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Inquiry Ref:

Witness name: N889

Statement Number: 1

Dated: 24 January 2024

Exhibits: 1

THE INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

WITNESS STATEMENT OF

N889

DATED 24 JANUARY 2024

1. I, N889, am making this witness statement in response to a Rule 9 Request dated 30 November 2023. I understand that I was given the nominal N889 for the purposes of the RMP's Operation Northmoor investigation.

Did I provide a witness statement to the RMP on 21 April 2016? Was that witness statement true to the best of my knowledge and belief?

2. I previously provided a witness statement to the Royal Military Police (RMP) on 21 April 2016 [MOD-198-0000588-A]. I was not provided with any documents to refer to during the course of making [MOD-198-0000588-A]. With that caveat, I confirm that witness statement is true to the best of my knowledge and belief.
3. There is one typographical error in the third paragraph of page 5, the last sentence of which should read: *"I informed N1141 that I was questioning his integrity, and*

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he responded by categorically denying the allegations and reassuring me that his men were not deliberately killing people”.

4. Given the passage of time, my recollection of the events I am asked about in the Rule 9 Request was better at the time of making my statement to the RMP than it is now. As such, where I am asked in the Rule 9 Request about matters covered in [MOD-198-0000588-A], I adopt the contents of that statement.

Military Career

5. [N889 provides details of his University Education and joined UKAF in the late 1990's]

6. [N889 provides details of his roles, postings and operational deployments in UKAF]

7. On return from [LG (Not A)] I spent a few months preparing for UKSF [course] before attending the course [in the mid 2000s]. I passed and joined [a UKSF1 Sub-Unit]. We deployed to [Location Given (Not Afghanistan)], before

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deploying to [REDACTED] Dates and Locations Given (Not Afghanistan)

[REDACTED]

8.

[REDACTED]

[REDACTED]

In Mid 2010, I was posted

to Afghanistan as Chief of Staff (COS) [REDACTED] SFHQ(A), returning in Mid 2011.

N889 sets out his next posting including return to Afghanistan 2012/2013 and subsequent postings (not Afghan).

[REDACTED]

N889 sets out his subsequent postings.

[REDACTED]

N889 sets out his subsequent postings and promotions including current role

[REDACTED]

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My Role as SFHQ(A) COS

12. I set out my principal roles as SFHQ(A) COS in [MOD-198-0000588-A]. At the time I took over as COS SFHQ(A) in Mid 2010, the SU was new and had only recently been set up.

13. That said, it was built on a functioning operation and was executing its role effectively. It was run like a large regiment, with a HQ commanded by a Senior Commissioned Officer with a standard staff which covered all the routine functions one would expect in a HQ, from personnel administration to intelligence, planning, operational command and control, logistics, communications and liaison. The NG or so HQ staff were a mix of staff taken from within UKSF and augmentation from the single services and ranged across every rank [REDACTED].

14. The HQ had a dual chain of command with, in effect, operational control, coordination, coherency and resourcing coming from ISAF (OPCON), and command being executed by HQ DSE (OPCOM). That is a standard approach which enabled effective responses to policy related issues, resourcing and campaign insight.

15. As I recall, the key challenges at the time were responding to HQ ISAF direction and guidance to capture or kill insurgent commanders in order to create the space

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for Afghan forces to grow in strength and confidence, and to partner with key Afghan forces to develop their skills and roles within the Afghan system.

16. These pressures were at a peak over my period as [SFHQ(A)] COS, which coincided exactly with the command of General David Petraeus who oversaw the surge of troops to Afghanistan as the international community sought to make a breakthrough in the conflict.

17. I am asked to explain my relationships with a number of individuals.

a. As set out in [MOD-198-0000588-A], during my time as [SFHQ(A)] COS, three individuals held the post of CO [SFHQ(A)].

