



MOD-198-0000586-A

**SECRET**

Statement of: ES\_Surname, ES\_Forenames

Form MG11(T)

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**WITNESS STATEMENT**

Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5b

Statement of: N1803

Age if under 18: (if over 18 insert 'over 18')

Occupation:

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: N1803

Date: 09/03/2016

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named person.

In the early 2010s

I was employed as Assistant Chief of

Staff Policy (ACOS Policy), in Headquarters Directorate Special Forces (HQ DSF), London

I was responsible for advising on matters of policy regarding United Kingdom Special Forces (UKSF) operations.

I was responsible for ensuring that UKSF operations were in accordance with Government policy, seeking approval from the Secretary of State for Defence as required. This necessitated wide liaison in the MOD, particularly with the Operations Directorate (Ops Dir) and the Central Legal Service and the Foreign and Commonwealth Office.

I would engage with the Chief of Staff (COS), N2252 and the Director of Special Forces (DSF), N1802 on a daily basis through the routine meetings of the headquarters and on an ad hoc basis as required. I would also brief the head of SF and Legal Policy in the Ops Dir, MOD who at the time was N2312.

In order to have broad situational awareness of planned and ongoing UKSF operations, I would read the reports received at HQ DSF generated by UKSF deployed on operations worldwide and as required raise any issues with either COS or DSF or seniors in the MOD. I had a member of staff employed in the Operations Room (N2317), HQ DSF who also had access to the routine reporting of UKSF operations.

I would regularly read the Significant Incident Reports (SINCREPS) generated by the SF Sub-Unit in Afghanistan. During my tenure as ACOS (Pol), I recall becoming concerned about a particular Tactic Technique and Procedure (TTP) which I noticed being used by one of the SF units. The TTP in question

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involved the SF unit taking an adult male detainee back into the compound from which he had come; I believe to assist the unit with searching the premises.

Often SINCREP's for [DDO] operations to detain [priority] targets noted that the occupants were called out of a compound by the SF unit and the men were separated from the women and children. The men were then detained. In a few SINCREPs it described how personnel from the SF unit took one or more of the males back in to the buildings, I believe to de-risk the process of searching it. I recall the detainee was described as reaching for a weapon and as he was then perceived to be a threat he was subsequently shot and killed by member(s) of the SF unit. I believe this happened more than once but I can not recall how many times.

Due to the time elapsed, I can not recall specific personnel involved in these operations or the subjects of the operations.

This TTP prompted me to ask questions because of the UK's responsibilities to detainees. I spoke with SO1 Campaigns J3, who was N1788 at the time of ACOS (Operations), who was N1466 at the time. They contacted the [Sub-Unit] in theatre to understand the circumstances further. From memory, I believe they provided further details and a military perspective, the exact details of which I cannot now recall.

Initially, I found the response to be reasonable and plausible. However, it was my view that action should be taken to avoid similar circumstances re-occurring, so when I noticed that similar incidents had happened I had further conversations, on the phone and face to face and possibly by email with N1466 and N1788 expressing my concerns. I recall a specific conversation in N1466's office, following which I believe he spoke to N1802 regarding the incidents.

I recall that N1802 asked N1788 to go to Afghanistan to conduct a review of the TTP. I cannot say if there were terms of reference drafted before his departure. I do not recall attending any meetings in relation to the TTP review prior to N1788's departure, during the TTP review or once he had returned. I believe from memory a report was produced on his return though I did not see it. I recall that around the same time that N1788 concluded the TTP review, these incidents stopped, though I can not confirm that this was as a result of the review.

I am not aware of any other documents other than those mentioned in my statement above relating to the use of that specific TTP. I cannot recall any further details other than those I have provided above because of the time elapsed.

I was not approached by anyone to provide advice regarding the TTP mentioned above.

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Sgt ROBERTS has asked me if I recall any correspondence from a Third Party Entity with regard to the information in this statement. I do not.

I only have professional working relationships with past colleagues from HQ DSF.

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