- there's three I want to at
25 least touch on.

1 A. Sure.

2 Q. At page -- and it's 53-5, I am using the numbers at the
3 bottom, at paragraph 8, you conducted SIRs; is that
4 right?

5 A. That is correct.

6 Q. And just to be clear, the shooting incident reports, did
7 you conduct them for -- you say you conducted them for
8 conventional forces.

9 A. Correct.

10 Q. Would you have conducted those for Special Forces?

11 A. No.

12 Q. Thank you.

13 The next point is detention.

14 A. Yes.

15 Q. So there were two temporary -- sorry, theatre holding
16 facilities, and we've heard quite a bit about the two of
17 them, one in Bastion, one in Kandahar?

18 A. Sorry, there were actually -- during my tour, the second
19 one, in Camp Bastion, was set up as well, so there were
20 two in Camp Bastion.

21 Q. Sorry, two in Camp Bastion and one --

22 A. One in Kandahar.

23 Q. Thank you very much. And they're manned by Military
24 Provost Staff?

25 A. Yes.

1 Q. And their speciality is detention; is that right?

2 A. That is correct.

3 Q. You had OPCON -- which is a phrase we've heard a few

4 times, "operational control" -- of those facilities; is

5 that right?

6 A. That is correct.

7 Q. And, to be blunt, that meant you were responsible for

8 the work two ways?

9 A. Absolutely, yes. I could give them missions.

10 Q. And as you set out quite correctly, if I may say, and

11 explicitly, at paragraph 10:

12 "... the Directive provided to [you] ... made

13 clear that [you were] responsible for the safety of UK

14 Detainees once they had arrived [there]."

15 A. Correct, arrived in a temporary holding facility.

16 Q. Absolutely.

17 Now, moving forward, and not necessarily by a huge

18 number of years, you had a number of roles in

19 Operation Northmoor; that's right, isn't it?

20 A. That is correct.

21 Q. One of them actually had the title Assistant Head

22 Northmoor?

23 A. Yes.

24 Q. We've already heard evidence that Northmoor was split

25 into three teams which had different responsibilities,

1 and Team 2 was responsible for detainee abuse
2 allegations; is that right?

3 A. That is correct, yes.

4 Q. Now, at least some of those allegations must have
5 related to the period where you were the Force Provost
6 Marshal?

7 A. I presume they must have done, yes.

8 Q. So can I make it clear, this Inquiry is not looking into
9 those types of allegations. They are not within our
10 terms of reference. So that's why I only take a couple
11 of steps into this. But given you were responsible for
12 those detainees, did you think it presented a conflict
13 of interest or an issue in relation to transparency in
14 you holding a role in relation to Operation Northmoor?

15 A. No, I don't, because the Provost Marshal was aware and
16 the investigatory team were aware. And in terms of the
17 allegations of abuse, they were raised in the temporary
18 holding facility. So, the way the process worked, when
19 a detainee arrived at the temporary holding facility,
20 they were asked whether they have any issues to raise,
21 and if they were raised in terms of allegations of abuse
22 prior to getting to THF, then we would be made aware.

23 Similarly, when they left the THF, when they were
24 either transferred across to the National -- NDS,
25 National Directorate of Security, or released, they were

1 asked as part of the outgoing whether they had any
2 complaints to make, and if they did then those so would
3 have been recorded and looked at at the time.

4 So they would come to me, I would pass them to the
5 end of theatre SIB section, and also I had to report
6 back to PJHQ any allegations. So any allegations of
7 abuse within -- within the period of detention during my
8 tour would have been raised.

9 Q. I'm not suggesting for a minute that they weren't raised
10 but I suppose what I'm asking about is, on your
11 evidence, not only were you responsible for what
12 happened, and any pattern might be something you would
13 be asked about as someone who was responsible for it,
14 and secondly, you were part of the actions that occurred
15 after the allegations.

16 A. But in terms of the process I wasn't involved in the
17 process of discontinuing allegations for Team 2.

18 Q. Well, can I just pick up on something you said just
19 a bit earlier in relation to that. You said the Force
20 Provost Marshal was aware of your previous role.

21 A. Sorry, the Provost Marshal.

22 Q. Sorry, the Prov --

23 A. Yeah. So when I came into post, both as DPM
24 (Investigations & Policing), then AH Tech, he -- he
25 would have been aware of my time as Provost Marshal.

1 Q. Now, one of the things that you did, as we will hear, in
2 Northmoor, is you sat on the Gold group, the strategic
3 command group for Northmoor.

4 A. Correct.

5 Q. Which did have strategic direction and oversight of,
6 including other things, Team 2.

7 A. Yes.

8 Q. Was everybody on that group aware of your previous role?

9 A. I believe so.

10 Q. Now, in some circumstances, certainly now in meetings
11 people are asked at the start of meetings to say -- to
12 declare any conflicts of interest for the purpose of
13 transparency, just so it's on the record. I appreciate
14 we've already got many, many pieces of documentation in
15 this Inquiry. Would there be any sort of document in
16 existence that would show that that was in fact drawn to
17 the attention of the Gold group?

18 A. I can't confirm. I really don't know.

19 Q. Can I ask you about one other matter relating and
20 arising out of your role in Afghanistan. The DDOs being
21 looked at by the Inquiry, some of the detainees that
22 arose out of that would have gone through the facilities
23 that you were responsible for.

24 A. Yes.

25 Q. I think as you set out. And one of the things that you

1 point out explicitly in your witness statement is one of
2 the matters that you do recall from that; is that right?

3 A. Yes.

4 Q. The way you put it in this witness statement at
5 paragraph 15 you say:

6 "I cannot recall directly, and I am not sure to
7 what extent by memory is now being informed by the
8 knowledge I acquired since I was part of Op NM, but I do
9 have a recollection of one relevant DDO involving four
10 EKIA, which stood out to me at the time due to the
11 number of EKIA."

12 Now, is there anything more you recall about that
13 particular DDO?

14 A. No, because it would have been -- the circumstances of
15 how the detention occurred would have been laid out as
16 part of the presentation to the detention review
17 committee.

18 Q. So you would have seen relevant documentation at the
19 time?

20 A. Not all of it. It would have been -- it was verbally
21 briefed, to the DRC.

22 Q. You would have received information --

23 A. Yes -- sorry, yes, I would have.

24 Q. I'm not saying you would have received every document or
25 been expected to read it.

1 Now, during the period that you were the FPM in
2 Afghanistan, one of the DDOs that took place was
3 Objective Tyburn. Is that something you are now aware
4 of?
5 A. Yes.
6 Q. That's a DDO that took place in February 2011.
7 A. Yes.
8 Q. And in that DDO it's recorded that there were four EKIA.
9 A. Yes.
10 Q. Now, that objective led to the litigation in the case of
11 Saifullah and also involved a potential witness,
12 Mr Mohammed Bang. Now, that incident was at the centre
13 of what Team 1 was looking at.
14 A. Yes.
15 Q. You agree with that?
16 A. Agree, yes.
17 Q. Did that concern you, that you had some personal
18 knowledge of what was reported had took place on the DDO
19 and in relation to Mr Saifullah and Mr Bang?
20 A. Sorry, concern me in what way and when --
21 Q. So you're an Op Northmoor, you are saying: we've got
22 this whole team, with all these -- we're going to hear
23 these huge briefings involving all of the Army.
24 We know now you're thinking: right, four -- at the
25 time, there's certainly four EKIA. Did you join the

1 dots, and think: hold on, this whole thing that we're
2 looking at, I might be a witness or I might have
3 personally relevant information?

4 A. I would have raised it to -- certainly I would have
5 raised it to the investigating team, that that had
6 occurred during my time as the Force Provost Marshal.

7 Q. Right. You say "I would have raised it", I think. Did
8 you raise it? Are you saying you did?

9 A. I'm sure I did.

10 Q. Are you able to recall the person to which you raised
11 it?

12 A. Probably the Gold at the time.

13 Q. Would that be the Gold at the start?

14 A. Yes.

15 Q. Lieutenant Colonel McAllister?

16 A. Yes.

17 Q. Now, not suggesting there's anything as -- we obviously
18 live in an imperfect world and there aren't unlimited
19 resources and there aren't unlimited officers, but one
20 of the things that we know that the Provost Marshal was
21 concerned about was independence and transparency at the
22 start of Operation Northmoor.

23 A. Okay.

24 Q. I can take you to some documents. Did you think that
25 your involvement with Operation Northmoor, because of

1 your, let's even say, indirect involvement with the
2 matters in relation to Team 2 and Team 1, at the lowest
3 that wasn't ideal, was it?

4 A. It wasn't ideal in that I was in post or that it wasn't
5 made more apparent of --

6 Q. Well, that you had some involvement or responsibility in
7 relation to the subject matter of Team 2 allegations and
8 potentially some knowledge in relation to the heart of
9 Team 1?

10 A. But the knowledge was restricted to it was raised rather
11 than -- so any shooting incident reports for Special
12 Forces went -- didn't come through me. So I wouldn't
13 have seen any of the detail of that.

14 Q. Would you accept that might give rise to at least
15 a perceived conflict of interest?

16 A. Yes, absolutely I can accept that, yes.

17 Q. All right.

18 I'm going to move on, please, from this topic, and
19 go on to Northmoor. Now, in 2015 -- so this is a bit
20 after your return from Afghanistan -- you became, and
21 this is I think your first job as a colonel, the Deputy
22 Provost Marshal (Investigations); is that right?

23 A. That's correct.

24 Q. And as everything has an abbreviation in the Army,
25 that's DPM --

1 A. (Inv & Pol).

2 Q. Thank you.

3 So that made you the lead for investigation and

4 policing policy and doctrine for -- and for the

5 oversight of investigations. And if you want the

6 reference, it's paragraph 17, page 11 of your witness

7 statement where I'm looking from.

8 A. Yes.

9 Q. So, in that role, was that effectively you are the

10 professional head? You are in charge of investigations?

11 A. On behalf of the Provost Marshal. The Provost Marshal

12 would have been the professional head.

13 Q. Of course. He is overall in charge. But in terms of

14 investigation?

15 A. Investigations and policing policy.

16 Q. That's where you are?

17 A. Yes.

18 Q. Now, one of those duties that you had, and I'm not going

19 to read all of them out because there's obviously lots

20 of responsibilities, but one of the responsibilities you

21 set out, it's right at the bottom of that page, is you

22 had oversight and surety of RMP investigations as well

23 as monitoring performance, through continuous

24 assessment, of military police investigations.

25 Now, can you explain what that entailed in

1 a sentence or two.

2 A. So the Inv & Pol branch was made up of myself, as the
3 head, S01, so staff officer grade 1, lieutenant colonel,
4 was John McAllister at the time, had an S02, major, S03,
5 captain, and a warrant officer. We dealt with the
6 policy and doctrine side of it.

7 And then there was an assurance and standards
8 branch, or sub-branch. So there were two. There was
9 a retired Royal Navy Police officer and a warrant
10 officer, and they would conduct what's known as
11 technical evaluations, so tech eval. So, in terms of
12 the surety piece, that's where it came from. And then
13 we led back -- we fed that back into a "lessons
14 identified".

15 Q. So if I can put it bluntly, one of your responsibilities
16 is oversight and surety of investigations?

17 A. Yes.

18 Q. So, I think as you have very candidly set out, actually
19 doing investigations is something that you didn't really
20 have experience of.

21 Did that present an issue or not?

22 A. Well, no, because by the time the issue -- so I wasn't
23 looking at the investigations unless there was
24 a particularly -- a particular issue with an
25 investigation that might come to light, and then it was

1 then in order to brief the PM. So the oversight and
2 surety was done on my behalf, and then on behalf of the
3 Provost Marshal.

4 So in terms of -- sorry, in terms of the -- it
5 wasn't a central criteria of that post to have directly
6 worked in the SIB. It was a preferable. It wasn't
7 essential. It was probably desirable. So, prior to
8 going into post, I did the serious investigations course
9 in order to help me prepare.

10 Q. From a civilian policing perspective, it might be
11 thought pretty unusual that you will have someone who is
12 at least responsible for oversight and surety of
13 investigations who doesn't have anything less than
14 extensive or very extensive experience of conducting,
15 leading and managing. Do you think that's a weakness of
16 the structure or not?

17 A. I don't think it is because it's -- you know, we're not
18 a civil police force. We are established as a military
19 police force, with military establishment. It was not
20 unusual for previous incumbents in that post not to
21 have a high level of SIB experience. Some of them may
22 have been -- may have done an SIB familiarisation course
23 as a captain years before and they would have gone
24 through that course that I went through. So, by doing
25 the course close to going in -- so, no, it wasn't -- it

1 wasn't seen as unusual.

2 Q. I'm not saying for a minute that your appointment in
3 that, with the experience you had, was anything out of
4 the ordinary. I suppose if I can put it this way, let's
5 say that a file came up to you, "Sir, we've got -- an
6 issue has arisen in relation to this investigation", and
7 you are given access to the computer file and you are
8 looking through it. There might be something, such and
9 such was said in interview, that if you had done that
10 for, sort of, 15 years -- and I'm thinking unashamedly
11 from a civilian -- been a DS and a D -- (*unclear:*
12 *simultaneous speakers*) go "That's ridiculous, no-one
13 would possibly do that", and you might not just have
14 that "This is right" or -- that experience there?

15 A. I absolutely accept that -- yes, I must accept that.
16 But that wasn't the norm for the way it was done,
17 structured in the army.

18 Q. I suppose what I am exploring is, I don't dispute for
19 a minute that you are right that was the normal way it
20 was done, it's just whether or not that's, with
21 hindsight, a good way of doing things?

22 A. With hindsight, I believe it's changed. I believe now,
23 with the new construct of the Defence Serious Crime
24 Unit, that issue is no longer. So it is perhaps
25 a lesson identified and learned from, from that.

1 Q. Thank you.

2 For completeness, the investigations you I think

3 would have had oversight and surety over included

4 Operation Elsinore, Operation Isoptic and

5 Operation Northmoor?

6 A. I suppose so, yes. I mean, I don't recall directly

7 being involved in the other two.

8 Q. Yes. I suppose, just thinking of that, you mentioned

9 the responsibilities or oversight and surety.

10 A. Yes.

11 Q. And one way something can -- to your attention, as you

12 explained, is "There's a problem in this, sir, you need

13 to look at it and see what's gone wrong"?

14 A. But I would then use the experience there of S01.

15 Q. Absolutely, you are going to draw on the experience of

16 your investigators.

17 But might it also work the other way,

18 thinking: I need to look at this because this job is

19 serious and big?

20 To be proactive as well as reactive.

21 A. I believe that the -- in the way that those, Elsinore

22 and -- sorry, what was the other one?

23 Q. Isoptic and Northmoor. I think Elsinore and Isoptic

24 were --

25 A. Oh, sorry, the ones that came -- the ones that fed into

1 it?

2 Q. That's right.

3 A. Oh, no, by the time I arrived in post, those were --

4 those had been subsumed into Northmoor.

5 Q. Northmoor?

6 A. As I understood.

7 Q. So it's just Northmoor in that role --

8 A. Yes, sorry, yes.

9 Q. -- you had oversight and surety for?

10 A. Yes.

11 Q. Right.

12 A. Elsinore and Isoptic were folded into Northmoor as part

13 of --

14 Q. And had taken place by the time you started?

15 A. Yes.

16 Q. Thank you very much.

17 Right. In terms of roles and moving through this,

18 I think in 2015 the role or the title DPM (Inv & Pol)

19 became AH Tech; is that right?

20 A. That is correct.

21 Q. "AH" stands for assistant head. And "Tech" means?

22 A. Technical.

23 Q. Technical. Because it's actually --

24 A. So -- if I may? So, at that point -- so the title of

25 Deputy Provost Marshal is unique to Royal Military

1 Police. And it's ordinarily fulfilled by a full
2 colonel.

3 So at the time when I came into the
4 DPM (Inv & Pol) role, there were two other DPMs, DPM,
5 I think, force development or military police, and DPM
6 custodial and guarding. So across -- so those are
7 unique terms of the Royal Military Police.

8 Across the military I recall at that time there
9 was a restructuring. So any post that had a full
10 colonel in it would become assistant head. A one-star
11 would be a head and I think a two-star was a director.
12 So it was a reorganisation of posts. So it was
13 reorganising to come into line with the remainder of the
14 military.

15 So we lost the DPM titles. Not entirely helpful,
16 because everyone thought I was a person who dealt with
17 computers.

18 Q. Understood. In fact, that role then moved -- your
19 working as AH Tech became virtually exclusively
20 dedicated to Northmoor; is that fair summary?

21 A. Yeah, if you look that period through '15, '16 and into
22 '17, then yes, it was -- at that point -- you know,
23 it's -- getting down to RAF St Mawgan, it's the FDHC,
24 it's the other issues. So there was a lot more that was
25 purely focused on Northmoor at that point.