- i. [N5225]. I met [N5225] in approximately [the mid 2000s] at [UKSF1] when he was [role given]. In [late] 2009, he called to ask me if I was interested in the post of [SFHQ(A)] COS. That was our first real conversation. I enjoyed working for him in Afghanistan and have retained friendly relations with him ever since.
- ii. [N1786]. I first met [N1786] in Afghanistan when he took command in [Late] 2010. He and I got on very well. I enjoyed working for him enormously. Although I have only seen him once or twice since then, I regard him highly and would regard our relationship as a friendly one.
- iii. [N1785]. I had met [N1785] a number of times before he took command in May 2011. We only overlapped for a month. I would regard our relationship as professional.

b. [N1141]. I first met [N1141] in [Mid 2000s] in [LG (Not Afghanistan)] where he was serving [in a junior command role]. [redacted]

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[REDACTED]

[REDACTED] N5462 introduced me to [REDACTED] N1141 during [REDACTED] LG (Not A).

He and his small team were instrumental in inspiring me to attempt UKSF [REDACTED] Course a year later. After that, I did not see him much until we were in Afghanistan in 2010 and he was the OC [REDACTED] SU1A. I cover, in more detail, our interactions during this time later in this statement. We have overlapped since, and we have a working relationship.

- c. [REDACTED] N1788. I first met [REDACTED] N1788 in [REDACTED] the mid 2000s when he briefly joined the deployment [REDACTED] LG (Not Afghanistan). My next substantive engagement with him was when he was a [REDACTED] staff officer covering the 'campaigns' SO1 post and, therefore, the TTP review. [REDACTED] Details of N1788's current role

[REDACTED] I hold him in tremendous regard and see him as a friend.

- d. [REDACTED] N2108. [REDACTED] N2108 was the SO1 Legal when I first met him in approximately 2010. From what I can recall, he and I worked well together. I do not know him outside of the circumstances the Inquiry is considering.

- e. [REDACTED] N1466. I first met [REDACTED] N1466 when he [REDACTED] took [REDACTED] command of [REDACTED] UKSF3 in approximately [REDACTED] Date Given. I then worked for him when he ACOS Ops in HQ DSF. I enjoyed working for him, and I regard him as highly diligent and a man of integrity. He and I have worked together several times since and I would regard us as being friends.

- f. [REDACTED] N1803. I did not know [REDACTED] N1803 well. In her role as ACOS Policy, she would have been privy to many of the discussions around novel or contentious issues.

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18. I am asked which individuals I would communicate with at [HQ DSF] regarding consequence management. As I have set out in pages 3 and 4 of [MOD-198-0000588-A], the main focus of consequence management was internal to Afghanistan. Individuals within the 'campaigns' team and the Legad were the routine recipients of major correspondence related to consequence management both in terms of monitoring events, but more importantly to handle novel or contentious issues, such as, but not limited to, allegations of civilian deaths.

19. The individuals at [HQ DSF] with whom I communicated regarding consequence management changed over the course of my time as COS [SFHQ(A)]. Given the passage of time, I am unable to recollect, with certainty, the precise names of individuals, their respective roles or the dates in which they were in post. I believe, however, that I communicated with [N2267], [N2444] and [N2272] regarding consequence management.

Awareness of Behaviour

20. The Rule 9 Request asks me whether I *"became aware at any time or in any circumstance of behaviour by Special Forces in Afghanistan relating to:*

- a. An extra-judicial killing.*
- b. Planting of weapons.*
- c. The falsification of any record.*

21. I have read and understood the definitions of 'behaviour' and 'became aware' as set out in the Rule 9 request.

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22. To the best of my knowledge and belief, other than to the limited extent that I set out below, I have not become aware at any time or in any circumstance of behaviour by a member or members of UK Special Forces relating to operations in Afghanistan which could amount to an extra-judicial killing, the planting of weapons or the falsification of any record.

- a. **An extra-judicial killing.** Allegations about the nature of some of the deaths in the aftermath of an operation were not uncommon. I cannot now recall individual instances with clarity but, from my perspective as COS SFHQ(A) I am confident that such allegations were dealt with seriously.
- b. **Planting of weapons.** Although I cannot now recall the detail of such incidents, I do remember occasions when allegations were made about the planting of weapons. Those allegations would typically emerge from our Afghan Partner Units. The notion that our soldiers would 'plant' weapons seemed incredible to me at the time. My interpretation, formed over time, and probably with the benefit of hindsight, is that because of the nature of their role during the operations, the Afghans were typically not direct witnesses to the events surrounding a death. As a result, there were occasions when questions were raised about how a death had come about, which included whether the deceased had been armed. It is important to note that there were, of course, many more events where insurgents were killed by UKSF and the Afghan Partner Units raised no questions. It's also important to note that, to the best of my knowledge, no allegations of the planting of weapons were substantiated during my time as COS SFHQ(A). For the sake of completeness, I only became aware of allegations about the

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planting of weapons during the course of my role in consequence management as COS [SFHQ(A)]

- c. **The falsification of any record.** I have not become aware of behaviour amounting to the falsification of any record by UKSF relating to operations in Afghanistan.

