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**WITNESS STATEMENT OF** [REDACTED] N1466

**Executive Summary**

In this witness statement the witness clarifies and adds detail to matters covered in the three witness statements he gave to Special Investigation Branch ('SIB') officers attached to Operation Northmoor in 2015, 2018 and 2019.

**Background**

My full name is [REDACTED] N1466.

N1466 provides details of current employment.



**Rule 9 Request**

This statement is prepared as a response to a Rule 9 Request by the Independent Inquiry Relating to Afghanistan.

My statement is signed today, 11 March 2024.

In the Rule 9 Request, I have been asked to respond to a series of questions, which are as follows:

- A) Did he provide witness statements to the RMP on:
  - I) 30 June 2015?
  - II) 19 September 2018?
  - III) 29 January 2019?

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- B) Were each of those witness statements true to the best of his knowledge and belief?
- C) Did he meet with Major Cox on 19 October 2018
- (I) If so, does document MOD-198-0003917-A accurately record what he said?
  - (II) If so, is what he said true to the best of his knowledge and belief?
- D) Did he meet with Captain James Wright and other RMP officers on 17 April 2015, and refer to an unofficial policy of “bleeding in” new members of UKSF, complaints made by APU regarding the conduct and actions of UKSF, anecdotal inter unit rivalry (UKSF1 v UKSF3), trophy weapons being obtained and potentially not being submitted through the recognised forensic chain, together with third hand accounts of alleged murder? (see final bullet point of email 20 April 2015, sent by Captain Wright, MOD-198-0001448-A).
- E) Any other matters he wishes to draw to the Inquiry’s attention.

**Witness Statements Provided to the Royal Military Police (“RMP”)**

1. I can confirm that I provided three witness statements to the Special Investigation Branch (“SIB”) of the RMP during the SIB Investigation called Operation Northmoor. The dates of these witness statements were 30 June 2015, 19 September 2018 and 29 January 2019.
2. Each of my witness statements were true to the best of my knowledge and belief at the time they were prepared. However, for the reasons which I will expand upon below, having had an opportunity to review my statements, there are issues raised in all three witness statements provided to Operation Northmoor that I would wish to clarify and expand upon.
3. During the course of the preparation of this witness statement, I have had disclosed to me four lever-arch files of contemporaneous emails provided to me

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by the MoD in response to several requests for disclosure. The purpose of the disclosure exercise was to refresh my memory of relevant events. I do not believe that all of the relevant documents responsive to my requests have been disclosed in this process.

*First witness statement*

4. My first witness statement dated 30 June 2015 was taken approximately four years after the events which were the subject of the statement. [MOD-198-0003561-A] [REDACTED] This witness statement reflects the content of interviews I had with SIB officers which took place over three separate meetings. The notes of the interviewing officers that were disclosed to me in the Saifullah Judicial Review proceedings by the Special Advocates Office indicate that they took place on 17 April 2015, 11 June 2015 and 26 June 2015.
5. After the first meeting with Captain Jason Wright, I asked a member of the Headquarters Director of Special Forces ('HQ DSF staff') ([REDACTED] Name Given [REDACTED]) to retrieve some of the relevant documents for me and to prepare a folio, ensuring that all documents were correctly logged out on a F102 SECRET document register. These documents were exhibited to my first witness statement and are referred to as Exhibit JLW/1. To the best of my recollection, the only document that we discussed in the interview with the SIB officers was this document, known as the "TTP Folio" ('Tactics, Techniques Procedures') [MOD-198-0002062-A].
6. I did not have access to any other contemporaneous documents to prepare my first witness statement, including material that I saw subsequently. In particular, I did not have sight of any executive summaries ('EXSUMs'); shooting incident reports ('SIRs'); significant incident reports ('SINCREPs'); or operational summaries ('OPSUMs'). Importantly, I did not have sight of the photographs of the bodies of the deceased contained in or attached to these reports at the time of making my first witness statement.

