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Witness name: [REDACTED] N2252

Statement Number: One

Dated: 8 February 2022

Exhibits:

INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

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WITNESS STATEMENT OF [REDACTED] N2252

DATED 8 FEBRUARY 2024

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I, [REDACTED] N2252, am making this statement in response to a Rule 9 Request dated 1 December 2023

1. I am N2252 and I was Chief of Staff (COS) of the Headquarters, Director of Special Forces (HQ DSF), known to this Inquiry as [REDACTED] HQ DSF, from [REDACTED] early 2010 until [REDACTED] late 2011. I am making this statement in response to a Rule 9 request dated 1 Dec 23, which I received on 20 Dec 23. The request asks some general questions about my background and role, and the challenges, priorities, working practices and relationships within HQ DSF. It then poses some more specific questions about relevant documents which I will address later in this statement. In my statement the questions posed are in bold font, and the responses in standard.

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2. Before I begin, I would like to offer a general caveat. I left HQ DSF [redacted] in late 2011. I have not been back. I did not retain any classified documents from my time as COS. I have now been shown the documents referred to in this statement and I have also seen [redacted] MOD-221-0002796-A and [redacted] MOD-221-0002797-A relating to the PJHQ policy for the reporting of shooting incidents, and [redacted] MOD-198-0000913-A which sets out the related policy for [redacted] UKSF, but I have not seen any other documents relating to the events under investigation. I was not contacted by Op NORTHMOOR.
  
3. The specific questions raised relate to events around 13 years ago. Since leaving HQ DSF I have occasionally seen [redacted] N1802, [redacted] N1466 and [redacted] N1786 at social and/or professional events, but we have never discussed the events which form the subject matter of this Inquiry. My memory of those events is therefore patchy. It may be that, due to the passage of time, my recollection, whilst genuinely held, may diverge from what is recorded in contemporary documents, if they exist. If I am subsequently shown such documents, I may need to revisit what I say below.
  
4. In compiling this statement, I have drawn on two desk diaries for 2010 and 2011 which I kept as COS, but they are a task tracker and a collection of jottings, not a coherent record. I have quoted from those diaries where they contain material relevant to this statement, making clear where I am doing so. I would be happy to make these diaries available for inspection by the Inquiry, but they are difficult to read, so my statement transcribes anything I consider relevant.
  
5. **a. An overview of his career from leaving school until today.**

[redacted]  
N2252 provides details of University Education. N2252 joined UKAF in early 1980s and provides details of employment.

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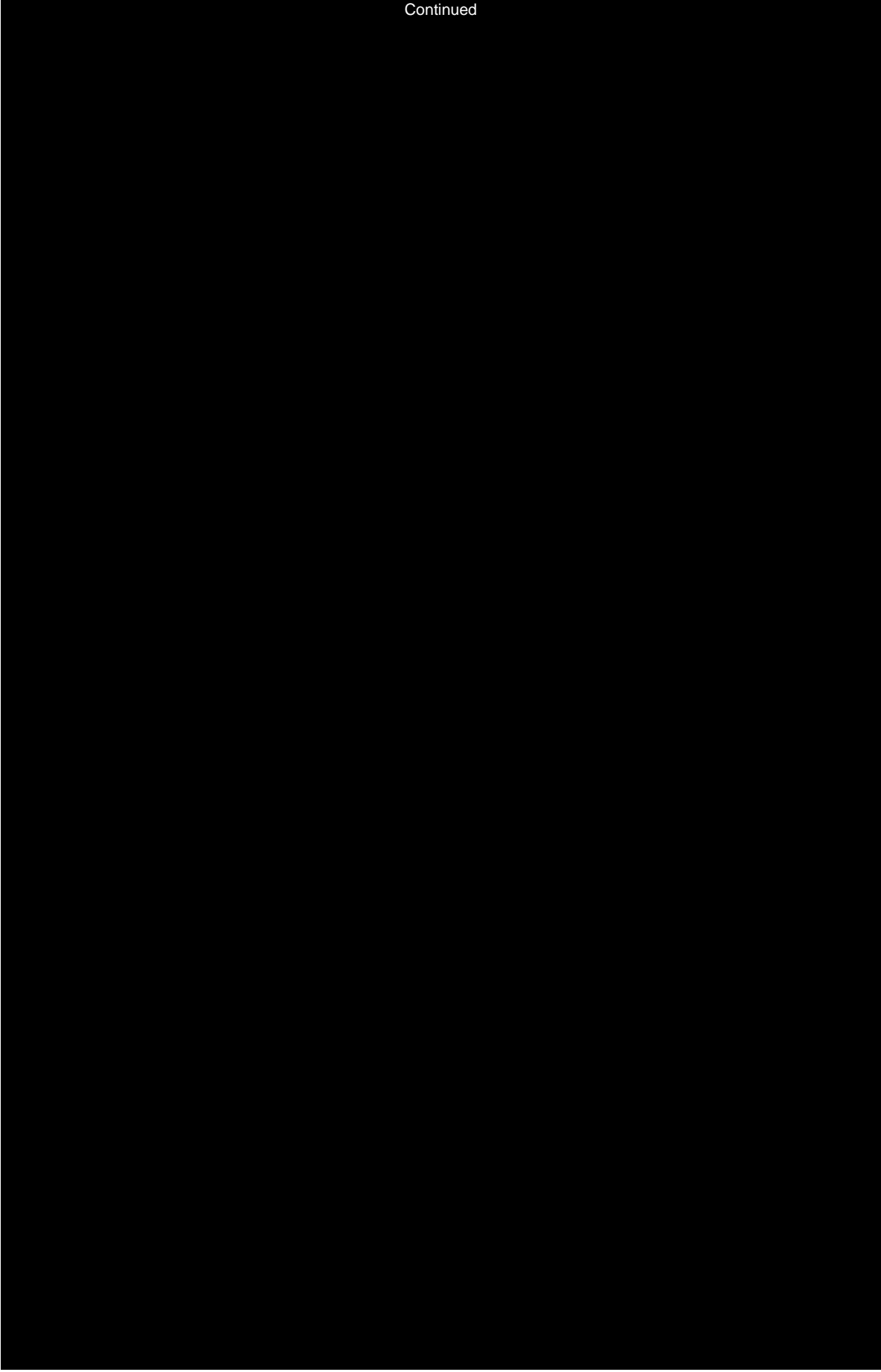
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6. **b. A detailed account of his service history including roles and appointments held and postings.**

Details of N2252's service history, roles, appointments and postings including completing UKSF training, and his posting to HQ DSF as COS.

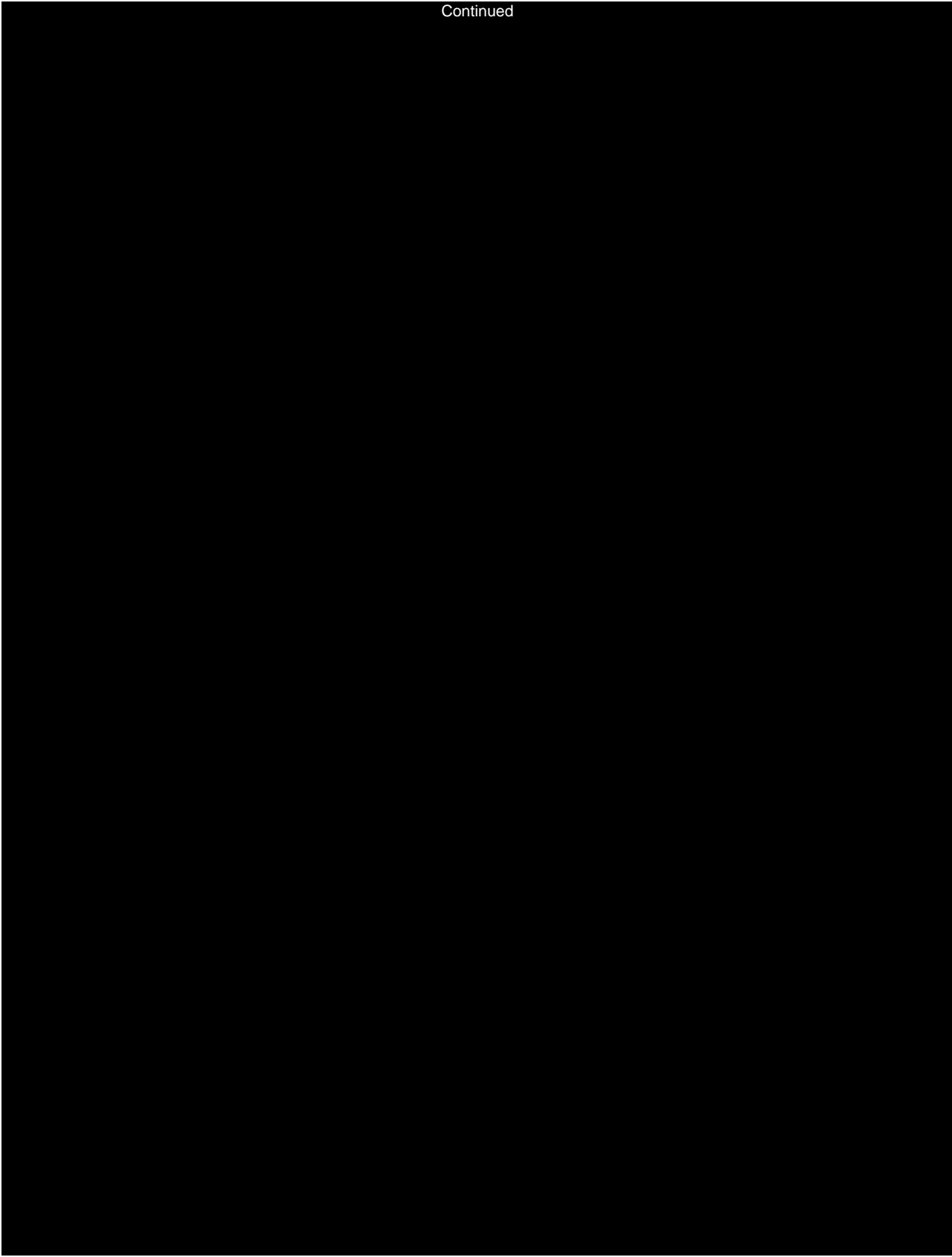
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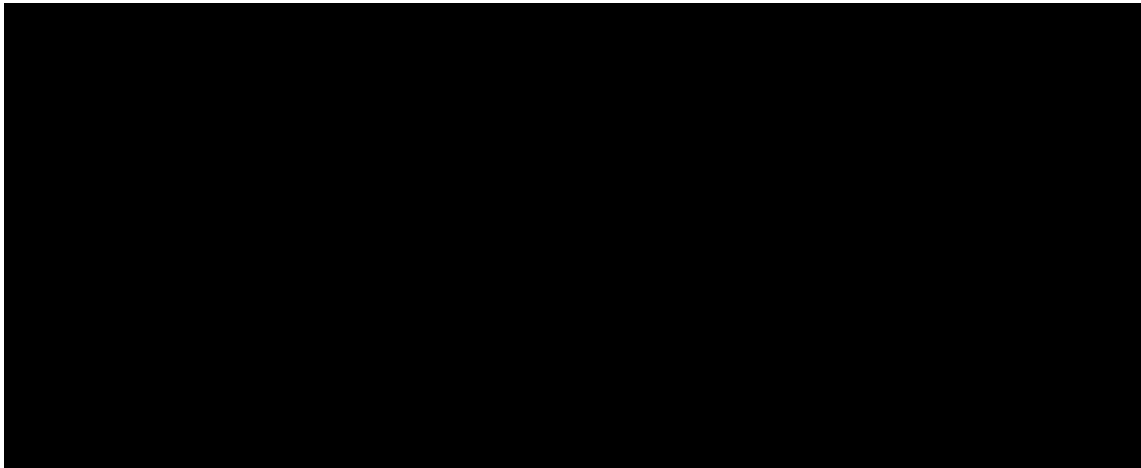
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Although N2252 had passed the UKSF course, he had no direct personal experience of conducting DDOs, which are the focus of this Inquiry. He had, however, before undertaking the COS role, overseen such operations (not in Afghanistan).

