



MOD-198-0003561-A

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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: N1466

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

Occupation: Occupation Given

This statement (consisting of 15 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: N1466

Date: 30/06/2015

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

I am the above named person and currently hold Role Given, at Directorate Special Forces (DSF), London

I have held this position since Date Given

Career Details Given

Between Autumn 2009 - early 2012, the exact dates I cannot recall, I was employed as the Assistant Chief of Staff Operations (ACOS Ops), within DSF, one of a number of personnel filling ACOS roles but the post I was filling was perceived as the Principal ACOS; in the absence of the COS, I would step up and cover his role. My role entailed overseeing all UKSF Operations both at home and overseas, which at the time of my appointment included operations within LG (Not A) and Afghanistan.

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At that time, the SU comprised UKSF1 and UKSF3 Personnel and was a composite unit. The Missions and tasks that SFHQ(A) were required to undertake were various in nature as was the geographical remit of these operations; at that time the bulk of conventional UK Forces were active on operations within Helmand Province in the South of Afghanistan. SFHQ(A) supported both UK operations and those undertaken by Coalition partners. Often UKSF Operations during my tenure had most nation Partner Forces alongside which consisted of APU Soldiers; these were designated as APU1 and APU3. Differing tasks determined which SU was utilised.

One aspect of UKSF activity in Afghanistan was to detain suspected enemy forces and also recover evidence indicative of enemy activity; this could comprise weaponry, Personal Property or other material commensurate with tactics of the enemy, (the above list is not exhaustive but rather an indication of what might be sought during operations). The availability of information was central to the decision on targeting

the planning and execution of a particular mission would be determined by SFHQ(A). Some operatives would, by the nature result in local nationals being detained and brought to a coalition forces base where they would undergo exploitation, further detention and custody, the length of which would be determined by others whose task this was to undertake. Missions could be deliberate in nature, in that a specific person or persons could be targeted in order to bring them into custody whereas local nationals could be detained on other operations even when that was not the desired outcome but by happening upon a set of circumstances that necessitated arrest and detention, this could be the outcome.

By the very nature of the tasks required of the UKSF, these were inherently dangerous and could result in fatalities.

Post incident reporting of an operation was commonplace where generally a report would be compiled by the Commander of the specific Operation, these would vary in content and style depending on the incident and the author but all would be required to capture the essence of that operation charting what took place and what the outcomes were. In particular if fatalities occurred and when Sensitive Site Exploitation (SSE) resulted in items or material being recovered. Ordinarily, these post incident reports were compiled a short time after the incident had occurred in order to brief those entitled to receive that information.

UKSF operations by their very nature are in general sensitive and therefore it would not be unusual for a limited distribution of the post incident reports. As ACOS Ops, I would have unfettered access to the post

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incidents report which are referred to as different titles: SINCREP (Serious Incident Reports), SIR (Shooting Incident Review), story boards (a pictorial depiction of events, usually containing photographs taken at the scene; these would include the results of SSE, recovered weapons and material as well as deceased persons). Again this list is not exhaustive but I had access to a multitude of documents that detailed the results of operations in Afghanistan which had been conducted by UKSF.

During Feb 11 (01/02/2011 - 28/02/2011), the exact date I cannot recall, my concern over the disproportionate number of Enemy Killed in Action (EKIA) versus the number of weapons recovered on such operations was such that I had a conversation with [REDACTED] N1802, then DSF. I can't recall the exact detail of the conversation but I remember that he directed me to contact [REDACTED] SFHQ(A) to establish what was going on.

I subsequently telephoned [REDACTED] N1786 who was CO [REDACTED] SFHQ(A) at that time, when I expressed my concerns to him about the reported figures: number of deaths against the number of weapons recovered.

I can't recall what [REDACTED] N1786's reaction was but both the call and the immediately earlier conversation with [REDACTED] N1802 had been in relation to one incident which appeared in keeping with the concerning trend I have discussed; I can't recall the specifics of this incident but it followed the same outcome as the others in respect of ratios.