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7. At the time I was interviewed by the SIB officers for the purpose of preparing my first witness statement, I was asked to provide my account of events leading up to the commissioning of the first TTP Review on 8 April 2011. As I deal with in more detail later in this witness statement, from the date of the commissioning of the TTP review to the date on which I made my first witness statement, I had acquired additional first-hand knowledge and anecdotal accounts which increased my suspicion that UKSF had been engaged in unlawful killing in Afghanistan.
8. All three of my witness statements were written by SIB officers on the basis of notes taken of my interviews. The statements were brought to me in hard copy. I was asked to review and sign the statements. Generally, the witness statements reflected what I had said to the SIB officers, but the statements were drafted by the SIB officers using their words rather than mine. When I pointed out minor typographical errors or factual inaccuracies in the typed statements, I was told that the statements would have to be taken away to be re-written which would cause a delay and require a further meeting. I was given the impression that the amendments would not have made any difference as the overall content was correct, and that it would have been inconvenient for the statements to be amended. As a result, I signed the statements in the form that they were presented to me.
9. At page 3/7 of my first witness statement I refer to a telephone conversation I had with [REDACTED] N1786 (CO [REDACTED] SFHQ(A)) regarding the concerns I had raised with [REDACTED] N1802. Having reflected further on the chronology of relevant events, I believe that I would have become aware of the operation described as 'Objective 1' which is reported as having taken place on 7 February 2011 (also known as 'Objective [REDACTED] 1') on or about 14 February 2011, either immediately before or during the Director's Update Briefing ('DUB').
10. The DUB took place [REDACTED] regularly, when a consolidated updated briefing to UKSF Headquarters staff on global operations was provided. Each geographical or thematic area would be briefed by a different member of staff.

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I recall that I sat in the briefing with [REDACTED] N1802, the then Director of UKSF. I recall that the enemy killed in action ('EKIA') to weapons recovered ratio was read out for 'Objective 1' and the ratio was nine EKIA to three weapons recovered. I looked across to [REDACTED] N1802 and said something to him to indicate that I had a concern about the ratio. In response, [REDACTED] N1802 instructed me to speak with [REDACTED] N1786 about it later that day.

11. I subsequently telephoned [REDACTED] N1786. In my first witness statement I state that the topic of the conversation was the kill ratio. I have now refreshed my memory of this conversation from reviewing the email that I sent to [REDACTED] N1802 [REDACTED] on 7 April 2011 at 10:06 AM at [REDACTED] MOD-198-0002062-A [REDACTED], approximately three months after the phone call. [REDACTED]

12. In that email, I referred to raising two indicators that fuelled "*our concern*". The first indicator was the number of weapons recovered to the number of EKIA. The second indicator was the number of instances where the "head of family" was being "*invited to lead the compound clearance and was subsequently engaged and killed.*" On reflection, I believe I may have conducted further research and reviewed the OPSUMS after [REDACTED] N1802 had asked me to call [REDACTED] N1786 and before I made the call. I believe that I probably did this so that I was better informed for the conversation, particularly as I was [REDACTED] [REDACTED] in the UK [REDACTED], thousands of miles from where the [REDACTED] Sub-Unit was operating.

13. To the best of my recollection, my thinking around this issue at the time was as follows. To have an incident or operation where there were more EKIA than weapons recovered would have been a cause for concern, even if it had only happened occasionally. In such instances, there might be a plausible explanation for the ratio, for example, if non-combatants had been caught in cross-fire, or if members of the [REDACTED] Sub-Unit had been caught by surprise in a vulnerable position and returned fire in an imprecise way to suppress their attackers. However, over this period, having more 'EKIA' than weapons recovered was commonplace. Indeed, it was the case in the *majority* of

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operations over this period. That pattern was alarming, particularly in the context of a counter-insurgency campaign where there were women and children in close proximity to the intended detainees and where the key to success of the mission was winning the 'hearts and minds' of the indigenous population.

14. The use of force in a counter-insurgency operation needed to be measured and proportionate to protect civilian life. One of the rationales for deploying UKSF to conduct [redacted] priority [redacted] detention operations was that UKSF were trained to be more precise in their use of force as a consequence of [redacted] their training [redacted]. [redacted] UKSF were trained and tested to the same or higher standards of target discretion as civilian police firearms units because of the need to protect the lives of innocent civilians during such operations. In a counter-insurgency context, the same level of discretion and judgment in the use of force was required, and it appeared to me that this objective was not being met in these operations.
15. The recurrent high EKIA to weapons recovered ratio apparent in these operations was either an indication of the imprecise or reckless use of lethal force or of deliberate, unlawful killing. At the time, I thought it was indicative of the latter.
16. The second issue of detainees being shot on return into the compound was also alarming. At the time of their detention, it was extremely unusual for the identity of detainees in these operations to have been conclusively established, and they were to be presumed innocent until proved otherwise. In any event, as detainees, UKSF owed a duty of care to them under the Geneva Conventions. The [redacted] Sub-Unit [redacted] should have seen the first instance of a death of a detainee in such circumstances as a failure of their responsibilities under those Conventions and should have reviewed how it had happened and taken steps to prevent recurrence. To have repeated breaches of the Geneva Conventions was clearly not acceptable.