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8. Secondly, at the time of my appointment as COS DSF, I had not served in Afghanistan, [REDACTED]

9. I believe those points are relevant because on issues related to DDOs in Afghanistan I tended to rely on the advice of those who had personal experience in those areas, i.e. those who had held sub-unit or unit command appointments in [REDACTED] UKSF1 and [REDACTED] UKSF3, and who had recently served in Afghanistan in those roles. That's not to say that I didn't feel responsible for this area of HQ activity, but I recognized the limits of my own personal experience. I explore this further in the following section, regarding the organization of the HQ and my role.

**c. A detailed description of his role and responsibilities as [REDACTED] HQ DSF [REDACTED] COS.**

10. It's difficult to convey my role in the HQ without an understanding of its structure and personalities - the subjects of the next two questions - so I will start with that.

By the time of N2252's appointment, DSF had been upranked. The Deputy DSF had been upranked and redesignated as COS.

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[REDACTED]. I believe that this was part of an overall effort to improve governance and effectiveness. I worked directly to the Director. There was no Deputy Commander / Director (DCOM) and no Deputy Chief of Staff (DCOS), as might be routinely found in other HQs.

12. The roles of DCOM and COS are quite distinct. A DCOM has command responsibilities and is generally outward-facing. A COS generally does not and is mainly inward-facing - responsible for co-ordinating and delivering the outputs of the HQ. Recently there has been greater recognition of the distinctiveness and value of the DCOM post, and most operational HQs now have one, along with a DCOS, but we did not. I think this partly reflected a desire to keep HQ DSF relatively light, flat and agile, and partly reflected financial and manpower pressures.

N2252 provides an overview of the HQ DSF Command Structure, staff branches and reporting chains. This includes staff branches each run by an ACOS, including Policy and Operations. There was also a Legal Advisor, who N2252 thought was routinely managed by ACOS Policy, but who also had direct right of access to the Director at all times, and to N2252.

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N2252 provides an overview of DSF's Office Staff.

N2252 provides an overview of MOD departments that HQ DSF worked closely with. This includes a department within MOD Main Building which provided a crucial policy link with Main Building.

N2252 provides an overview of the strength of the workforce at HQ DSF.

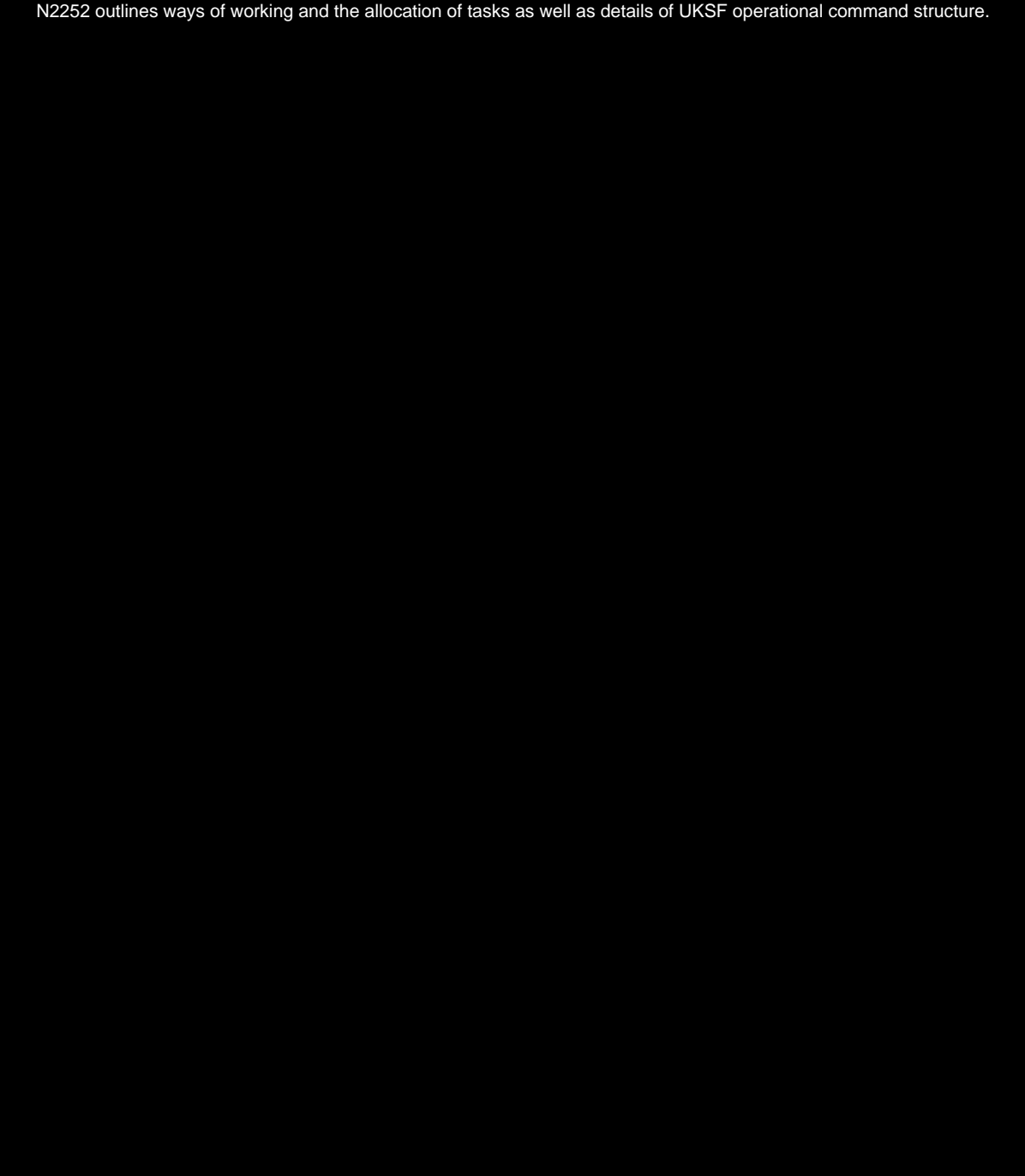
18. I believe it was an effective HQ, and I think that is borne out by the multiple issues which we managed concurrently, but it lacked resilience and depth, and the workload was high. I was routinely in the HQ [redacted] for at least [redacted] 11h30 a day [redacted]. I did not generally take work home because of classification, but often spent [redacted] weekend afternoons [redacted] in the office. My notes at the time reflect a sense of high tempo and high pressure, particularly in early 2011, [redacted] operational details [redacted].

19. All military HQs reflect their commander and HQ DSF particularly so. The way I approached and conducted my role was largely conditioned by the personality and requirements of the Director, N1802. On appointment I knew him only by reputation: the most capable and experienced SF officer of his generation, who had commanded [redacted] units including UKSF1 [redacted]. He had a reputation for being driven, serious, focussed on detail, and occasionally difficult to work with. After some initial tensions as I got to learn how he operated, I think we developed an excellent working relationship, and I came to like and admire him a lot. He was open to challenge and constructive discussion and I think that the staff knew that. They also knew that they had to be on top of the detail, because he set and demanded the highest standards. I offer these comments because HQ

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processes - the subject of a later question - were driven largely by the Director's requirements and these in turn stemmed from his personality and desire to understand the detail. I offer them also because I would assert that HQ DSF was an organization of integrity and high standards, and that these stemmed both from the corporate culture of UKSF - where a core principle is "the unrelenting pursuit of excellence" - and from the high standards of the Director. I hope I also played a part.

N2252 outlines ways of working and the allocation of tasks as well as details of UKSF operational command structure.



