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CLASSIFICATION: **SECRET**

**Inquiry Ref:**

**Witness name:** [REDACTED] N1788

**Statement Number:** 1

**Dated:** 22 April 2024

**Exhibits:** 1

**THE INDEPENDENT INQUIRY RELATING TO AFGHANISTAN**

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**WITNESS STATEMENT OF**

[REDACTED] N1788

**DATED 22 APRIL 2024**

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1. I, [REDACTED] N1788, make this witness statement in response to a Rule 9 Request dated 18 December 2023.
2. I previously provided witness statements to the Royal Military Police (RMP) on 13 May 2016 [REDACTED] MOD-198-0002040-A and 15 August 2016 [REDACTED] [REDACTED] MOD-198-0002041-A, using the nominal N1788 which was given to me by the RMP. Those witness statements are true to the best of my knowledge and belief, and, barring a small number of typographical errors which do not change the substantive meaning or intent of the statements, as well as two matters which I refer to immediately below, I stand by their contents. First, in the top line of page 4 of my first statement to the RMP, 'eliciting' should, I think, read 'exhibiting'. Secondly, there is one sentence

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which would benefit from clarification. On Page 2 of my second statement to the RMP, the sentence on the penultimate line of the page, which begins “At this time,” should read: “the principal householder, would be plasti-cuffed and allowed to carry out the aforementioned tasks which, un-interfered with, I believe was a valid TTP which reduced the risk to all parties.” Additionally, my two statements to the RMP should be read with two caveats in mind. First, my statements record that the only underlying documentation I was shown in the course of the two police interviews was JLW/1 (MOD-198-0002062-A) and JLW/1A (MOD-198-0002063-A). Curiously, although my first statement (at p.5) refers to me having been shown JLW/1A and my second statement (p.1) refers to me having been shown both JLW/1 and JLW/1A, I have no recollection of being shown the email from N1466 to N1802 dated 7 April 2011 within JLW/1, until I was provided with these documents to prepare my statement in response to the Inquiry’s Rule 9 request. The handwritten signature on the second page looks similar to my own, but I can see that the nominal 1466 appears next to that signature, along with a date (26/06/15) which predates significantly my first statement to the RMP, on 13 May 2016. Secondly, those witness statements are a product of my focused answers to the specific and direct answers which the RMP posed to me at that time.

## Military Career

N1788 sets out when he joined UKAF and early postings.

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N1788 sets out his UKAF postings.

6. I attended UKSF [redacted] course in [redacted] early 2000s, after which I served [redacted] in a junior command [redacted] appointment in UKSF1 until [redacted] mid 2000s. During this period, I conducted operational tours in [redacted] Locations Given (Not Afghanistan)

N1788 sets out his next posting.

7. [redacted] N1788 returned to UKSF1 in a Sub-Unit command appointment in the late 2000s.

[redacted] In that role, I had command of all mandated tasks, which included operations, training, and business-as-usual management. I was responsible for all facets of the professional lives of the [redacted] soldiers and troops under my command. [redacted]

N1788 sets out his further UKSF role.

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Continued

8. N1788 describes his deployment to Afghanistan in the late 2000s, the role of Op C and when UKSF1 took over from UKSF3.

As I recall, this did cause some degree of inter-unit tension which informed unit relationships for some time to come, but not to the degree that it impacted our hand-over / take-over, which was delivered professionally and without incident. N1788 describes conducting DDOs.

9. In mid 2010, I relinquished my Sub-Unit command appointment and took up the post of SO1 J35 Campaigns in HQ DSF, London. That was a staff officer role, with responsibility for managing campaign operations across UKSF. During this period, my work predominantly related to Op B in Afghanistan, As a staff officer, I had no command responsibility. I worked directly for Assistant Chief of Staff Operations ('ACOS Ops'), who was the primary staff officer responsible for co-ordinating and managing all UKSF operations on behalf of the Director of Special Forces ('DSF').

N1788 returned to Afghanistan in a senior command appointment in SFHQ(A) from late 2012. N1788 describes the SFHQ(A) Chain of command, his role and responsibilities. N1788 also held Coalition responsibilities through Commander ISAF 2.

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Continued.

N1788 sets out his subsequent posting to UKSF1 in mid 2010s (after the Relevant Period) and describes his role.

N1788 sets out subsequent postings including period at HQ DSF in late 2010s. Sets out subsequent UKAF postings.

N1788 sets out his current post and role.

### Description of Relationships

14. I am asked to describe my relationship with the following individuals during the period relevant to this inquiry:

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- a. [REDACTED] N1466 [REDACTED] N1466 was ACOS Ops when I was SO1 Campaigns. He was, to use a non-military term, my line manager. I consider myself to have had a very productive and professional working relationship with him during his tenure as ACOS Ops.
- b. [REDACTED] N2252 [REDACTED] N2252 was COS DSF. He was DSF's principal staff officer. Again, I consider myself to have had a highly productive and professional relationship with him during my tenure as SO1 J35 Campaigns – albeit my interaction was less frequent than with ACOS Ops.
- c. [REDACTED] N1802 [REDACTED] N1802 was DSF for the first portion of my tour as SO1 J35 Campaigns. I consider myself to have had a very productive relationship with [REDACTED] N1802 commensurate with our respective ranks and appointments at that time.
- d. [REDACTED] N1803 [REDACTED] N1803 was ACOS Policy in HQ DSF. I worked with her on policy issues. I considered myself to have a professional and very fruitful working relationship with [REDACTED] N1803 and I worked with her on issues most weeks.
- e. [REDACTED] N2108 [REDACTED] N2108 was SO1 Legal, the principal legal adviser to DSF during a portion of my time as SO1 J35 Campaigns. I worked with him if, and when, any legal issues arose in respect of operations in Afghanistan and elsewhere under the Campaigning remit.
- f. [REDACTED] N2267 [REDACTED] N2267 was one of two SO2 officers who worked for me on the Campaigns desk. He was later replaced by [REDACTED] N2272 during my tenure as SO1 J35 Campaigns.
- g. [REDACTED] N2444 [REDACTED] N2444 was one of the SO2 officers who worked for me on the Campaigns desk. He was replaced by [REDACTED] IIA58 during my tenure as SO1 J35 Campaigns.

