

OFFICIAL SENSITIVE

N1803

First Statement

26 January 2024

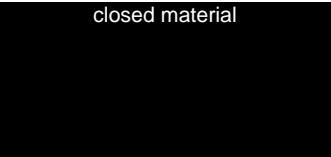
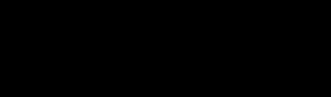
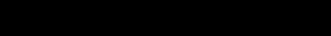
Exhibits:1

INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

WITNESS STATEMENT OF N1803

DATED 26 JANUARY 2024

I, witness N1803, will say as follows:

1. I make this statement in response to a rule 9 request issued by Sir Charles Haddon-Cave, Chair of the Inquiry on 30 November 2023. I will address the questions raised in paragraph 2 (a) – (l) of that request.
2. In the course of preparing for this statement I have been provided with copies of the following documents:
 - a) MOD-198-0000586-A
 - b) MOD-198-0000587-A
 - c) MOD-198-0000239-A
 - d) MOD-198-0003470-A
 - e) MOD-221-0001776-A
 - f)  closed material
 - g) 
 - h) 
 - i) MOD-198-0001577-A

- j) MOD-198-0000725-A
- k) MOD-198-0000727-A
- l) MOD-198-0000713-A
- m) [REDACTED] closed material

3. The matters contained within this statement are within my knowledge or belief, save where indicated otherwise. In this statement, I have done my best accurately to recollect and describe events which occurred 13 years ago.

Response to Rule 9.30 Questions

2. a. Did they provide a witness statement to the RMP on 9 March 2016 (MOD-198-0000586-A)? Is that witness statement true to the best of their knowledge and belief?

4. Yes, I confirm that I provided a witness statement to the RMP dated 9 March 2016. The contents of that statement are true to the best of my knowledge and belief. As far as I recall, I provided the statement from memory: I do not remember being shown any material by the RMP to assist in the preparation of the statement. I had left [REDACTED] SFHQ(UK) in 2012, and at the time of making the statement I was [REDACTED] absent due to personal circumstances [REDACTED] so I did not have access to any work documents. In these circumstances, I would have wished to refresh my memory by reference to contemporaneous materials.

2. b. Did they provide a second witness statement to the RMP on 20 March 2019 (MOD-198-0000587-A)? Is that witness statement true to the best of their knowledge and belief?

5. Yes, I confirm I provided the statement dated 20 March 2019. Again, I do not think I was shown any relevant documentation before being asked to provide this statement. It is, however, true to the best of my knowledge and belief.

2. c. An overview of their career from leaving school until today.

6. Provides details of university education and roles prior to joining UK Civil Service in early 2000's. Left the Civil Service in early 2020s. Provides details of current employment and role.

2. d. A detailed account of their employment history including roles and appointments held and postings

7. Throughout my [REDACTED] career in the Civil Service I have held a variety of roles of increasing seniority in the Ministry of Defence (MOD) and Cabinet Office, as follows:

Provides details of roles held in the MOD and Cabinet Office, which included the Assistant Chief of Staff Policy at SFHQ (UK) in early 2010's.

2. e. Please can N1803 describe their professional relationships with Comd [SFHQ(UK)], [SFHQ(UK)] COS, [SFHQ(UK)] SO1 Legal and N1466.

8. N1466 was my peer of equal ranking [REDACTED] [SFHQ(UK)] SO1 Legal (N2108) [REDACTED] was also my peer [REDACTED] I was line managed by [SFHQ(UK)] COS (N2252). I was senior policy advisor to [SFHQ(UK)] (N1802) [REDACTED]

2. f. Whether they became aware at any time or in any circumstance of behaviour by Special Forces in Afghanistan relating to: i. An extra-judicial killing, ii. Planting of weapons, iii. The falsification or any record.

9. I have read, and understand the definitions of 'behaviour' and 'became aware', as set out in the rule 9 request.
10. The answer to (i), (ii) and (iii) is no. I would like to make it clear that I did not raise concerns about the TTP because I had any suspicions of the behaviour set out in (i) – (iii) above. Instead, I was concerned about the TTP whereby someone who had been detained was being sent back into the compound and this had ended in loss of life. The MOD has a duty to minimise casualties and a duty of care to detainees.