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[REDACTED] This is not to say that I did not feel responsible for the work of the Ops Branch - I was COS of the whole HQ - but I did feel that it required less direct supervision than other branches, that I could delegate there with greater confidence, and therefore devote more personal time to other areas of the HQ in which the talent pool was arguably less strong. I also felt that the Ops branch regularly benefitted from the Director's personal focus, where other areas did not, or at least not to the same extent.

22. My role as defined on the cover sheet of my annual confidential report was:

- To deputise for DSF.
- To direct all staff functions and be responsible to DSF for HQ DSF outputs.
- [REDACTED] Further details of role

23. Of these, the first and third felt largely redundant. The Director retained control of all key decisions - he alone had the necessary authority and experience - and he made clear from the outset that what he needed was not a Deputy, but a Chief of Staff. I occasionally stood in for him when he was on leave or otherwise committed, but my primary focus was on running an effective HQ.

24. So I focussed on the second element: directing the work of the staff so that the HQ generated the information and outputs which the Director required, met all the tasks laid upon us by the MOD, liaised effectively with others, and supported our subordinate units. In practice this meant overseeing the operations branch with a fairly light touch, while keeping the other plates all spinning (see the list at para 28), and trying to think ahead, to what might be coming over the horizon.

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Details of role.

26. I also tried to visit the subordinate units regularly, including [SFHQ(A)], and in total I think I made four visits to Afghanistan. I have no record of all the dates, though I think these could be established from [military records], if they still remain. I recall making a first visit in the early spring of 2010, with [role given] as my chaperone - the purpose of this visit was familiarization. I believe I led a cross-staff team out to [SFHQ(A)] in late summer 2010, though I cannot find the dates. I visited from 25-28 Jan 2011 (I have those dates recorded) and I think I also made a later visit in the summer of 2011, though I do not have the dates. Each of these visits was for a few days. After each visit I would have circulated a short report, which would have included tasks to the staff. The Director also used to visit [regularly], invariably giving comprehensive direction on his return. I have some notes of such guidance that he gave on [DG] Jan 2011, which I think related to a visit he made earlier that month. Ideally I would have gone more often, but Afghanistan was just one of a wide range of issues on my radar, as I explain below in para 28.

27. One possible criticism of the HQ structure - particularly with such a strong personality as the Director in charge - might be that it lacked diversity and external challenge. My career post-retirement [redacted] has made me more aware of the benefit that external challenge can bring, and I think we could maybe have used more of it in HQ DSF. That said, we achieved some diversity through our mix of military and civilian staff, [redacted]. We had an independent legal advisor. Also, candour and challenge are important aspects of the UKSF culture, and the ACOS level knew and respected that. I certainly felt that I could go to the Director, close the door, and raise any concerns I might have had, and I record one such instance later in the statement. I think some of the more junior staff were more reluctant to do that,

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but equally I think they knew that they could speak either to the MA, or to me, and access the Director that way.

**d. An explanation of the make-up of [HQ DSF] together with the key challenges and priorities while he was in post.**

28. I believe I have covered the make-up of [HQ DSF] in response to the previous question so will focus now on the key challenges and priorities during my time in post. In no particular order, but with operational issues first, these included:

a. Support to operations in Afghanistan, including basing, detention policy, detainee holding facilities, the scope of UKSF operations (we were frequently asked to do more than we could), the manning and augmentation of [SFHQ(A)], and equipment issues / urgent operational requirements (UORs). [N2252 states a further

[redacted] priority relating to Afghanistan while he was in post

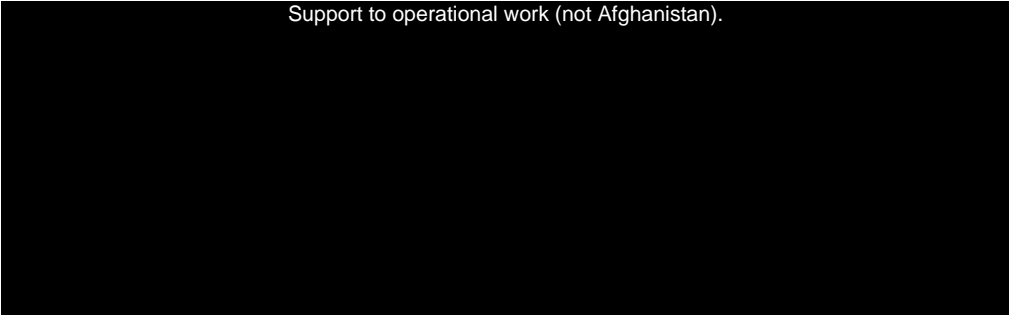
b. Managing the consequences [redacted] of [redacted] campaigning, which included morale, retention (particularly of [redacted]), manning, recuperation, welfare and rehabilitation, and terms and conditions of service.

c. [N2252 states an issue UKSF faced in 2010 and 2011 with the manning of certain posts in theatre. N1802 had identified this as a source of concern.

d. [redacted] Support to operational work (not Afghanistan).

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Support to operational work (not Afghanistan).



e. N2252 provides an overview of further UKSF operational challenges he encountered during his role as COS.



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i. N2252 describes two issues that dominate his diary notes from February to summer 2011.

j.

k.

l. Protective Security.

m. Personnel issues, including talent management, appraisals and boarding, citations, honours and awards, and discharging the Director's role as [redacted] Details of role [redacted].

n. UKSF Recruiting.

o. UKSF retention including a project to encourage experienced SF personnel not to leave.

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p.

UKSF Disclosure Policy.

q.

UKSF Operating Concept Paper.

r.

UKSF Reserves.

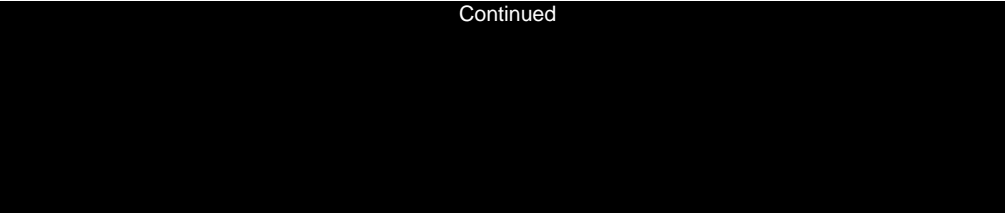
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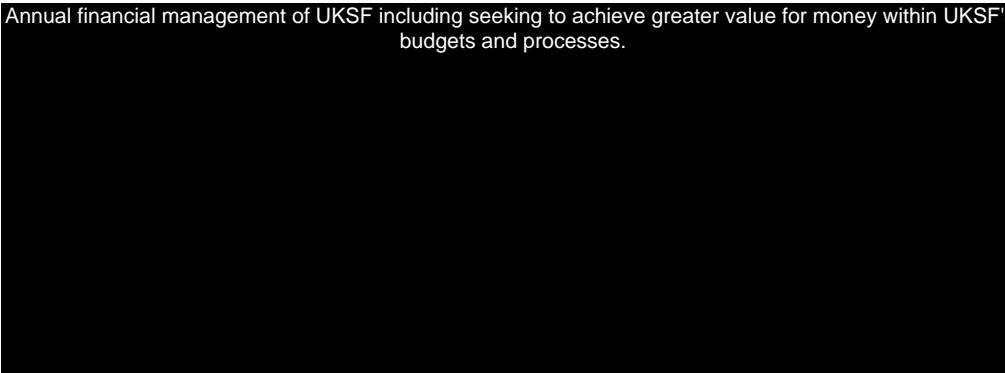
N2252 outlines his input to the Strategic Defence and Security Review, outlining capability and how time consuming the process was.

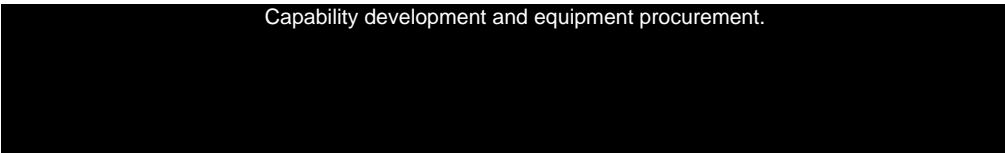
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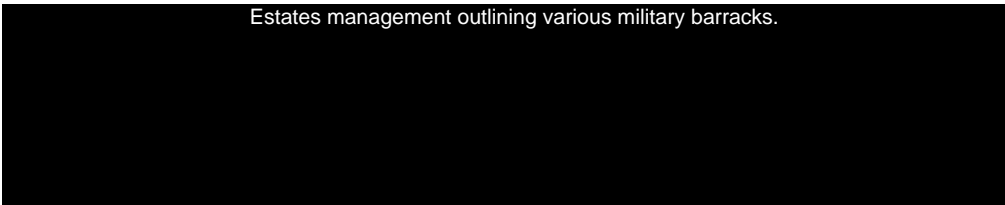
Air Asset support to UKSF.

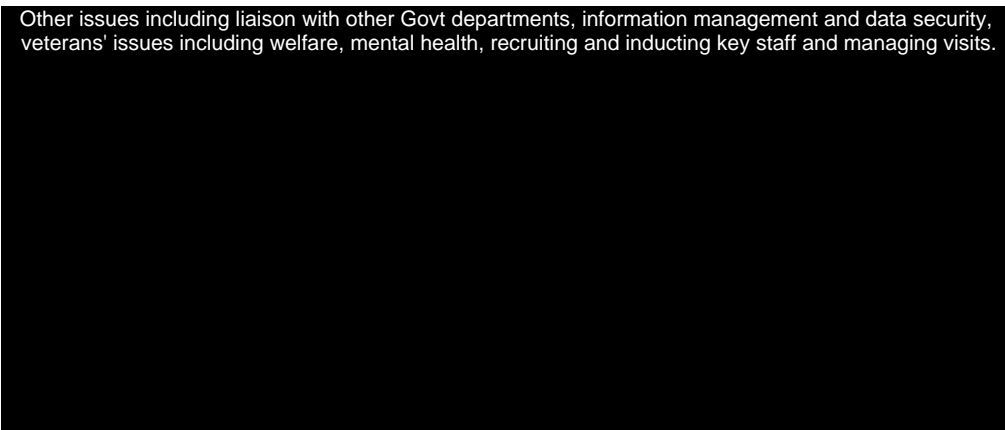
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V. Annual financial management of UKSF including seeking to achieve greater value for money within UKSF's budgets and processes. 