1 Q. I think there came a time where, because of the effort
2 that was needed or the manpower that was needed, there
3 was a role created which was specifically AH Northmoor?
4 A. Yes, I think in terms of chronology, and I recall that
5 we did it before, in 2016, on handover of Golds, I think
6 at that point -- so Colonel McAllister was S01 Inv & Pol
7 and Gold. So, similar to me, there was more time being
8 taken up. And I think at the point where he's replaced
9 by Lieutenant Colonel Harvey, we again dislocated it.
10 So then -- then my role is then dislocated -- or the
11 AH Northmoor focus was done in 2017.
12 Q. So never mind being AH Tech where most of your work was
13 Northmoor, you then had a job title which made it
14 clear --
15 A. Well, the post that I worked was Northmoor, but it
16 still -- I had everything else that I put out and so it
17 was -- I wasn't not doing that, I was doing that as well
18 as doing Operation Northmoor.
19 Q. That's understood.
20 Now, if you wouldn't mind turning, please, to
21 paragraph 24 of your witness statement, which is on
22 page 11-10.
23 A. Yes.
24 Q. Again, I think I am going to need your help with some
25 military speak here, because you say:

1 "In relation to the role of AH [Op Northmoor]
2 I was responsible to the PM(A) for the strategic policy
3 surrounding [Op Northmoor]; liaison with MOD, PJHQ [we
4 know what that is] Army HQ Directorates, other Service
5 Police Force HQs ..."

6 There's then some text redacted.

7 A. Yes.

8 Q. "... oversight of activity and monitoring progress and
9 performance through a lessons-identified process
10 alongside leading the [Operation Northmoor] Secretariat
11 and being the [Op Northmoor] Budget Holder within the HQ
12 PM(A) BLB."

13 Which I think is "budget line breakdown"?

14 A. I think it might be "base level budget". So I think
15 Army -- the Army was the top-level budget, TLB, and I'm
16 not entirely sure, but --

17 Q. We perhaps don't need to debate that particular point.

18 Can I ask you, we've got the witness statement
19 there and everyone can see the words there. Can I ask
20 you, in plain English, what was your job?

21 A. Right. My job was to have -- to create a line between
22 the investigation downwards. So I dealt with everything
23 up and out in order to protect the investigation team.

24 So, if anyone throughout whatever -- you know,
25 those organisations I put there, if they wanted anything

1 on Northmoor, they came in to me. But it was to prevent
2 reaching down into investigation teams.

3 Now, as perhaps we shall see when we talk about
4 manning, I would occasionally have to reach down --
5 I would have to reach down to get the information, but
6 in effect it was to provide that break to deal with
7 everything up and out, resourcing, personnel.

8 Q. Resourcing?

9 A. Yes.

10 Q. Personnel?

11 A. Getting out to Afghanistan, dealing with the MOD in
12 terms of --

13 Q. Can you just give me an example, because it's not my
14 natural language, you say you were responsible for the
15 strategic policy surrounding Operation Northmoor.

16 A. Yes.

17 Q. Can you give an example, please, of one of the strategic
18 policy -- or strategic policy issues surrounding
19 Operation Northmoor.

20 A. I believe it would be, for example, getting out to
21 Afghanistan to interview the witnesses. Things like
22 that.

23 Q. We'll touch on it in a but, when you say, like,
24 "getting out to Afghanistan", do you mean the decision
25 to do it -- who would do it?

1 A. So it's more about facilitating having -- the decision
2 having been made, that the investigation needed to get
3 out to interview witnesses. It's facilitating with
4 a whole raft of other individuals who were the
5 decision-makers in order to make that happen.

6 Q. In this role you were a full colonel?

7 A. Correct.

8 Q. Which is a senior officer.

9 A. Ish.

10 Q. I think we can say a senior officer. There, as you have
11 explained, there's all sorts of staff officers, S01 and
12 2 and 3?

13 A. Yes.

14 Q. I suppose one of the reasons you're there is because --
15 so it's someone with clout?

16 A. Yeah. Rank opens doors in respect of -- you know, if
17 you are speaking to other organisations or, you know,
18 within MOD, PJHQ, Army headquarters, they understand at
19 what level I'm operating.

20 Q. And it's to make things happen?

21 A. To try to make things happen, yes. I didn't necessarily
22 think that I always made things happen, but it was to
23 try to make things happen.

24 Q. Because, if I can put it at one level, you don't need
25 a colonel to go and say: we need to book someone on

1 a flight from Brize to --

2 A. It wasn't -- it wasn't booking flights.

3 Q. No --

4 A. But you are correct, yes.

5 Q. The point I suppose I am trying to make with you, it was

6 big ticket items.

7 A. Yes, I mean, I would be speaking in to people of similar

8 and higher rank to me within those various

9 organisations.

10 Q. Your rank reflected the importance of the task that you

11 had and, I'm sure, the responsibility that was on your

12 shoulders as well.

13 The next topic I want to ask you about is

14 leadership within Operation Northmoor and the structure

15 of it.

16 A. Yes.

17 Q. You point out at paragraph 58 of your witness statement

18 that your understanding of the leadership in

19 Op Northmoor is that overall it adopted a standard

20 military hierarchical structure; is that right?

21 A. Yes.

22 Q. And as you set out, there's a distinction to be drawn

23 between strategic leadership and operational leadership.

24 Now, one of the things I'm not intending to ask

25 you about is to sort of go through a very detailed

1 exposition of different styles of leadership and
2 different responsibilities, but I think we can agree,
3 can't we, one of the key principles of effective
4 leadership is you have the right people making the right
5 decisions?

6 A. Yes.

7 Q. Now, in Operation Northmoor, a decision was taken to
8 adopt a Gold, Silver and Bronze --

9 A. Yes.

10 Q. -- leadership structure, if I can put it that way?

11 A. I think we probably bent it, also, towards military
12 structure. So you would have people -- we still had --
13 the individuals filling those roles at the rank would
14 give an indication of -- involved military audiences --
15 how it worked.

16 Q. Can I ask you, and I am not, may I say, interested in,
17 sort of, the theoretical aspect or, in this case, what
18 any manuals or book said. What I am interested in is
19 your understanding of what, in reality, these following
20 functions had in Operation Northmoor.

21 So first of all is Gold. What is your
22 understanding of what that job actually was.

23 A. So my understanding -- based on when I wrote this, I've
24 seen other stuff since -- is that Gold was the
25 individual that was in charge of the overall

1 investigative direction. Having seen other --
2 information that you've given me, I think there was
3 a morphing -- I think I conducted roles that would
4 normally be -- that the Home Office police would
5 understand as Gold. I fulfilled some of those
6 responsibilities in terms of resourcing and
7 infrastructure.

8 So, where -- if you are looking in without
9 necessarily understanding how it had been made to work,
10 if you -- you could see -- you could say Gold was X,
11 they didn't progress this, but actually that wasn't
12 their responsibility, that was my responsibility to try
13 and progress. So I think we probably -- we blurred the
14 lines between it. And I recall in one of the documents
15 that you have given me that when Colonel Harvey took
16 over, that there is a -- there is a line that stood out
17 to me that said, you know, the structure, Gold, Silver,
18 Bronze, notwithstanding that it doesn't necessarily
19 align towards the military hierarchy.

20 Q. I think one of the points of having a Gold command is
21 you have someone in overall strategic charge.

22 A. In terms of blurring it even more, then that would have
23 been the Provost Marshal. And in terms -- so the
24 Provost Marshal was in overall control of the strategic
25 direction, in my view. The responsibilities for

1 advancing the infrastructure and personnel I think lay
2 with me in terms of co-ordination of that.

3 So I think what we -- trying to reflect on this.
4 I think what we saw was that the Gold was more of the --
5 in charge of the investigative rather than everything
6 surrounding it.

7 Q. So, I'm sorry to lob another term in, are you saying in
8 reality it's a bit like Gold was the senior
9 investigative officer -- Senior Investigating Officer?

10 A. Again, the lines are probably blurred between that --
11 yes, absolutely, in hindsight, we adopted the
12 nomenclature of Gold, Silver and Bronze but actually it
13 wasn't as -- if you were looking in from the outside,
14 it's not exactly of how the responsibilities aligned.

15 Q. Because, and this may be an example of it, at
16 paragraph 62 of your witness statement, fourth line in
17 from there -- I am going to make clear, I am really not
18 trying to pick you up here on words you used here and
19 there to make an unfair point, you say:

20 "The SIOs were dependent on receiving direction
21 from GOLD at the operational level."

22 A. That's how I understood it.

23 Q. One way, I think, for example, the Murder Manual might
24 say is: well, no, Golds should be giving the strategic
25 direction not the operational one?

1 A. I accept that. At the point I wrote that, that's what
2 I believed.

3 Q. But that's what we're interested -- that's certainly
4 what I'm interested in.

5 Is that line right? It was effectively
6 operational direction that Gold was giving?

7 A. I think probably still right, yes. Yes.

8 Q. So one of the things that Mr Bottomley -- and I'm sure
9 you know who Martin Bottomley is?

10 A. I do, yes, thank you.

11 Q. He expressed concerns, and we can go to the documents if
12 we need, that Gold, so the Lieutenant Colonel, was
13 collapsing into an SIO or an OIOC function. And he also
14 spoke of decisions that were taken by Gold that he
15 thought should have been made by the Senior
16 Investigating Officer.

17 A. Right.

18 Q. I am not going to go through those decisions but at the
19 level of principal, do you think that might be
20 something that was taking place?

21 A. Yes, I do.

22 Q. There's just one very specific part I would ask you just
23 to look at briefly, and it is the witness statement, in
24 fact, of Lieutenant Colonel McAllister, which is in
25 tab 56. It's in bundle 2.

1 A. Thank you.

2 Q. Just give me a minute to find the right page.

3 (Pause)

4 SIR CHARLES HADDON-CAVE: While counsel is looking for that,
5 can I go back to something you said. At paragraph 10 of
6 your witness statement you said:
7 "I was responsible for the safety of UK
8 detainees ..."
9 Do you remember that?

10 A. Yes.

11 SIR CHARLES HADDON-CAVE: "... since they arrived."
12 And then you explained how -- when allegations
13 were made by detainees, when they arrived they were
14 checked and when they left?

15 A. Yes.

16 SIR CHARLES HADDON-CAVE: "... and those came to me or were
17 passed to me."
18 That's as Force --

19 A. As Force Provost Marshal, sir, yes.

20 SIR CHARLES HADDON-CAVE: How many allegations do you recall
21 came across your desk by detainees during your period as
22 Force Provost Marshal?

23 A. I honestly can't remember, but it would be in the 20s,
24 30s, 40s.

25 SIR CHARLES HADDON-CAVE: So a significant number?

1 A. A significant amount, but it might have been in relation
2 to they believed that they had been roughly treated when
3 going through search. So it would come to me, I would
4 then pass it up to -- pass it on to 61, the section, SIB
5 section out in theatre, and I had to also report it in
6 to PJHQ. So all allegations I received had to be
7 reported up.

8 SIR CHARLES HADDON-CAVE: As Mr Polnay pointed out, some of
9 those allegations which passed through your hands, your
10 desk, were likely to be the same ones as formed part of
11 Team 2's --

12 A. Similar type, not necessarily the same ones. Because if
13 they were looked at by us, they wouldn't have -- they
14 would have been logged, so they wouldn't have
15 necessarily gone in to Team 2.

16 SIR CHARLES HADDON-CAVE: Just explain that.

17 A. So the allegations, as I understand, were the ones -- so
18 if it had been investigated already in theatre by the
19 SIB section, it wouldn't necessarily have formed part
20 the Team 2, because they were looking at allegations
21 that had been passed in subsequent to operations in
22 Afghanistan, is my understanding.

23 SIR CHARLES HADDON-CAVE: Thank you.

24 MR POLNAY: I found the right reference. Page 56-18.
25 It's paragraph 37 at the bottom.

1 This is Lieutenant Colonel McAllister's witness
2 statement. He is giving evidence in two weeks, so we
3 don't know exactly what he is going to say about this,
4 but he says:

5 "In hindsight, I feel the term Gold [Commander],
6 although used extensively throughout the papers that
7 I have read, was not what I was actually doing.
8 I believe that this became clearer as the operation
9 developed. I do not believe that I fulfilled the Gold
10 role as is known in civilian policing. I feel the term
11 was used inappropriately and for presentational
12 purposes. The role of Gold [Commander] is defined in
13 the College of Policing ... (APP). I had none of the
14 training, no autonomy, no power to commit resources
15 either personnel or financial without deference to RMP,
16 HQ Army and/or MOD. I had none of the structures which
17 are expected of such a high-profile and serious incident
18 was conducted by a Home Office police force."

19 Do you agree with that statement?

20 A. I do agree now, yeah. Everything I've looked at in
21 terms of -- subsequently, with regard to Gold, obviously
22 we used the term inappropriately as part of the
23 investigation.

24 Q. Now, putting the terms aside for a minute, because we
25 can call them Gold, Silver, Bronze or apples, pears and

1 bananas, it's the function that I am particularly
2 interested in. I think you have also seen the report of
3 Mr Pughsley?

4 A. I have.

5 Q. One of the parts I just want to draw your attention
6 to -- and this is at paragraph 220 of his report, which
7 you can find, if you want to follow along, at tab 49,
8 page 46. So 49-46.

9 A. Yes.

10 Q. It's the bottom three lines. He is setting out from the
11 documents -- Mr Pughsley, from the documents he has
12 read:

13 "... Captain WRIGHT ... [was] being isolated from
14 important decision-making relating to the direction of
15 the investigation for which he is SIO. This is contrary
16 to the guidance within the Murder Investigation
17 Manual ..."

18 Then, at paragraph 222:

19 "In my view, the roles and responsibilities of
20 PM(A), Gold and SIO seem to be blurring at this time."

21 He sets out this is based on the documentation
22 that's provided to him.

23 In your witness statement, which we have already
24 looked at, you said you thought the structure was fit
25 for purpose and responsibilities were well defined.

1 Would it be fair to say, on reflection, that's not
2 a view that you --

3 A. Yes, absolutely. That is a very fair and, I think as
4 we've discussed through, at the time that I was writing
5 that I had in mind of, you know, however many years ago
6 it was, being able to subsequently see -- I agree there
7 was a blurring.

8 I think my point was that, in military terms, for
9 military audiences, individuals knew who to speak to
10 because of the way that the military structure is. So
11 whether, you know, the S01 the Gold was fulfilling a --
12 functions up and down, the blurring of lines,
13 I absolutely agree with that. Yes, so in hindsight.

14 Q. Thank you. In your military experience, and this is
15 coming to the actual function, putting aside the titles
16 or whoever they are, have you heard of the expression
17 "long screwdriver"?

18 A. Absolutely.

19 Q. Can you just explain to those who haven't heard it what
20 that means.

21 A. It means that, for example, the Provost Marshal would be
22 drilling down into something that one of our corporals
23 or sergeants was doing. He was looking very far down
24 into the organisation, in terms of giving direction
25 and ...

1 Q. Generally speaking, I think it's fair to say a long
2 screwdriver is not considered a good thing, is it?

3 A. Because you don't want --

4 Q. Because what it is pointing at, it is not very good to
5 be directly detail from a very long distance away.

6 A. I agree yes.

7 SIR CHARLES HADDON-CAVE: Other than in a public inquiries.

8 MR POLNAY: That may be another topic.

9 I suppose, putting it in a more classic military
10 situation, what you wouldn't have or what wouldn't be
11 considered good would be to say have a general back at
12 the higher headquarters telling a team, for example,
13 carrying out a DDO, to go in through the left door or
14 the right door?

15 A. Yes, I agree.

16 Q. Now, in Operation Northmoor, where on occasions we see
17 the Provost Marshal deciding someone was to be a suspect
18 or not a suspect, or certain types of tactics to be used
19 or not used, again putting roles aside, do you think the
20 right decisions were being made by the right people?

21 A. I can't remember the detail of -- are we talking when
22 the classification -- when the change-over, when it went
23 from covert to overt?

24 Q. That's just one example. And I'm not asking about
25 a specific one, I'm asking really were the right people

1 making the right decisions or was there perhaps
2 micromanagement going on?

3 A. I think in certain cases, yes, I think there probably
4 was micromanagement going on.

5 Q. I've got one last question on this topic and then I was
6 going to ask the Chair for a break. It's about where
7 you fit in in this structure. So we've got Gold,
8 Silver, Bronze. I will put it in this way: you were the
9 Assistant Head of Op Northmoor. Who was the head?

10 A. Provost Marshal. So in terms of -- so the head of was
11 the Provost Marshal as a one stop. So I didn't have
12 a -- so he was also -- if there was Assistant Head
13 Military Policing in terms of the doctrine, the
14 Assistant Head Full Colonel, the head was still the
15 Provost Marshal.