Emails / Documents

23. I am asked whether I was a party to, or aware of, the following emails or documents. Given the passage of time, it is difficult to recall specific emails and documents. However, I am able to confirm that, at the time in question, I used the email address [SFHQ(A)] COS-S (although there were periods when I was away on R&R, and others may have used the account) and, where emails sent from that address are signed off by my name or by [N889] that I was the sender.

- a. [closed material]. I can't recall [closed material] directly; however, I would have approved the circulation Storyboard and FIR, having read the OPSUM. I do not recall having seen the remainder of the documents within [closed material].
- b. **MOD-198-0000325-A.** I have a faint recollection of the email being sent to me by [N1791].
- c. [MOD-198-0000324-A]. Aside from having a faint recollection of the email to me from [N1791] (MOD-198-0000325-A), I do not recall this email chain. I can see that the [SFHQ(A)]-COS-S address is involved in the email chain, and I recognise the contributions at 09:06 and 11:35 were mine.
- d. **MOD-198-0000324-A.** As above.

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- e. **MOD-198-0000239-A.** I have no recollection of this email chain. I can see that the [SFHQ(A)]-COS-S is involved, and that there are several emails signed off by me.
- f. **MOD-198-0002063-A.** There are a number of documents within MOD-198-0002063-A. I recall reading DSF's response to the TTP review. There appear to be two versions of that response within MOD-198-0002063-A; I cannot recall which version I saw. I do not recall any of the PORs within MOD-198-0002063-A as they were completed long after my time as COS [SFHQ(A)]. I do not recall the email sent by me, addressed to [N1141] / [N2267], [Name Given], [Name Given], but I recognise that it is signed off by me.
- g. **MOD-198-0003437-A.** Although I do not recall this email chain directly, I have a vague recollection of the circumstances surrounding it. I can see that the [SFHQ(A)]-COS-S address is involved in the email chain, and I recognise the emails sent from it and signed off by me.
- h. **MOD-198-0000238-A.** Although I do not recall this email chain directly, I have a vague recollection of the circumstances surrounding it. I can see that the [SFHQ(A)]-COS-S address is involved in the email chain, and I recognise the emails sent from it and signed off by me.
- i. **MOD-198-0000328-A.** I can see that the [SFHQ(A)]-COS-S address receives the email at 15:17 on [DG] May 2011, but I do not recall it.

Objective 3

24. I am asked, by reference to [closed material], whether I was aware of a CIVCAS allegation made on 30 November 2010 by [N2132] in

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respect of Objective 3. I can recall this operation and allegation in the loosest of terms. I cannot recall what actions were taken in light of the allegation.

Objective 1

25. I am asked, by reference to [closed material], whether I was aware of a CIVCAS allegation made regarding Objective 1. I cannot recall whether I was aware of this specific allegation.

Objectives TURTON and TYBURN

26. I am asked a number of questions about Objectives Turton and Tyburn, by reference to (i) MOD-198-0000325-A, (ii) [MOD-198-0000342-A], (iii) MOD-198-0000324-A, and (iv) [closed material].

27. I am asked when I was first made aware of concerns regarding males who were sent back into a building during the search phase of the DDO who then armed themselves and engaged the SU. I do not recall precisely when I was made aware of such concerns but, as set out at pages 4 and 5 of [MOD-198-0000588-A], I believe it was just before [N1788's] TTP review.