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17. I would also wish to clarify the contents of the first sentence of the fifth paragraph (page 3 of 7) of my first witness statement in which it is said: *"In the following months I maintained case [sic] observance of the post incident reporting in Afghanistan and in particular the numbers of EKIA compared to the number of weapons."* First, it appears that there is a typographical error. The word "case" in this sentence should be replaced with "close".

18. Secondly, to my mind, the words *"maintain close observance"* should be read in conjunction with the final sentence of the paragraph. On 16 February 2011, only a day or two after I had had the conversation with [N1786], the [REDACTED]

Sets out significant workload unrelated to Afghanistan.



The operations in [LG (Not A)] occupied a significant amount of my time and the time of other staff member at UKSF Headquarters. It became the *de facto* top priority for our focus from almost immediately after the call with [N1786] until approximately mid-March 2011. As a consequence, I did not have enough time to pay close attention to what was happening in Afghanistan over that period.

19. Having refreshed my memory from contemporaneous documents, I believe the [UKSF3 event] I attended at [UKSF3] when I spoke to [N1785] took place on 1 April 2011. I believe the event was one of a series called the [Name of Event Series]

20. Between the [UKSF3 event] on 1 April 2011 and 8 April 2011, I believe I spoke to the following individuals about my concerns: SO1 J35 Campaigns ([N1788])

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( ), ACOS Policy ( N1803 ) and SO1 Legal ( N2108 ). I may have also spoken to SO2 J35 Campaigns ( N2444 ) during this period.

21. In my first witness statement, at page 5 of 7, paragraphs 1 and 2, I described the sequence of events following the initial review of the relevant OPSUMs (also known as post-incident report) conducted by N2444 on my instruction, although the project was managed by N1788.
22. From contemporaneous emails, it appears that this initial review had been completed by 16:45 on the afternoon of 7 April 2011, when N2444 sent his findings to N1788 by email. [MOD-198-0002046-A] N1788 appears to have read this email and then forwarded it in its original form to N2108, the SO1 Legal, and then emailed a synopsis to me in a separate email, possibly some time afterwards. It is therefore likely that N2108 had been forwarded the email containing N2444's initial findings by N1788 before sending his legal advice to me at 17:53. [see MOD-198-0002046-A]
23. For the purpose of preparing this witness statement, I have had disclosed to me a document [MoD Disclosure Bundle 4 Document No. 1644] which is an email from N2108 apparently sent to me on 7 April 2011 at 17:53. N2108. Although the legal advice contained in this email was addressed to me and had been prepared in response to my request, it had been drafted to assist me in my discussions with Director UKSF. N2108 knew that I was intending to speak to N1802 about the issues raised in the advice.
24. It appears that I spoke to N2108 before he sent me the email on 07 April at 17.53, as he refers to our prior conversation, my concerns around the compound "call outs" and the conversation that I had with N1785. To the best of my recollection, in our prior conversation that he refers to in his email, I also mentioned my concerns around the EKIA to weapons recovered ratios.



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25. On the evening of 7 April 2011, having read the email from [REDACTED] N2108, I was of the view that the test for making a report to SIB under the Armed Forces Act 2006 ('AFA 2006') that he had summarised in his email, being "*suggesting [sic] to a reasonable person that an offence may have committed*" had clearly been met. First, an allegation of unlawful killing had been made to [REDACTED] N1785 which he had reported to me and which was recorded in my email to [REDACTED] N1802 [REDACTED] earlier in the day. Secondly, to my mind there was abundant circumstantial evidence of unlawful killings disclosed in the OPSUMs.

26. At the time it was my understanding that all officers in the Chain of Command had the responsibility to inform SIB of the possibility that a serious offence had been committed by service personnel. It was irrelevant that other officers lower in the command chain had failed to report the matter to SIB. [REDACTED] N1802 was at the apex of UKSF Chain of Command and therefore had the responsibility to report these matters to SIB if it was required under the AFA 2006. I was a Staff Officer supporting the Director of UKSF and therefore not an officer in the Chain of Command. Although the decision was not mine to take either in military terms or under AFA 2006, I felt I was under an obligation to raise the issue with those who did have that responsibility in the command structure.

27. In his email, [REDACTED] N2108 appears to concede that the allegation made to [REDACTED] N1785 [REDACTED] would indicate to a reasonable person that an offence may have been committed. He also appears to concede that "*when all these cases are taken together and there is an identification of similar trends and suspicion developing over the credibility of the accounts contained in the OPSUMs then the circumstances are such that a reasonable person would conclude that service offences may have been committed*". However, in the next sentence, without further comment on this observation, he suggests that the problem lay with the TTP.