W.  Capability development and equipment procurement.

X.  Estates management outlining various military barracks.

Y. Other issues including liaison with other Govt departments, information management and data security, veterans' issues including welfare, mental health, recruiting and inducting key staff and managing visits. 

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- z. Finally, producing consistent support to our subordinate units, and sustaining the morale and well-being of HQ staff in a highly turbulent and challenging period.
29. Support to operations in Afghanistan was therefore a very important element of the work of the HQ, but it was by no means the only priority, nor necessarily the most important issue facing the HQ at any particular time. As COS, I kept a personal task tracker, which I used to update fortnightly which recorded the tasks due from the various branches in the HQ. On average, this contained some 55 serials, of which some 20% would sit within the Ops Branch, but the number relating to Afghanistan would generally be in low single figures.
30. That low number is partly because most UKSF operations in Afghanistan did not sit under our direct command. If I remember correctly, we were the force generating HQ (i.e. we were responsible for the preparation, training, equipping and deployment of those forces (along with PJHQ)) but the employment of those forces in theatre was principally under the NATO chain of command. The tasking of those forces, and the targeting on which that tasking was based, was therefore generally conducted under NATO C2. We of course retained a close interest in how they were used, and the Director would frequently engage with the national and NATO chains, to lobby for the assets required to enable operations, particularly helicopters and ISR assets (intelligence, surveillance and reconnaissance). And we also worked with MOD to sustain the policy and legal framework in which operations were conducted.

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e. Please can N2252 explain his relationships with Comd [HQ DSF], N1466, N2108, N1803 and N1788 including but not limited to:

i. Formal/hierarchical;

ii. Membership of all boards and the standing rhythm of daily [activity?], including members not listed here;

iii. Operational and policy relationships;

iv. Weekly or other interactions as part of [HQ DSF] business

31. I'll try and address this question in the round, rather than by serial.

32. Comd [HQ DSF] was the Director, N1802, who I have described above. He was my direct superior and the [Director] commander of the HQ. We had our ups and downs but overall we had a very good working relationship. I had a very high regard for him, and still do.

33. N1466 was ACOS Ops, formally one of my direct reports, but often tasked directly by N1802, as I have described above. N1466 had a strong [Priority] SF pedigree, was a former CO [UKSF3] and I recall had personal experience of DDOs as a sub-unit commander. Initially he was quite protective of the operations area but over time we developed a good working relationship and would often informally discuss matters of mutual interest. Along with the Director and me, he was the third member of the HQ's senior leadership, and "primus inter pares" among the ACOSes. When I left, we brought in a new ACOS Ops, [REDACTED].

34. [N2108] was the LEGAD, the legal advisor to the Director and the HQ. I think he was formally line managed by ACOS Policy, but he had direct right of access to the Director, and to me. I did not know him on arrival but we got on well. I think he and I also felt that as relative "outsiders" we could offer an occasional challenge function, in a HQ that was otherwise weighted to officers from [UKSF1] and [UKSF3].

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35. [REDACTED] N1803 was ACOS Policy, responsible for ensuring that UKSF operations were conducted in compliance with MOD policy. I recruited N1803 into post and I never had cause to regret it. She was clever, committed, independent and brave. She had worked in MOD and also in Afghanistan and understood both sides. I spoke with her regularly on a range of issues but her closest working relationship was probably with ACOS Ops.
36. N1788 was SO1 Operations, who worked directly to N1466. As a result, much of my interaction with him was via N1466, and I think he is relevant to this statement principally for his role in conducting the TTP review in April 2011. He was an ideal man to carry out this review, because he understood both the policy and legal context, as SO1 Ops, and also the tactical context (i.e. the practical difficulties of conducting DDOs and the pressures on the individual soldiers) [REDACTED] <sup>2</sup> I did not know him well but found him highly capable.
37. I can't provide a definitive list of all Boards and their memberships, I didn't record one at the time and I can't recall all of them now. The main HQ management forum was the Director's weekly update - I'm not sure that was the term we used but it was a weekly meeting of the ACOSes from all branches. The Director would routinely chair it, or me in his absence. It would generally last not less than 90 minutes, and on occasion up to three hours. All ACOSes would be present, or their deputies, and would brief on matters in their areas of interest and the Director would give guidance on what was to be done. I would then try and prioritize the work of the HQ in a "Chief of Staff's Top Ten" - the key issues we had to address in the coming period. If further guidance was required, I would occasionally bring the ACOSes together again for a "COS Stocktake", but I was reluctant to do that unless I really needed them all together because it could tend to waste people's time. I tended to do

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<sup>2</sup> N2252 provides details of the Sub-Unit within which N1788 held a Command appointment within the primary UKSF Sub-Unit engaged in DDOs. The name used to change periodically for reasons of security.

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a lot on Sharepoint, by ad-hoc meetings with those touched by a particular issue, or by bilateral discussions.

38. I recall that the Director also used to have a specific Ops Update brief, nominally either weekly or fortnightly, but really whenever it would fit with his diary. There he would be briefed in detail on operations by ACOS Ops and his team. I used to attend those, along with some of the operationally-focussed ACOSes, like Policy and Capability, but we were generally on “receive” rather than “send”.

39. I don't really recall a standing rhythm of daily activity, it was more a case of dealing with what had to be done on any particular day. I generally used to start the day by scanning any reports from ongoing operations. I would then take things from there, depending on what was in my diary for the day and the outstanding tasks.

40. The Director also used to have **scheduled** Command Boards, involving the COs of all the subordinate units, myself and the key ACOSes. These would be held either at HQ DSF or hosted by one of the units. They were major events, at which the units would backbrief on their situation and their concerns, and the Director would give his guidance. There was also a range of other periodic meetings, like the estates meetings, grading boards, annual budget screenings and the like.

41. I don't fully understand the question about operational / policy relationships. All my relationships with the ACOS level were operational / policy relationships in that that's what we talked about: operations, policy and the implications for **UKSF**. HQ DSF was a pretty intense environment and there was not much small talk. But they were also social relationships in that I got on well with all the ACOSes, without exception. We operated in an atmosphere of mutual trust and I think we were a high-performing team. HQ

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DSF was a small HQ, [REDACTED], and I operated an open-door policy i.e. if my office door was open, anyone was welcome to come in, at any time. So I interacted with all the key ACOSes on a daily basis, both formally and informally. I hope that answers the question.

**f. Whether he 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 (I assume this means “of” any record)**

42. See below.

**g. For the purposes of this request:**

**i. ‘Behaviour’ includes any rumour, allegation or suggestion of behaviour, regardless of N2252’s view as to its veracity.**

**ii. ‘Become aware’ means coming to N2252’s attention in any manner, whether directly or indirectly; formally or informally.**

43. As a military officer, I would not generally give much credence to rumours - particularly those relating to operations conducted thousands of miles away. I preferred to deal with data, evidence and/or facts - not least because this is what got traction with the Director. That said, he and I did take a close interest in what was happening in theatre and one aim of our visits to [REDACTED] was just to “sniff the wind,” and get a sense of how the unit was operating at any point in time. I think N1802 had visited [REDACTED] in [REDACTED] Jan 2011 and I had visited [REDACTED] a few weeks later. I didn’t pick up on any cause for concern and the Director didn’t mention anything either.

44. On ii and iii, I was never aware at any time or in any circumstance of behaviour by UKSF in Afghanistan relating to the planting of weapons, or the falsification of any record, nor did I hear rumours or allegations or see

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evidence that any of these things were occurring. I have seen such allegations since, from the BBC and in the opening statements to this Inquiry, but I do not know if they are true.

45. On i, I was clearly aware of behaviour by UKSF in Afghanistan which caused Afghan fatalities. Prior to 8 April 2011, I was aware of Afghan fatalities during DDOs but in all cases they appeared to be caused by the lawful use of lethal force in self-defence and I do not recall hearing any rumours to the contrary. On or around 8 April 2011 I became aware that rumours or allegations of some kind had been made. I will come back to that but first I want to give a sense of discussions in February and March 2011.
46. In the course of my interactions with N1466 and the Ops staff, at some point in February or March I picked up on two things. The first was a rise in the number of Afghans being killed during DDOs. The second was a concern about the Tactics, Techniques and Procedures (TTP) being used by **SU1**, specifically the call-out TTP. I would not describe either as “rumours”. The first was a matter of numbers, and the second a point of discussion within the Ops staff. I will offer a perspective on both issues.
47. The first issue was that the current **SU1** seemed to be causing more Afghan fatalities than their predecessors. That was not in itself suspicious and there were several possible and entirely lawful explanations.
- a. First, I recall that **SFHQ(A)** was under pressure to do more. UK had lost over 100 soldiers in 2010, the majority in Helmand. UKSF was/is a major consumer of enabling assets (that point was made to me by at least one senior officer in MOD) and we were under pressure to deliver effective DDOs which would suppress the Taliban networks and prevent further loss of UK lives.

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- b. Secondly, all military forces tend to rotate their contingents as a matter of policy and one of the reasons they do it is to bring renewed energy to a campaign. The new [SU1] seemed to be bringing that energy, which would be entirely welcome if it delivered the suppressive effect referred to above.
- c. Thirdly, DDOs in Afghanistan [were affected by] the availability of sufficient enablers, particularly air support, helicopters and ISR. I recall that we had [less] of these assets in 2010 and that the Director had lobbied hard both nationally and with ISAF to get more. I cannot provide supporting data but I recall that in early 2011 the availability of these assets seemed to improve, allowing more operations to be conducted.
- d. Finally, operations in Afghanistan are quite weather-dependent, [redacted]  
[redacted] Operational Details [redacted]  
[redacted] So as the weather in Southern Afghanistan started to improve, it was not unnatural that more operations could be mounted, resulting ideally in more detentions, but potentially also more Afghan casualties, if the detentions were resisted by armed force.