In the following months I maintained case observance of the post incident reporting in Afghanistan and in particular the numbers of EKIA compared to the number of weapons recovered. The numbers continued, in my mind, to be disproportionate which just increased my concern that perhaps things were out of control. [REDACTED] N1466 explains that SFHQ(UK) was focused on another UKSF operation at the time [REDACTED]

At the end of Mar (01/03/2011 - 31/03/2011) or beginning of Apr 11 (01/04/2011 - 30/04/2011), I attended [REDACTED] an event where I had a conversation with the then CO of the [REDACTED] UKSF3 [REDACTED] N1785. He raised his concerns about recent [REDACTED] UKSF1 operations in Afghanistan in that a possible deliberate policy was being demonstrated where all fighting aged males in a given scenario were killed irrespective of whether they posed a threat or not.

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Although apparently anecdotal from members of his unit, [N1785] appeared to have sufficient concern to both raise this conversation with me but also write in person to [DSF] discussing what he had been told.

All of this coincided with my continued concern over the statistics within the post incident reports which led me to also write to [DSF] about my concerns.

From electronic reviews held on the DSF server [ITS1], I have had several documents retrieved that I believe are relevant to this matter.

On Fri 26 Jun 15, at [LG] I handed to Capt J L WRIGHT, RMP (SIB), a folio of documents, to which he attached an exhibit identification reference label, marked as follows:

JLW/1 - Folio pertaining to DSF TTP Review

I signed the exhibit identification reference label.

Contained at Item 2 of the folio is a copy of the email that I sent to [N1802]. From electronic records, I can establish that this was sent on 7 Apr 11 (07/04/2011) at 1006 hrs, the content of which articulates my concern regarding both that was in my mind borne from the statistics of the post incident reporting and that which [N1785] had referred to.

The email was sent directly to [N1802] and for his attention only as the content was contentious and potentially damaging.

I referred in the note to potential criminal activity as being a possible basis for the courses of action commented on and explained recommending that this warranted further investigation and whilst I did not specifically recommend that the Service Police be informed of such matter, I would not have expected [N1802] to rule this out; this would be a matter for him to decide upon with legal advice.

At this time, I had conferred with [N2108], SOI Legal within [Prob ref to SFHQ(UK)] and [N1803], ACOS Policy about these matters and they agreed that there was cause for concern.

Immediately after I sent the email to [N1802], [N2108] provided me with legal advice on the issues I have detailed. A copy of his advice is included in JLW/1. I cannot recall if [N2108] was involved in the conversation I had with [N1802] or if he provided direct advice to [N1802].

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At this time I tasked [REDACTED] N1788, SOI Campaigns, to conduct a review of what was taking place in theatre. I can't recall if I specified what incidents he should review but I remember that this consisted to about 11 incidents. [REDACTED] N1788 did not spend a great deal of time reviewing these incidents, probably about half a day, the product of which was presented directly to [REDACTED] N1802 by me verbally, backed up with the post incident reports reviewed by [REDACTED] N1788. My view was that there were clear examples of questionable conduct by members of UKSF and it would be for [REDACTED] N1802 to direct what the response should be. I don't believe there was a written summary of the review findings; I think this was only briefed verbally.

What followed immediately was direction from DSF that a Tactic Techniques and Procedures (TTP) review was required with the inference being that it was the specific TTP of compound callouts that was the catalyst and reason for the disproportionate EKIA v Weapons resourced ratio.

I cannot recall exactly how this was communicated but Terms of Reference (TORs) were compiled which set out the scope of the TTP review. [REDACTED] N1802 directed that [REDACTED] N1788 should travel to theatre to conduct the review with the assistance of CO [REDACTED] SFHQ(A).

Within JLW/1 one draft versions of the TORs dated 8 Apr 11 (08/04/2011) and 11 Apr 11 (11/04/2011); I believe the latter version was the final cut that the TTP review was based on. I believe either [REDACTED] N1802 or one of his advisor's would've finalised the draft version (8 Apr 11) (08/04/2011) that I think I may have compiled.