16 So in our case the structure was we fed into the
17 head of the organisation and we were the assistant heads
18 dealing with certain areas of it. So there was no
19 individual sitting above me, just those that -- you
20 know, when we had a Deputy Provost Marshal, there was no
21 one -- there was no role as Deputy Provost Marshal, full
22 stop, that's your role; it was Deputy Provost Marshal,
23 you're responsible for that bit, you're responsible for
24 that bit. So the head was the Provost Marshal.

25 Q. So going back to Lieutenant Colonel McAllister's witness

1 statement, I mean, he is right; it wasn't the strategic
2 end of it really --

3 A. No, I absolutely agree. There was the definite blurring
4 of the lines there.

5 MR POLNAY: I wonder if that might be a convenient time for
6 a break.

7 SIR CHARLES HADDON-CAVE: Indeed, Mr Polnay, thank you. We
8 will break now, please, until 12.05. Thank you.

9 I remind all witnesses, please don't discuss your
10 evidence with anybody in the meanwhile.

11 Thank you.

12 **(11.51 am)**

13 **(A short break)**

14 **(12.09 pm)**

15 SIR CHARLES HADDON-CAVE: Thank you.

16 Mr Polnay.

17 MR POLNAY: Are you okay to continue?

18 A. Yes, thank you.

19 Q. Right. The next topic I'm going to ask you about is
20 funding and personnel.

21 A. Yes.

22 Q. This was a topic, I think as you explained, as Assistant
23 Head, whichever title it was under, you had significant
24 involvement with. So with that in mind, could I ask you
25 to look please at your witness statement, paragraph 76.

1 That's at 11-30.

2 A. Yes, thank you.

3 Q. You say here:

4 "It is important to note at the outset [that means

5 that outset of your section on resources] that

6 Operation Northmoor never took the form of a distinct

7 business with its own budget. [It] often operated

8 within a resourcing framework very different to civilian

9 policing. First, there must be an appreciation of the

10 fact that the RMP is part of the British Army, and

11 subsequently there are limitations on RMP's autonomy and

12 ability to resource its own investigations."

13 That's quite a significant statement, isn't it?

14 A. Yes.

15 Q. Just so I understand what you're saying, that because of

16 the budgetary structure that it was, that imposed a real

17 limit on the autonomy of the RMP?

18 A. Yeah, so if you wanted -- you know, as we discussed, we

19 had a budget, funding line. If you wanted to go outside

20 of that, then the resources had to be got from elsewhere

21 within the army. So that's what I mean by that. So

22 there's not a -- it wasn't necessarily just a huge pot

23 of money that Provost Marshal or Army had, he had a pot

24 of money allocated within the budget.

25 Q. If there are any police officers or senior police

1 officers watching or listening to this, I'm sure they
2 would highlight that within civilian policing there's
3 not an unlimited pot of money with an ability to do just
4 whatever they might want to do or think is desirable.
5 But is the point you are making there that funding
6 actually did cause or act as a constraint on the
7 autonomy of the RMP to investigate crime?

8 A. So, in terms of creating something like Op Northmoor,
9 the funding had to be taken elsewhere from within the
10 Army. I think there's examples in here of what the
11 funding line was. So this was something that was
12 extraordinary to the ordinary way of doing -- the
13 ordinary investigations. So this was something that was
14 being created but needed a lot of resources to it. So
15 that's what I meant. In terms of autonomy is that the
16 Provost Marshal needed to go else where to get that
17 funding in order to set up and support
18 Operation Northmoor.

19 Q. So, to put it bluntly, in order to investigate it, the
20 Provost Marshal had to go cap in hand, effectively --

21 A. There are minsubs or there's documentation where it
22 talks about the funding.

23 Q. And in terms of personnel, you say at paragraph 77,
24 which is just over the page that:
25 "For instance, PM(A) did not have the ability to

1 fill personnel roles from [Op Northmoor] from other
2 parts of the Army ..."

3 A. Yes.

4 Q. Again, I think we can well understand that the PM(A) is
5 not going to be able to step into other parts.

6 It said:

7 "... we had to draw personnel from units across
8 the RMP, which would obviously have implications for
9 RMPs' effectiveness on other operations."

10 What do you mean about that?

11 A. I think there's a document in there which absolutely
12 says what the impact is, in terms of, you know,
13 25 per cent reduction in the SIB and implications in
14 terms of -- I can't remember, I haven't got it to hand
15 what the document is, but there is a document which
16 shows the impact of Operation Northmoor on RMP business.
17 It may have been one of the ones that was produced as
18 a result of the manning criteria.

19 Q. Is that, would it be fair to put it, the RMP at the time
20 was simply not big enough to absorb an investigation of
21 this size? So to deal with an investigation of this
22 size?

23 A. Well, in order to deal with an investigation of this
24 size, then the structure had to be changed. So, in
25 effect, Operation Northmoor was creating a Provo

1 Company-size unit to deal with Operation Northmoor.

2 So, in terms of the posts, the positions, and then
3 the personnel to fill it. So, in order to create this
4 extra unit, Provo Company, then we had to draw positions
5 from elsewhere across the RMP.

6 So my first involvement with Operation Northmoor
7 was a CO 3 RMP in 2014 where I was told: you will --
8 from within your structure, you will provide 30/33
9 positions in order to be moved across to this new
10 structure.

11 And once you have provided those positions they
12 become greyed out, in effect, and you can't post people
13 into it.

14 Once you have done -- given those positions, you
15 will also need to provide personnel, if they were
16 appropriate qualified. So I was losing positions and
17 I was losing people in order to structure
18 Operation Northmoor. So that's --

19 Q. People are pulled, to be blunt, from other jobs --

20 A. Correct.

21 Q. -- to do it?

22 A. Yes.

23 Q. And those jobs were being backfilled or were not being
24 backfilled --

25 A. Not always being backfilled. As I said, that

1 document -- sorry, I haven't got the reference, but the
2 document which shows the impact on that, I think it
3 talks about, you know, middle management, so
4 senior NCOs, you know, lieutenants and captains, being
5 drawn across.

6 So, doing that from each of the units to create
7 this entity called Operation Northmoor is, therefore,
8 going to have an effect, because you can't -- you can't
9 draw personnel. You know, again, one of the documents
10 talks about options for contractors, for reservists,
11 et cetera, but of course that comes with funding. So
12 once you have moved the positions -- and they have got
13 to be authorised to be moved, so that creates -- takes
14 time in order to create that structure. And then once
15 you have got the structure, then you'd need to fill it
16 with people. And again it takes time.

17 So, you know, Northmoor would have started off on
18 a baseline -- I think started off, you know, 1 plus 8,
19 from memory, which would be based on an SIB section, and
20 then it was grown from that.

21 Q. Now, one of the things Lieutenant Colonel McAllister
22 said about the actual implementation of that is in his
23 witness statement, which is -- if you wouldn't mind
24 having a look at, please -- tab 56. That's bundle 2.

25 If you could go -- it's 56-55, please.

1 A. Yes.

2 Q. It's paragraph 133, if you've got that in there.

3 A. Yes.

4 Q. Where he says:

5 "Comment has been made about my selection for

6 certain members of staff for key roles ..."

7 And, sorry, that's obviously a question to him

8 about why he appointed various people.

9 And he said:

10 "Other than one request for [Major] Penman to take

11 over as the OIOC [the officer in overall command], I do

12 not believe that I had any choice in staff selection.

13 People were assigned and I together with my subordinates

14 tried to place them in the most appropriate role. Staff

15 were appointed to roles based on limited of their

16 backgrounds and abilities. A number were compulsorily

17 assigned with the challenges this brings in relation to

18 motivation and competence. The military staffing

19 process was given priority over my need for trained and

20 qualified staff. Part of this was to maintain

21 capability within the SIB Regt but other factors were at

22 play such as Commanding Officers' personal priorities

23 and views impacting on staff selection and assignment."

24 Do you recognise that characterisation of the

25 recruitment for Operation Northmoor selection as set out

1 by Lieutenant Colonel McAllister?

2 A. Yes, I do.

3 Q. Would you agree that's not a trivial factor, is it, when

4 you are pulling people in to investigate what, on any

5 view, was a very, very complicated investigation?

6 A. No, but I think, to be fair, the criteria for the

7 positions, the KSE, the job specification for the posts,

8 were laid down, and then individuals were moved across

9 into that.

10 In terms of the staffing process, whilst you might

11 want, you know, Staff Sergeant X to come across that

12 post, it may not be able to happen straight away because

13 we're a national force, we've moving people across. So

14 I don't think he will have had the autonomy to, say, go

15 down a list of people saying "I'm having all of those",

16 because the -- as he says there, there is -- the

17 staffing process does come into play.

18 Q. So, in terms of issues that arose -- or issues that may

19 have led to this, it -- was one of them simply size of

20 the RMP? You've got your business as usual and suddenly

21 you have got this, on any view, very large -- very, very

22 large investigation, and it was always going to pose

23 a problem because a force the size of the RMP would not

24 have enough people to stand up suitably qualified and

25 experienced people?

1 A. Absolutely. So while we were still maintaining the
2 structure with gaps, we were creating a new unit, and
3 a lot of the knowledge skills and experience on the SIB
4 technical side would have been -- sit elsewhere. So
5 they would have had to have been moved across. So you
6 are sharing -- you're sharing those assets.

7 Q. Does it follow that, because everything is stretched,
8 because you have got this whole new big job come along,
9 that some of the people who were being placed into the
10 roles, as perhaps Lieutenant Colonel McAllister is
11 saying, were not ideal, if I can put it that way, or not
12 people who would be first choice for such a difficult --

13 A. I can't comment on that without looking at the
14 individuals. You know, there was a KSE that was set up.
15 And, again, I think in the manning document it comes
16 back to, originally, no-one should have served in
17 Afghanistan. So you are placing your own constraints on
18 that. One was to do with medical and welfare side. So
19 there are a lot of factors coming into play.

20 So, absolutely recognise that he didn't have the
21 ability as Gold to go round the RMP, say "You, you and
22 you are moving", because there are processes in place.

23 Q. Again, I don't know what Lieutenant Colonel McAllister
24 is going to say, but one of the points I would raise is
25 this: you have got, on any view, an exceptional

1 investigation, it's involving allegations of war crimes,
2 of mistreatment of prisoners abroad, which has got all
3 the problems that come with it, by Special Forces, which
4 carries undoubted issues of complication involving
5 national security and classification. You are going to
6 want to have really, really experienced investigators,
7 aren't you, on this --

8 A. You are yes.

9 Q. The very best. This would be, I think Mr Bottomley
10 agreed, a very difficult investigation for a large
11 civilian police force.

12 A. Yes.

13 Q. Looking back on it, did the -- was the RMP able to
14 adequately staff it?

15 A. In terms of numbers or the KSE?

16 Q. Both.

17 A. Perhaps we didn't have all the KSE that we would have
18 wanted into those posts.

19 Q. Again, KSE?

20 A. Knowledge, skills and experience. You know, SQEP,
21 suitably qualified experienced person.

22 Q. Thank you.

23 Now, one of the matters is not just the number of
24 people, which we've addressed, but is also the timing,
25 and I want to ask you about one of the matters that

1 Alan Pughsley raised in his report, and that's at tab 49
2 of the bundle. So we're still in tab 2. It's 49-20.

3 A. Thank you.

4 Q. He was referring here to a view that you gave in a state
5 to the judicial review proceedings, okay. You said --
6 and I can take you to where it was in your statement if
7 you want?

8 A. No, no, I recall I said it.

9 Q. You said full operational capability was declared in
10 August 2016.

11 A. Yes.

12 Q. And on the best account, that's 33 months after
13 Operation Northmoor commenced. And Mr Pughsley's view
14 is that is not acceptable in resourcing a Category A+
15 incident, A+ murder investigation which has been
16 recognised as a critical incident. Do you agree?

17 A. I can't disagree but I would say: but there are
18 circumstances, extenuating circumstances, why it took so
19 long.

20 SIR CHARLES HADDON-CAVE: What were those?

21 A. Sir, in terms of when the investigation started in 2014,
22 it started with a small number of people. There was no
23 home -- they were still deciding where it should be
24 based. And the processes in order to draw together, as
25 I've just explained, to create this new organisation

1 there are staff processes you have to -- the positions
2 have to be authorised, in other words authorised
3 elsewhere, so their positions have to be authorised and
4 then you have to people them, put people in them, and
5 you will draw on people. So those are there
6 circumstances.

7 SIR CHARLES HADDON-CAVE: You don't think that was all too
8 slow?

9 A. I think, sir, we'll look at how long it took in order to
10 get down to -- yes, I think it was slow.

11 SIR CHARLES HADDON-CAVE: I think that was counsel's point.

12 A. Yes, I mean, it's slow but --

13 MR POLNAY: Coming up for three years --

14 A. Yes, I agree.

15 Q. -- to stand up a team.

16 A. But -- we didn't have a home for a period of time, but
17 that was outwith our ability to decide that.

18 Q. That's what I want to ask you about and I will come on
19 to home in a minute.

20 You set out at paragraph 90 of your witness
21 statement that the responsibility was shared with lots
22 of people?

23 A. Yes.

24 Q. You say you accept that you had a role to play in
25 ensuring that shared responsibility was fulfilled?

1 A. Yes.

2 Q. It follows that the responsibility, if that's right, was
3 not fulfilled, or at least wasn't fulfilled in an
4 appropriate timescale; is that fair?

5 A. On me?

6 Q. I'm talking about, first of all, the responsibility that
7 was shared.

8 A. Yes.

9 Q. I now want to ask you about your part in it. Do you
10 think that you played your part successfully in
11 fulfilling that responsibility?

12 A. I played my part to the best I could in order to try to
13 co-ordinate and draw together what those issues were.
14 But, you know, we were not the decision-maker on where
15 we were to go. There were processes that we had to go
16 through.

17 Q. Now, you're the assistant head. You're a colonel. And
18 again, I'm not suggesting that a colonel in the army can
19 press a button and have hundreds of people, but, I mean,
20 33 months to get up to capability, it's pretty shocking,
21 isn't it?

22 A. Yes.

23 Q. Do you think you did everything that you were able to
24 convey the urgency of getting full operational
25 capability for an investigation into war crimes?

1 A. Yes, I believe I did.

2 Q. Again, looking back on it, so would you say -- did you
3 appreciate the urgency?

4 A. Absolutely. But I think as I also said that sometimes
5 our priorities weren't other organisations' priorities.

6 Q. And does it follow that the priority of the RMP in
7 investigating these allegations, your view was that was
8 not shared by the wider Army?

9 A. I believe so.

10 Q. Going back to your comment around autonomy.
11 Can we move on, please, to the next topic, which
12 relates to briefings and this relates to liaison with
13 all sorts of people.

14 You later -- when I say "later", you -- towards
15 the end of Operation Northmoor, you prepared --

16 A. If I may, it was probably in the middle of
17 Operation Northmoor.

18 Q. Sorry, thank you for the correction.
19 Let us have a look at the document. That will
20 absolutely help us with that. It's bundle 1, tab 13.

21 Again, just in case anyone who is watching this
22 would think you would be psychic about knowing what I am
23 referring to beforehand, you have been provided, I think
24 with a list of documents that you were likely to be
25 referred to, and topics, specifically so you could

1 familiarise them and so you are not reading very old
2 documents for the first time giving evidence. Just by
3 way of explanation.

4 This is an email. We'll look that covering email
5 first. There's a little bit to unpick here.

6 This is obviously an email from you, and it's
7 dated 24 July 2019. So that is sort of towards the end,
8 isn't it?

9 A. But if I may, that -- the document to which the briefing
10 chronology was created, this was being -- sending this
11 as part of my handover.

12 Q. Okay. The only point I'm interested in -- it's not
13 a criticism at all of when it was created -- is just,
14 sort of, the date of this. So this is created towards
15 the end of your time?

16 A. Sorry, what was created towards the end of my time?

17 Q. This email was sent on 24 July 2019.

18 A. Correct, but the chronology was something that I'd kept
19 since 2016, and it was shared with other people as well.
20 So I wasn't creating something in 2019 to pass as part
21 of my handover. As part of my handover, I was passing
22 on a document that had been created three years before.

23 Q. Okay, thank you very much. That's actually very
24 helpful.

25 Looking at this email, you say:

1 "I have mentioned to you both (and Scott you will
2 recall comments made by Peter Ryan in the Gold Group)
3 that there is a view from DJEP that we (RMP)
4 'catastrophised' the investigation in its early
5 days ..."

6 I just want to pause there for a minute because
7 I want to ask you about that.

8 So you are talking about something that Peter Ryan
9 had said?

10 A. Yes.

11 Q. Who was Peter Ryan -- who is Peter Ryan?

12 A. He is director of -- the Directorate of Judicial
13 Engagement Policy, DJEP. So he's director of DJEP.

14 Q. And what's DJEP? What's DJEP's role, if any, in
15 Operation Northmoor?

16 A. In terms of its role as the judicial engagement. So,
17 obviously, we had the date proceedings going on, so
18 that's where they came in.