28. The view I took at the time was that [REDACTED] N2108's reasoning did not make sense. To my mind, if there were doubts about the credibility of the accounts

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that appeared in the OPSUMs, then there were reasonable grounds to suspect that a false narrative was being created in order to conceal unlawful activity. I did not understand how doubts around the credibility of the accounts that appeared in the OPSUMs could lead to a conclusion that the TTP was flawed. There did not appear to be any logical connection between the premise (implausible OPSUMs) and conclusion (a flawed TTP). If [REDACTED] N2108 believed that the accounts in the OPSUMs were not credible, I did not see how the issue would be resolved by changing the TTP.

29. My view at the time and at all times subsequently was that the idea that Afghan detainees, whether or not they were combatants or civilians, had attempted to engage a [REDACTED] Sub-Unit of UKSF with a grenade *after* they had been detained was simply not credible. I did not think it was plausible that male heads of an Afghan household would act in manner that would inevitably result in their deaths, often in front of their wives and children. The death of the male head of household would seriously impact the economic and physical security of the family unit. To the best of my knowledge and understanding, suicide attacks committed by Afghan nationals were relatively uncommon at the time. From intelligence reports that I would have been aware of at the time, I had understood that the majority of suicide attacks in Afghanistan involved carefully selected and prepared individuals, who were often young single men from [REDACTED] Location Given [REDACTED] (not Afghanistan).

30. The view that I had at the time and which has been reinforced since these events was that the issue was not whether the TTP was an appropriate tactic, nor whether the TTP was being executed in the correct manner, but whether persons detained by [REDACTED] SU1 were being unlawfully killed. To my mind, it was a cause of particular concern that the scenarios described in the OPSUMs were happening repeatedly and, on more than one occasion, twice on the same [REDACTED] date in different compounds. I felt that the TTP was being weaponised to kill Afghans, rather than it being the case that the TTP was at fault.

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31. I clearly recall that at the time I read [N2108's] advice I thought it was both unclear, and in certain material respects, incorrect. In my view, [N1802] needed clear advice as to whether he ought to report these incidents to SIB or not. He did not receive that advice. As I have explained above, I thought that the threshold requiring the reporting of these incidents to SIB had been crossed. I also thought that [N2108] was opining on operational matters such as the efficacy of the TTP, rather than confining his advice to the legal issues that arose from the information he had been provided by me and [N1788].

32. In my first witness statement I refer to a meeting with [N1802] at paragraph 1 of page 5 of 7. To the best of my recollection, [N2108] and [N1803] were also present at that meeting at my request. I led the discussion and said that we had conducted a review of the OPSUMs, and walked [N1802] through the findings, including my concerns around the EKIA versus weapons recovered ratios and the detainee casualties.

33. At some point during the meeting, [N2108] gave his view. I have a clear recollection of thinking that again, [N2108] had not provided clear legal advice on the issue. Although I cannot recall exactly what was said, I believe that the advice he gave at the meeting was very similar to the advice contained in his email. He certainly did not recommend that we should report the incidents to SIB. I remember feeling that as the lawyer advising Director UKSF, [N2108] should have recommended that a referral was made to SIB, and I was surprised that the advice was not as clear or as robust as I would have expected. I recall feeling disappointed when I came out of the meeting. I was also of the view that the legal advice made my position, which was in favour of conducting a more thorough investigation, much more difficult.

34. I felt at the time that [N1802] intended that the TTP Review would have the effect of firing a warning shot across the bows of the [Sub-Unit] to encourage them to change their behaviour. I was sure at the time and I remain sure that [N1802] knew what was happening on the ground. The speed of [N1802's] response and the absence of any further mention or investigation

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of unlawful activity only fortified my belief that he was aware of what was going on.

35. Document MOD-198-0003417-A is an email that I sent to [N1788], copying [N1786] and others at 14:45 on 8 April 2011, which suggests I had already written the Terms of Reference (“ToR”) for the TTP review. [REDACTED] To the best of my recollection and on the basis of this and other emails, the sequence of events that morning was as follows. The meeting with [N1802], [N1803] and [N2108] took place relatively early in the working day. Either in that meeting, or very shortly thereafter, [N1802] gave directions that there would be a TTP Review. [N1802] then dictated to me the contents of the ToR for the TTP Review. I then prepared a first draft of the ToR and took that draft to him. He then made “word by word changes before authorising release”. I then made the necessary changes on his instructions and sent them to [N1788] at 14.45. [N1786] replied to me suggesting some further changes to 16.09 on the same day. I felt deeply uncomfortable with drafting a set of ToRs for a TTP review. As I have explained in this witness statement, I did not believe that the TTP was the issue.

