



MOD-198-0000588-A

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Statement of: ES_Surname, ES_Forenames

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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: **N889**,

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

Occupation:

This statement (consisting of 5 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: **N889**

Date: 21/04/2016

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

I am the above named person.

I am N889. In relation to the incident under investigation (NORTHMOOR Team), I have been allocated the cipher N889, which has been generated by the NORTHMOOR Team, Major Incident Room (MIR).

Between [redacted] mid 2010 and mid 2011, I was employed as Chief of Staff (COS),

[redacted] SFHQ(A) and was allocated at [redacted] Location Given, Afghanistan. My appointment

reported directly to the Commanding Officer (CO), [redacted] SFHQ(A). During my tenure as COS, there

were three CO's of [redacted] SFHQ(A), they are as follows with approximate dates of their appointment:-

N5225 — [redacted] mid 2010 to late 2010

N1786 — [redacted] late 2010 to mid 2011

N1785 — [redacted] mid 2011 to late 2011

My principle roles during this appointment were to; support the CO, command the HQ staff and enable the [redacted] Sub-Units of [redacted] SFHQ(A) to carry out their missions and tasks. I routinely led the Consequence Management piece.

I have been asked by SSgt CHILCOTT J P, RMP (SIB), a number of questions in relation to my time as COS, [redacted] SFHQ(A). Firstly I have been asked about [redacted] SU1 activity during the period.

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SU1 was a Sub-Unit of SFHQ(A) and during my time as COS, I believe SU1 were SU1C (DG 10 – Nov 10), SU1A (Nov 10 – May 11 DG/11/2010 - DG/05/2011), and SU1D (May 11 – DG 11 DG/05/2011 - DG /2011), UKSF1 I have been asked what SU1 were responsible for whilst in theatre at that time.

SU1 were a partnered force with Details of APU1 structure

As far as I recall, SU1 had two main tasks whilst in theatre, firstly they carried out Cordon & Search Operations (also referred to as Deliberate Detention Operations (DDO) and secondly, non-DDOs against Target List targets.

I was aware of each SU1 Operation because my role as COS made me part of both the pre-authorisation and targeting prioritisation decision-making processes. That is not to say I knew the specifics of how each Operation that SU1 executed. SFHQ(A) would prioritise resources and Sub-Units against enemy networks. These priorities would heavily influence the subsequent decision-making at Sub-Unit level ensuring that all the Sub-Units were meeting the Commanding Officer's intent. There were daily and weekly interactions between Sub-Units staff/commanders and SFHQ(A) staff/commanders to ensure coherence. So, SU1 would have had a serious of Priority Target Sets that they were ordered to disrupt; how they went about carrying out those tasks would have been to a degree down to OC SU1. However, ultimately the Commanding Officer retained overall authority to direct the actions of the Sub-Units. My role in their missions was three-fold and as follows;

1. ConOPs (concept of operations) clearance. Gaining authority for, in this instance, SU1 to carry out a Deliberate Detention Operation. More broadly this was obtained through the NATO ISAF 2 chain of command, and through the Wider Coalition chain of command (through SFHQ(A) liaison officers in the relevant battle-space).
2. Battle-space co-ordination and de-confliction. Essentially ensuring SFHQ(A) activity did not interfere with any other operations.
3. Support the Operation. Ensure the SU had appropriate support (Fires, ISR, medical cover) to complete the operation.

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The ConOps, once approved, effectively became the authorised operating envelope for the operation. Any deviations would need re-authorisation both up the NATO [REDACTED] ISAF 2 [REDACTED] chain and with battle-space owners.

The detail of the tactical execution was down to OC [REDACTED] SU1 [REDACTED], who delivered a set of orders to his [REDACTED] Sub-Unit [REDACTED] prior to its delivery.

I had daily contact with [REDACTED] SU1 [REDACTED]; [REDACTED]

[REDACTED] I would communicate with them in various ways, mainly via official [REDACTED] SFHQ(A) [REDACTED] conferences, e-mail and also through both formal and informal chats whilst in the HQ. [REDACTED]

[REDACTED] Explanation as to why there was limited crossover with SU1 staff [REDACTED]

My main interaction with [REDACTED] SU1 [REDACTED] would be at the build-up to an operation and when running a 'Consequence Management' (CM) task. CM was the term used in theatre to describe the staffing of any allegations emerging after an operation; these ranged from shooting incidents, civilian casualty (civcas) allegations, to detainee abuse allegations. In a sense this was the routine business of managing any issues in the aftermath of an Operation.