19 Q. So let's just be clear, because this in fact might be
20 quite important.

21 A. Yes.

22 Q. We know that there were proceedings that were Saifullah
23 and Noorzai --

24 A. Right, yes.

25 Q. -- and other correspondents with the Ministry of

1 Defence, and there were legal claims?

2 A. Yes. Thank you.

3 Q. And DJEP is, if you like, the part of the MOD that dealt
4 with those claims; that's right?

5 A. That's as I'm -- my understanding.

6 Q. To manage the defence or the conduct of those
7 proceedings and brief solicitors and counsel if they
8 needed to.

9 What I'm interested in though, what, if anything,
10 was their role in the police investigation?

11 A. They didn't have a role in the police investigation.

12 Q. No, because that would be inappropriate, wouldn't it?

13 A. Yes.

14 Q. Because they're not provost officers.

15 A. Correct.

16 Q. They are not police officers.

17 So, as you understand it, the only role of DJEP,
18 Peter Ryan as the head of it, is because he is, if you
19 like, the lead for --

20 A. Correct, yes.

21 Q. -- dealing with litigation?

22 A. Right.

23 Q. So it appears Peter Ryan, however, was a member of the
24 Gold group; is that right?

25 A. Yes.

1 Q. We know the Gold group, this was meant to be the --
2 A. Misnamed, but --
3 Q. -- that group or whatever that was in charge, with
4 a membership. Now, do you know why Peter Ryan was
5 member of that group?
6 A. He'd been involved right from the beginning, when
7 Brigadier Warren was still in post, because of --
8 I think some of the claims came through civil
9 litigation.
10 Q. Again, I'm sure that's absolutely right, and I could
11 well understand, certainly if I was involved in
12 litigation, that DJEP would need to be kept updated with
13 parts of it, but the Gold group is sort of the
14 decision-making body, wasn't it?
15 A. Yes.
16 Q. So why was Peter Ryan on that?
17 A. I think for understanding the totality of the
18 investigation.
19 Q. I think that's a point we will return to later, if
20 I may, but I wanted to flag it because we are dealing
21 with him here.
22 So he had expressed a view of the conduct of the
23 police investigation, it appears here.
24 A. I don't think it was of the police investigation.
25 I think it was in the briefings about the investigation.

1 So I think that that's what -- it's the first time I've
2 seen that term, when I was provided this information.
3 I have been trying to reflect on exactly -- there's
4 nothing to explain, but I believe it was -- the
5 catastrophising was in the way that information was
6 being briefed, which is hence why I created this
7 chronology, to see who, what, when.

8 Q. Understood.

9 So Peter Ryan is saying in a Gold group meeting
10 that, in 2014 to '16, when the RMP were briefing people,
11 they were catastrophising --

12 A. I understand. Without him explaining exactly -- or
13 seeing something written down, that is my recollection
14 of it.

15 SIR CHARLES HADDON-CAVE: Sorry, can I ask what you took
16 this -- him to mean by catastrophising?

17 A. Sir, I think -- as I said, I have been trying to reflect
18 on this because it's the first time I've seen it for
19 a while, but I believe it was in -- what we were -- what
20 was being told into senior members within the MOD about
21 what the allegations were.

22 SIR CHARLES HADDON-CAVE: So what did it mean to you? Is it
23 exaggerating or making it worse than it actually was?
24 What was your understanding?

25 A. Potentially making it worse than it probably was.

1 Without seeing a full explanation of -- definition of
2 what he meant, that's -- I've been trying to reflect,
3 but I think -- but because it's appended to the
4 chronology, I think it was in terms of who was being
5 briefed and what was being said at the time.

6 MR POLNAY: Now, you continue -- because I want to just make
7 sure we finish this sentence:

8 "... particularly around the serious allegations
9 and there were a series of briefings to personnel in
10 Main Building ..."

11 "Main Building", that's the headquarters of the
12 Ministry of Defence?

13 A. Correct.

14 Q. "... that do not seem to have had their content
15 recorded."

16 You say:

17 "Last year I went through various documents to try
18 and determine who was briefed, by who and when. The
19 result is attached."

20 Now -- we'll finish the sentence.

21 It appears, doesn't it, that the document we are
22 about to look at was created last year --

23 A. Yeah, I recall doing it earlier than that, but then the
24 proof is in the email.

25 Q. I mean, it may be the case that the email you wrote at

1 the time might be a more reliable guide to -- than when
2 someone is trying to look back now.

3 A. Yes.

4 Q. You go on to say:

5 "The result is attached. Since 2016 we have been
6 more disciplined on briefings with their content
7 recorded on the shared files and/or placed into Holmes."

8 And you suggest it's kept up to date.

9 A. Sorry, just coming back, that's why I think I did it
10 before that, because I say there:

11 "Since 2016 we have been more disciplined ..."

12 And so I must have recorded it all somewhere to
13 say that since that point we have been more disciplined
14 right in who we have been briefing and what.

15 Q. If you wouldn't mind turning over the page, this is --
16 sorry, to the next page on the screen, 13-3.

17 So we can see it says:

18 "[Operation Northmoor] external briefing
19 chronology."

20 A. Yes.

21 Q. And this is your document, isn't it?

22 A. It is.

23 Q. That you have created. And would it be fair to assume,
24 from looking through this, that whether you did it the
25 year before -- you know, the year before, as the email

1 says, or maybe over a period of time, this is a summary,
2 isn't it, of --

3 A. Yes.

4 Q. -- rather more detailed documents --

5 A. And so I used Brigadier Warren's workbook in order. So
6 where he would have recorded, say, for example, the --
7 the entry for 20 April would have been taken from what
8 Brigadier Warren put in his workbook.

9 Q. Can I ask you, why did you create this document?

10 A. It's important to know who we were briefing, when we
11 were briefing, why we were briefing and what we were
12 briefing.

13 Q. I'm sorry if this is a stupid question, but why? Why is
14 it important, the drawdown of the investigation?

15 A. Well, I think I did it earlier, but I'll accept --
16 because it's a record of -- of who was briefed
17 externally. It was designed to be -- to assist.

18 Q. I'm sorry to push you on this, assist who?

19 A. To assist those that come afterwards to uncover -- have
20 a record of who we spoke to.

21 Q. Were you anticipating when you wrote this that there
22 might be some flak heading towards Operation Northmoor?

23 A. We were anticipating, and we anticipated throughout,
24 that at the end of the investigation, whatever that
25 might be, that there was a requirement to have all the

1 investigative documentation in one place, so that, if it
2 needed to be looked at, then it would assist.

3 Q. Okay. I just want to -- I think you would agree we'd
4 want to bear in mind, when you look at this, it's
5 a chronology and it's a record of other records --

6 A. Yes.

7 Q. -- and we don't have all or, in fact, a large majority
8 of any original notes, if they were taken. That's not
9 a criticism but I just want everyone just to be aware
10 that where there is an entry I'm sure you were doing
11 your best to give --

12 A. Yeah.

13 Q. -- a summary of it, but it's not going to contain every
14 detail of what is said or every nuance. It would be the
15 parts that I suppose you considered were important. Is
16 that fair?

17 A. I think that's fair, yeah. I had made the assumption
18 that because lots of information was gathered elsewhere
19 and stored that if someone wanted to have a look at
20 a particular day there should be information elsewhere.

21 Q. So there's a few entries I want to ask you about in
22 particular. Nothing like all of them, because we would
23 be here for a very long time.

24 So we've got that page, 2015.

25 If we have a look at the entry 2 July 2015 -- have

1 you got that there?

2 A. Yes.

3 Q. So:

4 "PM(A) ..."

5 That's the Provost Marshal (Army)?

6 A. Yes.

7 Q. "... /DSP ..."

8 That would be the Director of Service

9 Prosecutions?

10 A. Correct.

11 Q. "... telecon in which the [Director of Service

12 Prosecutions] confirmed that he had briefed AG ..."

13 And that would be, I think, the Attorney General;

14 is that right?

15 A. Correct, yes.

16 Q. If you will take it from me. I think that was

17 Jeremy Wright QC, at the time.

18 A. Thank you, sir.

19 Q. "... (and Solicitor General) and [Attorney General]

20 would speak to [the Secretary of State] about PM(A)'s

21 concerns."

22 Yes?

23 A. Yes.

24 Q. So I'm just trying to work this out. So the Provost

25 Marshal (Army) has concerns about something.

1 A. I think if we refer back to 20 April, that's where the
2 concerns come from. So it is a result of that 20 April
3 meeting.

4 Q. Which is over command responsibility and whether
5 Ministry should be advised through senior officials due
6 to impact on standing and operational effectiveness of
7 non-conventional -- i.e. Special -- Forces?

8 A. Yes, correct. So in there it talks about: agreed AG not
9 to be briefed now, and then 2 July talks about AG being
10 briefed.

11 Q. Again, this may be lost in the mists of time, but if
12 this was a concern, why is the PM(A) raising it with the
13 DSP, with the AG to raise it with the Secretary of
14 State, rather than just the -- I appreciate the PM(A)
15 can't just pick up the phone, I would imagine, to the
16 Secretary of State, but put in a ministerial submission?

17 A. I believe it was the -- due to independence concerns.

18 Q. Independence concerns? As in independence from the
19 chain --

20 A. From the chain of command.

21 Q. Thank you.

22 It says:

23 "This meeting also raised the issue that the
24 [Attorney General] wants removed from Ops all [those]
25 are implicated."

1 A. Yes.

2 Q. So, effectively, the Attorney General, it appears, is
3 saying: I don't want anyone who may be implicated
4 serving?

5 A. Yes, that's what it says.

6 Q. Then:

7 "S01 [Investigation Staff Officer 1] ..."
8 That would be a lieutenant colonel.
9 "... to work out how this can be met."

10 A. Yes. So that would have been Lieutenant Colonel
11 McAllister.

12 Q. Right.

13 So can I ask you now, please, about the 6 July
14 entry?

15 "PM(A) ..."
16 Provost Marshal (Army).

17 A. Yes.

18 Q. "... with AH Tech ..."
19 That's you?

20 A. That's me.

21 Q. "... briefed DCGS ..."
22 So that's the Deputy Chief of the General Staff?

23 A. Correct.

24 Q. 4-star, 3-star appointment?

25 A. 3-star appointment.

1 Q. "... on [Operation Northmoor] ..."

2 A. Yes.

3 Q. "... to allow DSGS to step in and discourage any ..."

4 A. That's a typo. It should say "uninformed". It actually

5 says "uninformed", but I can tell you it would have been

6 "uninformed discussion".

7 Q. That's a helpful correction, because I was going to ask

8 you what is meant by "uninformed discussion"

9 "... at a senior Army level."

10 A. Yes.

11 Q. With that helpful clarification, that it is "uninformed

12 discussion" --

13 A. Correct.

14 Q. -- again, if I may, I take this is a bit of army speak

15 to "discourage uninformed discussion". What -- in more

16 plain speaking, what --

17 A. At this point: why are you doing Operation Northmoor?

18 Who has told you to do Operation Northmoor?

19 Q. Yes.

20 A. From the wider Army. It's seen as another example of --

21 along the lines of the IHAT.

22 SIR CHARLES HADDON-CAVE: Just explain that.

23 A. At the time, sir, people would have been aware that

24 Operation Northmoor was being set up and it was looking

25 into allegations of abuse of detainees in Afghanistan.

1 So, once it was known in the wider army that -- there
2 would have been others that would have had their opinion
3 as to: why you doing this? Who told you to do it?
4 SIR CHARLES HADDON-CAVE: And the relevance of IHAT was
5 what?
6 A. Oh, as in IHAT was looking at the Iraq one. So it was
7 seen as we've done it for Iraq, we're now doing it for
8 Afghanistan. That was my point, sorry.
9 MR POLNAY: May I put it in a slightly different way. You
10 and the PM(A) wanted the DCGS to stop gossip --
11 A. Yes --
12 Q. -- and uninformed speculation and commentary --
13 A. Correct.
14 Q. -- and wanted him to --
15 A. Yeah. And in his role as second in command in the Army
16 to be able to say: I have been briefed on it, this is
17 what's happened.
18 Q. Yes.
19 A. You know, not in the deep investigative detail
20 but: I have been briefed on what it is, the reason why,
21 how it's going to happen.
22 To try to stop uninformed discussion.
23 Q. Thank you.
24 8 July, there's a:
25 "... brief with AH Tech present ..."

1 Again, that is you?

2 A. Yes.

3 Q. That's to Peter Ryan?

4 A. Yes.

5 Q. "... on [the] allegations and which senior politicians

6 had been briefed."

7 A. Yes, maybe that's where the catastrophising comment

8 comes from.

9 Q. Why was Peter Ryan being briefed?

10 A. Again, because it comes back to the role of DJEP and

11 where this all sits within the MOD, in terms of judicial

12 engagement.

13 Q. Do you mean litigation risk?

14 A. Yes. You know, some of the original complaints had come

15 through litigation.

16 Q. Right.

17 Now, 31 July, just over the page -- I only have

18 a few more entries to go through on this -- there is:

19 "PM(A) [had a] telecon with DSF."

20 That's the Director of Special Forces.

21 A. Yes.

22 Q. And:

23 "PM(A) advised him that he [that would be the

24 PM(A)] had significant concerns and they had been raised

25 to the [Attorney General] ..."

1 A. Yes.

2 Q. "... but [he] couldn't tell the DSF what those concerns
3 were but might be in a better place to do so in a few
4 weeks."

5 A. Yes.

6 Q. Was this the -- please don't speculate if you don't
7 remember, but is this effectively saying the AG's view
8 that anyone who might be implicated should not be on
9 active --

10 A. I don't know if that was exactly what was said.

11 Q. All right.

12 A. I wasn't party to the telephone call.

13 Q. So you made this note, I presume, from some sort of
14 read-out or comment?

15 A. Again, this would have been, I believe -- that's where
16 it was -- PM(A) would have -- this would have been in
17 his workbook. And I don't know whether there was
18 further detail in that workbook that relates to that.

19 Q. So can we move down 2016, 3 June:
20 "Brief to PUS ..."
21 That is the permanent under-secretary, the senior
22 civil servant.
23 "... (and an assistant) on Op [Northmoor]. Led by
24 John McAllister, with AH Tech [i.e. you] present."
25 A. Correct.

1 Q. "Investigative matters discussed ..."

2 So I presume that means some details of the

3 allegations and what you were doing.

4 "... and PUS will try and unlock the deployment

5 issue."

6 I suppose this is part of your trying to get

7 people?

8 A. Correct, yes.

9 Q. Then we've got this, 8 June:

10 "Meeting with [the Deputy Chief of the General

11 Staff] (Lt Gen Pope) ..."

12 A. Yes.

13 Q. Just so we are clear, that is a different DCGS --

14 A. They had changed.

15 Q. Had changed.

16 "... regarding resources ..."

17 A. Yes.

18 Q. And we've got this and, again, it's a summary so I don't

19 want to read or invite anyone to read too much into it:

20 "Required to write paper to show why we came to

21 current levels and options for other service and

22 contractors."

23 A. Yes.

24 Q. So you're being required?

25 A. Yes.

1 Q. I mean, it's an order. I'm not saying -- well, it's an
2 order, effectively. So it's a requirement that you have
3 to justify --

4 A. Yes, in effect.

5 Q. -- why you've got the number of people working on
6 Op Northmoor. That rather gives the implication that it
7 was up to, well, DCGS or maybe one of his colleagues to
8 decide whether he agreed?

9 A. I think if you go -- I think it links back into the 21
10 April briefing to CGS by PM(A) and S01 INF. And then if
11 you look down -- then the one on the next, the view, CGS
12 view, that directing resources does not impact on
13 independence.

14 So it is a -- I don't think they were saying "once
15 you've given us this manning document, this is what
16 we're going to impose on you" but it was a justification
17 for why we had got to the numbers that had been used at
18 that point.

19 Q. Let's have a look at the 27 July entry because we've got
20 that meeting with DCGS and AH Tech.

21 A. Yes. That's me.

22 Q. Again, that was you. And was that just you or was that
23 with the PM(A)? Do you remember?

24 A. No, it would have been -- I think at that point it would
25 have just been me. I think in most cases I would have

1 said who the people were present, hence why if it's
2 solo, it's just that's one person.