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- h. [REDACTED] N1785 [REDACTED] N1785 was CO [REDACTED] UKSF3 and then Comd [REDACTED] SFHQ(A) during my tenure as SO1 J35 Campaigns.
- i. [REDACTED] N1786 [REDACTED] N1786 was Comd [REDACTED] SFHQ(A) during a six-month period of my tenure as SO1 J35 Campaigns. I supported him in the delivery of the TTP Review referred to throughout this statement. He signed off the final TTP Review which I drafted on his behalf under direction from DSF and ACOS Ops. For a short period of my initial tenure as SO1 J35 Campaigns, he was [REDACTED] Role Given prior to taking over as Comd [REDACTED] SFHQ(A).
- j. [REDACTED] N1141 [REDACTED] N1141 was CO [REDACTED] SU1, [REDACTED] UKSF1 campaigning [REDACTED] Sub-Unit for six months (from approximately December 2010 to May 2011).
- k. CO [REDACTED] UKSF1, [REDACTED] N1787 and [REDACTED] IIA120 held the post of CO [REDACTED] UKSF1 during the period I was SO1 Campaigns. [REDACTED] UKSF1 was the parent unit of the [REDACTED] UKSF1 sub-unit deployed to Afghanistan. As CO [REDACTED] UKSF1, both [REDACTED] N1787 and [REDACTED] IIA120's [REDACTED] responsibilities in relation to operations in Afghanistan were primarily for force generation as opposed to operational command.

**Awareness of Behaviour**

15. The Rule 9 Request asks me whether I “*became aware at any time or in any circumstances that there were complaints or rumours about the behaviour of any UKSF in Afghanistan relating to:*

- a. *Extra-judicial killings or war crimes;*
- b. *Planting of weapons;*
- c. *The falsification of any record.”*

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16. I have read, and understand the definitions of *'behaviour'* and *'became aware'*, as set out in the Rule 9 request.

17. I was made aware that [REDACTED N1466] had concerns about [REDACTED SU1's] operations in Afghanistan when he asked me to conduct an informal review of trends and statistics of recent operations. I do not recall the precise timings of when he raised these concerns with me, but I do recall that they precipitated a request to examine the recent operational statistics. Having had the opportunity to re-read my first statement to the RMP which was significantly more proximate to the events than now, I re-affirm my indication in that statement (at p.2) that the concerns [REDACTED N1466] expressed to me related specifically to: "evidence of inefficient practice". I was unaware at the time of the LIMDIS email between [REDACTED N1466] and [REDACTED N1802] regarding "a deliberate policy to engage and kill fighting aged males on target even when they did not pose a threat." I see from that document that [REDACTED N1466] recounted a conversation with me about the TTP in question. Although I can't recall the specifics of the conversation, I consider that to be an accurate reflection of my position at that time. As I set out below, I asked [REDACTED N2444] to conduct this initial review. To the best of my recollection, there was never any mention to me of complaints or rumours that members of UKSF were performing extra-judicial killings or war crimes, planting weapons, or falsifying records. Indeed, I would state that this does not represent the atmosphere or tenor of the conversations being held at that time – whether with [REDACTED N1466] or others. Had there been any explicit discussion or suggestion of war crimes or extrajudicial killings, I certainly would have remembered. Indeed, this would have changed the whole approach to any review or investigation – at every level. To the best of my

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recollection, I felt that this (review) was a reasonable professional response to operational trends, and that it represented an appropriate oversight of UKSF operations in the Afghanistan theatre. At that time, I was unaware of the specific allegations made, or their provenance.

18. At this juncture, it is important to note that the TTP Review was a professional review of the efficacy of a TTP, or set of TTPs, in which a [Sub-Unit] had lost control of one or more of its detainees. It was not an enquiry into whether members of [SU1] were performing extra-judicial killings during DDOs. Whilst there was undoubtedly further discussion and oversight subsequently, my involvement in the TTP Review – from [N1466's] initial request to me, to the completion of the TTP Review report and DSF's response – took place within the single month of April 2011. I see from the final report of the TTP Review dated 20 April 2011 (MOD-198-0002066-A), p.1, paragraph 2, that the reason for this abbreviated timescale was that: 'DSF wished to digest the review and make recommendations prior to Comd [SFHQ(A)] RiP (beginning 24 Apr.11).' Moreover, I assessed at the time that, both statistically and in terms of atmospherics, the TTP review and the subsequent command direction, resulted in the desired / intended effect i.e. to precipitously reduce the incidences of kinetic activity on targets following the physical detention of fighting-aged males.