28. I do not recall whether [N1791] or anyone else raised this issue with me before 15 February 2011.

29. In MOD-198-0002877-A, [N1791] refers to a "bollocking" taking place. I do not recall such an event, nor do I know what event it might refer to. The email goes on to suggest that I had fallen out with [N1141] in early February 2011. I do not recall that, specifically. However, I do remember having a heated

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exchange with [REDACTED] N1141 which related to the TTP review. This is recorded at page 5 of [REDACTED] MOD-198-0000588-A] where I recalled having a '*short but heated conversation*' with him. I believe this would have taken place just after [REDACTED] N1788 [REDACTED] concluded his TTP review in April 2011.

30. I do not recall when I was first aware of the complaint made regarding Objective Turton, nor do I recall what actions I took on receiving notification of the complaint or as a result of [REDACTED] N1791's [REDACTED] email. From the email chains I have been provided with, it is clear that I must have spoken with the [REDACTED] HQ APU LO (whose name I do not recall) to assess the degree of concern in the [REDACTED] SFHQ(A) above the partner force. However, I do not recall any of the detail of such a conversation.

31. I do not recall when I was first aware of the complaint made regarding Objective Tyburn, nor do I recall what actions I took on receiving notification of the complaint.

32. For context, it is important to observe, at this juncture, that complaints were often made by Afghan civilians following Deliberate Detention Operations resulting in the deaths of insurgents. This is because the bodies would be left in situ, so that they could be discovered during the day and buried according to Afghan custom, but the insurgents' weapons or IED componentry would be taken away. In the absence of intelligence about the insurgents, knowledge of the events that took place on the operation or materiel to confirm in the eyes of locals who the dead were, such circumstances gave rise to an information vacuum and could explain why allegations arose and were often pursued through local governance mechanisms. Given the high tempo of the operations in Afghanistan, and therefore the frequency

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of such complaints, it is difficult to recall the details of specific ones which were raised.

33. Until around the time of the TTP review, I was not aware of any concerns regarding the ratio of individuals killed to weapons recovered, during DDOs. As set out above, I have a faint recollection of the email sent to me by [REDACTED] N1791 on 16 February 2011 (MOD-198-0000325-A and [REDACTED] MOD-198-0000324-A).

MOD-198-0000239-A

34. This email chain relates to the sharing of documents with HQ DSF after a JIAT investigation into Objective [REDACTED] PPP, which was a [REDACTED] non-DDO. I do not recall the exact details, but I do recall that civilians were killed and injured (along with insurgents) in a [REDACTED] non-DDO. The nature of the operation prompted a team from ISAF HQ – which was called a JIAT, although I cannot now recall what it stood for – to lead an investigation into the circumstances.

35. In this email chain, I would have been sharing the findings of the JIAT and the documents relating to the operation. I do not know why, in the final email in the chain, [REDACTED] N1786 goes on to raise wider allegations, and I was not privy to the call with DSF to which [REDACTED] N1786 refers.

TTP Review

36. I am asked whether I would have been able to provide any information to N1786 in relation to the TTP review. [REDACTED] N1786, who was my boss at the time. I would not have provided him with any information in relation to the TTP review. If the reference is supposed to be to [REDACTED] N1788, who was conducting the

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TTP review, I have set out at page 5 of [MOD-198-0000588-A] that I had a very brief conversation with [N1788] about the TTP review during which he was guarded because I had no role in it. I cannot recall any details about that conversation.

37. I am asked to explain MOD-198-0002063-A. There are a number of documents within MOD-198-0002063-A and I have set out above the extent of my recollection of each of them. [N1788] conducted the TTP review in close consultation with [SU1A] and [N1786]. Although I was aware of the TTP review, I had no role in it and a very limited understanding of what had triggered it.

38. Following DSF's response to the TTP review, my actions related to ensuring that DSF's orders were communicated and acted upon by the [Sub-Unit] operating in Afghanistan and the training engine in [UKSF1], which was preparing the next [Sub-Unit] for the role. In this context, I am uncertain as to why the PORs are included within MOD-198-0002063-A because they were written much later and by [Sub-Units] that were not related to the TTP review.

Concerns raised by [a Third Party Entity ("TPE")]

39. I do not recall when I was first made aware of the concerns raised [by a third party entity] [redacted] in respect of Objective Tyburn or Objective 9. I do, however, recall aspects of this engagement. As COS [SFHQ(A)], my role in respect of the concerns was to ensure that the right people were engaged and had the right information to approach the conversation without exposing classified information relating to sensitive special operations. I do not recall being made aware of any other concerns being raised by [a third party entity] in respect of DDOs.