36. I note on the same day, around 40 minutes earlier, [N1786] and [N1788] were having a separate exchange of emails. I have seen the document [MOD-198-0003482-A] [REDACTED] in which they were discussing the ToRs which I was preparing. In that email chain, [N1786] remarked “the audit trail for this – as laid out by [N1802] – has surprised and profoundly disappointed me. What a last twist before EOT” [end of tour]. [N1788] responded “you have me at a disadvantage re: audit trail/provenance etc. but your implication, if I have got it right (inter-unit) is disappointing as you say. Awkward RiP”.

37. I was not privy to the email exchange between [N1788] and [REDACTED] [N1786], and first became aware of it when I received Open disclosure from the Special Advocates Office in the Saifullah litigation. Reading this email exchange now, it appears to me that [N1786] is suggesting that the genesis of these allegations is inter-unit rivalry between [UKSF3] and [UKSF1]. The

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reference to the “audit trail” indicates to me that [REDACTED] N1802 had made no effort to conceal or protect the source of the concerns.

38. Having reviewed MOD-198-000-2062-A, which is the final version of the ToR approved by [REDACTED] N1802 dated 8 April 2011, I would like to add the following. At paragraph 10 of the ToR there are two important sentences: to the best of my recollection, the first sentence was dictated to me by [REDACTED] N1802. I believe that I added the second sentence. I do not believe that either of us would have written that paragraph in its entirety as the two sentences do not sit well together. I note that in the final version of the document dated 11 April 2011, a different final paragraph appears and that there is an explicit reference to the AFA 2006. I do not have a clear recollection as to who was responsible for redrafting the revised paragraph 10, but I recall being concerned that the legal position was properly addressed, and therefore it is possible that I might have asked for further input from [REDACTED] N2108.

39. For completeness, I note that there is a further change between the first version of the ToR produced on 8 April 2011 and the second version dated 11 April 2011. The second version had been re-addressed to [REDACTED] N1786 from [REDACTED] N1788 at the suggestion of [REDACTED] N1788. [MOD-198-0003482-A] [REDACTED] A second confirmation of this can be found at [MOD-198-0003417-A], which is an email from me to [REDACTED] N1786 where I informed him that I had refreshed the ToR to address the ToR to [REDACTED] N1786 [REDACTED].

40. I have given careful thought as to why I did not report my concerns to SIB in 2011. At the time, I felt the right thing to do was for [REDACTED] N1802 to go to SIB. From my own knowledge of military law, I was aware that a commanding officer should do so on the basis of a suspicion or concern. Despite not being in the command chain, I felt a sense of personal responsibility for what had happened as part of the organisation. It is matter of regret to me that I did not raise my own concerns with SIB at the time.

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41. I believed at the time and continue to believe that if I had made a complaint to SIB against the wishes of [N1802] and in doing so, stepped outside of the Chain of Command, it would have had an adverse impact on my promotion prospects and career longevity. Moreover, I would have taken a course of action that was unsupported by the legal advice given by [N2108]. I have been living with and reflecting on this decision for a long time and I wish to express my regret that I did not make a report to SIB in 2011.

42. The events I have recounted in this witness statement were the cause of considerable stress and anxiety to me at the time. I was deeply troubled by what I strongly suspected was the unlawful killing of innocent people, including children; and that the success of the whole campaign with the heavy investment of lives lost by UK and Afghan forces was being jeopardised by these killings; but also the absence of what I considered at the time should have been the response of all officers, including very senior officers in the Chain of Command. I felt that my efforts to “do the right thing” had been impeded by senior officers in the Chain of Command, and I struggled to come to terms with what had happened.

Sets out personal information.

Sets out personal information.

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45. Disclosed to me from the Open material by the Special Advocates Office in the Saifullah litigation is a document marked [MOD-198-0000829-A] [REDACTED] being an interview plan for the first witness statement. The interview plan contains a number of questions which were asked of me, but were crossed out with the comment *“not covered as witness did not want on statement or did not know”*. The reason why I did not want these issues covered in my witness statement was twofold.

46. First, I did not want to be seen as the principal whistleblower when it could lead to the criminal investigation or prosecution of individuals who I believed had been responsible for murder [REDACTED]. [REDACTED]

[REDACTED] Sets out personal concern [REDACTED]

[REDACTED]. Despite making enquiries of the SIB as to how the sensitivity of the information that I had provided could be protected, I had not been given any assurances as to how this information would be treated, or confirmation of any security arrangements. I did not feel comfortable providing this information. At the time in 2015, I was still working within UKSF.