3 Q. And relating to manning of Op Northmoor?

4 A. Yes.

5 Q. And CGS's view -- "CGS" is?

6 A. Chief of the General Staff.

7 Q. At that time was?

8 A. General Sir Nick Carter.

9 Q. Chief of the General Staff's view that 25 is the number?

10 A. Yes.

11 Q. How many people roughly were on Op Northmoor at that
12 time?

13 A. I think over 100. Whether we'd got to FOC at that
14 point.

15 Q. And CGS -- well, it's been relayed to you that the Chief
16 of General Staff's view is that you need 25 people.

17 A. His view is, yes, that is the number.

18 Q. What did you think about that?

19 A. Well, it was rather unhelpful.

20 Q. Did you think it might be improper?

21 A. It wasn't saying "25 is the number that you have to
22 use". His view is "I think 25 is the number. Prove to
23 me why I'm wrong". So it set off all that staff work in
24 order to explain how we came to. So it wasn't a direct
25 order "25 is the number, that's all you're going to

1 have", which might have been easier because the PM could
2 have turned round and said, "You are impinging on
3 independence", but it was a 25 seems to be the number.
4 Q. Certainly a bit of a hint, isn't it?
5 A. But the outcome was that we didn't go to 25. So, okay,
6 you can take it as a hint, 25 is the number. Justify
7 why you've got 100 plus.
8 Q. We talked before about structures.
9 A. Yes.
10 Q. And long screwdrivers?
11 A. Yes.
12 Q. Might the Chief of the General Staff, the head of the
13 army, saying "I think you need 25 people to be doing a
14 war crimes investigation" be an example of a long
15 screwdriver?
16 A. Yes. I can't recall why that view came about.
17 Q. Looking back on it now, if -- and I should say I'm sure
18 you have recorded what was relayed to you, but we don't
19 have a note of the conversation if there was one between
20 the SGS and DCGS.
21 A. No, we don't, no.
22 Q. With hindsight do you consider the CGS saying his view
23 as to the number of people that the RMP should put on a
24 war crimes enquiry as being an appropriate intervention?
25 A. It comes back to the wording. It wasn't "25 is the

1 number" and that's --

2 Q. That's what it says here.

3 A. -- 25 is a number, make it 25; he's just saying in his

4 view. But, yes, I would agree that's inappropriate.

5 Q. Was it a helpful indication?

6 A. No, I said it was unhelpful.

7 Q. Was it concerning to you?

8 A. I don't think it was concerning in that this is going to

9 happen. It prompted having to go back and look at all

10 the various factors to why it came to the number that we

11 came to.

12 Q. We'll look at your paper in a minute because it created

13 a lot of paperwork --

14 A. It did.

15 Q. -- this comment. There's the next part: view, CGS, that

16 directing resources does not impact on independence. Do

17 you agree with that?

18 A. Not if 25 is the number, because that impacts on our

19 investigative independence.

20 Q. Because, I mean, that surely must be a matter of

21 investigative professional judgement --

22 A. Absolutely, yes.

23 Q. -- whether you need one person maybe to investigate a

24 theft from the barracks, and I suppose you would say it

25 would be ridiculous if you said we're putting a whole

1 company on it?

2 A. Mmm.

3 Q. But if professional investigators are saying "We need
4 100"?

5 A. I don't know when that view was relayed whether CGS had
6 taken advice to be able to state that he doesn't believe
7 that it is impacting on independence.

8 Q. Just to be clear what we've got here, just as police
9 forces have to negotiate their budget with the Home
10 Office, once they've got that budget, of course within
11 various constraints, it's up to the Chief Constable and
12 the Chair of the police or the Police and Crime
13 Commissioner to decide where that's spent. This is an
14 -- but this is an all too different -- it's a very
15 different level of I don't want to say direction but
16 input, isn't it?

17 A. Yes.

18 Q. Because it's not just saying, "Well, here's your budget,
19 you decide how you spend it", it's a very specific hint
20 or view --

21 A. Yes.

22 Q. -- as to how many people should be put on it?

23 A. And particularly for the previous two years we had been
24 drawing resources from within. You know, creating this
25 Operation Northmoor unit by drawing from within our own

1 resources. So yes.

2 Q. Now, the CGS is the head of the army. He's the most
3 senior army officer. Do you think that view, if that is
4 the view he's expressed, however ill-advised it might
5 be, would have had an effect on people?

6 A. On who, sorry?

7 Q. I'm going to say through the chain of command.

8 A. No, because it was kept at our level.

9 Q. Who was the PM(A) at this point?

10 A. Sorry, what date?

11 Q. Just have a quick check.

12 A. So this, I think, would have been Brigadier Neal's
13 tenure. He would have been in for about a month at that
14 point, I believe.

15 Q. So it certainly would have been clear to Brigadier Neal,
16 because I think you said he wasn't there. You would
17 have told him --

18 A. No, I absolutely would have told him, yes. He would
19 have been fully aware of this.

20 Q. -- of the view?

21 A. Yes.

22 Q. All right. Can we just have a quick look at your paper,
23 please, which is at tab 26?

24 A. Are we back on --

25 Q. We're still in bundle 1 or still in. As a result of

1 this, you have to make the case.

2 A. That definitely wasn't the final version with all my --

3 Q. No, no, no and one of the things we've got -- it's just

4 the disclosure process.

5 A. Okay.

6 Q. I'm not saying this is the -- we can see there's also

7 some handwritten notes on this.

8 A. Yes, yes, those are mine.

9 Q. Is that your handwriting?

10 A. That's absolutely my handwriting, yes.

11 Q. And, again, if there's parts you think you might have

12 materially changed, there we are, but it's a

13 reasonably --

14 A. But I believe we also have a copy of the final one,

15 don't we, or not?

16 Q. We may do. I am going to stick with this one for the

17 minute, if that's all right, only because it's the

18 one --

19 A. Oh yes, yes. Sir, I think this without saying draft

20 through the middle is the draft.

21 Q. As a result of this, you are setting out your paper

22 where -- and we can see the issue, and this is written

23 in the something the Inquiry is now very familiar with,

24 a very specific military writing style, isn't it? So,

25 again, everyone I hope reading this understands you

1 don't have a huge amount of freedom in there's a way
2 it's expected you will express yourself.

3 A. Yes. It's known as IRTB: so, issue recommendation
4 timing background.

5 Q. So you are doing this because the DCGS requires a
6 briefing note?

7 A. Correct.

8 Q. So you were told you've got to --

9 A. I wasn't in the position to say no.

10 Q. No, no, no, absolutely and that's, sort of, one of the
11 things. Even though you're a provost officer, you're
12 also an army officer and there's a --

13 A. Yes, okay. Yes, yes.

14 Q. The DCGS has ordered you to explain something and you
15 are doing it.

16 A. Yes.

17 Q. The requirement, the rationale and the justification for
18 the employment of Northmoor -- of investigative
19 capability on Northmoor. And then you go through
20 recommendations. Effectively your --

21 A. Yes.

22 Q. -- there's matters he's got to note. Then on the next
23 page you go on to say "the minimum requirement" --
24 paragraph 5, let me be clear you are pushing back --

25 A. Oh, yes, yes.

1 Q. -- on the 25 is the number. You are saying no, no, the
2 minimum requirement is 123 and then you go on and you
3 set out why. You refer to -- and I'm just noting it in
4 passing -- about the public inquiry into Danny Boy and
5 why you need a specialist cyber team. You note at
6 paragraph 8 there is an impact on the RMP's ability to
7 support field army.

8 A. Yes.

9 Q. Then over the page, you deal, if I may, head on with the
10 point that CGS has raised?

11 A. Yes.

12 Q. "There are significant potential impacts from carrying
13 on Op Northmoor with 25 personnel, including it would
14 prevent the RMP carrying out a prompt and effective
15 investigation and increase the perception of improper
16 interference by the chain of command due to the manning
17 levels being set externally."

18 Was that intended as a respectful warning shot?

19 A. Absolutely.

20 Q. And you note the statutory duty to the defence counsel
21 to ensure investigations are free from improper
22 interference.

23 A. Yes.

24 Q. You go on to say if you reduce the manning, you are
25 going to extend it by five years to fifteen years?

1 A. Ten years, sorry -- from five to fifteen.

2 Q. Yes.

3 A. So a ten-year extension.

4 Q. An increased risk of civil litigation and withdrawal of
5 independence assurance.

6 I'm just interested, in particular, in your
7 concluding three paragraphs, at least of this draft,
8 where you set out presentation and risk. You say in --
9 your risk number 1 you put is "lawfare" which is
10 effectively if we don't do this, it will be pursued in
11 the civil court and allegations of war crimes in the
12 ICC, which is obviously --

13 A. Yes.

14 Q. -- you're saying to the DCGS this would be an
15 unattractive operation. You say there's a risk to
16 future organisational risk, in which case -- yes,
17 presentational failure will include -- cause risk to
18 future nations.

19 Then you've got exoneration. You say:
20 "There's already been significant progress by
21 applying the correct level of manning."

22 Then this is, I think, the only part you've
23 underlined:

24 "To date Northmoor has had two allegations of
25 murder against UK forces being disproved and 91 other

1 allegations being discontinued with the agreement of the
2 SPA."

3 Is there a reason why you sort of underlined why
4 you emphasised that?

5 A. No, I can't recall. It would have been just to show
6 that, with the numbers, we are moving forward with the
7 investigation.

8 Q. Might it also have been to say "we're kicking these out,
9 we're disproving them and discontinuing them"?

10 A. Where appropriate.

11 Q. Yes. I mean, I suppose what I'm coming to is there's
12 what you're thinking and then there's what you're trying
13 to do to convey and influence the decision-maker here.
14 Did you have an open mind as to what operation --

15 A. Oh, yes, absolutely --

16 Q. -- should be?

17 A. -- yes, yes. I mean -- yes. I don't think -- I can see
18 how it's been read but that wasn't the intent at the
19 drafting and I had support in drafting this.

20 Q. It goes on:

21 "This has resulted in the withdrawal of civil
22 proceedings and the soldiers being exonerated,
23 highlighting the fact that the quicker the investigation
24 is conducted, the sooner individual concerns regarding
25 it will be allayed."

1 I mean, isn't that sentence sort of premised on
2 this is all going to result on it's all fine, nothing
3 happened?

4 A. Not necessarily but it would have been more -- it would
5 have been better, with hindsight, had I put something in
6 along those lines. So yes, it wasn't at that point
7 I thought nothing's going to happen.

8 Q. One of the parts that's not there -- and it's always
9 easy to go through and say "Oh, why didn't you write
10 this" or "why didn't you write that" -- is to say it's
11 consistent with the values and standards of the British
12 Army that allegations of war crimes are properly
13 investigated?

14 A. I agree. It would have been good to put in.

15 Q. And would it be fair to read anything into that not
16 being there into your mindset?

17 A. Not at -- no.

18 Q. Or might it be fair to read something in not making that
19 sort of positive point to what you perceive the mindset
20 of the DCGS to be?

21 A. Sorry, can you explain that?

22 Q. Well, that the arguments that were going to make and
23 agree to it was the ones that you have highlighted
24 before: lawfare, risk to future operations, exoneration.
25 That was going to appeal to him more and more to those

1 in charge in giving you resources than saying "it's
2 right we do this because it's right"?
3 A. That wasn't in my mind.
4 Q. Can we just turn to tab 27 where we do have the final
5 version. Just to be clear, if you go to tab 27,
6 page 5 --
7 A. Taken that out.
8 Q. -- that was removed?
9 A. Yes.
10 Q. But sort of placed earlier at paragraph 5 without the
11 underlining?
12 A. Yes.
13 Q. Right.
14 SIR CHARLES HADDON-CAVE: Is it the copy at tab 27 that
15 would have gone out?
16 A. Sir, the one dated 13 October would have been the one
17 that would have been set out. 8 October was obviously
18 the draft where we were still coming up with that.
19 MR POLNAY: I'm sorry, the final matter. In relation to the
20 25 is the number meeting, would you have told Brigadier
21 Neal about that?
22 A. Oh yes, absolutely. Yes, yes.
23 MR POLNAY: Thank you.
24 Sir, would that be a convenient time to rise for
25 lunch?

1 SIR CHARLES HADDON-CAVE: It would indeed, Mr Polnay, thank
2 you.

3 We will adjourn now, please, until 2.05 for lunch
4 and the same warning: please don't discuss your evidence
5 with anybody. 2.05 please. Thank you.

6 **(1.05 pm)**

7 **(Luncheon Adjournment)**

8 **(2.01 pm)**

9 CLERK: Good afternoon.

10 This is an OPEN hearing of the Independent Inquiry
11 into matters relating to Afghanistan. Please ensure
12 that all mobile phones and other personal electronic
13 devices are either switched off or in silent mode.

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

24 The first part of the general restriction order
25 for Inquiry hearings prohibits any person from making an

1 audio or video recording of Inquiry proceedings without
2 the express permission of the Chair. Furthermore, no
3 person may take a photograph in any room in which
4 Inquiry proceedings are taking place and at a time the
5 Inquiry is sitting, without the express permission of
6 the Chair.

7 The second part of the general restriction order
8 for Inquiry hearings which applies to this hearing
9 arises as the live-stream of these Inquiry proceedings
10 via YouTube will purposely be subject to a ten-minute
11 delay. Where those who have supplied evidence to the
12 Inquiry have applied to restrict information from
13 publication outside of the Inquiry, in some instances
14 the Chair has made restriction orders the effect of
15 which is to protect that information.

16 The Chair has also made a restriction order
17 prohibiting the use, publication or dissemination of
18 certain information that is contained within the
19 evidence and documents associated to these hearings.
20 That restriction order is displayed on the door of the
21 hearing room and copies are available on request. Where
22 material is restricted, it is redacted and, where
23 appropriate, a gist of the evidence is provided.

24 In the event that something is said during the
25 course of this hearing which may breach a restriction

1 order made by the Chair, the evidence may be halted and
2 the hearing room may be cleared for CLOSED legal
3 submissions as to whether any restriction order has been
4 breached, and the live-stream YouTube recording will be
5 temporarily stopped for this period.

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

15 For the avoidance of doubt, where material or
16 identities in documents shown on-screen or subsequently
17 published have been redacted, with or without an
18 overwritten gist, the redacted material is restricted,
19 and it is a breach of the restriction order to disclose
20 what is thought to have been redacted.

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

1 of the order.

2 SIR CHARLES HADDON-CAVE: Mr Polnay.

3 MR POLNAY: Colonel Morris, just so you know, we're making

4 good progress at least with the questions I want to ask

5 you. I estimate we will be finished at some point a bit

6 after 3.00, just to give you some idea of where we are.

7 A. Thank you.

8 Q. Can I just ask for a moment we just turn back to one of

9 the documents we were dealing with just before lunch.

10 It is at bundle 1, tab 26, page 26-4.

11 This is the draft of the document that you

12 produced for the Deputy Chief of the General Staff.

13 I have only two further questions in relation to

14 this. First of all, would you have shared this draft

15 with Brigadier Neal?

16 A. Yes.

17 Q. Second and final question: in relation to paragraph 18,

18 which is the one that's got the underlining in --

19 A. Yes.

20 Q. -- are you able to recall now as to the reason why that

21 paragraph was removed?

22 A. No, I thought it had been -- I thought we agreed that

23 it had been moved up into paragraph 5 of the final.

24 Q. Well, moved or removed?

25 A. No, no.

1 Q. That's the end of that topic.

2 A. Thank you.

3 Q. I am going to ask you now about the forensic data
4 handling centre. You and others may be pleased to know
5 I'm not going to go through the detailed timeline of
6 this procurement exercise.

7 I was going to say, have you still got bundle 1
8 open? I don't think you have. I'm sorry, that's my
9 fault. It would help, I think, if we look at some of
10 the documents, at least around, if that makes sense.

11 A. Yes.

12 Q. At tab 30 we have a document entitled "Timeline".

13 A. Yes.

14 Q. Have you got it?

15 A. Yes, I have. Thank you very much.

16 Q. Now, just to be clear, this isn't a document you
17 created. If we have a look at the back we can see it's
18 from a Major Hacker, who is from the Special Operations
19 Regiment, part of the RMP, but this was a document that
20 was sent to you, we can see on page 1. That's where it
21 says "AH Northmoor", that would have been you at that
22 time, I think.

23 A. It was, amongst others. I wasn't the sole addressee.

24 Q. No, we can see there's the PM(A) there.

25 A. Yeah, yeah, absolutely yeah.

1 Q. I just want to say, this is something you would have had
2 access to at the time. I think what it does is it does
3 help anchor some key dates --

4 A. Yes.

5 Q. -- in this.

6 In summary, this was considered an essential
7 requirement to enable the cyber -- the forensic and
8 cyber investigations of relevant hardware; is that
9 right?

10 A. Yes, I agree.

11 Q. Now, if we look at the timeline, because what this is,
12 is this is -- we can see this is the issue. It's got
13 the same structure you explained earlier, of official
14 staff work. It's to review requirements.

15 And PM(A), we can see, is being invited to, sort
16 of, note what's happened so far, but it is, I think,
17 a useful point.

18 So if we look at "Table A - Work Completed".

19 A. Yes.

20 Q. We can see Serial 1 says, sort of, when the requirement
21 started, effectively; is that right?

22 A. I have to take it as read because, yeah, I wasn't there
23 at that point --

24 Q. No, no, no, absolutely appreciate you were perhaps not
25 even that long back from Afghanistan when we're there

1 in 2013. That's where the requirements start; that's
2 right, isn't it?

