Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan

MOD-198-0002040-A

WITNESS STATEMENT

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

Statement of: N1788

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

This statement (consisting of 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: Date: 13/05/2016

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

I am the above named person.

I have been afforded the nominal N1788 which has been generated by the Operation NORTHMOOR Major Incident Room and this will be my unique cipher which will remain extant for the duration of the investigation. The other individuals whom I will refer to in my statement are also afforded nominal ciphers in accordance with the Royal Military Police/Director Special Forces protocol.

In 2011, I held the appointment as Staff Officer 1 (SO1) Campaigns, within the Headquarters of Director Special Forces (HQ DSF), located in London. SO1 is a principal Staff Officer position which is usually commensurate with the rank of or equivalent. Throughout my tenure in this appointment I was assisted by two Staff Officers of SO2 grade, usually a rank or equivalent. I recall the SO2 at the time were (N2444) and (N2267).

Prior to assuming the role of SO1 Campaigns, I have been employed and held various appointments and roles within UKSF, including command appointments in Priority operational units.

As SO1 Campaigns, my role was the HQ DSF daily management of all issues pertaining to SF operations in a campaigning context – principally Afghanistan and other large-scale operations.

With regards to UKSF operational activity in Afghanistan, I would have access to Executive Summaries (EXSUM), Serious Incident Reports (SINCREPS), daily and weekly SITREPS produced by SFHQ(A) [redacted]. EXSUM and SINCREPs were usually received at HQ DSF within 24 HOURS (hrs) post activity.

Sometime in the early part of 2011, the exact date I do not recall, I was tasked by the Assistant Chief of Staff – Operations (ACOS Ops) (N1466) to conduct an analytical review of operations recently conducted by SU1, which at that time was a sub unit of SFHQ(A) operating in Afghanistan. I recall I was tasked to look at a number of SU1 operations, probably 6 or 7 of them and identify when their use of a specific Training Tactic and Procedure (TTP) lead to an increase in kinetic activity. Due to the time elapsed I cannot recall the specific details of the operations which I reviewed. I conducted this task by reviewing the post operational documentation and reporting associated with their operations. This was a very quick process which from memory, I believe I completed within a single day.

The initial findings reinforced N1466's concern about the TTP used on target. From the post operational reports, there was evidence of inefficient practice in that the SU having successfully secured the target location and personnel on site, then allowed a situation to develop whereby the occupants were able to pose a threat; subsequently this action resulted in kinetic activity by the SU Soldiers in situ as they used lethal force to defend themselves.

I briefed N1466 of my findings and within a very short time frame (circa a few days), I was provided with Terms of Reference (ToR) by N1466. I was instructed to deploy to Afghanistan and assist Commander SFHQ(A) to review the TTP for 'call out' procedure on target and determine if it was fir for purpose. I believe the review was generic to SFHQ(A) but focussed on SU1 operations.

Prior to my deployment to Afghanistan I only recall speaking to N1466 about the matter in hand. I did not personally speak to the Director (N1802) at the time, however, he would have been aware of the situation through briefings from N1466.

It is worthwhile explaining the two command structures which SFHQ(A) operated under:

The in-theatre Operational chain of command was derived from NATO's ISAF command authority, and in descending order consisted of: Comd ISAF 2, then SFHQ(A) and then sub unit command within the individual SU's. The UK national chain of command

consisted principally of (in descending order): Chief Joint Operations (CJO), DSF, SFHQ(A) and then sub unit command (individual SUs). The two command structures ran in parallel however the decision to conduct the review was initiated by HQ DSF.

Upon arrival in Afghanistan, I liaised with Commander SFHQ(A) (N1786) who was aware the review was initiated by HQ DSF. He was aware it was his responsibility to conduct the review and that I was there to assist and would be responsible for collating the necessary information to conduct the review.

My review consisted of visiting and speaking to a number of personnel within the Sub-Units within SFHQ(A), predominantly SU1 and SU2. Both of these SUs had been operating with Afghan Partner Units (APU) and there had been reports of cohesion issues between the SU and the APU.

I recall speaking with Officer Commanding (OC) SU2 (N1791), however, I believe this was via telephone as I could not get to see him in person. I recall he was situated at a base in Location Given and I think bad weather prevented me from transiting around theatre.

N1791 was in command of the unit responsible for mentoring APU1, which was an APU Sub-Unit. Elements of APU1 would be regularly detached to operate with and deploy on SU1 operations.

I spoke with a number of different personalities during the course of my review and I will attempt to provide an overview of my conversations with each individual;

I recall N1791 stated his relationship with APU1 was working well however he found it difficult dealing with the ramifications of incidents that were not of his making. By this he was referring to the strained relationship between APU1 and SU1. The relationship was working but could not endure in this vein indefinitely.

My interaction with OC SU1 (N1141) was in person, and I recall that when we discussed the use of the TTP during 'call out', he believed he had no concerns with the TTP being used and was unaware that there was a potential problem with its employment. He explained the TTP had been developed over time to minimise the risk to his personnel and the safety of all personnel within the target location, and was a response to the Improvised Explosive Device (IED) threat amongst others. He reinforced this decision by citing examples of APU personnel failing to check rooms within buildings, conducting poor searches

Details of other concerns. I explained to N1141 that whilst measures taken to improve force protection were understandable, there was both a professional and presentational issue with a scenario in which having gained control of the target premises and its associated personnel, one subsequently lost that control to the point where the previously detained insurgent could pose a threat to your SU or others in the vicinity; I asked him if things could be done in more effective way. N1141 seemed surprised, but took on board my perspective and stated that he understood the rationale for why the review was taking place.