The TTP of compound callouts, in essence comprised UKSF and other partners arriving at an area or compound of interest and have a native speaker demand all persons present come out of the compound buildings and assemble centrally, the benefit being that all persons residing or located within the premises could be accounted for and to identify any persons of interest. What normally followed was the head of the family being identified and then led back into the compound in order to escort the coalition forces around the premises. It was at this point of escorting the armed coalition forces around the premises where reporting suggested that those escorting the forces attempted to engage them by either producing a secreted weapon or explosive and where duly engaged, which is the main resulted in their death. Other incidents suggested that on occasions enemy combatants had failed to exit the premises when called out and when the coalition forces were being escorted around, these persons would engage, which again often resulted in their deaths.

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I am unsure whether documented policy or doctrine exists which defines the TTP but this is something that is rehearsed in pre-deployment training and in preparation prior to embarking on an operation.

From the draft TORs and the post incident reporting it was apparent that when the head of family was escorting the coalition forces around the premises, it appears there were no Afghan Partner Unit (APU) personnel within the premises. I do not know the rationale for this course of action; this may have a discussion made at the tactical level.

[REDACTED] N1788 deployed to theatre relatively quickly after being provided with the TORS; from records within JLW/1, I believe he would've deployed around 11 Apr 11 (11/04/2011) with the product of that review being distributed on 20 Apr 11 (20/04/2011), as directed in the TORs. The report providing the results of the review is included as Tab 5 within JLW/1. Although signed off by Comd [REDACTED] SFHQ(A) ([REDACTED] N1786 at that time), I believe it was [REDACTED] N1788 who provided the input to the document. It provides written recommendations in respect of changes to the TTP, which ones were applied, I do not know.

Included within the review report (at Ref. B), there is a table of incidents, mounting to 11 in total which I believe were the incidents that [REDACTED] N1788 examined as part of his initial review prior to visiting theatre.

They indicate the accompanying documents that would have been produced at the conclusion of the incident. In most cases First Impressions Reports (FIRs) and Shooting Incident Reviews (SIRs) were not compiled. Where they have been compiled, this has largely been as a result of outside factors where external bodies such as political figures within the Afghan governing system have been involved.

At Tab 6 within JLW/1 one draft documents signed electronically by DSF detailing the command summary and direction of the review. I do not know who compiled these or whether if either document was the final version. They detail direction in respect of changes to the compound callout TTP.

Tab 7 appears to detail direction from the then CO [REDACTED] SFHQ(A) ([REDACTED] N1785) to his sub unit Commander [REDACTED] SU1 ([REDACTED] N2267) specifying what changes needed to be made to the TTP. Again, I do not know what precise changes were made.

Tab 8 appears to be an email to subordinate commanders within [REDACTED] SFHQ(A) suggesting that changes to the TTP would be brought in. The note is signed off by [REDACTED] N889 the then COS [REDACTED] SFHQ(A). It is

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dated 27 May 11 (27/05/2011) and would appear to show the passage of direction of the TTP changes, although what these changes are, is not communicated.

Tabs 9 & 10 are post operational reports for each iteration of command under [REDACTED] SFHQ(A) Tab 9 relates to the operational tour between [REDACTED] DG May 11 - [REDACTED] DG Nov 11 [REDACTED] DG/052011 - [REDACTED] DG/11/2011), written by [REDACTED] N2267 with Tab 10 relating to the following operational tour [REDACTED] DG Nov 11 - [REDACTED] DG May 12 ([REDACTED] DG 11/2011 - [REDACTED] DG 05/2012), written by [REDACTED] N2270 Both officers were OC [REDACTED] SU1 at the material times. Both documents provide written accounts charting highlights and learning points during the relevant operational tour.

Separately within JLW/1 is a list of persons in command positions during the relevant periods regarding the above information.

JLW/1 has been produced at the request of Capt WRIGHT in order to demonstrate the chronology regarding the concerns and action taken in respect of the compound callout TTP during my tenure as the ACOS Ops within DSF.

The documents have been retrieved by [REDACTED] IM from IT Systems operated by UKSF.

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