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40. I cannot remember [SFHQ(A)]'s precise response in this instance, but we would not have engaged with such [an entity] without approval from [HQ DSF]. I do, however, recall that UKSF were sensitive about any direct communications with [third party entities] – for the reasons set out above – and that such communication was rare.

MOD-198-0003437-A and MOD-198-0000238-A

41. I am asked a number of questions about documents (i) MOD-198-0003437-A and (ii) MOD-198-0000328-A (I believe this is a reference to MOD-198-0000238-A).

42. I am asked what my view was of [N5462] suggestion: *“there is an opportunity to ‘nip’ this allegation before it becomes an official allegation and is fed into either the national or ISAF chain of commands in KABUL, attracting lots of scrutiny”*. I do not recall what my view was at the time.

43. I do not recall what I meant when I wrote: *“Similar to a number of recent queries...”*, but I would imagine that it related to other queries made by [a third party] [entity] (the name of which has been redacted in the version of MOD-198-0003437-A that I have seen). I cannot exactly recall the context to my comment that this would not *“require anything more than a conversation once you are read-in”*, but I would again imagine that it relates to giving [N2108] time ‘read-in’ to understand the other related issues before I had a conversation with him about the subject in question.

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44. I am asked what I understood [REDACTED] N2108 meant when he wrote *“It would seem that the complaint has not yet got as far as the OBJ QR complaint – it is still TFH level as opposed to ISAF. If we all agree that the aspiration to ‘nip in the bud’ at the lowest level is sound then we will need to be prepared to release something a bit more than usual ‘it’s not true’ to head this off. I am concerned that if this particular complaint gets elevated to a higher level then we will lose control of it – and our political masters could knee-jerk and apply pressure for a SIB investigation. Therefore it comes down to crafting a response that gives them an explanation that satisfies their curiosity without jeopardising TTPs/OPSEC”*

In particular the *“aspiration to ‘nip in the bud’ at the lowest level”* and *“if this particular complaint gets elevated to a higher level then we will lose control of it – and our political masters could knee-jerk and apply pressure for a SIB investigation”*.

45. I cannot recall what I thought [REDACTED] N2108 meant, at the time, when he wrote this. I would imagine, however, that the *“aspiration to ‘nip in the bud’ at the lowest level”* relates to a common desire, across both GiROA and ISAF chains of command, to address issues expeditiously to ensure that where possible they can be deescalated before needlessly hitting political levels in Kabul.

46. I do not recall being made aware of what *“the outcome of the phone call between [REDACTED] Gen Mills and [REDACTED] N2132 was on 20 Feb 11”*. I do not recall what knowledge I had of the Objective QR complaint.

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47. I do not recall what “*tactics*” were discussed at the VTC, but I would imagine, given the context of the email chain, that it would have been related to how to handle an engagement with a civil body when it relates to classified special operations. I do not know – and I did not know at the time – what [REDACTED] N2108 meant when he wrote, “*The note will hopefully scratch the itch*”.

48. I am asked to explain why there is no reference, in the email chains about Objective Tyburn (MOD-198-0003437-A and MOD-198-0000238-A), to consideration of any further inquiries by [REDACTED] SFHQ(A), [REDACTED] HQ DSF or reporting the complaint to the service police. I cannot explain why there is no reference to this made by others.

49. For my part, I had an implicit trust in the commanders in question to do the right things for the right reasons. I accepted the explanations I read in the reports from operations.

50. We were facilitating SIRs or IJC (JIAT) investigations for cases where we thought they were needed, and learning and applying recommendations. We were actively seeking to communicate with Afghans Partner Forces and seeking to develop the right relationships to enable our operations.

51. In the passage of all of this, if something had stood out to me that was of the magnitude of the allegations being considered by the Inquiry, I would have acted. Indeed, when I was made aware of the severity of the allegations behind the TTP review my first act was to directly challenge OC [REDACTED] SU1A

52. There are no other matters that I wish to draw to the Inquiry’s attention at this time.

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Statement of Truth

I believe the contents of this statement to be true.

Signed: N889

Dated:24 Jan 2024.....