Routinely I would take the staff lead if a civcas allegation came in following an Operation. This was because of the often time-sensitive and reputational nature of the allegations. The [REDACTED] SFHQ(A) [REDACTED] Ops staff (J3 Ops SO2 or SO3 depending on time of day) together with the [REDACTED] SU1 [REDACTED] staff (typically the [REDACTED] SU1 [REDACTED] Ops Officer or J5 SO3) would generate a draft 'First Look Report', summarising the allegation and connecting it with the relevant ISAF/[REDACTED] SFHQ(A) [REDACTED] operation. This would typically be issued to the NATO and Government of the Islamic Republic of Afghanistan (GIROA) chains of command within the shortest time period possible. Subsequently, a more detailed report would be produced. I would normally sit with OC [REDACTED] SU1 [REDACTED] to discuss the allegation and the Operation, and from there would typically oversee the production and dissemination of this second and subsequent reports. Follow-ups would be generated as necessary when more details arrived.

The CM process was a standard method used across NATO within Afghanistan to handle difficult post-operational issues. Critical to the process was swift passage of information across the relevant NATO and GIROA chains of command, to ensure that awareness was raised of a potential growing problem. Once an allegation had arrived, the staff would look to investigate it in more detail. On top of the discussions with the [REDACTED] SU1 [REDACTED] personnel, I would look to the intelligence staff within the HQ and to [REDACTED] SFHQ(A) [REDACTED] liaison officers in the relevant battle-space owner HQs to provide me with any additional information.

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Frequently we were able to provide intelligence that revealed the true story behind the allegation. For example, a civcas allegation might emerge stating that two civilians were killed during an ISAF operation, and through intelligence we would learn that in fact it was two Taliban fighters that were killed. We would routinely look [REDACTED] Multiple and independent information [REDACTED] to verify this story, before updating our CM reports and informing the chain of command. Once both we and the NATO ISAF 2 chain of command were content that their sufficient information to disregard the allegation the CM task would end. This decision would reflect the unique circumstances of each CM task, some ended quickly, others took longer and in some cases, further work was needed.

[REDACTED] Details of SFHQ(A)'s CM reporting procedure to NATO [REDACTED]

[REDACTED]. One example of this, which I would class as serious, President KARAZAI was engaged and demanding information from the ISAF Commander. Frequently civcas allegations were a political issue, and seen to be so in the press. This, in my opinion, probably led to the generation of more civcas allegation being true, the [REDACTED] Multiple and independent information [REDACTED] would quickly indicate and corroborate the allegation and SFHQ(A) would take appropriate action. HQ DSF were copied into all CM staff work by secure e-mail.

SSgt CHILCOTT has today asked me if I had any input into story boards created by the SU OC once they had completed an operation.

The story boards were a single side of A4 used to summarise the outcome of each operation. These were useful for SFHQ(A) liaison staff to back-brief senior officers involved in the ConOps authorisation process, who were interested in the results of the operation they [REDACTED] previously authorised [REDACTED].

Once drafted by the [REDACTED] Sub-Unit [REDACTED] SO3 J5 and checked by the SFHQ(A) Ops Officer, I would proof-read all story boards before release and would frequently request minor changes mainly in style and tone to the narrative text.

In response to a direct question by SSgt CHILCOTT, I can state that as COS SFHQ(A) and prior to being aware of the review by N1788, I did not personally have any concerns regarding the operations carried out by SU1.

The first time I was made aware of concerns regarding the activity of SU1 was when N1786 informed me that N1788 was coming out to theatre to conduct a review of SU1 tactics because a concern had been raised in HQ DSF over their conduct. In this conversation it was clear to me that N1786 did not need or even want me to be engaged or involved any further.