47. Secondly, I had lost all faith that the Chain of Command would be minded to support a transparent and accountable investigation.

*Second witness statement*

48. After the meeting which led to the first witness statement, I had another meeting with the investigating officers on 19 September 2018. During this meeting I was shown exhibits JLW/1 and the exhibit NWS/14A. I subsequently produced a second witness statement. [REDACTED]

49. I had previously seen the abridged versions of the OPSUMs, but I had not previously seen the photographs contained within them. When I met with the interviewing SIB officers I was able to see large photographs of the bodies of the men who had been killed on the detention operations.

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50. My second witness statement focussed more on the “call out” of the Afghans from the compound, rather than just the ratios of the EKIA to weapons recovered which had been the focus of my first witness statement. I recall that during the interview, I formed the impression that the interviewing officers were asking questions in order to obtain further information from me as to the reason why I found these incidents suspicious.
51. During the conversations with the SIB officers, I expanded on the reasons why I thought these incidents were suspicious. These reasons are set out at page 3 of 4 of my second witness statement in four separate points. I would like to further expand upon these four points by way of clarification.
52. To expand on the first point, when I was in Afghanistan **pre-2010**, I had personal experience of the Taliban engaging sub-units disembarking from helicopters and crossing open ground when moving towards target compounds. By 2011, it was apparent that this type of engagement was occurring less often, and that there were fewer engagements with troops who were exiting helicopters or approaching compounds. Instead it was more common for the occupants of such compounds or households to surrender rather than risk almost certain death, in the knowledge that they would be released from custody after 96 hours.
53. To my mind, having made the decision to surrender rather than fight, it did not make sense that the same individuals would then choose to engage a sub-unit of UKSF after they had been detained when they had ceded any tactical advantage they may have had by fighting from a defended compound.
54. It is important to emphasise the overwhelming odds that the detainees would face if they had been minded to take on a **Sub-Unit** of UKSF soldiers after they had been detained. A **Sub-Unit** would usually consist of **Number Given** UKSF soldiers who would usually be supported by an Afghan partner **Unit** of a similar size, and quite often armed air platforms, **Air Assets**.



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55. These forces would usually be deployed in layers around the compound and the detainee. A [Call Sign] of [Number Given] UKSF soldiers would usually accompany the detainee into the compound. They would often be observed by [Cover Men]

[REDACTED]

The rest of the UKSF [Sub-Unit] would be positioned around the outside of the compound as the 'inner cordon' and the Afghan partner [Unit] would provide an 'outer cordon' to prevent interference by individuals in the surrounding areas. Air assets would provide the UKSF [Sub-Unit] Commander with situational awareness and the ability to apply heavy firepower as required. There is no way a single detainee could prevail against such overwhelming odds. Furthermore, from the reports that I saw, there was never a single UK casualty in these operations. This is to be contrasted with UKSF casualties which were sustained in the earlier period when we encountered fire on approach to these compounds. In addition, the chances of a grenade strike by a detainee injuring or killing a UKSF soldier in the manner described was minimal.

56. The second point was a clarification of the first point. As above, the Afghan male detainee would be accompanied usually by [a UKSF Call Sign] with their weapons trained on the detainee throughout.

57. By way of clarification to the third point, to my mind it was implausible that on multiple occasions detainees were said to have been using grenades when engaging UKSF during compound call-outs. Afghanistan is a country where there was widespread access to AK47s. The possession of an AK47 would not, of itself, be evidence of membership of the Taliban. Many Afghans had one for their own self-defence. An AK47 would have had greater, and instant lethality compared to a grenade. It did not make sense to me that a hostile detainee would choose to deploy a grenade rather than an AK47 in such circumstances. As I recall, there was discussion between myself, [N1788] and [N2444] around an alternative explanation, namely that grenades and pistols, which would have been easy to conceal on the person of a UKSF

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solider, had been carried to the compounds and 'planted' on the bodies of the deceased.

58. Finally, there was an on-going discussion with [SFHQ(A)] about the efficacy of these detention operations, due to the lack of success in prosecution of suspected Taliban through the Afghan judicial system. Very often, suspects that had been detained on intelligence led [SU1] detention operations were being released after 96 hours.