48. The Inquiry may want to test with those in theatre how far these were actually factors, but I believe that all these statements are true in themselves: that in early 2011 there was pressure on UKSF to do more, that we had an energetic [Sub-Unit], that the availability of enablers was improving, and so was the weather.

49. The rise in Afghan casualties therefore did not in itself seem suspicious, but it was not irrelevant, and I was conscious of a risk that it could come at a cost to wider campaign objectives regarding the legitimacy of ISAF and the Government of Afghanistan. At that time I had had no personal experience of Afghanistan but I had done two tours in [LG (Not A)] and I had formed the view that

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force in a counter-insurgency should be used as selectively as possible and that casualties should be minimised as far as possible, even amongst the insurgents.

50. The second issue was some concern amongst the Ops staff that the call-out TTP being used by [SU1] now appeared to be having unintended consequences, in that it was apparently allowing Afghan detainees to re-enter the target compound and arm themselves, posing a renewed threat to UKSF, prompting the lawful use of lethal force in self-defence. I believe that this TTP had been used successfully up to that point in both [LG (Not A)] and Afghanistan, as a force protection measure intended to minimise risk to UK forces and to civilians. But at this particular moment, it did not seem to be having the effect intended.

51. I remember discussing both things with the Director but I cannot place that conversation accurately in time. Having seen the documents, I offer that it may have been prompted by Objective 2 (and thus on or after 9 Feb 11) or by Objective TYBURN (and thus on or after 16 Feb 11), or by Objective 9 (and thus on or after 12 Mar 11), or by another operation at around the same time. I think it was probably not at the start of the period, since it would have taken some time for any trends to become apparent. [MOD-198-0003490-A] ends with an e-mail from me to the Director's MA dated 17 Feb, requesting a chat with the Director, and so I think it most likely took place on or around 18 Feb, though I cannot place it with certainty.

52. I recall that conversation - whenever it was - because it was out of the ordinary. The Director and I would routinely chat several times a day about all kinds of stuff but this was a rare occasion when I went into him and closed the door. I wanted to ensure that he was aware of both the rise in Afghan casualties and the concerns being aired in the Ops staff over the call-out TTP. I did not tell the Director what to do - I would not have presumed to do so - but

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I did suggest that he should speak with N1786 and get his perspective on these issues.

53. Following that conversation with the Director, I believe that he spoke with N1786. I was not party to that discussion but the Director called me in and reported it back to me. I cannot recall the details of that backbrief but I do recall that I was satisfied by the outcome. I felt that these issues were then on the Director's radar going forward - if they had not been already - and that of N1786. I reiterate that none of them amounted to evidence of EJK, or allegations or even rumours thereof.

54. I then became aware of rumours or allegations on or around Friday 8 April 2011, when my desk diary records the following (text in italics)

*Examine the TTP to ascertain the optimum balance between achieving detention and mitigating personal risk / threat to force.*

*Allegations regarding [REDACTED] SU1:*

*- second-hand bar rumour*

*- [REDACTED] UKSF3 not a disinterested party - still sore over losing the [REDACTED] SU1 role*

*- nonetheless these are serious issues and cumulatively there may be a problem with TTPs*

55. This appears to be a note of a conversation with the Director. I do not recall the associated conversation and rely solely on my note. From the way in which it is laid out, with the task first, I believe that it records a back brief from the Director, who I think had visited [REDACTED] SFHQ(A) the previous week. I do not know the original source of this material but I believe that it derived from [REDACTED] UKSF3 [REDACTED] who were in theatre about to take over as the core of [REDACTED] SFHQ(A). I do not recall the precise nature of the allegations which were relayed, other than that they related to the use of lethal force by [REDACTED] SU1. I do not recall hearing any allegation of EJK.

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56. The point about [UKSF3] not being a disinterested party reflects some friction within [UKSF] over who should conduct the [SU1] role (i.e. the primary [UKSF] sub-unit within [SFHQ(A)]). Previously this had been shared between [UKSF1] and [UKSF3], but I think the Director had given guidance that it would now fall solely to [UKSF1] leaving [UKSF3] to provide the sub-unit for [APU1], which operated mainly in [Operational Detail]. I think [UKSF3] regarded this as a “relegation” and I recall a degree of sniping at [UKSF1] over their conduct of the [SU1] role.

57. My note then records a discussion with the [UKSF Lawyer], presumably N2108. I don't remember that conversation and I do not recall if N1802 was party to it. I think he probably was because the note follows directly from the one above it and the final bullet reiterates the task for [N1788]. I would not have had the authority to have directed that review without reference to N1802. My note is this:

*Discussed with [UKSF Lawyer]*

- obligation to report if a reasonable man would believe that a serious crime may have been committed*
- we have no firm evidence of that. Even [N1785] accepts that his allegations are not evidence*
- RMP enquiry without specifics is unlikely to find anything*
- an internal inquiry into TTPs may be more effective*
- this is on the cusp but probably on the right side of the cusp*
- [N1788] to conduct internal investigation into TTPs*

58. My diary then has an unrelated record of an interview with a new member of staff, and then the following note, apparently of a telephone conversation between N1786 and the Director (D). I do not recall that conversation but the style of my note suggests that I was present for it.

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*[N1786] - D telcon*

- **SU1** - *how kinetic or otherwise they have been*
- *[N1785]'s folks allegedly told stuff. [N1786] - "second hand hearsay"*
- *D - want a review of the TTP and the actions on target so we have the balance right between effecting detention and mitigating risk*
- *[N1788] review to take place*
- *[N1786] has already initiated a re-look at the TTP - was due to have backbrief yesterday.*
- *D - also need to guard **SU1** against spurious allegations*
- *Febrile atmosphere - so must set the rheostat very safely and in safe mode - even if it means some people staying out on the battlefield a little longer than we would ideally like.*
- *[N1786] content - supports review of TTPs: D content.*

59. I am not sure what the Director meant by "setting the rheostat very safely" etc but I would interpret it now as direction to N1786 that members of **SU1** should be kept in theatre if necessary to contribute to the TTP review rather than returning home at the end of their tour, which I think was imminent.

60. My diary then shows the Director as on leave until 18 April. For 20 April I have a diary entry of "*[N1788] to report*" but no further information, from which I conclude that N1788 had by then completed his TTP review and reported back to the Director.

61. That describes what I heard between February and April 2011. In summary, I would not describe anything I heard before 8 April as a "rumour" or an "allegation", but the material I recorded on 8 April could be described in those terms. I do not recall the precise nature of the allegations which were relayed, other than that they related to the use of lethal force by **SU1** I do not recall hearing any allegation of EJK.

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**h. Was N2252 a party to or aware of the following emails or documents, as appears on their face:**

**62.i. MOD-198-0003478-A**

This appears to be a short e-mail chain from the [redacted] Operations staff member in HQ DSF [redacted] (Ops staff member) dated 0927 9 Feb, disseminating the storyboard for Operation C1, Objective 2. It has been sent to the standard distribution list of [redacted] SFHQ(UK) J3-CONOPS-SINCREPS, which I think included the Director's MA, me, and all the key ACOSes, including Ops and Pol. There is then an e-mail from me to N2108 at 1033 on 9 Feb, asking for clarification on whether this storyboard relates to an incident we had already discussed that morning (which was actually Operation C1 Objective 1 - see below), and asking him to review it. N2108 replied to me at 0942 on 11 Feb saying that there was a credible explanation of fratricide, and apparently no breach of ROE. I replied at 1253 on 13 Feb saying that I was content with his recommendation. I was a party to this e-mail chain, though N2108's e-mail also says "I enclose my comments on the SINCREP..." and I have not been shown these.

**ii. MOD-198-0003477-A**

This e-mail chain relates to the one above. N2108 replies at 1039 on 9 Feb, saying that he had been talking about Operation C1, Objective1 (9 x EKIA), and suggesting that this was a trend of "more bodies than weapons." I was a party to this e-mail chain.

**iii. MOD-198-0003490-A**

This appears to be an e-mail from the [redacted] Ops staff member at 0725 on 16 Feb, to the SINCREP distribution list, with a link to the storyboard for Objective TYBURN, then a referral from me to N2108 at 0810 saying "4 EKIA, 2 weapons, worth a look?". There is then N2108's response at 1633 that day, and finally an e-mail from me to the Director's MA at 1155 on 17 Feb requesting a chat with the Director.

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**iv. MOD-198-0003438-A**

This appears to be an e-mail chain from me to N1786 regarding an internal investigation of a security breach [REDACTED] details of security breach [REDACTED], dated 19 April 11.

**v. [REDACTED] closed material [REDACTED]**

This appears to consist of an Op NORTHMOOR package of 40 pages, dated 18 May 2015, containing an SIR brief dated 18 May 2011, addressed to N1802, and copied to me, less enclosures. It relates to an incident on 7 Feb 2011, presumably Operation C1, Objective 1.

**vi. MOD-198-0003884-A**

This appears to be an e-mail from the Director to N2108 at 1304 on 23 May, which was copied to me for information, asking for further advice on the SIR for Operation C1 Objective 1. There is then a second e-mail from N2108 to me and N1466, seeking our views on his draft reply.

**vii. MOD-198-0003888-A**

This appears to be an e-mail from me at 0912 on 8 Jun 11 to N2108, N1466 and N1788, with an extensive cc-line, asking them to provide advice to the Director on the relationship between SIRs and lessons learned (L2). There is then a second e-mail from N2108 to N1788, but the distribution list is not shown and because that e-mail refers to me I doubt that I was party to it.

**viii. MOD-198-0003613-A**

This appears to be a briefing note from SO1 Legal to the Director dated Aug 11, regarding the allegations made by an external party relating to Obj TYBURN and Objective 9. I am a copy addressee.