3 A. I agree, yes.

4 Q. We haven't got a particular month there, have we?

5 A. No.

6 Q. But we can see that's 2013.

7 Now, we know from page -- well, there's a number
8 of places it's dealt with. It was delivered on site on
9 30 June 2016. Look at 30-4.

10 A. Yes.

11 Q. Now, we know the cost was 7.5 million, I think?

12 A. I believe so.

13 Q. Requirement arises in 2013.

14 A. Yes.

15 Q. And in fact, if it's not too annoying, can we have two
16 documents open at the same time?

17 In file 2, if you can have a look at tab 35.
18 You've got tab 35 because this is an email from you --

19 A. Yes -- to me.

20 Q. I'm sorry, it's my fault. Can we go to 35-3. That's
21 where I want to start.

22 A. Oh, yes, yes.

23 Q. My fault for taking you to the wrong place. This is an
24 email from you, 27 February 2017.

25 A. Yes.

1 Q. Effectively it's: stop it.

2 A. As per the decision of Gold.

3 Q. As per the decision of Gold.

4 Now, procurement starts 2013.

5 A. As in --

6 Q. The requirement.

7 A. The requirement is established.

8 Q. Yes. Delivered 30 June 2016.

9 A. Yes.

10 Q. Then abandoned before it's even switched on.

11 A. Yes.

12 Q. What word would you use to describe that process

13 overall?

14 A. Well, it's non-delivered. Slow?

15 Q. It's woeful, isn't it?

16 A. Yes, it is, in terms of 2013 somebody identified FDHC,

17 and then delivery, but I think the serials in between

18 explain the reasons why.

19 Q. Was that typical of procurement at that time?

20 A. I don't know. I wasn't involved in procurement at the

21 time. But there are -- where's the money? You know, it

22 had to go all the way up to the Cabinet Office for

23 agreement.

24 Q. No, and we can go through the serial of -- line by line,

25 but, look, we're not building the Channel Tunnel here.

1 It shouldn't take, should it, this long to get
2 a computer system, and by the time it arrives it's
3 obsolete --

4 A. It shouldn't, no. It shouldn't. But it did, for
5 various reasons that are outlined in here.

6 Q. Who, in your view, is responsible for that procurement
7 failure?

8 A. I don't any one person is responsible for it.

9 Q. Is that not a problem?

10 A. As in there isn't someone that's --

11 Q. Yes.

12 A. Yes. You could say that, absolutely.

13 Q. Now, bearing in mind that you joined I think in
14 March 2015, do you consider you bear any responsibility
15 for this procurement failure?

16 A. No, because it sits out -- if you look at all -- where
17 everything else went, it sat outside where my
18 responsibility was. So, across into Army headquarters,
19 up into the Cabinet Office, and back down.

20 Q. So we take a step back to your answer before: no-one is
21 responsible?

22 A. Yes, you could say that no-one's responsible in terms of
23 there wasn't a one single person that had control from
24 the beginning through to the end.

25 SIR CHARLES HADDON-CAVE: Or everybody's responsible?

1 A. Or everyone's responsible, sir, yes. Everyone has
2 a responsibility to pay within the time-frame.

3 MR POLNAY: Would you agree it's a very poor state of
4 affairs?

5 A. Very poor state of affairs to go from initial
6 requirement to nothing being delivered -- or being
7 delivered but not being set up.

8 Q. So far as public funds are concerned, it's, I would
9 suggest, even worse than that. Because if you turn,
10 please, to tab 28 of the first bundle, and if you go
11 to 28-2.

12 Can I say, I appreciate this is slightly
13 unsatisfactory because it's got a very large black box
14 on it. It has had to be gisted for national security
15 reasons. You are going to have to rely on the process
16 to -- that this is a fair gist.

17 It says:

18 "Background.

19 "Details of the purchasing and delivery process as
20 well as the price breakdowns necessary to obtain the
21 necessary infrastructure ..."

22 For Northmoor, the expected stages are set out.

23 "In respect of delivery ... the second stage and
24 further stage ... were not completed. [It] was delayed
25 due to capability issues to such an extent that the

1 original infrastructure project was halted [according
2 to] the third party provider. Accordingly, nearly 35%
3 of the total expenditure on [Operation Northmoor]
4 infrastructure and equipment was unaccounted for."

5 I mean, that's -- does that accord with your
6 recollection?

7 A. No, I thought we had managed to re-purpose more than
8 that.

9 Q. Did you raise this with anyone, this failure for being
10 looked into?

11 A. Sorry, how do you mean? In ...

12 Q. On one view, you're there as Assistant Head Northmoor,
13 you are the colonel, and, as you have explained, you
14 don't have the investigative function. This is yours,
15 and there is this big failure, to be blunt, sat there,
16 which you are saying is a systemic failure. It involves
17 all of MOD. It involves everyone. What was being done
18 about it?

19 A. I'm sorry, I thought it's clear all the way through the
20 timeline what was being done about it. Or do you mean
21 at the end?

22 Q. No I mean at the end.

23 A. At the end? Well, as I recall, the vast majority of the
24 hardware and software was re-purposed across Defence.
25 That's my recollection.

1 Q. It's my fault for not putting it as well as I might.
2 I don't necessarily mean what happened to the bits of
3 kit, I mean how something so big -- well, it's not that
4 big in terms of procurement terms, it's not billions,
5 but how something could fail so badly. I mean, was this
6 treated as business as usual?

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

8 Q. So, taking a step back from it, would it be fair to say
9 that the procurement of this important investigative
10 tool was not pursued with the speed and the seriousness
11 that it deserved?

12 A. I'm not sure because there were steps taken as outlined
13 in the timeline.

14 Q. Do you think the fact, as you've explained, that it was
15 no-one's or everyone's responsibility, and there wasn't
16 that procurement function within RMP, is relevant to
17 whether the RMP really has autonomy?

18 A. I would say yes. Yeah.

19 Q. Is it your evidence that, in your view, the delays from
20 2013 to abandonment in 2017 without it being switched on
21 overall, as a whole, were excusable?

22 A. Sorry, I missed that. Was it --

23 Q. Were the delays as a whole excusable?

24 A. It depends on how -- where you look at what happened and
25 where. I mean, there was -- I think there were some

1 things that were beyond control.

2 Q. All right.

3 Moving on to the next topic now, which is

4 accommodation. The requirement for accommodation, as in

5 distinct and separate accommodation for Op Northmoor,

6 not as business as usual, I think arose in March 2014;

7 is that right?

8 A. I'll have to -- I wasn't involved with it then. So,

9 yes, I believe it would have done, because there would

10 have been a requirement, depending on the stages at

11 which it grew. If it started with -- in 2014 with

12 80 people in one location but it was going to be much

13 bigger, and that location couldn't take it, so ...

14 Q. It probably might help if you've got your witness

15 statement out at paragraph 125, because you set out

16 there, if I may say, quite a helpful summary of the

17 events.

18 A. Can you say the paragraph.

19 Q. Yes. Bundle 1, please -- no. The witness statement,

20 paragraph 125. That's on 11-50.

21 A. Yes, thank you.

22 Q. And you set out there:

23 "From March 2014 it was clear [it] would require

24 a location ..."

25 Is that right?

1 A. That's correct, yes.

2 Q. When was it in fact delivered?

3 A. 2016, I believe.

4 Q. What's your view of the time period, from it being
5 identified there was a need for application and one
6 actually being --

7 A. Not being involved in March 2014, I'm unsure whether, in
8 March 2014, it was determined that it needed to be
9 120 people. So I believe that, as more evidence,
10 allegations, came to light, then it was grown
11 sequentially.

12 So I don't know in March 2014 whether they had
13 said, "We need a place for 120 people", or whether it
14 grew sequentially and then later, in 2015, there came
15 a requirement for it to be -- for a bespoke location.

16 Q. I mean, again, would you agree that the point from
17 saying, "Hold on, we need somewhere" -- and again, we're
18 all operating in the real world, I appreciate no-one
19 can, sort of, click their fingers and suddenly a place
20 is magicked, but there's the whole of Defence in play.

21 A. I'm not sure at the point at which it outgrew the
22 location it was in, in Camp Inlines.

23 I think that's the point, is: was there an
24 assumption that actually it was going to be 50 people;
25 in which case it could be in Camp Inlines.

1 Q. What we can see from your witness statement, if this is
2 correct, at paragraph 125, it's from March 2014 it was
3 clear --

4 A. Okay, yes.

5 Q. And nowhere was sourced and agreed in January 2016.
6 That's nearly two years.

7 A. It is. But it comes back to where is the decision --
8 who's the decision-maker on where the locations can be.
9 So, I mean, overall, yes, I will accept the points
10 that 2014 to 2016 is two years.

11 Q. It's a glacial pace.

12 A. Yes, I agree. But are you asking me was I responsible
13 for that?

14 Q. I will come, if I may, to your responsibility on that in
15 a minute, but would you agree that rather suggests that
16 whether, individually, RMP, Corporate, Defence, this
17 really wasn't being treated with anything like the
18 urgency or seriousness it needed?

19 A. I can't speak for wider Defence, but I do recall that
20 there's minsubs made by the then Provost Marshal in
21 order to try to move this forward.

22 Q. So who was responsible for this?

23 A. For the slow pace or for -- I think, again, it comes
24 back to there was no-one responsible. The DIO, Defence
25 Infrastructure Organisation, had the authority to say

1 where the location could be.

2 Q. Sure. So your evidence on this is the same as the FDHC.

3 There was not, in fact, in your view, anyone who

4 responsible?

5 A. Yes.

6 Q. Now, as of March 2015, you were the DPM, or the AH.

7 A. Yes.

8 Q. Does that make you responsible?

9 A. I think I mention here the responsibility for

10 infrastructure, for its development, sat in another part

11 of Headquarters Provost Marshal (Army).

12 Q. One of the reasons I would imagine, you can correct me

13 if I've got the wrong end of the stick on this, that

14 there is a colonel who is put latterly as Assistant Head

15 Northmoor -- I appreciate that wasn't your role at the

16 point -- is because it needed -- because this was

17 difficult and complicated. It was not business as usual

18 for anyone.

19 A. But I wasn't AH Northmoor at that point.

20 Q. No, I think I noted that before.

21 A. Sorry, I missed that.

22 Q. But at the time you were the Assistant Head and Deputy

23 Provost Marshal (Inv & Pol) and that means looking at

24 issues --

25 A. Yes.

1 Q. -- and I mean as -- sure we will agree on this -- I mean
2 it wouldn't be -- and I'm not saying it was -- your
3 attitude to go, "Oh, that's not my problem", shrug it
4 off and say, "Well, you know, someone else is dealing
5 with that."
6 A. No, I think that's a bit unfair.
7 Q. Yes, no, I'm saying that's not --
8 A. Oh, that's all right, I missed the "not" bit.
9 Q. No, that's not what you would have done. That's why you
10 have got a senior officer in this role.
11 A. But you have an equivalent who was dealing with the site
12 procurement. So my responsibility at that point was to
13 pass in to them what was required. So that's all I'm
14 saying. At that point it wasn't me that was dealing
15 with the DIO. It was Assistant Head MP that dealt with
16 infrastructure, force development.
17 Q. Right.
18 If the suggestion was made that, for whatever
19 reason, no-one gripped this, would you agree?
20 A. No.
21 Q. Can I ask you, please, about the location that was in
22 fact procured.
23 A. Yes.
24 Q. You were, in fact, involved with this, I think, and you
25 set out at -- well, let's turn to -- I will deal with

1 this in a different way.

2 Would you mind turning, please, to paragraph 135

3 of your witness statement.

4 A. Yes.

5 Q. Paragraph 134.

6 A. 1-3?

7 Q. 4. And you say you don't recall being made aware of any

8 issues regarding culture and morale. Yes?

9 A. Yes.

10 Q. And at 135 you don't recall being posted in Cornwall --

11 you say it:

12 "... did not suit everyone, but conversely some of

13 those accompanied by their families did [not] enjoy

14 their experience there."

15 If I were to suggest -- sorry, "did" -- I'm

16 grateful:

17 "... did enjoy their experience there."

18 Thank you.

19 If I were to suggest that there was a significant

20 problem with morale at RAF St Mawgan, would you agree?

21 A. I would need to understand the specifics.

22 Q. And that their involvement the involvement with

23 Operation Northmoor caused quite serious adverse effects

24 on a number of those people involved?

25 A. Sorry, we seem to have jumped ahead from getting to

1 Cornwall and then --

2 Q. Yes, at Cornwall.

3 A. Then being at Cornwall.

4 Q. Yes, that's what we're talking about now: at Cornwall.

5 A. Sorry, I'm missing your point of ...

6 Q. So I'm asking you now about your views on morale and

7 health in Cornwall, St Mawgan.

8 A. Yes.

9 Q. Yes?

10 A. Yes.

11 Q. From your witness statement, you're saying you thought,

12 well, obviously not everyone's going to like every

13 placement, one way or another, but you didn't see any

14 particular issues.

15 A. That were raised to me.

16 Q. That were raised to you?

17 A. Yes.

18 Q. Now, where were you based?

19 A. I was based in Bulford -- sorry, Andover.

20 Q. Again, you were the Assistant Head of Northmoor. Would

21 it not --

22 A. Assistant Head Tech at that point.

23 Q. Well, and later on Assistant Head Northmoor. Were you

24 ever based in St Mawgan?

25 A. No.

1 Q. Why not?

2 A. Because my focus was in to Army headquarters and in to
3 the MOD.

4 Q. Do you not think, even with the benefit of hindsight,
5 there might have been a number of advantages in you
6 actually being based with the people on the
7 investigation that you were the assistant head of?

8 A. No, because I wasn't part of -- I think we're missing
9 the point on what I was doing with the investigation.
10 As Assistant Head Tech, as I explained earlier, I am
11 focusing up and out, and therefore it made more sense to
12 be in Andover rather than down in RAF St Mawgan.

13 Q. Do you mind turning to tab 23, please. You've got that
14 document there?

15 A. Yes, thank you.

16 Q. This is a document called "Impact of Op Northmoor on RMP
17 Activity".

18 A. Yes.

19 Q. It says "RTC (Light)"; what does that mean?

20 A. RTC was the name -- so I think it's Red Tab Cabal. So
21 it would have been the full colonels.

22 Q. Right, so Red Tab -- and we've heard about, different
23 contexts, cabals, it's sort of an informal senior
24 leadership team?

25 A. It's a meeting, a grouping, yes. I wouldn't read

1 anything into "cabal" as being in a --

2 Q. We've heard that in a number of other contexts here, and

3 nothing adverse is read by it. It's a term that's used.

4 But this is almost sort of a little bit of a state

5 of the nation of sort of what's going on as a result of

6 impact on Northmoor?

7 A. Yes.

8 Q. Is that fair?

9 A. It is fair.

10 Q. Could we just turn to the very last page, which says

11 "Moral Component".

12 A. Yeah.

13 Q. The first thing is:

14 "Nights Out Of Bed. To Follow ..."

15 That's just a measure, isn't it, of how many

16 days --

17 A. Yeah, days spending away from your parent location, yes.

18 Q. Then we've got "Medical Stats".

19 A. Yes.

20 Q. "Sick at Home". And it says here:

21 "In the past year, medical statistics recorded on

22 WISMIS ..."

23 And I think that's an IT system, is it, a medical

24 system?

25 A. It is, correct.

1 Q. "... had risen by 125."
2 A. Yes.
3 Q. We don't have here what 125 means, whether 125 people or
4 125 whatever, but it's obviously gone up.
5 And it says:
6 "Specifically within this statistic, the JNCO
7 [junior NCO] cohort has risen by 333%"
8 A. Yes.
9 Q. I mean, that's, would you agree, an extremely
10 concerning --
11 A. Yes, across the brigade.
12 Q. No, and that's noted, that is across the brigades, we're
13 not saying that is just Operation Northmoor, but
14 certainly this is in a document entitled "Impact of
15 Operation Northmoor" --
16 A. Yes.
17 Q. -- so it must have been perceived it might have some
18 sort of link. So this being an issue or this being
19 raised up there, did you take any steps to find out what
20 was going on --
21 A. So, the responsibility for the G1 personnel for
22 Northmoor sat with -- I can't recall at the time without
23 being prompted whether that still sat with CO Spec Ops
24 or whether it had gone to CO SIB Regiment at that point.
25 Q. All right.

1 Can I ask you now about the investigation?

2 A. Yes.

3 Q. At paragraph 178 of your witness statement, it says

4 here -- if I may say, it's very clear:

5 "I am unable to comment on any lines of enquiry as

6 I was not involved in investigating lines of enquiry."

7 I take it you absolutely stand by that. You

8 weren't going out taking witness statements or anything

9 of that sort?

10 A. No.

11 Q. Can I ask you this though: what about supervising or

12 managing or assuring lines of enquiry?

13 A. That sat with Gold, in terms of the responsibilities at

14 that point.

15 Q. Yes, and we understand the theoretical model, if I can

16 call it that, and the actual thing, that was Gold.