59. From the start of my tenure as ACOS Operations [until its end], there were substantial problems with the whole detention process in Afghanistan. These problems ranged from a shortage of space in UK detention facilities; a shortage of trained interrogators; inadequate space in Afghan facilities; concerns about Afghan treatment of detainees; and, the slow progress in building an Afghan judicial system to meet international standards. I recall that in the Spring of 2011 less than 1 % of the suspects detained on intelligence led operations were successfully prosecuted in Afghan Courts.

60. In conversations with members of [SFHQ(A)] during this period, it was frequently said that if an individual insurgent was listed on the [Target List] [ ] and could be positively identified, it was easier for [SU1] to kill them [by conducting a non DDO] than it was to detain and prosecute them. I also recall there were questions raised from [SFHQ(A)] about how soon an individual on the [Tgt List] could be [ ] engaged following release from detention.

61. During these discussions, the frustrations of [SU1] were palpable. To my mind there was an unfortunate coincidence between the frustrations that the [ ] [Sub-Unit] had expressed regarding the efficacy of the judicial system under Op HERRICK and the allegations and circumstances that indicated that unlawful killings may have occurred. This apparent coincidence contributed to my unease at the time. At the back of my mind, the thought had occurred to me that in the absence of being able to get detainees successfully prosecuted, and

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knowing that when they were positively identified that they could be killed under the RoE, members of the [Sub-Units] may have felt justified in killing detainees during ground operations, despite not being able to positively identify them in the majority of cases.

62. During the interview for my second witness statement I was shown photographs contained within NWS/14A. I make six numbered observations at page 4 of 4 of my second witness statement. I have had an opportunity to see these photographs in the preparation this witness statement and would wish to add two further observations [MOD-198-0007433-A] [REDACTED]
63. First, that the three AK47s shown in the photograph all have their stocks folded which would not give optimum accuracy, control and effectiveness in a firefight. In one case, the sling is wrapped around the weapon in such a way as to obstruct the sights, the stock and the pistol grip. This suggests to me that these weapons may not have been used as alleged by the sub-unit in the OPSUMs.
64. Secondly, the OPSUM refers to 'issued Taliban jackets', suggesting that the jackets found on target are identical and have been provided from central stocks by a Taliban quartermaster. First, this is unlikely, because wearing identical 'issued' clothing would risk identifying the individuals as Taliban to ANSF and coalition forces. Insurgents in Afghanistan generally went to great lengths to not stand out from the wider populace. Secondly, it could just as easily be the result of a similar batch of jackets being sold at a local bazaar, or by a travelling salesman. Thirdly, the jackets in the photographs do not appear to even be of the same brand or make of jacket, the only common feature is the colour of the material. This might appear trivial, but the assertion that these individuals are clearly Taliban (because of their 'uniform' clothing) seems to be a thinly veiled attempt to suggest their involvement in the insurgency.

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*Third witness statement*

65. I have nothing to add to my third witness statement, dated 29 January 2019.

[REDACTED]

**Record of meetings with SIB officers**

*Meeting with Captain Wright April 2015*

66. I can confirm that I did meet with Captain Jason Wright and other RMP Officers on 17 April 2015. I have not been asked to confirm whether the content of the note of this meeting [MOD-198-0001448-A] [REDACTED] is true to the best of my knowledge and belief.

67. I believe the note is a broadly accurate record of the conversation that took place. What I said to Captain Wright during that meeting was true to the best of my knowledge and belief as far as matters were within my own knowledge. It will be appreciated that I saw this document for the first time when it was disclosed to me by the Inquiry Team on 6 February 2024.

68. During this meeting I did refer to an unofficial policy of “blooding in” new members of UKSF. I did refer to complaints made by the Afghan Partner Unit (“APU”) regarding the conduct and actions of UKSF.

69. I did refer to anecdotal inter unit rivalry ([REDACTED] UKSF1 v UKSF3). However, I think further explanation on this issue may clarify matters. To the best of my recollection, I explained to Captain Jason Wright that a suggestion inter-unit rivalry was being used to undermine the allegations of unlawful killings in Afghanistan. In particular, that the allegations of unlawful killings had been made up by one unit ([REDACTED] UKSF3) to discredit the other unit ([REDACTED] UKSF1). I did not mention names to Captain Wright at the time. I also discussed the accounts that I had heard about [REDACTED] UKSF1 sub-units that were rotating through the [REDACTED] SU1 role. I had heard that the sub-units were trying to out do each other in terms of the kills achieved on their respective tours.

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70. I did refer to trophy weapons. However, further clarification of the issue discussed may assist. To the best of my recollection, I explained there were two aspects to the trophy weapons issue.