I asked N1141 about the state of the relationship with APU1 personnel and he stated the relationship was difficult and deteriorating. The SU1 missions were far more demanding than other sub unit operations and that the APU were therefore employed on cordons, engaged with detainees, and other local national, and would clear locations within their capability. This was at a time when the campaign narrative highlighted the requirement for Afghans to take the lead on operations however, in the opinion of N1141 and others in his unit, the APU were simply not up to it. I explained to N1141 the potential unintended consequences of holding onto control of all aspects of these operations which included the very real possibility of such operations becoming unsustainable.

I also spoke to the SU1 Sergeant Major (individually) and a number of the C/S COMD (collectively) and they agreed with the opinion of N1141 above and also voiced their concern over the poor performance, lack of tactical efficacy and increasing reluctance of the APU. Despite these difficulties the SU members nonetheless thought they were doing a good job and that their TTPs were appropriate to the tactical situations in which they found themselves.

I believe I may have spoken to an Afghan officer called N4571 during my visit to theatre however I cannot recall if this was in connection with the TTP review or as a colleague as I knew him from my previous deployments and had worked closely with him. N4571 was the Commanding Officer of APU1 at the time. It is also possible I spoke with 2ic APU1 and 2ic APU1 SU1C, but I cannot recall the details of the individuals or their comments.

I was aware of friction between APU1 and the SU, possibly through sitreps from SFHQ(A), SU2 and SU1 however I became was aware of the scale of the breakdown in relationship between APU1 and SU1 during my review. I have been asked by N73, if I was aware of any occasions when the APU 'refused to soldier' with their UKSF counterparts. Whilst this issue

has certainly been discussed, I cannot remember whether it had actually manifested itself yet or was a very real and imminent possibility.

The review period in theatre lasted approximately one week, during which I drafted my findings and recommendations. I delivered this report to N1786 and he agreed with the findings and recommendations and added his own comments. The recommendations included:

1. Greater use of the APU in all aspects of the operation.
2. A return to the original TTP format for force protection.
3. Better use of all aids available to commanders on target location Technique TX
4. Better physical control of detainees once detained.

Having discussed the report in detail and made revisions, N1786 signed off the final report for submission to HQ DSF. Upon conclusion of my review I returned to HQ DSF. I may have had a conversation with N1466 with regard to the content of my report but I do not recall specifically briefing any particular individual.

I have today been shown by N73 the following exhibit which has been marked as follows;

JLW/1A – Op B Review of SU1 TTP's Final Report.

I have signed and dated the exhibit label.

From looking at this report I can confirm that it appears to be the report which I compiled detailing the findings and recommendations regarding the TTP review. Due to the time elapsed since it was compiled and from reading it today, I do not believe there are any differences between the content of what I originally drafted and the distributed report.

Attached to this report is a reference (Reference B. SFHQ(A): SU1 TTP Review – Operational Examples).

This reference provides details of eleven different SU1 operations between the period 30 Nov 10 (30/11/2010) - 2 Nov 11 (02/11/2011) inclusive. I believe I may have discussed these operations with the SU during my review and it is possible some of these were the incidents I review back in DSF.

I have been asked by N73 if I think there are any anomalies with regard to the number of individuals killed during the operations verses the number of weapons used by the deceased. Re-reading the document now, I recall that this was one of the issues APU1 has with the outcome of operations as their physical dislocation form the assault prevented them from seeing the circumstances under which kinetic activity was taken – but was not by itself, an indicator of poor practice when dynamic threats manifested themselves within the context of armed insurgent groups.

In addition, I have also been asked if I felt that any of the operations detailed in Reference B warranted a Service Police investigation. From memory I believe that some of the aforementioned operations either were still subject to, or had been subject to, a Service Police investigation.

N73 has also asked me if I recalled having conversations with the HQ DSF POLAD, (N1803) regarding the TTP in use by SU1 specifically the use of detainees being used to facilitate searches of buildings post capture. It is quite possible I did speak to N1803 as this would have been routine business for me especially with regards to operations in Afghanistan, however, I cannot specifically recall discussing the point raised above.

N73 has also asked me if I recalled having conversations with HQ DSF LEGAD (N2108) regarding the activity of SU1, specifically their kinetic activity and the requirement for a Service Police investigation. Again this is possible as I would have regular discussions with N2108, however from memory I believe that some of the incidents were already or currently subject to a Service Police investigation.

The issue of Service Police investigations for SU operations was not an unusual concept as it happened on a regular basis in Afghanistan. I state this not only as a result of my experience from the TTP review, but also from my experience holding a Sub-Unit command appointment in Afghanistan.

I have been asked whether as SO1 Campaigns I would have been involved in the complaints process, specifically those complaints raised by a Third Party Entity on behalf of Afghan nationals against UKSF units. The complaints process normally generated in theatre where the ISAF chain of command would have been the usual conduit for any complaints. As this was an operational matter, the NATO chain of command would process the complaint and therefore the issue would be dealt with in theatre. HQ DSF's responsibility regarding these complaints would have been to inform UK Ministers and the national chain of command.

I have specifically been asked by N73 if I recall any TPE complaints pertaining to SU1 to which my response is that I cannot recall any during the TTP Review, although TPE complaints were a common feature of the Campaign.

Signature: Signature witnessed by:

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