17 A. Yes.

18 Q. I'm sorry to just push you to ask you that again,

19 because just as -- I know you said it's their

20 responsibility, but did you -- were you involved with

21 supervising, managing or assuring the enquiry,

22 Operation Northmoor?

23 A. But in the totality rather than the investigation piece?

24 Q. I'm talking about the investigation. I'm not talking

25 about procurement or personnel or finance. You've

1 explained your involvement in that. I'm talking about
2 the actual investigating.

3 A. No, that would have been done, by that point, at Gold.
4 In terms of the -- I wasn't part of the investigation
5 *per se*, looking at the investigation. I was more
6 involved at that point -- which point are we talking
7 here?

8 Q. I'm asking at any point actually.

9 A. Okay, yeah. No, so I wasn't involved in the lines of
10 enquiry, the investigation.

11 SIR CHARLES HADDON-CAVE: You were, in a sense, logistics,
12 is your --

13 A. Yes, I think, you know, we've talked about the blurring
14 of Gold and my role. So I saw my role at that point as
15 it wasn't involved in the investigation piece.

16 MR POLNAY: I think one of the things I think you mentioned
17 somewhere in your witness statements, AH is typically
18 a staff officer function --

19 A. Yes, correct, yeah -- (*unclear: simultaneous speakers*)
20 so I wasn't a --

21 Q. -- function, just for clarity.

22 I'm sorry, there is a "however". You mentioned
23 earlier on --

24 A. Yes.

25 Q. -- that this ran on a typical hierarchical military

1 structure.

2 A. Yes.

3 Q. And you are a colonel, and Lieutenant Colonel McAllister
4 is the rank below you, so through that did you maybe
5 sort of become involved or would you say no?

6 A. I think this is a case of not using the long
7 screwdriver.

8 Q. Yes. You weren't?

9 A. I weren't -- I wasn't, yes.

10 Q. You was not -- weren't.

11 Again, that's understood. And I think we
12 discussed at the start, given you weren't an
13 investigator by background, it might have been
14 challenging for you to have -- doing that sort of job.

15 A. Yes.

16 Q. There's one document I would ask you to look at, please,
17 and that's in bundle 2, tab 1 -- tab 54, please.
18 I think you would have had a chance to read this before
19 you came in to the hearing today.

20 A. I did, yes.

21 Q. Though, in fairness, it may not have been a document you
22 saw at the time, because --

23 A. I don't believe I've seen it in 2019, no.

24 Q. This is dated 26 April 2019, and it's a policy book.
25 It's a policy file report. And we've seen this a few

1 times, where decisions are made of policies are meant to
2 be recorded.

3 A. Yes.

4 Q. The policy decision is:

5 "SSE photographs for Objective 1 will not be
6 submitted for SME ..."

7 A. Subject matter expert.

8 Q. Thank you.

9 "... forensic analysis at this time."

10 Just so we're clear, these are photographs that
11 were taken SSE, sensitive site exploitation?

12 A. Yes.

13 Q. Documents taken by UKSF at the time for Objective 1.
14 And that's one of the matters that they were looking
15 into.

16 A. Yes.

17 Q. Again I say, for completeness, I think -- I don't have
18 all of my documents to hand -- that may have been one
19 I think where there were also four EKIA. I may be
20 wrong --

21 A. I can't recall at the time.

22 Q. It's certainly 1 that was --

23 A. Sorry?

24 Q. I'm so sorry, it's eight or nine in Objective 1.

25 A. Oh, right.

1 Q. And this is also, I just say for completeness, one of
2 those objectives that took place whilst you were the FPM
3 in Afghanistan.

4 A. Right.

5 Q. And the decision which is taken is the SSE photographs
6 will not be submitted for analysis. Then there's
7 reason. And this is how these books are meant to work.
8 There's the decision, and the rationale is recorded so
9 if it ever needs to be looked at or understood by
10 someone else, it's clear:

11 "The IRT conducted a review... They recommended
12 that without proving the who or how and where the photos
13 were taken ... and they should not be submitted. To
14 date I have been unable to prove the who."

15 Then it says this:

16 "PM(A) was verbally briefed by Assistant Head
17 Northmoor ..."

18 And that's you, isn't it?

19 A. Yes.

20 Q. "... on this recommendation and accepted it. This was
21 communicated to Op Northmoor as strategic direction on
22 23 April 2019."

23 So there's a few bits I want to ask you about,
24 please. So the IRT have made an investigation -- no --

25 A. A recommendation.

1 Q. A recommendation.

2 A. Yes.

3 Q. I think as everyone has accepted, putting the nuance of

4 it aside -- and there is always a nuance -- the review

5 teams make recommendation but ultimately the decisions

6 are for the RMP to make.

7 A. Yes.

8 Q. And the person who made this decision was the PM(A).

9 A. Correct.

10 Q. That was Brigadier Neal?

11 A. Yes.

12 Q. Would you agree that this might be another example of

13 the long screwdriver?

14 A. Potentially, but at that point I believe that those

15 decisions were going up to the Provost Marshal.

16 Q. So you've got the Provost Marshal making, on any view,

17 what's an investigative decision: which photos are we

18 going to submit?

19 A. Yes, that's what appears on the face of it, yes.

20 Q. The root of that appears to be, from this document, the

21 IRT make their recommendation -- we know they did make

22 that recommendation -- and then you're doing the

23 briefing on that?

24 A. Briefing the message.

25 Q. Yeah, briefing the message, explaining what it is?

1 A. Yes.

2 Q. To the PM(A)?

3 A. Yes.

4 Q. Why?

5 A. I honestly don't know why I was briefing at that point

6 and Silver or Gold wasn't.

7 Q. Because you are not one of the investigators?

8 A. No, so I'm -- I'm briefing what the recommendation is --

9 the message -- I'm not saying: go ahead and take it, or

10 don't take it --

11 Q. No, you are explaining what the IRT are saying.

12 A. Yes, correct.

13 Q. But surely you've got to agree, you could have had no

14 idea whether this was a fantastic idea and the only

15 possible answer or it was a really poor decision?

16 A. I missed that. Did I ...

17 Q. Because you are not an investigator, you're not involved

18 in the investigation, so normally -- you know like with

19 the briefing note, like the one we saw before --

20 A. Yes.

21 Q. -- for CJS, you are saying: this is a good idea for the

22 following reasons. You put your point. You're not, if

23 I may, the postboy, you are there as a colonel to --

24 I don't mean "to put your spin on it", but you're not

25 just there to say, "Sir, here's someone else's

1 document"?

2 A. No, I was.

3 Q. You were?

4 A. Yes. Ordinarily I would -- I think -- is this the only
5 example of this? Ordinarily this would have been
6 briefed in by Gold.

7 Q. Here we've got -- well, that's the second part of what
8 I wanted to ask you about. How come something like this
9 is being briefed up without Gold, without the SIO?

10 A. I don't know. I do not know why the SIO at that
11 point -- so what's the date? 2019 -- Major Cox would
12 have been not briefing it up.

13 Q. But why are you involved with this at all?

14 A. I think it's because it's in the absence of Gold at that
15 point.

16 Q. Shouldn't Silver have done it then?

17 A. Potentially. And that's another question, is: why
18 didn't Silver brief the Provost Marshal?

19 Q. When you were doing the briefing, were you conscious
20 that that was one of the objectives that took place
21 whilst you were in Afghanistan?

22 A. No.

23 Q. Looking back on it now, do you think you ought to have
24 been briefing the PM(A) on investigative
25 recommendations?

1 A. Without understanding the context of -- on this
2 particular date, why I was doing at the brief. I mean,
3 is there an inference that it was -- because it was
4 happened during when I was out there that I was briefing
5 "Don't do it"? Is that the inference or ...?

6 Q. No, I'm not asking for an inference to be drawn at all.
7 I'm asking you about it, and I will be absolute clear,
8 for two reasons: first of all. Because you have made
9 clear you are not an investigator?

10 A. Yes, yes.

11 Q. And the examination of the SSE photos is a really
12 important matter?

13 A. Yes.

14 Q. The second matter is because one of the matters that we
15 understand Brigadier Warren was very keen on was that
16 the inquiry, the RMP inquiry, would seem to be
17 transparent and impartial and I am highlighting the
18 fact -- and I think we talked about it before -- at the
19 risk of perceived bias and that was the term --

20 A. Okay.

21 Q. -- if someone was looking back on it, they could say,
22 well, hold on, talk about perceived bias --

23 A. Yes, yes.

24 Q. -- it looks a bit odd because this decision not to look
25 at photos, which may or may not turn out to be quite or

1 even a very important decision that was taken in
2 Northmoor so everyone understands the circumstances of
3 it.

4 A. Yes.

5 Q. Can we turn back to your witness statement now, please,
6 and can we turn please to paragraph 138 which is on
7 page 11-55.

8 A. Yes.

9 Q. You know what, I am going to go back one just because it
10 makes, in your words, the point I was just raising at
11 paragraph 137:

12 "The involvement of the NCA and GMP was a risk
13 mitigation measure. The direction from PM(A)... makes
14 clear that in order to mitigate any risk associated with
15 potential perceived partiality [and this is the sort of
16 the topic I was raising with you before] it will be
17 civilian major case review."

18 Then, at 138, you note that it's being supervised
19 by the NCA at a strategic level and GMP at a tactical
20 level?

21 A. Yes.

22 Q. And then there comes a point, doesn't there, where --
23 and it's at paragraph -- if we go to 142, you say:

24 "In terms of the circumstances in which the NCA
25 and GMP's involvement in Op Northmoor ended, my

1 recollection was, as a consequence of having the IAG and
2 IRT on board" ... they no longer needed it.

3 So my question is this: why was the decision made
4 to stop using the NCA and GMP and switch?

5 A. I think, as I outline, there because the IRG -- sorry,
6 IAG and then consequently the IRT were in. So, as
7 I understood it, but I may be wrong in my recollection,
8 but they were fulfilling those roles. So rather than
9 having four --

10 Q. If I may say, I entirely follow that and that's the end
11 point?

12 A. Yes.

13 Q. But why were they brought on board in the first place?

14 A. Oh, why were they brought on board?

15 Q. Yes.

16 A. So I think I explained elsewhere where the IAG came from
17 in 2016.

18 Q. You do but what I was hoping for is there surely came a
19 point why are you getting someone to do the job of the
20 GMP Review Team if you have already got people?

21 A. As I said, the IAG came from within the MOD.

22 Q. That's right. Could we have a look at tab 50, please,
23 where we've got some emails from you that deal with at
24 least part of that. When you say "the MOD", do you mean
25 Peter Ryan of DJEP?

1 A. Yes. Was that in the ... yes, no, it is absolutely.
2 Yes, yes.

3 Q. This is Peter Ryan's idea?

4 A. Yes.

5 Q. Again, going back to what we are asking before, what has
6 it got to do with Peter Ryan?

7 A. I think it was designed to provide extra assistance.

8 Q. Again, I'm asking for your help with this because
9 I don't understand. It's a police investigation; what's
10 it got to do with Peter Ryan?

11 A. It might have come from Brigadier Warren saying it would
12 be useful to have more assistance. Sorry, you're going
13 to have to ask Peter Ryan what the genesis was of it.
14 I can't -- I don't have the documentation.

15 Q. No, no, and we will but what I was wondering, from your
16 perspective, this is a police -- you know, this is a
17 police -- it's not an MOD inquiry, it's not the CGS's
18 inquiry, it's a police inquiry.

19 A. Yes.

20 Q. So that's why I'm asking you about it. Did it strike
21 you as Peter Ryan being involved in that as being odd?

22 A. As I said, I don't know whether it was as a result of a
23 conversation that Brigadier Warren may have had with
24 Peter Ryan. So there could be that reason.

25 Q. Okay.

1 SIR CHARLES HADDON-CAVE: You told counsel just now this was
2 for additional assistance. I think what counsel is
3 asking you why were the NCA and GMP replaced?

4 A. In terms of who made the decision or when the decision
5 was made?

6 SIR CHARLES HADDON-CAVE: Why do you think they were
7 replaced?

8 A. Because you had the IAG in -- was brought in. I think
9 the decision was made that there would be one set of
10 advisers.

11 SIR CHARLES HADDON-CAVE: I understand the IAG were brought
12 in but why were they brought in to replace NCA?

13 A. I honestly don't know. I can't answer that question.

14 SIR CHARLES HADDON-CAVE: You're not aware?

15 A. No, I'm not aware.

16 MR POLNAY: I wonder if I could take you to a few emails
17 which, in fairness, have a bit more information on that
18 from the time. Page 50-6.

19 A. Sorry, I missed that.

20 Q. Page 50-6. Because with these emails, we always have to
21 work backwards.

22 A. Yes, yes. Absolutely, yes.

23 Q. "Just to be clear, John a couple of actions fell out of
24 PMA's meeting with the two independent advisers."
25 "It says:

1 "First, Sir Jon has recommended a review takes
2 place and he's got two individuals."
3 So just in fairness, to clarify that, it appears
4 that the suggestion of the review as opposed to --
5 A. Sorry. Yes, absolutely, I agree.
6 Q. -- is coming from Sir Jon Murphy --
7 A. Yes, very true.
8 Q. -- peter Ryan. Then we go also up. The next email is
9 from Lieutenant Colonel Harvey and he said his intended
10 review team -- and it says there "note this is a one-off
11 review" so it does not go into --
12 A. Okay, yes, yes.
13 Q. -- "... the current MERT with two people in mind."
14 Then if we go back to page 55, we've got an email
15 from Andy Dennison to you. Is he someone who worked for
16 you?
17 A. So Andy Dennison came in for a short period as the
18 policy and communications. So within Headquarters PMR
19 there is a POLCOM, a civil servant post, that deals with
20 that side and he was -- I think that post was then
21 gapped and so he was then brought in to fill that gap.
22 Q. Looking at that email of 6 October 2016 at 14.39:
23 "Rob, I asked about Peter Ryan ..."
24 And that's obviously you?
25 A. Yes.

1 Q. "I asked Peter Ryan about the funding. He's adamant
2 that the army budget will have to swallow it on the
3 basis that...it should help with the effective running of
4 the investigation save in the long-term."
5 Then there's lots of talk about financial costs.
6 A. Yes.
7 Q. And then we go, third paragraph:
8 "On a slightly separate issue, who do you envisage
9 drafting the terms of reference for this review? I'm
10 unclear whether PM(A) should be doing this as
11 customer for the output or whether IAG as the experts
12 are designing the TOR."
13 A. Right.
14 Q. "Either way Peter Ryan is keen to see these as soon as
15 possible."
16 Do you know why Peter Ryan was keen to see the
17 terms of reference?
18 A. No.
19 Q. Would it be fair to say from where it's mentioned like
20 that that it appears he was routinely having those sort
21 of documents?
22 A. On the basis of that, yes, that would be fair to say.
23 Yes, absolutely.
24 Q. Then, just for completeness, the last paragraph says:
25 "Finally, I came away from yesterday's meeting

1 with the impression this review would somehow supersede
2 the ongoing review work from the GMP. Is that right?
3 If so, I'm concerned about the practical and
4 presentational aspects of this, not least the suggestion
5 we're replacing a low cost review option which is deemed
6 good enough for up to now with a bunch of expensive
7 contractors who seem to be making self-serving
8 recommendations."

9 And then, again, it's really just reading through
10 the rest of the chain, we see you respond saying "the
11 TORs are for us to draft" and that you would need to
12 review the GMP terms of reference?

13 A. Yes.

14 Q. If I can pick up on the question I made that the Chair
15 was asking you before, was there ever a point that
16 you're aware of where the decision was: we're going to
17 get rid of GMP and we're going to go with the IRT
18 instead?

19 A. I believe it was the Gold group meeting in February '17.

20 Q. Do you know why that decision was taken?

21 A. Without being refreshed of the details, I can't at the
22 moment.

23 Q. And, again, so you don't think I'm being unhelpful, or
24 at least deliberately unhelpful, I don't think that's
25 one of the meetings where there were any minutes.

1 A. Right, yes.

2 Q. If there were minutes, they are not ones we have been
3 able to recover. So that's why I can't take that any
4 further with you, I'm afraid.

5 So decision-making. You're a member of the Gold
6 group?

7 A. Yes.

8 Q. And as you set out at paragraph 171 of your witness
9 statement, you believe that there was adequate debate
10 and discussion in respect of strategic decisions at Gold
11 group meetings?

12 A. Sorry, can you just say the paragraph again?

13 Q. It's 171.

14 A. Yes, I do and that's on the basis of my recollection of
15 who was in the Gold groups at that point.

16 Q. So you know the meeting you just mentioned --

17 A. Yes, yes.

18 Q. -- which was 23 February 2017?

19 A. Yes.

20 Q. I don't know whether you watched or listened to
21 Mr Bottomley's evidence earlier this week.

22 A. I did.

23 Q. So you will recall then what he said was that it was
24 apparent to him that all strategic decisions had been
25 taken in advance of the open meeting that, there was a

1 pre-meeting.