**Emails / Documents**

19. I am asked whether I was a party to, or aware of, a number of emails or documents. During my time as SO1 Campaigns, I used the email address [SFHQ (UK)] J35-CAMPAIGNS-SO1-S'. I assess that I was the only person who had access to that address during that period. As such, where that email address is involved in correspondence, I assess with

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a high degree of confidence that I would have received such correspondence, even if now, with the passage of time, I cannot specifically recall all the emails that I received.

- i. **MOD-198-0000239-A.** At this distance, I cannot recall this email chain, but I recognise that my email address was involved in the correspondence until the final email. It does not appear that I was included in the last email in the chain sent by [REDACTED] N1786; I do not have any recollection of receiving it, nor would it have been unusual for me not to have received it, as I was not in Comd [REDACTED] SFHQ(A)'s chain of command.
- ii. **MOD-198-0003470-A.** I do not specifically recall [REDACTED] N1803's email to me at 13:35 on 4 April 2011, but it is clear that I would have been part of the conversation (and it does not appear I was copied into the later email chain). I address this below in response to a specific question.
- iii. **MOD-198-0002062-A.** I was not a party to, or aware of, [REDACTED] N2108's email to ACOS Ops (pp. 6-7). I was not a party to, or aware at the time of, [REDACTED] N1466's email to DSF (pp. 8-9); I note it was 'LIMDIS for DSF's eyes only' and cannot recall having seen it prior to preparation of this statement in response to the Rule 9 request. I did receive the Terms of Reference for the TTP Review (pp. 10-13) – informally, at first, from [REDACTED] N1466.
- iv. **MOD-198-0002046-A.** I was a party to the emails within this document. [REDACTED] N2444's email represents the output of the task I had given him i.e. to collate incidents that fell into the category of [REDACTED] N1466's concerns. I then forwarded [REDACTED] N2444's email to [REDACTED] N2108, either at his request or that of [REDACTED] N1466 (I cannot remember the detail). The last email in time was sent

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by me to, I believe, [REDACTED] N1786 (although the recipient's email address is not included in the document I have seen).

- v. **MOD-198-0003881-A.** It appears that the last email in time, sent by [REDACTED] N2108, was addressed to me and [REDACTED] N2444. However, I cannot confirm this because I do not recall the email and the recipients' addresses are not included in the document.
- vi. **MOD-198-0003482-A.** This email chain prompts my recollection of the general discussion between myself and Comd [REDACTED] SFHQ(A), albeit I do not recall the specific detail therein. I do respond to specific questions about it below.
- vii. **MOD-198-0002066-A.** This is the final report of the TTP Review, which I drafted. It was signed off by, and in the name of, [REDACTED] N1786 as Comd [REDACTED] SFHQ(A).
- viii. **MOD-198-0002063-A.** The first two documents, both of which are dated 28 April 2011, are DSF's response to the final report of the TTP Review. It would appear that the first document is a draft version. It is possible (but, given the passage of time, I cannot say with certainty) that I wrote the draft version (with amendments made by [REDACTED] N1466), and that the second version is DSF's final version. The document dated 20 May 2011 is addressed to Comd [REDACTED] SU1. I do not believe I saw this document, and it would not have been normal for a staff officer in HQ DSF to be copied into in-theatre correspondence of this nature between [REDACTED] SFHQ(A) and their subordinate sub-units. I would not necessarily have been a party to the email from [REDACTED] N889 – again due to not being a member of [REDACTED] SFHQ(A) at the time.
- ix. **MOD-198-0003888-A.** I was clearly a party to this email chain judging by the content and the fact that I am the recipient. My recollection is that this was follow-up activity, covering the mechanics of [REDACTED] SFHQ(A) incident reporting, rather than the specifics of the incidents themselves.

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- x. **MOD-198-0003889-A.** I have a vague recollection of the subject matter of this email chain. I do not recall the provenance of the concerns (which has been redacted for reasons of PII from the document I have been provided with), but, for context, at that time, I recall that General Petraeus, Commander ISAF, was dealing with President Karzai's concerns that night raids elicited complaints of CIVCAS, intrusion into civilians' lives, and damage to property.
- xi. **MOD-198-0002044-A.** I can see that I received the first email in this bundle. Although I cannot recall the specific email, it appears that it relates to President Karzai's concerns about night raids, which I have set out immediately above.
- xii. **MOD-198-0003644-A.** I received this email. It relates to a different operation to the others under consideration, carried out [REDACTED] by UKSF3 SU2 [REDACTED]. I imagine there would have been an SIR following this. I do not recall that [REDACTED] SU2 [REDACTED] were ever the subject of an investigation or that any other concerns were expressed over it.
- xiii. **MOD-198-0003890-A.** It appears that [REDACTED] N2108's [REDACTED] email is addressed to me; however, I cannot confirm this because I do not recall the email and the recipients' addresses are not included in the document.

**MOD-198-0003470-A**

20. I am asked whether I am aware of what [REDACTED] N1803 [REDACTED] meant when she wrote "*ask B to go back in to help clear and end up killing him routine*". For context, this email was sent around the time [REDACTED] N1466 [REDACTED] tasked me with performing an informal review of trends and statistics resulting from recent operations. [REDACTED] N1466 [REDACTED] and [REDACTED] N1803 [REDACTED] would have discussed these issues – and, no doubt, the subject and results of those discussions informed the decision to commission the TTP Review. I do not remember

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the specifics, but my understanding is informed by my memory of the working relationships between [N1803] and [N1466].