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I do not recall when the review took place other than at some point during [SU1A's] tour in 2011. I do recall talking briefly with N1788 whilst he was conducting the review, however, I do not recall any specifics of the conversation. I do however; recall him being very guarded about what he told me. He appeared reluctant to tell me much as I had no formal role to play in his review. I am not aware of who ordered the review to take place.

I cannot specifically recall how I became more aware of the contents of the review but do recall holding a conversation about the review with N2267 (OC [SU1D]), on his [Sub-Units] arrival in May 11 when they relieved [SU1A]. I cannot recall if I received a copy of N1788 review and its findings.

After hearing about the review, I do recall having what turned out to be a short but heated conversation with N1141, who at the time was OC of [SU1]. I challenged him directly by asking him if these allegations were true. N1141 instantly became very animated and asked me whether I was questioning his integrity. I informed N1141 that I was questioning his integrity, and he responded by categorically denying the allegations and reassuring me that his men were deliberately killing people.

This conversation with N1141 was held in office within [SFHQ(A)]. I recall this conversation taking place during the review period. I was interested because I knew at that time I was [going onto a command role]. I do not recall N1141 being upset at the time over the review and its contents because, to me, the review seemed to challenge his authority as the OC and the one charged with the tactical conduct of his [Sub-Unit] on the ground.

In response to a direct question from SSgt CHILCOTT, in which he asked if I believed what N1141 had stated, I would say that I did believe him.

In response to another questions, in which I have been asked if the Ground Commander would have had communications with and awareness of what his personnel were doing and if he would have known that his men were taking personnel back in to buildings? My response is the Ground Commander was ultimately responsible for this troops conduct on the ground. I am not sure how detailed a picture he would have had at the time. [Operational Detail]

[redacted] He would have been aware from his personal communications of broadly what was unfolding [during the Operation]; however, I was not there on the ground on any occasion with the [SU1] during this tour.

I have been asked if the Ground Commander would have needed to give authority to his men to take detainees back in to the compound; my response is that I don't know.

The allegations triggering the review came as a genuine shock to me.

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SSgt CHILCOTT has asked me if I was aware of any cohesion issues between [SU1] and [APU1] during the time [SU1A] served in Afghanistan. To answer this, I can state that there were always rumbling issues between the two units and in my opinion this was down to a sovereignty issue felt most by [APU1] personnel.

The sovereignty problem occurred because typically at this stage in the campaign, UKSF troops would conduct the front end of the Deliberate Detention Operation and yet the Afghan troops would still be questioned by their chain of command over issues that arose out of the execution of the operation. Quite often the Afghan partner force were placed under pressure by their chain of command to account for these issues, without always being able to comfortably explain the reasons. [Some material that SFHQ(A) had access

[redacted] to could not be shared with APUs and this led to an understandable tension

[redacted] In my opinion [SU1] operated differently from the other [Sub-Units] in [SFHQ(A)], where the Afghan partner forces typically took the lead on the ground. This distinction was hard for the Afghan partner forces to reconcile and explain up their chain of command. [SFHQ(A)] was fully aware of the pressures that this construct generated between [SU1] and [APU1], but given the significance of the [SU1] task, this risk was judged manageable at the time.

It was not uncommon for the [APU1] element partnered with [SU1] to be grounded by their chain of command. The impact of this would be to stop [SU1] operations until a resolution could be agreed between [SFHQ(A)] and [APU1]. [SU1] were not able to deploy onto the ground without Afghan troops present. These periods were typically 5-10 days in length and would happen every 2-3 months on average.

I have been asked by SSgt CHILCOTT if I was aware of an incident whereby a member of UKSF was threatened by a member of [APU1]. I can state that I do recall an incident whereby N2265, CO of [APU1] pulled a pistol on N1791, who I believe, at that time, was a [UKSF3] OC at [APU1] but I do not recall the specific details of what happened or how it came to a conclusion.

SSgt CHILCOTT has asked me if I ever had any dealings with [redacted] a third party entity ("TPE") [redacted]. I did not deal directly with them [redacted].

[redacted]

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Finally, SSgt CHILCOTT has asked me specifically if I recall any **TPE** complaints with regards to **SU1** and their TTP of using detained persons re-enter buildings to search building post capture? My response is no.

Signed:
N889 and
CHILCOTT
SSgt
SIB (RMP)

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