2 A. Yes.

3 Q. Is that your recollection of matters?

4 A. Yes. So, just to be clear, when I was drafting that

5 I had in mind the Gold group meetings where it was the

6 composition of the Gold group rather than other

7 individuals coming in, but I would agree on the basis of

8 my memory of that meeting.

9 Q. In terms of the private meeting that went -- pre-meet is

10 the phrase -- were you at that pre-meet?

11 A. I could see that I wasn't down as an attendee.

12 Q. No.

13 A. And I can't recall, without being prompted, whether

14 I was there or not. I suspect, based on the attendance

15 list, that I wasn't because it seemed to be at.

16 Q. So no dispute or suggestion that's wrong from me. But,

17 again, it's a --

18 A. Yes, no.

19 Q. -- we don't have any minutes, so that might have been

20 able to make things a bit more categoric because that

21 was a reasonably key meeting. Would you agree?

22 A. I agree.

23 Q. So did it concern you that those decisions were taken in

24 a meeting that you weren't present at, that Gold wasn't

25 present at, the SIO wasn't present at?

1 A. I don't know whether that made -- whether it was that
2 meeting that made those decisions or whether the
3 decisions had been made beforehand in consultation with
4 PM(A).

5 Q. Could I ask you to just turn to one part of Major Cox's
6 witness statement, which I think is at tab 48. If you
7 go to 48-13 --

8 A. Yes.

9 Q. -- this is about the PM(A) with the IAG and Major Cox is
10 there talking about delays, and then he says there:
11 "In my view, no decisions were made by the PM(A)
12 without consultation with Sir Jon Murphy which again
13 delayed the investigation. I also recall it was an
14 ongoing joke at the time to query whether Sir Jon Murphy
15 was in charge of the RMP for investigative decisions
16 rather than the PM(A)."

17 Were you aware of that joke going round?

18 A. I don't recall I was aware of that joke, but I was aware
19 that most of the recommendations were accepted by the
20 Provost Marshal. So I can see where that would come
21 from, if I'm not, if I wasn't actually.

22 Q. I'm not asking you to agree or disagree with the
23 characterisation that Major Cox gave that in his witness
24 statement because that's obviously his personal take on
25 it.

1 A. Yes.

2 Q. Do you agree or disagree the underlying point he appears
3 to be making --

4 A. I don't disagree with the underlying point.

5 Q. At tab 51 of the very same bundle we've got the agenda.

6 A. Oh, yes.

7 Q. This is the document you've seen before. Whose
8 responsibility was it to take the minutes?

9 A. I believe it was Gold.

10 Q. Gold?

11 A. I believe.

12 Q. Did you ever see minutes from this meeting?

13 A. I can't recall.

14 Q. The reason I'm asking is, on one view, this is quite
15 important. The Chair may or may not wish to come to a
16 view as to what happened in the circumstances of that
17 meeting, and the presence of minutes might make that job
18 a lot easier rather than asking for people's
19 recollection from bits of notes.

20 So you think that was Gold who should have been
21 taking -- it was Gold who would take the minutes?

22 A. I believe so.

23 Q. If we could turn to tab 52, only just because we are
24 there.

25 "Rob, I understand that we are unlikely to see a

1 decisive outcome on Northmoor this week and that another
2 meeting is to take place in the next few weeks. Please
3 accept my apologies for Friday. I would be happy for the
4 next meeting to take place in MOD."

5 Again, in terms of meeting, is this a Gold
6 meeting?

7 A. I believe that would have been referring to a Gold
8 meeting. I do not know whether there was something on
9 the chronology that shows a meeting before that.

10 Q. If we just look at the addressee list of it --

11 A. Yes.

12 Q. -- it's from Peter Ryan to you, copied to Major John
13 Harvey?

14 A. Yes.

15 Q. Brigadier Neal?

16 A. Yes.

17 Q. Sir Jon Murphy, Mark Ellison and Andrew Cayley, who at
18 the time was the Director of Service Prosecutions?

19 A. Right, so other members of the Gold group.

20 Q. It does rather sound like the Gold group.

21 A. It does, yes.

22 Q. Again -- and it's really this with saying he is
23 obviously grateful the meeting could take an account of
24 his availability -- just taking a step back, in these
25 Gold meetings what was the Civil Service's involvement

1 or how would you characterise it?

2 A. It was an understanding of where the investigation was
3 and so it fed into the judicial engagement process.

4 Q. Again, just so -- and I'm sorry to push you on this --

5 A. Okay.

6 Q. -- so we're clear, your evidence is the involvement of
7 DJEP --

8 A. Yes.

9 Q. -- related only to involvement so far as litigation was
10 concerned; is that right?

11 A. Without being reminded, without -- and, again, there's
12 probably no minutes -- without being reminded of what
13 was discussed, yes.

14 Q. I'm not saying for a second there might have been but
15 that was your understanding effectively of why DJEP have
16 a seat at the table?

17 A. Yes.

18 Q. It's because of the litigation?

19 A. Understanding, yes.

20 Q. In terms of any suggestion that they might have had an
21 influence on the course of the investigation or the
22 decisions taken, again because we don't have minutes for
23 all these, what would you say about that?

24 A. I don't believe they did, no.

25 Q. Now, I deal now with the close-down of Operation

1 Northmoor. At paragraph 211 --

2 A. Yes.

3 Q. -- we get to the point that:

4 "I recall there was a conclusion that was reached

5 that all reasonable and proportionate lines of

6 investigation had been exhausted and this view was

7 agreed by consensus at a Gold group meeting on 15 July

8 2019."

9 May I just highlight, just so you know what we've

10 got, perhaps there's almost a notable -- we have a very

11 detailed speaking notes and all sorts of bits and pieces

12 of staff work for this particular meeting.

13 A. Yes.

14 Q. You're a member of Gold. Did you -- were you concurring

15 in that decision? Were you part of that consensus?

16 A. I think, based on the information that was provided

17 about that, I could have concurred, yes.

18 Q. So it was your view that all reasonable lines of enquiry

19 had been followed?

20 A. Based on what was presented, yes.

21 Q. Could you turn please to tab 57, which is the very last

22 document in bundle 2. You need to start on page 57-2,

23 work backwards. This is an email from you to

24 Major Harvey.

25 A. Yes.

1 Q. We know Major Harvey was the SIO at the time?

2 A. Yes.

3 Q. You say, this is over the page:

4 "John, to confirm our conversation with the PM(A)

5 this afternoon, you will now socialise in person the

6 three options with JM ..."

7 That's Jon Murphy?

8 A. Correct.

9 Q. "ME" Mark Ellison.

10 A. Correct.

11 Q. And:

12 "DSP [the Director of Service Prosecutions]... over

13 the next few weeks but ahead of the Gold group."

14 Just pausing here, why are you sending this email?

15 A. So John was obviously in the conversation.

16 Q. Yes?

17 A. So I think it was just a summary of what was discussed.

18 Q. I can entirely get that and it is obvious that you are

19 both there but, as we will see, these are obviously sort

20 of investigative decision matters.

21 A. Yes.

22 Q. And, again, it's sort of why are you involved in this or

23 is this perhaps a blurring of functions?

24 A. Probably a blurring of functions but I suspect I would

25 have already been asked by Provost Marshal if we had

1 verbally discussed them to lay them down.

2 Q. You say "we" discussed. Does that mean you were

3 involved with the discussion --

4 A. I was in the room.

5 Q. You were in the room?

6 A. Yes.

7 Q. Because, again, it's with this sort of in the

8 investigation or not.

9 A. Yes.

10 Q. So you set out the three options that you are asking the

11 SIO to socialise. Option 1 is suspend it.

12 "Rationale as per our discussion with the Afghan

13 Partner Unit line of enquiry."

14 Does "our discussion" -- I know this isn't a piece

15 of legal drafting but who is "our"? Who is that

16 referring to?

17 A. It must be me, John and Brigadier Neal.

18 Q. "With the Afghan Partner Unit line of enquiry continuing

19 under the SIB unit with the Op Northmoor personnel, only

20 if it produces tangible evidence will the investigation

21 be reopened."

22 Then you have got advantages and disadvantages:

23 "Advantages. Allows drawdown of personnel and

24 material. Allows line of enquiry to be followed without

25 time constraints.

1 "Disadvantage. Narrative might be Op Northmoor
2 hasn't concluded or isn't quite an SPIS", which is a
3 formal submission; is that right?
4 A. Service Police Investigation Summary, I believe, yes.
5 Q. And:
6 "PM(A) could be accused of running for the door."
7 At least explain the context of why you made that
8 comment?
9 A. What date was this?
10 Q. I think --
11 A. May. 20 May. So he was due to be replaced in June/July
12 time, I think, or August time.
13 Q. Option 2: discontinue Op Northmoor at the Gold group?
14 A. Yes.
15 Q. "This will require a 'watertight' rationale as to why
16 the APU line of enquiry is not now being followed."
17 A. Yes.
18 Q. And this APU line of enquiry was having investigators
19 who were in Afghanistan, or going to Afghanistan maybe,
20 to speak to people who were involved --
21 A. To track them down for those who are willing to speak,
22 yes.
23 Q. And then hopefully interview them and gain evidence?
24 A. Yes.
25 Q. Disadvantage:

1 "Persuading the IAG not to follow a reasonable and
2 proportionate line of enquiry to its conclusion."
3 Now, I appreciate when you draft, this is an
4 email. You weren't drafting it expecting it to be
5 turned over to a public inquiry but that rather --
6 A. Well, inferred perhaps.
7 Q. Well, always easy to be wise after the event.
8 A. Absolutely.
9 Q. But it's not unfair to say is that rather suggests, that
10 disadvantage, that it would be reasonable and
11 proportionate to have followed that line of enquiry to
12 its conclusion?
13 A. This is the first time I've seen it in over seven years.
14 Q. Then option 3, "it continues until the APU LOEs are
15 reasonably and proportionately concluded. LOE followed
16 to natural conclusion, whatever that may be."
17 And disadvantage:
18 "It continues beyond H0."
19 And I don't know what that stands for?
20 A. Sorry, where is that? Handover.
21 Q. "PM(A) departure of Assistant Head Northmoor"?
22 A. Me.
23 Q. Looking at this, would it be fair to say the premise of
24 it all implied in this is: we need to get this over?
25 A. Looking at it now, based on what's written, yes.

1 Q. I mean, that is how it reads, isn't it?

2 A. Yes.

3 Q. I suppose the more interesting question is: but why?

4 Why not follow this reasonable line of enquiry to see if

5 it would prove or disprove?

6 A. Yes, I don't know.

7 Q. Make it clear you are obviously passing on here what the

8 PM(A) has said.

9 A. Yes.

10 Q. This isn't your direction. I think you would agree it

11 perhaps demonstrates not an entirely open mindset to

12 that line of enquiry?

13 A. Mine or just in general?

14 Q. In general.

15 A. Yes. No, I agree.

16 Q. If we go over the page, we can see the reply from

17 Major Harvey on 3 March, which says:

18 "Colonel meeting with Mark Ellison [that's Mark

19 Ellison QC] Executive summary, only minor questions but

20 content. Ref recommendations ambivalent with regard to

21 1 or 3 [which is the suspend or continue] but would not

22 vote to agree closure before APU LOE was exhausted."

23 A. Yes.

24 Q. So my question is what then happened at the Gold group?

25 A. Seven weeks later?

1 Q. Yes, because the LOE wasn't complete, the investigators
2 were still there?

3 A. Yes, I think -- yes.

4 Q. Yet number 2 happens?

5 A. I don't know because I believe the investigators had
6 been out there. But is there something that shows
7 exactly how many they still had to do at that point?
8 I can't remember from --

9 Q. I'm afraid I don't have an exact figure, but I'm
10 confident I'm not misleading you if I say they had not
11 completed their --

12 A. No, I agree but whether it was -- so when some of those
13 interviews were arranged, the person said they would
14 turn up and they didn't.

15 Q. Again, with the benefit of hindsight, do you think it
16 was the right -- was the consensus correct to terminate
17 it whilst the LOE hadn't --

18 A. With hindsight, looking back on years later with lots of
19 documentation, yes, it probably wasn't the right
20 decision. But I believe it's based on the information
21 that was available at the time.

22 Q. At paragraph 213 in your witness statement, you say you
23 were aware there was an outstanding line of enquiry that
24 hadn't been completed.

25 A. Yes.

1 Q. You say:
2 "... from recollection without reviewing the
3 necessary document."
4 That may well have included tab 57?
5 A. No, I think this was at the time of -- so that was June
6 and then six weeks later or whenever, seven weeks later,
7 I think that's what I'm -- sorry, can you just say the
8 paragraph?
9 Q. It's paragraph 230?
10 A. So that's what I mean as in the outstanding line of
11 enquiry was the APU.
12 Q. Yes.
13 A. Yes.
14 Q. If you turn to 213 in your witness statement --
15 A. Yes.
16 Q. -- what I'm saying -- you say "... from recollection
17 without reviewing the necessary documentation." I meant
18 at the time when you were preparing your witness
19 statement you may not have had tab 57 in mind.
20 A. I did not. I haven't -- that's the first time I've seen
21 that since it was drafted, to be honest.
22 Q. You go on:
23 "I believed the decision taken was it was unlikely
24 to materially change the course of the investigation and
25 so closure at this stage was still justified."

1 And you repeat what you said before.

2 A. Yes.

3 Q. You weren't involved in the conduct of the investigation
4 and, therefore, was not in a place to comment on what
5 could materially change the course of the investigation.

6 So turning to your conclusions at paragraph 220,
7 in your witness statement, you said:

8 "Notwithstanding the recent criticism from the
9 civilian policing expert, I consider that Op Northmoor
10 was conducted effectively within the constraints I've
11 outlined above."

12 Is it fair to say, as I think you said at the
13 start, since giving your witness statement your view has
14 changed?

15 A. I think, since giving my witness statement and being
16 exposed to a lot more documentation, that -- and I still
17 stand by there were a number of constraints that sat
18 outwith the ability of the Provost Marshal to resolve
19 that -- I think I would need to change that.

20 Q. Your view is now that Op Northmoor was conducted
21 ineffectively -- within the constraints. As a result of
22 the constraints?

23 A. Without having to -- yes, I mean ...

24 Q. At paragraph 221, and in fairness we dealt with this
25 right at the start --

1 A. Yes.

2 Q. -- at the time you gave your witness statement you said:

3 "From what I was aware of, I believe that

4 Op Northmoor was a comprehensive investigation. I was

5 present in Gold group meetings, aware of the

6 investigative strategy and had knowledge of the lines of

7 enquiry being undertaken."

8 And your view now is it was not a comprehensive

9 investigation?

10 A. Not as comprehensive as it could have been, yes.

11 SIR CHARLES HADDON-CAVE: Sorry, I didn't catch that.

12 A. Sorry, I said not as comprehensive as it could have

13 been. So I suppose, if we're using language, it wasn't

14 comprehensive.

15 MR POLNAY: At the risk of oversimplifying matters, in

16 relation to the I am going to say the non-directly

17 investigative functions (which is the funding, the

18 personnel, the FDHC), you've agreed, I think, that they

19 were, at the very least, suboptimal.

20 A. Yes.

21 Q. Do you consider you bear any part of the responsibility

22 for that, or is it a whole-system issue?

23 A. It's very difficult to say. I mean, looking back seven

24 years later could I have been more forceful, brought

25 more influence to bear? I really don't know without

1 looking at exactly -- I mean, you've seen the email
2 trail of where the decision-making was. So if you are
3 being self-critical, then perhaps there was. I could
4 have been more -- tried to bring more influence than
5 I did. I really don't know without reviewing. But I
6 believe I tried my best to resolve what was within my
7 power to resolve.

8 MR POLNAY: Can I say no-one is suggesting you tried
9 anything less than your best in dealing with the
10 circumstances that were put forward.

11 Colonel Morris, those are the questions that I've
12 got for you.

13 Sir, do you have any questions for Colonel Morris?

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

15 Thank you very much. Colonel, can I thank you
16 very much indeed for coming to give evidence. Can I
17 thank you very much for the very clear way in which you
18 have answered all Mr Polnay's questions. It's been a
19 long day but we're finishing well within the time. So
20 we will adjourn now, but you are free to go and thank
21 you very much.

22 Mr Polnay, can I thank you very much and your team
23 for all the work that's gone into this hearing. Can I
24 thank the team for the arrangements that have been made
25 and for the air conditioning and the Wi-Fi. Can I thank

1 everybody present for their quiet attention. We will
2 adjourn now, as you know, until Monday week where we
3 will sit again, I think, at 10.00.

4 Good. If the room can be carefully cleared of all
5 documents, please. I wish you all a good weekend.

6 Thank you very much.

7 **(3.19 pm)**

8 **(Adjourned until Monday, 26 October at 10.00 am)**

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

COLONEL ROBERT HUNTER MORRIS (affirmed).....1
Examined by Counsel to the INQUIRY.....1