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63. I did not recall any of these documents prior to being shown them by the Inquiry, but having now seen them I think I was a party to all of them, less perhaps the top part of [MOD-198-0003888-A]

**i. In respect of MOD-198-0003478-A and MOD-198-0003477-A:**

**i. Please can N2252 explain what N2108 “had been referring to” on the morning of 9 February 2011?**

64. I don't know, I have no recollection of that conversation. From the source document ([MOD-198-0003477-A]) it appears that he had been referring to Operation C1 Objective 1.

**ii. Did N2252 and N2108 have a conversation on the morning of 9 February 2011?**

65. I don't know, it's entirely possible, we used to speak frequently, but I don't remember one, and have no record of one. Just as background, there was a UKSF Command Board in [UKSF1] on 10 Feb 11, and I believe I stayed in [UKSF1] the night beforehand, so I suspect that I was in the HQ on 9 Feb for less than the full working day.

**iii. Why was the issue of “more bodies than weapons” worthy of note?**

66. I'd remind the Inquiry that my last day in uniform [was some time ago], and so my memory of the law of armed conflict is maybe not what it was. But with that caveat I offer the following:

67. “More bodies than weapons” is worthy of note because the use of lethal force in self-defence requires the firer to believe that he/she or his/her colleagues are under imminent threat to life. Therefore, if the number of weapons recovered matches or is greater than the number of bodies, it seems reasonable to assume that all those killed were armed, and thus that they were in fact presenting an imminent threat to friendly forces, justifying the use

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of lethal force. That assumption would of course have to be tested in the light of the circumstances.

68. But if fewer weapons are recovered than the number of bodies, then it might be concluded that not all of those killed were in fact presenting an imminent threat to friendly forces, since they could not all have been concurrently armed. So “more bodies than weapons” would suggest a need to look more closely at the details of any incident.

69. But “more bodies than weapons” would not necessarily indicate that force had been used unlawfully. The legitimacy or otherwise of the use of lethal force relies on the state of mind of the firer, and what he or she reasonably believes. My recollection of the law is that a firer with a genuine and reasonable belief that their life is in imminent danger is entitled to use force in self-defence, including lethal force, and that action will still be lawful even if that belief is subsequently shown to be mistaken.

70. The confusion of close combat, [REDACTED] in confined spaces, obscured by dust and muzzle flashes, with armed insurgents and unarmed associates potentially in close proximity, seems to me to carry an inherent risk of mistake, which the high training standards of UKSF can mitigate but never fully remove.

71. There are also other credible explanations why there might be more bodies than weapons recovered, without a breach of ROE:

- a. That some of the bodies recovered were killed not by UKSF but by “red on red” (as I think was the case in Operation C1 Objective 2 on 9 Feb 11, and possibly also Operation C1 Objective 1).

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- b. That a single “red” weapon may have been used by multiple firers (as I think was the case in Operation C1 Objective 9 on 12 Mar 11, and possibly also Operation C1 Objective 1).
- c. That some threats to friendly forces, such as grenades which had functioned, might not be recoverable.
- d. That weapons may have been removed from target before they could be recovered. I don’t think this was a factor in any of the operations on which I have been questioned, but it could be in others considered by the Inquiry.

72. But all cases would have to be judged on their individual circumstances. So in the context of this Inquiry I think “more bodies than weapons” is worthy of note because it suggests that any such incident should be examined closely in order to decide whether the circumstances merited further investigation.

73. In the particular context of UKSF operations in Afghanistan, that decision lay principally with the chain of command: first with the CO in theatre, and then with the Director as Higher Authority, and also I think with the [REDACTED] ISAF 2 chain of command. That decision was personal to them, although there was policy guidance on how they should act, in the form of the [REDACTED] SFHQ(A) Consequence Management and Incident Reporting document dated 10 Nov 10. And we as a staff could also provide advice and constructive challenge.

**iv. When did N2252 first become aware of the issue of “more bodies than weapons”?**

74. I can’t say with certainty but from the two documents MOD-198-0003478-A and MOD-198-0003477-A, I think I would have been first aware of this on the morning of 9 Feb 11. Those documents relate to Operation C1 Objective 1

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(which had occurred on 7 Feb 11), and Operation C1 Objective 2 (which had occurred on 9 Feb 11). I can't recall any others prior to that, and I have no diary notes of any such.

**v. How many instances of "more bodies than weapons" was N2252 aware of by 9 February 2011?**

75. I can't be certain, but I think the answer is two: those listed above.

**vi. Why did N2252 ask N2108 to review this DDO, Objective 2 and what was the intended purpose of such a review?**

76. Because, as I have set out in my answer to iii, "more bodies than weapons" suggests that more analysis was required to understand the circumstances, in order to assess whether further investigation should be directed. The purpose of such a review would have been to provide advice to the Director as Higher Authority.

**vii. What did N2252 understand a recent trend "of the 'x bodies' with 'x minus 3 weapons' recovered" to mean? (MOD-198-0003477-A)**

77. I assume that this is a reference to Operation C1 Objective 1 on 7 Feb 11, in which nine Afghans were killed and three weapons recovered, and Operation C1, Objective 2 on 9 Feb 11, in which eight Afghans were killed and four weapons recovered, but I am not sure I would describe two incidents as a "trend". They seem to me to be two quite different incidents, with different explanations for the mismatch between the numbers of bodies and weapons recovered: both entirely credible.

**viii. What analysis of the OPSUM, Storyboard and SINCREP did N2252 undertake himself?**

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78. The Inquiry has not provided these documents, and I don't recall. As a general comment though, I did not personally get deep into the detail of documents such as this - that is not the role of a COS, particularly in a HQ as busy as [HQ DSF]. I would scan them, and if I saw anything I thought required deeper analysis, I would refer them to N2108 and/or the Ops staff for review. MOD-198-0003477-A and MOD-198-0003490-A both contain examples of my doing this.

**ix Did N2252 seek any further information regarding Objective 2 between receiving the N2108's email on 11 February 2011 at 09:42 and his reply on 13 February 2011 at 12:53?**

79. I can't say, but I think it is unlikely. My notes suggest that we had a UKSF Command Board at [UKSF1] on Thu 10 Feb 2011, and that I stayed overnight at [UKSF1] on 9 and 10 Feb, before conducting a unit visit on 11th to [SU1F] [UKSF1]. I would not have had access to Sharepoint in this period. [REDACTED]  
[REDACTED] I was subsequently out of office [REDACTED]  
[REDACTED] So I think it unlikely that I saw N2108's e-mail before 13 Feb. His recommendation seemed clear and backed by a credible explanation so I think I would have considered it sufficient.

**x. Did N2252 discuss Objective 2 further with N2108?**

80. I don't recall doing so but my normal practice was to follow up weekend e-mails with a face-to-face discussion where possible, so I would expect we spoke on Monday morning. But I have no record of that discussion and can't say for certain.

**xi. Please can N2252 explain why he decided an SIR should not be requested?**

81. Please see para 73. The generic reason is that decisions regarding SIRs were routinely taken by the Director, N1802. The [SFHQ(A)] Consequence

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Management and Incident Reporting document places the responsibility for directing an SIR on the relevant commanders; CO SFHQ(A) initially, (who is described as the “primary decision-maker”) and then the Director as Higher Authority. Paragraph 3b of that document states that “*Ultimately [Comd HQ DSF] will retain the decision-making authority on whether either an SIR or Service Police Investigation is required...*”.

82. It would therefore have been highly unusual for me as COS to request an SIR on my own authority: my role in the process was to ensure that the Director received the necessary advice on which to base his decision, including legal advice. I would have intervened in this process only if I thought that the advice was wrong, or that he was acting unethically, and I don't recall thinking either.

83. My reply to N2108 “content with your recommendation” was not intended as a decision, but as endorsement of the line he was proposing to take with the Director.

**j. In respect of MOD-198-0003490-A:**

**i. What did N2252 understand N2108 to be referring to when he referred to the “emerging TB TTP of supposedly hiding grenades behind curtains.”?**

84. See below.

**ii. What did N2252 think when he read “I get the sense that the way we are writing these up will not bear scrutiny in years to come - my comments are demonstrations of the kinds of things that Public Interest lawyers may undoubtedly raise in the inevitable public inquiries.”**

85. I am going to comment on these two questions in the round. I cannot recall what I thought at the time, but reviewing N2108's e-mail 13 years on, I think he was clearly concerned about how UKSF's consequence management procedures might be perceived in years to come. I think his concern could not have been about the procedures themselves, since I think he had been a key

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figure in developing them, but over how they were being applied; *“the way we are writing these up”*. Here he may have been alluding to a rather formulaic way of recording statements, which was one of the Director’s concerns in MOD-198-0003884-A.

86. I would have picked up on the slight note of sarcasm or scepticism in his e-mail, about the *“emerging Taliban TTP of supposedly hiding grenades behind curtains”* but I doubt I would have given much weight to this, since he was in no position to form an informed judgement. It did not seem to me incredible that insurgents would have weapons concealed in their compounds to be able to resist DDOs, or even criminal attack by other Afghans. I had not at that point served in Afghanistan but my experience from [redacted] LG (Not A) was that the targets of DDOs frequently had access to weapons and were prepared to use them. Afghanistan is full of weapons, and the Taleban were a learning organisation, so I found nothing implausible in the idea that their leaders might have weapons hidden in their houses or compounds.

**iii. Was there a discussion between N2252 and N2108 as requested by N2108? If so, what was discussed.**

87. If N2108 requested a discussion with me then we would have had one, but I cannot recall such a discussion and have no record thereof.