21. I think [N1803] is observing that she had not seen the type of incident where the use of the TTP had led to fatalities for a while, and is wondering whether a pause had been put on the TTP (of using a detained individual to help clear a building or compound to get women and children out), which I went on to consider in the TTP Review. I produce as Exhibit 1 to this statement [MOD-221-0005163-A] a document which, based on the timing and context, is likely to have been my reply to [N1803]. I completed the final report of the TTP Review within three weeks of [N1803's] email. I would have discussed my findings with her – but do not recall the detail of this.

22. I am asked a number of questions about the concerns raised by APU1. I recall that APU1, at that time, raised concerns when there was a death on an operation – specifically when they were not witness to it. Those concerns would have been raised with the OC of their partner force, [SU2]; at the time, OC [SU2] was [N1791]. With the Inquiry's permission, I have been made aware of his recollection of a conversation between us in which he refers to me asking him whether he considered 'the M word' to be relevant. Whilst I do recall having a telephone conversation with him, albeit under slightly different circumstances than he recalls (my recollection is that bad weather prevented me from meeting him in person), I am unable to accept that I used those words. The prospect that extrajudicial killings had taken place was not a subject of the review, or in my mind. As explained above, my purpose as the executor of the review was to examine the efficacy of the TTP, not to investigate criminal allegations. Had that been the aim of the review – a wholly different approach would / should have been taken at every level.

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23. I am reminded by the documentation that during the period in question, APU1's principal concerns were twofold. First, they were concerned when people were killed on operations and they did not know why or were not comprehensively briefed. Second, they were concerned because, as a result of their role during such operations, they had a lack of visibility of the events that took place in the immediate vicinity of a compound building (i.e. were not witness to events). I set out in more detail my analysis of APU1's concerns at paragraphs 9 and 10 of the final report of the TPP Review [MOD-198-0002066-A]. I assess that much of this was driven by the Afghan political leadership's general concerns about the conduct of Coalition / ISAF operations, and the perception of the Afghan people. They were, therefore, very keen to ensure they were not seen to be complicit in any activity that could be questioned by the Afghan political and military chains-of-command.

24. I cannot recall whether there had been a deliberate pause in the TTP or not, nor can I say whether HQ DSF would have been informed if there had been.

**MOD-198-0002046-A**

25. As set out above, [N1466] asked me to conduct an informal review of trends and statistics resulting from recent operations. This was supposed to be an initial, quick review, which I tasked [N2444] to perform. From reading the email I appear to have subsequently sent to [N1466], I believe I attached statistical analysis conducted by [N2444] for him to consider.

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26. Having now re-read the OPSUM for Obj <sup>9</sup> [REDACTED], I assume when [REDACTED] N2444 says that it “*does not read well*”, that he is referring to the number of EKIA in this operation relative to the weapons found and number of detainees. However, I cannot recall what I thought Obj 9 wasn’t “*the best example*” of. I can only surmise on re-reading the email chain that I did not think it best exemplified the pattern alluded to when the operations were initially identified for review. Regardless, the operation was included within the subsequent TTP review, as highlighted by my subsequent email to [REDACTED] N1466.

**MOD-198-0003482-A**

27. I am asked a number of questions about this document. For context, it is important to note that by the time an issue of this nature reached UKSF HQ in London, it had already been up the chain of command of [REDACTED] SFHQ(A) in theatre. [REDACTED] Having held a senior command appointment in SFHQ(A) (albeit after the date of this email chain), I would have taken a certain amount of exception if a staff officer based at HQ DSF in London had questioned me about operations, from a distance, without an appreciation of the in-theatre situation and relevant tactical constraints and challenges. [REDACTED] SFHQ(A)'s depth of knowledge about, and proximity to, what was happening on the ground was obviously of central relevance.

28. I am asked to explain what the “*study to examine the TTPs*” was. I believe this is referring to the TTP Review and its immediate precursor activity (i.e., the rapid analysis of operational statistics conducted by [REDACTED] N2444).

29. I am asked to explain what I meant when I said I “*did not want to be ‘poking around’ in [REDACTED] SU1 without [REDACTED] N1141 present*”. It would have been professionally

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discourteous, and practically futile, for me to have conducted my work on the TTP Review without him, as OC [SU1], present. I was assuring [N1786] that I would not do anything before OC [SU1's] return, and that I would continue to proceed in a collaborative manner. This properly reflected the fact that the TTP Review was ultimately Comd [SFHQ(A)'s] review. This is made clear at paragraph 4 of the Terms of Reference (“TORs”) addressed to me (dated 8 April 2011), which set out that I was ‘to deploy to theatre to support Comd [SFHQ(A)] in his review of the TTP [emphasis added][MOD-198-0002062-A]. My travel to theatre alongside [N1141] was merely a function of the operational travel arrangements available at that time.

30. I am not able to explain the reference to TTP reviews being undertaken by [\*] (as referred to in the email sent to me by [N1786] on 8 April 2011) and/or [N1786] himself. I do not know what the reference is to, and the only [\*] I can think of is the then [role and name given] – whose role at the time would have excluded him from this activity. Although I can see from the email exchange that I must have been aware of it at the time, I cannot recall to what this refers now.

31. I cannot recall precisely what I understood [N1786] to mean when he referred to the “audit trail”; however, on reflection, I can only assume / surmise that he was referring to the provenance of the concerns that ultimately led to [N1466's] and/or DSF’s request for a TTP Review (i.e. that it came from outside his immediate chain of command and was prompted from the UK, rather than from in theatre).

\*= first name given

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32. I am asked to explain why I thought [REDACTED] N1786's implication was “*disappointing*” and what I meant by “*awkward RIP*”. RIP stands for Relief in Place. This is, effectively, the handover from one [REDACTED] Unit to another, and from one commander to another. My question is, therefore, a response to [REDACTED] N1786's statement: “*What a last twist before EOT [End of Tour]*”. As my email makes clear, I was not privy to the full picture or original provenance of the TTP Review, however, clearly as a result of my interaction with [REDACTED] N1786, I was aware of the inter-unit tensions in play.

33. When [REDACTED] N1786 said “*to be discussed*” I assume, but cannot recollect due to the intervening period, that he was referring to us discussing the details when I arrived in theatre. I certainly would not have conducted any activity in theatre without clearing it with him first, and I recall that we had an office call at the start of my visit to theatre before I started engagement with any of respondents referred to in the TTP Review Report.

34. When [REDACTED] N1786 referred to “*the inner circle*” I assume, but do not know for sure, that he was referring to the [REDACTED] SU immediate chain-of-command in Afghanistan necessary to enable the TTP Review i.e. OC [REDACTED] SU1, OC [REDACTED] SU2 etc.

### TTP Review

35. The timeline of the TTP Review is as set out in the emails and documents which have been referenced in the Rule 9 Request. I have drawn these dates from the documents referred to in the Inquiry's Rule 9 request – not from any other source. Those I engaged with during the Review are referred to in paragraph 43 below.

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- a. Initial discussion with [N1466] 4 - 7 Apr 11.
- b. 7 Apr 11 – [N2444's] initial statistical analysis which I forward to [N1466].
- c. 7 Apr 11 – LIMDIS Email sent to [N1802] by [N1466] (unseen by me at the time).
- d. 8 Apr 11 – Draft TTP Review TORs produced by [N1466] and shared with me.
- e. 11 Apr 11 – Final TTP Review TORs to Comd [SFHQ(A)] issued.
- f. [DG] Apr 11 – I travel to Afghanistan to support the TTP Review.
- g. 20 Apr 11 – Final TTP Review Report issued.
- h. 28 Apr 11 – [N1802] issues his response to the TTP Review Report.

36. Almost all of my interactions in respect of the TTP Review were with [N1466] - less those related to my interviews during the in-theatre review. He provided me with written TORs in draft by email, and then formally provided TORs to Comd [SFHQ(A)]. We spoke about the TORs to ensure I understood my brief before deploying. I do not specifically recall speaking to [N1802] before my deployment to conduct the review, which seems to be confirmed by my re-reading of the first statement I gave to the RMP (page 2). I do not recall speaking to [N2252] about this; but again it would have been normal to have done so given his role as the HQ's principal staff officer. I am asked what I instructed my staff to do as a result of any such directions. The only aspect of the TTP Review that I delegated was the statistical analysis I tasked [N2444] to perform.

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37. From my recollection, the details of the TTP Review were arranged between the initial review and the drafting of the Terms of Reference. I assume, by inference, that there were a number of discussions in [REDACTED] HQ DSF – which I would not have been privy to – between ACOS Ops, ACOS Pol, COS, and DSF. For my part, I engaged with [REDACTED] N1786 (as set out in MOD-198-0003482-A) in order to arrange the practicalities of my deployment to conduct the TTP Review. I am certain that [REDACTED] N1802 would have discussed the TTP Review with [REDACTED] N1786 during this period – and certainly before my arrival in theatre, in order to prepare the ground for my visit. Indeed, I can see from the same email exchange that [REDACTED] N1786 had had a ‘telcon’ with [REDACTED] N1802 prior to my deployment.

38. I was not involved in the selection of the Objectives for the TORs and I did not draft the TORs. As I recall, the TORs – and, therefore, the selection of Objectives – were formulated by [REDACTED] N1466, and subsequently endorsed by [REDACTED] N1802. I did not have any reservations about the TORs; I was asked by [REDACTED] N1466 whether I understood them and I confirmed that I did. I do not recall whether I received advice from [REDACTED] N1803 or [REDACTED] N2108 prior to the conduct of the TTP Review – but this would not have been abnormal.

39. I was not involved in, or privy to any discussions about whether there was a conflict of interest in [REDACTED] N1786 leading the TTP Review. Those in the operational chain of command who commissioned the TTP Review would have been well-versed, with plenty of precedents, in navigating such issues. [REDACTED] N1786 had the in-theatre resources and knowledge to lead the review, and he was in the direct operational chain of command for the sub-unit (i.e. [REDACTED] SU1), as well as the Afghan Partner Force ([REDACTED] SU2

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and [APU1]), and was therefore best-placed to conduct the review from an operational perspective. Although, as noted, this was not a decision to which I was privy, I certainly did not view it as inappropriate for him to deliver the review and make any recommendations for further investigation. Pending the findings of the TTP Review, DSF would, of course, reserve the right to take subsequent action were he to deem it necessary.

40. I am not in a position to explain why the TTP Review was chosen instead of a referral to the Royal Military Police. I did not commission the TTP Review or formulate its TORs. I was tasked to deploy to Afghanistan to conduct the review. As I understood the position, the in-theatre investigation process had already been activated in respect of some of the incidents that were within the TORs of the TTP Review, and referrals to the NATO chain of command had already been made. In contrast, the TTP Review was future-facing: it was concerned with reducing the chance of incidents occurring in which the [SUs] lost control of a detainee, and whether the TTPs needed to be re-adjusted to their original configuration. I believe that the TTP was paused, or altered, during the TTP Review - and for some time after it.

41. The original TTP was designed around the concept of ‘the call out’:

- a. After securing the external approaches to a house or compound, the [SU] would use an interpreter or member of the APU to ‘call out’ members of the household or those inside with a view to getting the senior male occupant outside.
- b. Once outside, the senior male occupant could then be questioned as to who was inside, without the [SU] having to conduct a forcible entry. This was designed to:
  - (i) de-escalate the situation and provide an opportunity for any [Priority Targets] or associated

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insurgents to give themselves up; (ii) reduce the risk to non-combatants (collateral); (iii) demonstrate cultural sympathy regarding women and children in the house; and, (iv) reduce the physical risk to the **SU** from ambush, IED or other methods of attack.

- c. The senior male would then be asked to go back into the house (restrained) often accompanied (at a safe and respectful distance) by a **SU** member to retain control, to encourage the remainder of the occupants to come out, and to open any doors so that the **SU** members could then enter the property in numbers, and secure it and search it, prior to then questioning the occupants in a safe environment.

42. Over time, my understanding (gained during the TTP Review) was that this TTP evolved to place a greater burden of tasks on this senior male figure, with more distance put between him and the **SU** as he re-entered the house, and with less control (including with no physical constraint of his hands). Overall, this resulted in a 'loss of control' of the detainee which led to the incidents covered by both the TTP review and various SIRs and OPSUMs referred to in the evidence.

43. During the TTP review, I deployed to Afghanistan and interviewed the following individuals, as listed at paragraph 5 of the final report of the TTP Review [**MOD-198-0002066-A**] (where I can recall their names, I have included them):

- a. OC **SU1** . **N1141** .
- b. **SM SU1** . **N1148** .
- c. OpsO **SU1** .
- d. SO3 J5 **SU1** .

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- e. OC [Probable Ref To N5699]
- f. CO [APU1] [N2265]
- g. 2IC [APU1]
- h. OC [APU1 SU1C]
- i. 2IC [APU1 SU1C]
- j. [SU1] Interpreters.
- k. OC [SU2] [N1791]
- l. Stand-in OC [SU2]
- m. [SM SU2]
- n. RSM [SFHQ(A)]

44. I reviewed the relevant documentation and Operational Staff Work (SIRs SINCREPs, OPSUMs, etc.). I do not recall how I organised my findings or whether I took handwritten or electronic notes. All official paperwork or related communications and/or documentation would be part of the evidence portfolio referred to thus far, i.e. on the [SFHQ(A)] or [HQ DSF] servers.

45. During the TTP Review, I did not consider command relationships *per se* because this was not included in the TORs and, therefore, it would have been inappropriate for me to do so. I did, however, examine the issue of culture insofar as it was relevant to [SU1's] relationship with Afghan partner forces. This was a macro feature of all ISAF operations in Afghanistan and not peculiar to [SFHQ(A)] or to this review. In short, there was a persistent concern that our Afghan partners were not as visible as their Government would like, and that ISAF units had too much decision-making authority on operations. As I indicated in my first statement to the RMP (pages 3-4), I discussed

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cultural approaches to operations with OC [SU1], including an issue of 'over-control' regarding Afghan partner force agency on target. I stand by those observations.

46. I am asked whether I considered that a review of TTPs would address the full implications of the concerns raised. I reiterate the aforementioned point that I was not the architect of the TTP Review: I was tasked to conduct it and was not privy to the full range of information or the circumstances that led to its instigation. Paragraph 10 of the Draft TORs as sent to me, set out that the purpose of the review was not to recommend disciplinary or administrative action against any individual. The final TORs to Comd [SFHQ(A)] (dated 11 Apr 11) included the rejoinder that were he to believe a criminal act had taken place, he was to notify the RMP and DSF immediately. To be clear, it was never my understanding that the premise of the TTP Review was one related to the investigation of war crimes or extrajudicial killings. Instead, the TTP Review was designed to address some of the tactical actions that precipitated a loss of control of detainees, which could then escalate a situation into one requiring lethal force to be taken. In short, the TTP was about ameliorating the situation and improving our practices (i.e. it was inherently forward looking). I was content that if the recommendations of the TTP Review were implemented in full, this would reduce the likelihood of future incidents in which the requirement to use lethal force became unavoidable. This is because it would represent a return to the original TTP, which I had personal experience of, and which had been very successful previously. To be clear, [during my time in a Sub-Unit command appointment], the TTP in its original format was used on many occasions without losing control of a detainee and the resultant requirement to use kinetic force to neutralise the threat. That is not to say that

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such operations did not result in numerous kinetic engagements – a number of which were subsequently investigated by the Service Police as a matter of course.

47. As set out above, I drafted the final report of the TTP Review. It was signed-off by, and in the name of, [REDACTED] N1786 as Comd [REDACTED] SFHQ(A).

48. I do not recall seeking advice from anyone prior to the recommendations being made. After he endorsed the final report, I believe [REDACTED] N1786 sent it directly to [REDACTED] N1802 and [REDACTED] N1466. My understanding of the direction subsequently provided to UKSF in respect of the recommendations set out in the TTP Report is as per the documents contained in MOD-198-0002063-A (to the extent that I had sight of them, as addressed above).

49. I am asked to provide details as to when the APU refused to partner, or indicated they would not partner, with [REDACTED] SU1. Given the passage of time, I cannot recall any specific incidents or dates, and was reliant on the information provided by both OC [REDACTED] SU1 and OC [REDACTED] SU2. As I have reviewed the documentation, I can see that as part of my initial email to [REDACTED] N1466 (MOD-198-0002046-A), I stated: ‘within the current [REDACTED] SU1’s tenure, the APU have ‘refused to soldier’ on three occasions: in Dec 10; Feb 11; and Apr 11 – and not necessarily in response to specific ops, but it is difficult to say with any certainty. The other times were in the previous [REDACTED] SU1’s tenure i.e. before [REDACTED] DG Nov 10.’ I also see that footnote 5 to the TTP report ([REDACTED] MOD-198-0002066-A), at page 4, states that: ‘Confirmed statistics are not yet available; informally it is recalled that [REDACTED] APU1 support for [REDACTED] SU1 operations has been withdrawn on 5-10 occasions during this period, but restored during [REDACTED] Pre-Op battle procedure after varying levels of liaison. Only 2

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specific occasions can be recalled (TBC) where support was withdrawn for long enough to actually prevent an operation.’

50. As I have explained elsewhere in this statement, I was not aware at the time of the concerns that [REDACTED N1785] had raised with [REDACTED N1802] (via [REDACTED N1466]). I am asked to explain why [REDACTED N1785] replaced [REDACTED N1786] in April 2011 as Comd [REDACTED SFHQ(A)]. I do not, and would not, know why [REDACTED N1785] was chosen (although it would have been a natural progression from his role as CO [REDACTED UKSF3]). [REDACTED N1786] had reached the end of his scheduled tour and so he would not have been expected to remain as Comd [REDACTED SFHQ(A)] i.e. he left post when he was always supposed to leave post. Likewise, I recall that [REDACTED N1141] completed a full tour.

51. To the best of my recollection, I was not made aware of any similar allegations or concerns about the use of the TTP during the remainder of my tenure as SO1 J35 Campaigns – less the singular example of Op [REDACTED Y] in [REDACTED 2011] – which occurred under different circumstances.

**MOD-198-0003888-A**

52. As I recall, this email chain considered an important point about the objectivity of post-operational reporting. Although I believe there was an initial and understandable element of confusion about precisely who did what in the aftermath of an incident, it was important to reinforce that Comd [REDACTED SFHQ(A)] should review the post-operational reports, as opposed to the OC of the [REDACTED Sub-Unit] that conducted the operation.

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53. The email chain was part of a broader effort to create a coherent and efficient response to allegations of CIVCAS.

Concerns raised by [REDACTED] a Third Party Entity

54. I do not recall having direct contact with [REDACTED] a Third Party Entity when I was in any of the roles I have discussed in this statement. I recognise that I was made aware of the concerns raised by [REDACTED] a Third Party Entity insofar as I was a recipient of the correspondence within **MOD-198-0002044-A**.

55. I am asked how the involvement of [REDACTED] a Third Party Entity was viewed by **SFHQ(A)** and in-theatre. I do not believe that **SFHQ(A)** had a view on the involvement of [REDACTED] [REDACTED] a Third Party Entity because **SFHQ(A)** did not deal with [REDACTED] a Third Party Entity directly: any enquiries would come via HQ ISAF (to the best of my recollection).

**MOD-198-0003644-A**

56. I believe this email was likely addressed to me but cannot be certain as I cannot see the addressee list. I cannot recall who asked [REDACTED] N2108 to send this email. As I alluded to at paragraph 19(xii), I assess that it relates to a different operation to the others under consideration, carried out [REDACTED] by UKSF3 SU2. Whilst circumstances were similar to what had gone before during the period covered by the TTP Review, albeit with a different **(UKSF3)** sub-unit, I do not recall any re-opening of the review or further investigation.

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57. When [REDACTED N2108] said, *'it demonstrates a failure to get the message through'*, I assume he is suggesting that the recommendations of the TTP Review had not, in this instance, been followed.

#### MOD-198-0003890-A

58. With the caveat that I do not recall this specific email, I deduce that [REDACTED N2108] is asking whether Obj [REDACTED 10] is representative of a regression to the amended TTP, and is raising the importance of monitoring the issue closely. This is, however, speculation. I cannot recall what actions I, or indeed anyone else, took in response to this email and the incident it describes.

#### Communication of the TTP Review

59. I do not recall whether I informed [REDACTED N2274] about the TTP Review, and the circumstances surrounding it, when he became the Director of Special Forces in [REDACTED early 2012]. I was still SO1 J35 Campaigns when [REDACTED N2274] took over as DSF, but the issues being described as part of this Inquiry were no longer specifically and contemporarily relevant during the period of his command.

#### Similar Allegations or Concerns

60. To the best of my recollection, I was not made aware of any similar allegations or concerns about the use of the TTP during my tenure [REDACTED in a senior command appointment in SFHQ(A)].

#### Relationships [REDACTED in a senior command appointment in SFHQ(A)]

61. During my time [REDACTED in a senior command appointment in SFHQ(A)], the relationship with [REDACTED APU1] was very good: productive and professional. President Karzai's dictat on night raids clearly

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made [REDACTED] the APU's [REDACTED] nervous, but we worked through these issues collaboratively.