2. h. Was N1803 a party to or aware of the following emails or documents, as appears on their face:

i. MOD-198-0000239

11. It appears that, on the face of it, I was aware of this document as it arrived in my inbox. I have not been shown a reply to this email from me and I am unable to recall whether I read it. I would note it is likely there were hundreds of emails in my inbox at the time, covering a full range of international issues. On the other hand, I would always track the issue of civilian casualties closely, so logically it seems like something I would have read.

ii. MOD-198-0003470

12. I do not remember this correspondence or seeing the reply from N1788. Evidently, however, I wrote this email.

2. i. In respect of MOD-198-0000239-A, please can N1803 explain this email correspondence?

13. I cannot remember this correspondence. It is difficult to follow the sequencing, or to identify who the email is to, or from. I am unable therefore to comment with confidence on what it might mean. It would appear that Comd [REDACTED] SFHQ(UK) spoke to Comd [REDACTED] SFHQ(A) and asked for the [REDACTED] SU CIVCAS tracker, although the time period to be captured was not specified. [REDACTED]

14. Allegations of civilian casualties were always investigated and reported up the chain of command. It was routine for the tracker to be held by the [REDACTED] SU and for the HQ to be aware of it and to receive it upon request.

2. j. In respect of MOD-198-0003470-A:

i. Please explain what N1803 meant when they wrote “ask B to go back in to help clear and end up killing him routine”, in particular their use of the word “routine”?

15. The word “routine” was intended as a noun; for example, interchangeable with “activity”. It seems clear to me to be a reference to the TTP.

ii. What were the “serious concerns” raised by APU1? iii. When did APU1 raise “serious concerns”?

16. I would interpret the term [REDACTED] APU1 in this correspondence as referring to the Afghan Partner Unit. In this sentence, I was talking about the concerns raised by [REDACTED] APU1 I struggle to remember the detail of this. I remember a time when some individuals in the APU had raised concerns and did not want to go out with [REDACTED] SU1

and they were swapped over; there was a serious conversation between the APU and [SU1] I am unable to recall whether the concerns related to the TTP. Also, I cannot remember the timeframe of them.

iv. Did N1803 find out whether “it was deliberately paused after APU1 last raised serious concerns or whether this is just coincidence?”?

17. I am unable to recall.

v. What did N1803 mean by “great minds and all that”?

18. Although I am unable specifically to recall the reasons for using these words, I would deduce that I meant that [SFHQ(UK)] SO1 Legal (N2108) had asked a similar question to my own. I have been shown document [MOD-221-0005163], which is an email from N1788 to N2108 sent on 4 April 2011 at 12:29. I exhibit this document as Exhibit 1 to this statement. Although I cannot be absolutely certain at this remove of time, it appears that this may be the attachment to the email sent to me by N2108 on 4 April 2011 at 13:37hrs. If so, it supports my deduction that by using the words ‘great minds and all that’, I meant that N2108 had asked a question similar to my own.

vi. Was N1803 made aware of any further concerning incidents following this email?

19. Up until the time of the TTP review, I am unable to say in the absence of a timeline. After the TTP review, not as far as I can recall.

2. k. In respect of N1803’s concerns regarding the TTP as described in their first witness statement:

i What was N1803 concerned about? ii. Why was N1803 concerned?

20. I was aware of, and took seriously, the UK’s responsibility to minimise casualties and to detainees. The TTP had resulted in a detainee being killed. Part of my job was to question anything I saw that concerned me, especially on

the basis that everything we did was to be within International Humanitarian Law, though it was also important not to second guess the judgement of military commanders on the ground. Soldiers were operating in highly dangerous circumstances and it was legitimate for them to take steps to reduce the risk to their own lives.

iii. Please can N1803 explain what they meant when they said “Initially, I found the response to be ‘reasonable and plausible’”?

21. I meant that I was reassured that having had the operation and the TTP described to me when I raised concerns, I had no reason to further question that description. It seemed rational. However, it is one thing to conclude that what has happened is reasonable and justifiable, and it is another to judge whether it is a good idea for the same thing to be done again in the future.

2. I. Any other matters they wish to draw to the Inquiry’s attention.

22. The RMP Officer took steps to record the observations she made about how N1803 presented during her interview. The record was not shown to N1803 at the time. N1803 subsequently provided an explanation about the record of observations made by the RMP Officer.

Statement of Truth

I believe the contents of this statement to be true.

Signed: N1803

Dated: 26 January 2024