71. The first aspect was that I had been told by [Name Given] (who I believe was the [Job Title and Location Given]) that he had been asked to provide non-issued or 'trophy' pistols to [SU1] to give as gift to members of the sub-unit who were leaving. It was suggested to me by [REDACTED] that the real purpose was to have a stock of shorts that could be used to plant on the bodies of those killed during detention operations.

72. The second aspect I had mentioned to Captain Wright and the other SIB officers was that [an NCO] (whose name I can no longer recall) had suggested to me that he had seen what he thought was the same pistol recovered on two separate operations from two different compounds. He told me that there was a distinguishing notch or a split on the pistol grip which he had noticed at the time. His inference was that the pistol had been planted and been re-used and had not been entered into the proper evidence chain for potential judicial proceedings.

73. I did refer to third-hand accounts of alleged murder. I had heard a number of rumours from different sources. Although I did not name these sources in my meeting with Captain Wright, I did mention some of these sources in my interview with Major Cox in October 2018. I had many more of these conversations, but I cannot recall all of the sources given the elapse of time.

74. All of the conversations or anecdotal information referred to above which I discussed with Captain Wright and the other SIB officers in April 2015 had come to my attention after the TTP review in April 2011 but before I went to the Provost Marshal Army ("PM Army") in January 2015.

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75. This meeting with the SIB officer was prompted by my meeting on 8 January 2015 with the PM Army. There was a combination of factors which led me to take my concerns to PM Army in January 2015. First, I had been made aware of those matters which arose in the conversations and anecdotal information I had discussed with Captain Wright on 17 April 2015 which were recorded in his note and which I have referred to above.
76. Secondly, I had learnt at some point between 2012 to late 2014 (when I returned to [REDACTED] UKSF ) that UKSF partner Afghan units had refused to undertake [REDACTED] [REDACTED] detention operations with [REDACTED] SU1 in [REDACTED] Location Given for an extended period time.
77. Thirdly, I had come to the view that the issue of extra-judicial killings was not confined to a small number of soldiers or a single sub-unit of [REDACTED] UKSF1 but was potentially more widespread, and was apparently known to many within UKSF.
78. Finally for these and other reasons, I had lost confidence in the willingness of the UKSF Chain of Command to report the allegations of unlawful killings committed by members of UKSF during detention operations in Afghanistan to SIB in order that a criminal investigations could be undertaken. I therefore decided that the only recourse available to me given the depth of my concerns was to take them to PM Army.

*Meeting with Maj Cox October 2018*

79. I did meet with Maj Cox in October 2018. The interview notes are dated at the top of the document as 26th September 2018, yet the opening line records that the interview took place on Wednesday 19th October 2018. I have no independent recollection of the date that the meeting took place.
80. I have been asked to confirm whether what was said in the document is true to the best of my knowledge and belief.

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81. I had disclosed to me document MOD-198-0003917-A. [REDACTED] I believe the note is broadly accurate in terms of the conversation that took place and what I said to Maj Cox during that meeting was true to the best of my knowledge and belief as far as matters were within my own knowledge. However, I believe there are some inaccuracies in how my responses were recorded in this note. It will be appreciated that I saw this document for the first time when it was disclosed to me by the Inquiry Team on 6 February 2024.

82. For example, at paragraph 19 of Maj Cox's notes, he describes [REDACTED N1791] as being a weak commander, however, this should have reference to [REDACTED N1141] who was the Officer in Command of [REDACTED SU1A].

83. At paragraph 10, the conversation which I reported being privy to was in fact between [REDACTED N2274] (not [REDACTED N1802] as recorded by Maj Cox) and [REDACTED IIA119] as the former handed over the role of Director Special Forces to the latter.

84. The meeting covered the personnel aspects of the handover, and dealt with subjects such as future appointments and promotions. [REDACTED N2274] made the point that [REDACTED N1789] had been involved in questionable behaviour during his tour as OC [REDACTED SU1] in Afghanistan in 2010. [REDACTED]

[REDACTED]

85. By way of clarification, at paragraph 10 of the notes, there is a reference to a [REDACTED Role Given] having covered up for [REDACTED N1789] in Afghanistan in 2010. In fact, it was the [REDACTED SU1C Role Given] I received this information in about 2017 from what I regarded as a reliable source. The account given to me was

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that the [SU1C Role Given] provided the members of the [Sub-Unit] with a pre-prepared and fictitious narrative of events which they were to adhere to in their witness statements for an SIR, the purpose of which was to exculpate [N1789]

I believe that the content of this statement is true

Signed Statement held by the Inquiry