62. During this period, I had a very positive relationship with [REDACTED] N2274 (my direct commander, as DSF), as well as CO UKSF1 ([REDACTED] IIA120) and CO UKSF3 ([REDACTED] N1790) - who were responsible for the force generation of SU1 and SU2, respectively. All three visited Afghanistan during my time in post. I can recall no allegations or concerns about the use of the TTP, of the nature under consideration by the Inquiry, during my time [REDACTED] in a senior command appointment in SFHQ(A).

**Other Matters**

63. There are two additional matters that I hope will be of assistance to the Inquiry.

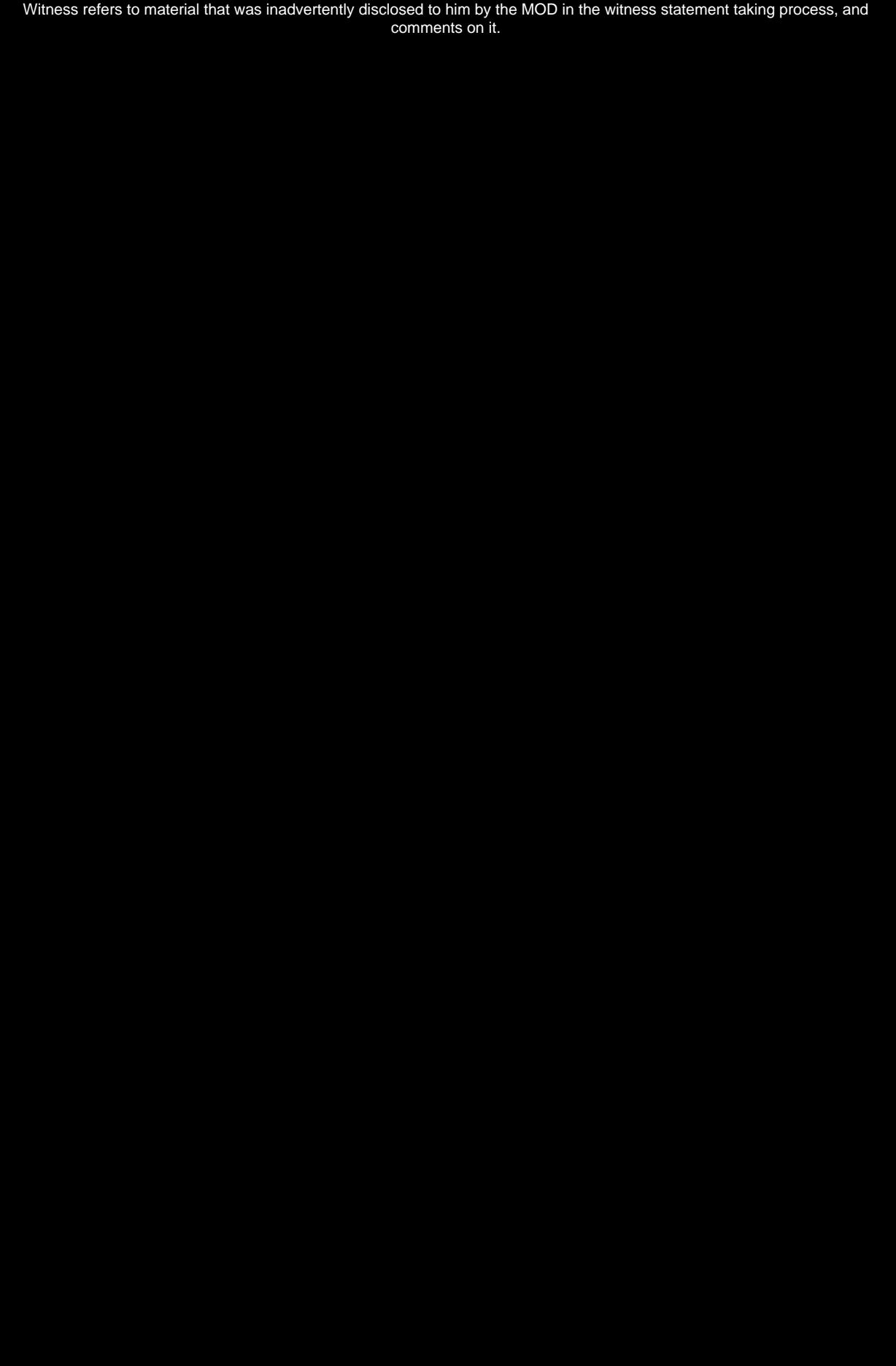
64. **Wider Context.** It is important to observe that, at the time, SU1 was just one of approximately NG UKSF Sub-Units in operation. Those Sub-Units were not just deployed to Afghanistan, [REDACTED] but worldwide: Locations Given (not Afghanistan) [REDACTED].

65. **Afghanistan Context.** The Rule 9 Request has drawn my attention to a number of documents and emails, which relate to the post-operational reporting that followed several DDOs. At the time I was SO1 Campaigns, I was on the distribution list for post-operational reports across UKSF. Given the tempo of UKSF operations, I would receive approximately NG post-operational reports a day.

**The Inadvertent Disclosure**

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Witness refers to material that was inadvertently disclosed to him by the MOD in the witness statement taking process, and comments on it.



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Continued



**Statement of Truth**

I believe the contents of this statement to be true.

Signed: .....

Dated: .....

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