**iv. If there was, what next steps were identified, if any?**

88. I don’t recall, but it’s apparent from the e-mail chain that I requested a discussion with the Director.

89. On next steps, N2108 is technically correct in saying that *“this HQ can order a SIR if we feel that the ROE have not been followed.”* The [redacted] SFHQ(A) Consequence Management and Incident Reporting document of 10 Nov 2010 ( [redacted] MOD-198-0000913-A ) generally places that responsibility on the commanders - CO [redacted] SFHQ(A) in theatre and the Director as Higher Authority - but

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para 6b states that “*after review either HQ DSF or ISAF can request the production of an SIR if one has not already been initiated by SFHQ(A)*” In practice it would have been highly unusual for the HQ to have demanded an SIR without consulting the Director, and I think I would only have done so if he had been uncontactable, which he was not. I note also that N2108 was himself uncertain over the need for an SIR; “*I think we should tread carefully on this.*”

90. I recall that the post of Commander [REDACTED] ISAF 2 (COM [REDACTED] ISAF 2), who was CO [REDACTED] SFHQ(A)s higher commander in the NATO chain of command, was at that time tied to UK (i.e. always filled by a UK officer), and that it was filled by a [REDACTED] senior UK officer with a strong SF background. I note also that the Consequence Management and Incident Reporting document put COM [REDACTED] ISAF 2 and his HQ in a similar position to DSF and HQ DSF, in that he had access to the same operational records, and could independently direct [REDACTED] SFHQ(A) to produce an SIR if he so decided, and/or refer matters to the Service Police. He did not to my knowledge do so, for any of the operations on which I have been questioned.

**v. Did a conversation between N2252 and N1802 take place? If so, what was discussed during this conversation?**

91. I don't know, but I did have a relevant conversation with the Director at around this time, which I have recorded at paras 51 and 52.

**vi. Is N2252 aware of whether N1802 discussed this with CO [REDACTED] SFHQ(A) ?**

92. There is a danger of confusion here. Following the discussion with the Director which I have recorded at paras 51 and 52, I believe that he then spoke with N1786 and I have given my (second-hand) impressions of that conversation at para 53. But because I am unable to place that conversation in time, I cannot say with certainty whether it related to [REDACTED] MOD-198-003490-A.

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**k. In respect of the TTP review conducted by N1788 at the direction of N1802 please can N2252 provide a detailed explanation of:**

**i. His knowledge of and involvement in the TTP review;**

93. I think I have covered this in response to an earlier question. From my diary notes it appears that I got direction from the Director on 8 April 2011 that a TTP review was to take place, and that it was to be led by N1788. N1788 was an ideal man to carry out this review for the reasons given at para 36. I don't recall being directly involved with the TTP review and because of my own lack of personal experience of DDOs in Afghanistan I don't think there is much value I could have added. I would have tracked it in the same way as I tracked all other key outputs of the HQ, either directly or via N1466, and ensured that it was completed on time and in a way that satisfied the Director.

**ii. His discussions with N1802, N1466 and N1788;**

94. I don't remember taking part in any discussions on this subject and have no notes thereof.

**iii. The reason/s for the TTP review;**

95. I think I have covered this in my previous answers, but to reiterate: there was concern that the TTP being used, specifically the use of Afghan detainees to assist with the call-out / clearance of target compounds, might no longer be appropriate, because it was apparently creating conditions in which those detainees were able to re-arm themselves and present a renewed threat to members of [SU1], requiring them then to use lethal force in self-defence to remove that threat. While this appeared to be a lawful use of force, it did not appear to be discharging a duty of care towards the detainees, once in UKSF custody, or contributing to wider campaign objectives regarding ISAF legitimacy.

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96. That is my recollection, but the review was directed by N1802, and he may have had other or different reasons.

**iv. The purpose/s of the TTP review;**

97. I'm sure this will be on record somewhere as I think that Terms of Reference (TsOR) were produced, but I don't have a copy. I saw it as being to review the use of the TTP and recommend adjustments as necessary.

**v. The consequences of the TTP Review including but not limited to any changes to the TTP and/or PDT;**

98. I don't recall the consequences of the TTP review. From the Director's e-mail in MOD-198-0003884-A I see reference to "*...revised compound TTPs which seek to put our APUs into a more central role.*" which suggest to me that some adjustments were made. I have also seen this referred to in Counsel to the Inquiry's opening remarks to the Inquiry on 9 October 2023, para 183, but I have no personal recollection of what changes were made.

**vi. Were the results of the TTP review cascaded down the chain of command?**

99. I don't remember the detail but I think it inconceivable that they were not. The whole point of the review was to confirm the TTP or make necessary adjustments. From the transcript of Counsel to the Inquiry's opening remarks to the Inquiry, I see reference to two letters from N1802 sent on 28 April 2011, giving direction on how the TTP was to be adjusted going forward, but I know that only from Counsel to the Inquiry's remarks, and not from my own recollection or notes.

**vii. Were any steps taken to monitor DDOs following the TTP review?**

100. DDOs were constantly monitored, before and after the TTP review, but I don't recall the review recommending any additional steps.

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**viii. Were any other reviews of the TTP carried out, either before or after the TTP Review?**

101. I don't recall any formal reviews, but we would have expected CO [REDACTED] to keep this TTP under rolling review, along with all other TTPs, and I think he did this. Command of [REDACTED] had by that stage passed to N1785, who was well aware of the issues involved.

102. Following the TTP review, I do recall a sense that the issue had been resolved, and don't recall any concerns being raised over the TTP thereafter. In fact, I have very few notes or diary entries relating to Afghanistan for the remainder of my time in post, they are instead dominated by [REDACTED] and the ongoing security reviews.

**I. In respect of [REDACTED] :**

**i. When did N2252 first become aware of concerns regarding Objective 1?**

103. From [REDACTED] I infer that I was first made aware of Objective 1 on 9 Feb 2011 and discussed it with N2108 that morning. I don't recall whether that aired any concerns, beyond the obvious and implicit one of "more bodies than weapons."

**ii. What actions were taken by N2252 in respect of the concerns regarding Objective 1?**

104. I do not recall what actions I took on becoming aware of Objective 1.

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- iii. **Please can N2252 explain why he advised that the SIR should not be delayed “pending the outcome of the TTP Review conducted by Comd [SFHQ(A)]”?**

105. I do not recall the conversation in which I allegedly gave this advice. However, looking at it now, I think I would have regarded the SIR for Objective 1 and the TTP Review as distinct. The SIR might have informed the TTP Review but not vice-versa, i.e. the Review would not alter what had happened two months previously on Objective 1. The Director had already signed off the SIR and so I think I would have seen no reason to delay its dispatch to Brigadier Op Law Branch.

**m. In respect of MOD-198-0003884-A and MOD-198-0003888-A: [REDACTED]**

- i. **Please can N2252 explain what his understanding was of Comd [REDACTED] HQ DSF's concerns were regarding SIRs and why he had those concerns?**

106. For a definitive answer it would be necessary to ask the Director personally, but from MOD-198-0003884-A I infer that he had two specific concerns regarding SIRs. The first is that SIRs were apparently conducted by the ground commander who had been present at the incident, and I think the Director was concerned that this might lack objectivity. The second concern was that the witness statements appeared to be formulaic and seemed with minor adjustments to be derived from a common draft. But I know that only from reading MOD-198-0003884-A.

107. In my opinion, similarity in witness statements between operations does not necessarily indicate malpractice. In my earlier career, both with UKSF and the conventional force, I remember often completing operations at [Time Given], and knowing that I then had to be in a meeting [TG] to start planning the next one. In such a situation one looks to do things as efficiently

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as possible, and if there are shortcuts that can legitimately be taken, like cutting and pasting where appropriate, then I don't find that unreasonable, provided the statement remains truthful.

108. More generally, I think N1802 also felt that unnecessary investigations would detract from the tempo that the [SU] could achieve: i.e. that they would be reviewing the previous operation when they would ideally have been preparing for the next one. I think this is what lay behind his comment to CO [SFHQ(A)] on 8 April 2011 (recorded in my note at para 58), that we needed "...to guard [SU] against spurious allegations."

**ii. Please can N2252 describe his response to the draft response circulated by N2108?**

109. I don't recall. 13 years on, it seems reasonable.

**iii. Did N2252 discuss the concerns over SIRs with others, including but not limited to Comd [HQ DSF], N2108, N1466 and N1788?**

110. I don't recall any further discussions related to this specific e-mail chain, but the procedures for SIRs were a recurring theme throughout my tour. N1802, N2108 and N1466 would all have been involved, also N1803 and her predecessor. I am not sure about N1788 as I think his input would have come through N1466.

111. I recall that there were ongoing discussions throughout 2010 with the Provost Marshal (Army) and PJHQ, which eventually led to the publication of the [SFHQ(A)] Consequence Management and Incident Reporting document on 10 Nov 10. I think that some further adjustments were then made in the spring of 2011, which also clarified the relationship between the SIR process and lessons learned (see also below), though I cannot remember the details.

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- iv. **Please can N2252 explain what he meant when he wrote “can we just nail this outstanding itch that Comd [REDACTED] HQ DSF [REDACTED] has on the relationship between SIRs and L2.”?**

112. First I would say that the culture of UKSF is one of self-criticism, and under N1802 we were a very self-critical organization indeed. His response to even a successful operation or event was generally “how can we do this still better?” So N1802 was keen that in parallel with any investigation, we also drew the appropriate lessons for how we were operating, both for current operations, and for the pre-deployment training (PDT) of the next sub-units to deploy.

113. Investigation and lessons learned are distinct activities, but in practice I think one informs the other, so I think the “outstanding itch” was to define a relationship between the two processes which would enable appropriate lessons to be drawn. To quote from what appears to be my e-mail in [REDACTED] MOD-198-0003888-A, “*As I understand it, [N1802’s] concern is that it is possible to produce a perfect SIR without an assurance that appropriate lessons are identified and disseminated.*” The “outstanding itch” was to provide that assurance.

- v. **Please can N2252 explain what he meant when he wrote “I sense this problem may be more theoretical than practical but there you go.”?**

114. This speaks to the problem I have just described. N1802 was a rigorous thinker, and he saw investigation and lessons learned as distinct processes. I am perhaps less rigorous, and I think there is considerable overlap between the two. So I think I was saying that we would develop the separate processes as N1802 had directed, but that the practical benefit might be limited, because people think logically but also intuitively, and can draw implicit lessons from an investigation, even though it is strictly speaking a separate process.

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vi. **Did N2108 “pull this together, in the form of an advice to the Comd [REDACTED]”?** If so, please can a copy of this advice be provided.

115. I don't know, but if I tasked N2108 to do that, I am pretty sure he would have done it. N2108 was a conscientious officer, so I think it's probable that he completed the task and provided the advice.

116. Regarding the second request, I didn't retain any classified documents from my time as COS and am therefore not able to provide a copy.

vii. **In his email to N1788, N2108 wrote “I have attempted to make all the arguments to Comd [REDACTED] but without success. However I have had some further direction from COS on this”: - What was the role of N1788 in this process? - Is N2252 aware of what “arguments” N2108 was referring to? If so, what were those arguments? - Please can N2252 explain what further direction he provided to N2108? - Was an email sent to [REDACTED] with changes to the process? If so please can a copy of this email be provided?**

117. I'm sorry but I can answer only one of these questions, the one relating to the further direction that I provided to N2108, and I can answer it only by referring to the relevant document, ([REDACTED] MOD-198-0003888-A) in which N2108 says “*He (i.e. me, N2252) wants us to demonstrably show that we have thought about the issue this week and fire an e-mail out to [CO [REDACTED]] with the changes to the process.*”

118. I don't know if an e-mail was sent and I don't have a copy but please see my comment on N2108's conscientiousness in para 115. The other questions appear to relate to an e-mail chain between N1788 and N2108 which I have not been shown and don't recall.

**n. In respect of MOD-198-0003438-A:**

SECRET

i. Please can N2252 explain what the ' [REDACTED] security breach' was?

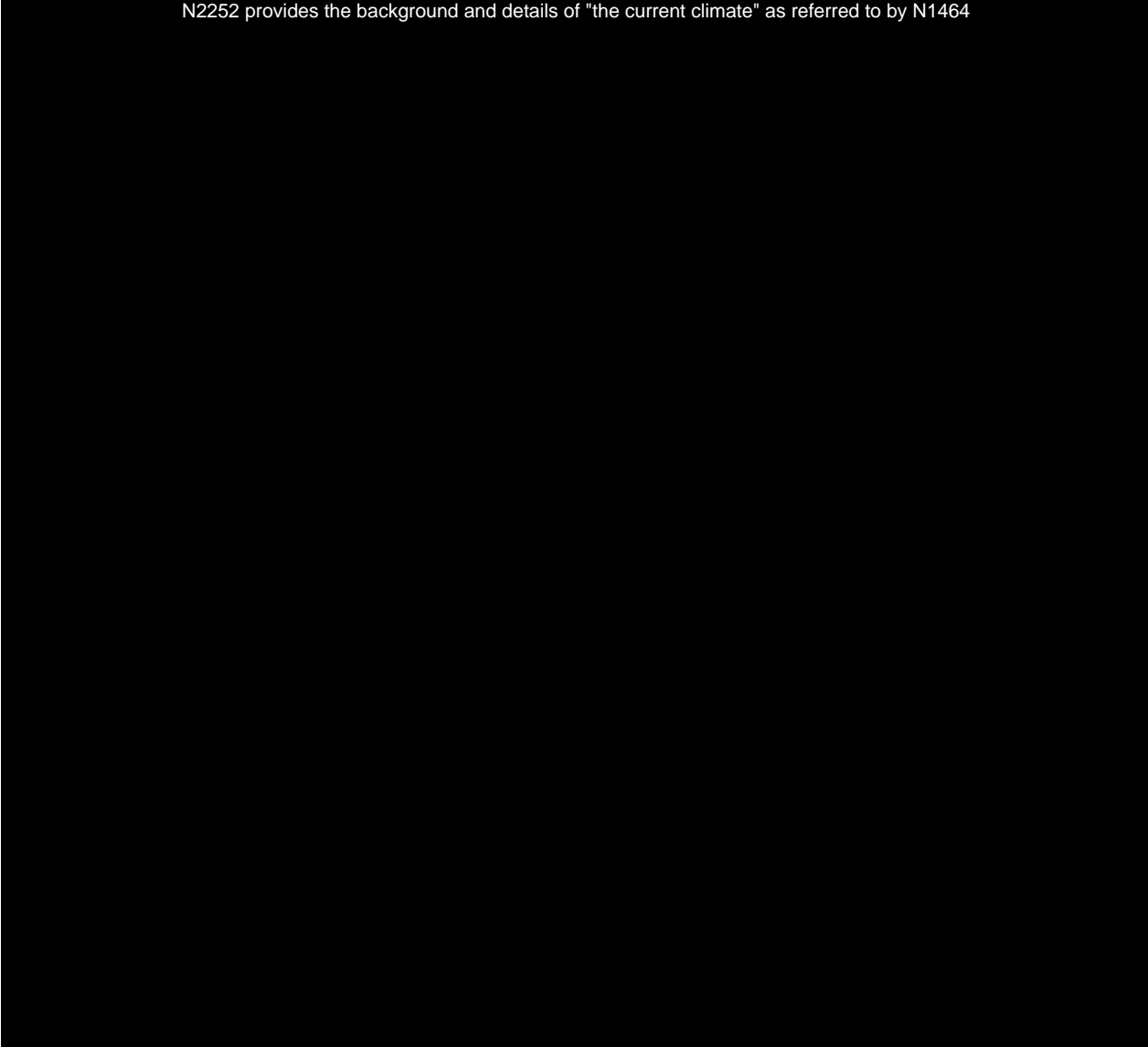
119. I am unable to explain with confidence, but it sounds as though [REDACTED]

[REDACTED]  
Details of security breach

[REDACTED] In hindsight it sounds relatively minor, but my tolerance for security breaches at that time was low, for the reasons set out in para 120 below. N1786's response is illuminating because it demonstrates the difficulties he was having in maintaining standards in an inexperienced and heavily augmented HQ.

ii. Please can N2252 explain what "the current climate" referred to by N1464 was?

N2252 provides the background and details of "the current climate" as referred to by N1464



SECRET

**o. In respect of MOD-198-0003613-A and concerns raised by [a third party entity]**

**i. Was N2252 still in post as [HQ DSF] COS at the date of this report?**

122. Yes. The [document] is dated [ ] and I left HQ DSF on or around [late

11.

**ii. Was N2252 made aware of the concerns raised by [a third party entity]**

**[ ] in respect of Objective Tyburn and/or Objective 9?**

123. I don't recall being made aware of them, but I think it's likely that I was, I was copied on that note, and as COS I had at least a passing awareness of most things that were exercising the HQ at any time.

124. The task tracker in my diary for 5 May 11 records a tasker against the LEGAD "TYBURN - [DG] May meeting", from which I conclude that there was still a live issue regarding Objective TYBURN, and the LEGAD was to attend a meeting on [DG] May 11 to discuss it. My diary is then silent until the task tracker dated 13 Aug 11, when the list of tasks for ACOS Ops includes "Obj TYBURN", with a tick against it, which generally meant that the outstanding action had been completed, whatever it was.

125. I have no recollection or diary notes of concerns regarding Objective 9.

**iii. If N2252 was made aware of the concerns, what was his role in respect of those concerns?**

126. I have no recollection of the concerns but it seems from the above that I was tracking some outstanding actions which were being discharged by N2108 and N1466, and which were completed.

SECRET

iv. Was N2252 made aware of any other concerns raised by [a third party entity]

[redacted]?

127. I don't recall being made aware of any.

v. How was the involvement of [a third party entity] viewed by

[HQ DSF] and, in particular, Comd [HQ DSF]?

128. I don't recall, but from a diary note, I think we took the view that [redacted] [a third party entity] had approached HQ ISAF, not us, and that it would therefore be for HQ ISAF to respond: we would provide the information that would enable that response. I don't think there would have been any particular annoyance at [a third party entity] becoming involved, particularly that one, but [third party entities] are not usually aware of all the relevant factors, specifically the underlying intelligence.

vi. How was the involvement of [a third party entity] viewed by [SFHQ(A)] and in theatre? This material was the subject of a PII ruling in the judicial review and [an entity] is therefore not named.

129. I don't know, and I doubt I knew that even at the time.

**Any other matters he wishes to bring to the Inquiry's attention.**

130. I hope I have been able to give the Inquiry a sense of how busy we were in HQ DSF in 2010-11, and the range of issues we were grappling with. Operations in Afghanistan were clearly important, but they were not necessarily the most pressing issue engaging the HQ at any particular time, particularly once UKSF began supporting operations in [LG (Not A)] in [Date Given] 2011. We were trying to manage a lot of issues for a small HQ, and we were pretty stretched. If one looks into any organization with the depth and intensity that the Inquiry is applying to [UKSF], one will probably find things that could have been done better. We were all doing our best.

**SECRET**

131. Finally I offer that there are two errors of fact in the Counsel to the Inquiry's opening remarks of 10 October 2023, para 52. Second bullet, DSF did not change every 12 months. N1802 was in post when I arrived, and he was still there when I left, some **NG** months later. Third bullet, N1802's COS was not N2349, it was me. I offer those purely for the sake of accuracy and understanding.

132. In addition to the documents referenced in the Rule 9 request I requested and have been given sight, by my legal team, of the following documents:

- a. **MOD-198-0000913-A**, the **SFHQ(A)** Consequence Management and Significant Incident Report procedures document dated 10 Nov 2010
- b. **MOD-221-0002796-A**, AL5 to Op HERRICK: Policy for the Reporting, Recording, Review and Investigation of Shooting Incidents that have, or may have, resulted in death or injury of any person, dated 4 January 2010
- c. **MOD-221-0002797-A**, AL6 to Op HERRICK: Policy for the Reporting, Recording, Review and Investigation of Shooting Incidents that have, or may have, resulted in death or injury of any person, dated 12 July 2011.

Statement of truth

I believe the contents of this statement to be true.

Signed:

Dated: