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INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

Details of Closed hearing

BEFORE:

THE RIGHT HONOURABLE, SIR CHARLES HADDON-CAVE
(Chair)

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MR PAUL GREANEY KC and MR STEPHEN TAWIAH

Details of Transcriber

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(Prepared from a recording with a poor feed from the witness)

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Date of Closed hearing

CLERK: Good morning everyone. This is a CLOSED hearing of the Independent Inquiry into matters relating to Afghanistan.

Please ensure that all mobile phones and other personal electronic devices have been surrendered to a member of the Inquiry Team to ensure we have a suitably secure environment for the evidence the Inquiry will receive today.

The only electronic devices that may be retained are air gapped laptops which have been specifically approved and checked today by a member of the Inquiry Team.

The Chair of the Inquiry, Lord Justice Haddon-Cave, has made a Restriction Order in relation to the autumn IIA witness evidence hearings.

Copies of the Restriction Order are available, but, in respect of the CLOSED hearing Date of Closed hearing for Chris Green's evidence, the Order has the following effect:

(1) The Order restricts attendance at the CLOSED hearing.

(2) Attendance at this CLOSED hearing is restricted to members of the Inquiry Team and those persons identified by the Ministry of Defence and the Royal Military Police Core Participants as having a need to attend the hearing, subject in each case to the approval of the Chair and each individual holding an appropriate level of security clearance. Each hearing session will be held in a locked room, to which further access will not be permitted until the conclusion of the session.

(3) The Order prohibits publication or dissemination of the identity of today's witness, Chris Green, or any information which might lead to their identification until the Inquiry confirms on its website that he has provided evidence to the Inquiry, which shall not in any event be until after he has finished giving evidence.

(4) The Order prohibits communication of any detail about the timing of, or the venue for, this hearing by any individual, save for within members of the Inquiry Team, members of the MoD and RMP Core Participant Teams and those present at the hearing or notified of the details of it for that purpose.

(5) The Order prohibits publication or dissemination of any evidence provided at this hearing. The evidence must not be shared or discussed outside of the Inquiry Team,

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1 the MoD and RMP Core Participant Teams or those permitted to attend the hearing.
2 A CLOSED transcript of the evidence will be provided to those attending the
3 hearing in due course, to which this Order will also apply.

4 (6) This Order shall not prevent the Inquiry from:

5 (i) providing a gist of the evidence given at this hearing to Core Participants
6 and/or publishing the same on its website, or

7 (ii) publishing a gisted version of the Chris Green hearing bundle in due course.

8 (7) Each of the above Orders are subject to a penal notice, meaning that any breach
9 of any element of the Restriction Order may be certified to the High Court (or the
10 Court of Session), who will have the power to fine or imprison anyone found to have
11 been in breach of the Order.

12 All rise.

13 CHAIR: Mr Green, thank you for coming to give evidence to the Inquiry today and thank
14 you for your detailed statement, which I have read very carefully. We have plenty of
15 time, so take as long as you like over your answers. We will take some breaks.
16 Could the Witness be sworn, please? Thank you.

17 Mr CHRISTOPHER GREEN, Affirmed
18 Examined by Mr GLASGOW

19 CHAIR: Thank you. Mr Glasgow.

20 MR GLASGOW: May it please you, Sir. Could you give US your full name, please,
21 Sir?

22 A It is Christopher [REDACTED] Green.

23 Q Mr Green, you have in front of you a red file and hopefully it is in the same order in
24 which mine is in. Can I just check with you that we have the same document before
25 we embark on your evidence? Behind divider 1 you should have your statement to
26 the Inquiry dated 15 August of this year.

27 A Correct.

28 Q And then various exhibits are provided behind that. Behind divider 2 is your first
29 exhibit, which is the statement you provided to the Royal Military Police in October
30 of 2017.

31 A Correct.

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- 1 Q Behind divider No 3, the statement that you provided to Leigh Day as part of their
2 claim against the Secretary of State for Defence, and that provides behind it a large
3 number of exhibits that were originally attached to that statement.
- 4 A Correct.
- 5 Q And then behind divider 4 you should have a copy of an article that you wrote
6 entitled "Rogue Troopers or Standard Operating Procedure".
- 7 A Correct.
- 8 Q And then lastly the chapter that you contributed to the book *Ground Truth*. Yours is
9 chapter 8 entitled "Killing over winning".
- 10 A Correct.
- 11 Q Before we embark on looking at any of the detail, first this, please, Sir. Would you
12 like your exhibit(sic) to the Inquiry, which has those various exhibits attached to it,
13 to stand as your evidence to the Inquiry?
- 14 A Yes.
- 15 Q What I am going to do is to give you an idea of the route I would like to try to take
16 through your evidence. Ultimately you will choose the route and I will try and help
17 you, but the most important thing is, if I do not cover a topic that you think is
18 important, if I do not ask a question that you think matters, will you tell me, because
19 the most important thing is you have the opportunity to tell the Chair all that might
20 be relevant to assist him in answering the questions that the Inquiry is grappling
21 with?
- 22 A Certainly.
- 23 Q Now, what I would like to do is initially I will take you through some of your career,
24 both military and civilian, which will help us understand how you are in a position to
25 give the evidence today. Then what I would like to do is to look at the various
26 sources that we have just touched upon when looking at the file to identify different
27 areas from which we can draw assistance. I would like to consider your role on
28 deployment and then we will deal with some of the more important issues that you
29 have touched upon in your statement and have written about, namely what happened
30 at the Patrol Base Rahim and the incident involving Bebe Hazrata's children and
31 then turn to consider some of the opinions that you have offered about the conduct of
32 UKSF, okay?

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- 1 A Yes.
- 2 Q As the Chair indicated at the start, we will take some breaks. We are likely to take
3 two short breaks this morning and then we will see how we go this afternoon. I
4 think it is possible we will complete your evidence today, and I am certainly
5 working towards that. If it becomes obvious we will not, I will let you know. We
6 have tomorrow. But the most important thing, as I mentioned when I met you before
7 we came in is this: if you need a break at any stage, will you tell me?
- 8 A Certainly.
- 9 Q You do not have to wait until one is offered to you, okay?
- 10 A Okay.
- 11 Q And, again, if at any stage I ask a question that does not make sense (and it happens
12 more often than I would like) or if I try to take you to a document you cannot find,
13 will you stop me and interrupt me because my questions are irrelevant; it is your
14 answers that are important.
- 15 A Thank you.
- 16 Q Now, first then in the topics that I would like to cover, your military career, both
17 aspects to it, and touching briefly on the gap in between. You set that out, if you
18 want to look at it, in the statement to the Inquiry at paragraphs 8 and 9. So it is
19 behind divider 1, looking if you would to page 2 in the red print at the bottom, and it
20 starts at paragraph 8.
- 21 A Yes.
- 22 Q You were commissioned into the Royal Corps of Transport in 1988 and served in
23 Gulf War 1 with 27 Transport Regiment.
- 24 A That's correct.
- 25 Q And thereafter you spent time in Northern Ireland with the 2nd Battalion Light
26 Infantry, deployed to Hong Kong with the Gurkha Transport Regiment, then to the
27 Former Republic of Yugoslavia with 28 Gurkha Transport Squadron and retired
28 from the regular Army in 1996.
- 29 A That's correct, yes.
- 30 Q In civilian life you embarked on a career in advertising, marketing and
31 communications and then, in 2010, you recommissioned, this time into the Army
32 Reserves.

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- 1 A Correct.
- 2 Q And you set out in your book the reasons that led you to take that decision. I am not
3 going to go into them because anyone that has read your book will understand the
4 motivation behind it, but having joined the Army Reserves, you then served between
5 January and September of 2012 with the 1st Battalion of the Grenadier Guards in
6 Afghanistan.
- 7 A Correct.
- 8 Q Based at the Military Operating Base PRICE, which was south west of Gereshk.
- 9 A Yes, the acronym MOB is not Military but Main.
- 10 Q Main Operating Base, thank you. For clarification, at any time either before going to
11 Afghanistan or whilst in Afghanistan, did you serve with UKSF?
- 12 A I did not and have not.
- 13 Q And, whilst in Afghanistan, did you take part in any of the deliberate detention
14 operations that have been part of the focus of this Inquiry?
- 15 A I did not.
- 16 Q Right and, again for clarification before we embark on other evidence, at any stage
17 did either you witness or did you have it reported to you the details of allegations or
18 stories of war crimes being committed by UKSF in Afghanistan?
- 19 A I did not.
- 20 Q Right. Now then, in terms of the sources of evidence, if we just look briefly to some
21 of those with your help, please. Your book was published in 2016, *Spin Zhira: Old*
22 *Man in Helmand*. In that, you provided a diary of your experiences that led up to
23 your decision to recommission and ultimately your period of deployment between
24 January and September of 2012.
- 25 A That is correct.
- 26 Q And in that book you have provided some detail about the night raid in Rahim that
27 you have written about in more detail since then.
- 28 A That is correct, yes.
- 29 Q And, again, just touching on it briefly if we may and to help you get a feel for the
30 documents, if we were to look together behind divider 3 for a moment and if you
31 follow the red numbering in the bottom, “CG”, your initials, we are looking for page
32 100, which is almost at the very back of this particular section.

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- 1 A Yes, I have that in front of me.
- 2 Q And we have here a photocopy from pages 319 and 320 of your book. If we look to
- 3 our page 100 and we look to the third paragraph down beginning “Again”:
- 4 “... I found myself in conflict with British Tier One Special Forces. TF196
- 5 insisted the men were insurgents, but this claim seemed highly improbable
- 6 to me. The brothers’ compound was just a short distance from one of our
- 7 patrol bases and any suspicious activity would almost certainly have come
- 8 to our attention. Our own J2 Shop had nothing on the men. The general
- 9 consensus from our analysts was that the SAS, while ruthlessly efficient as
- 10 always, had directed their special talents against the wrong targets.”
- 11 And that, of course, is the first time in your book that you had mentioned the night
- 12 raid in Rahim, which you have written about in more detail ever since.
- 13 A Correct.
- 14 Q Just to the next paragraph very briefly, if we may, please, together:
- 15 “When I challenged a TF196 spokesman on their version of events he
- 16 played their top secret joker once more. Speaking to me by phone from an
- 17 undisclosed location he said the information was classified. As a known
- 18 Taliban-loving apologist and mere part-time soldier I could not be trusted
- 19 and had no authority to contradict elite tier one special forces. A short
- 20 while later I received another telephone call from the charming colonel in
- 21 Task Force Helmand ordering me to drop my line of enquiry. Although he
- 22 remained amiable I detected a hardening in his tone.”
- 23 If we then look, if you would not mind, please, on in this divider to page 103, *The*
- 24 *Sunday Times* wrote an article in July of 2017, so almost a year exactly to the day
- 25 after *Spin Zhira* was published. This article is entitled “I saw SAS team gun down
- 26 my innocent farmer sons, claims Afghan mother”. This is the account provided to
- 27 *The Sunday Times* by Bebe Hazrata as to what happened to her three sons during that
- 28 night raid in Rahim. Can we look together briefly for the moment onto page 104? I
- 29 invite your attention to that particular page because you provided information to *The*
- 30 *Sunday Times* and are quoted in this article. If you look down to the fourth
- 31 paragraph beginning “The deaths”.
- 32 A Yes.
- 33 Q
- 34 “The deaths had caused tension at a time when the British Army was
- 35 attempting to build better relationships in the villages and towns of
- 36 Helmand.”
- 37 And then you are quoted:

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1 “The local population turned against us for killing three innocent farmers
2 ...”

3 And then you went on:

4 “As far as we were concerned we had absolutely no intelligence to suggest
5 or corroborate that they were bad guys who needed to be killed.

6 [The elders] were very clear that their position was that it was an execution.
7 I personally believe that they were probably right.”

8 And then you record that, as you had done in your book before, you were told not to
9 pursue the enquiries you made. If you skip a paragraph to the one beginning “He
10 says”, which is a reference to you:

11 ‘He says a special forces’ spokesman based in Helmand Province refused to
12 allow him access to the video footage of the mission, known as “the gun
13 tapes”, claiming it was “top secret”. Then he was blocked again when he
14 tried to escalate his concerns about the incident up the army chain of
15 command.

16 “I was told to stop pursuing lines of Inquiry”, he recalled. “I was basically
17 told I was not going to get the information. I was going to have to accept
18 their explanation that it was too top secret to share with me.”

19 And then you continued:

20 “Green says he was told that the SAS soldiers had claimed that they had
21 believed the three men were carrying guns under their tunics. However, he
22 said he was not convinced by the explanation.”

23 Again, we will come to look at that again when we deal with that particular incident
24 in the course of your evidence, but that was the first article in which you were
25 quoted by *The Sunday Times*. That, as I have already identified, was July of 2017.

26 The next article was in October of 2017. If you were to turn on, please -- sorry
27 November of 2017 -- if you were to turn on to what is our red page 106, that is the
28 next article, but I am going to make life slightly more difficult for you for a moment.
29 Can I ask you to keep your finger in page 106 and turn back to divider 2? The
30 reason for doing this is I want to try to put this in a chronological order to help you
31 as best as possible. The reason for looking to divider 2 is because, in between the
32 July and the November articles, you signed your statement to the RMP in October
33 2017. So just touching again briefly on this particular document, and we will come
34 back to it, can I ask you using the red numbers in the bottom still to turn to page 19
35 and the paragraph that begins “It was my opinion”, because you now offer certain
36 opinions about UKSF tactics and the Rules of Engagement:

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1 “It was my opinion, based on feedback through Shuras, find, feel,
2 understand, inform ... patrols and engagement with the local population in
3 our [area of operations] that the SF tactics of night raids were alienating us
4 from the local population and were not aligned with UK foreign policy
5 aiming to restore democracy and the economy.

6 I was also concerned that the SF operations did not appear to be bound by
7 the same [Rules of Engagement] and that there was a general lack of
8 accountability as they operated outside the normal Chain of Command ...”

9 Can we then turn on, please, if you would not mind, to what is numbered page 21
10 and you pick up at the top of this page on the information that had been provided to
11 you by the SF Liaison Officer? If we look to the top of the page, “he”, that is the
12 Liaison Officer:

13 “... he informed me that the SF intelligence was good and that the three
14 men had been killed only after they reached for concealed weapons.

15 I asked to see the gun tapes to corroborate this version of events but this
16 was refused. I also asked to see the SF J2 that supported this operation but
17 this was also denied.

18 I raised this with the [Task Force Helmand] SO1 Info Ops who advised me
19 not to ... pursue this.”

20 Last if we look over the page to page 22, still the last part of the statement to the
21 RMP, you concluded:

22 “It was my view that the refusal to show me the gun tapes was in effect an
23 admission of guilt that SF personnel had operated outside the [Rules of
24 Engagement].”

25 If we then go back to where your finger was, which is page 106 in divider No. 3,
26 please, again bearing the title “SAS told my sons: ‘Hands up’ - then shot them”, that
27 of course is a reference to Bebe Hazrata and what she had told the newspaper when
28 she discussed the matter with them. If we look over to page 107, if we count down
29 five paragraphs to just below that top hole punch beginning “However”.

30 A Yes.

31 Q And simply so that we have this in chronological order, you identify that you had
32 been approached by RMP detectives after your claims had been published in July.
33 So that is a reference to the July 2017 newspaper article in *The Sunday Times* we
34 looked at a moment ago.

35 A Correct and, as I recall, I asked George Arbuthnot to connect me with the Royal
36 Military Police.

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- 1 Q Thank you. If we run our finger further down the page, if you were to count three
2 paragraphs up from the bottom is the easiest way of doing it, it begins “Our own
3 intelligence”:
- 4 “Our own intelligence team had no information which suggested a link to
5 the insurgency ...”
- 6 And I pause. That is a link to the insurgency from the three deceased sons of Bebe
7 Hazrata, so:
- 8 “... no information which suggested a link to the insurgency ... so far as we
9 were concerned, these men were farmers.”
- 10 There was then a second article in *The Sunday Times* in November. On, if you
11 would not mind, to page 109. This picks up on further information that had become
12 available, which was the amount of money that had apparently been paid to Bebe
13 Hazrata. The article bore the title: “Mother of three sons shot by SAS paid £3,634”.
14 Beneath your photograph was the words:
- 15 “Chris Green, a former British Army major says the raid must be fully
16 investigated.”
- 17 Can we just look on to page 110 and pick out some of the quotations attributed to
18 you, please, Sir? Fifth paragraph down beginning almost adjacent to that first hole
19 punch, “Green said”.
- 20 A Yes, I have it.
- 21 Q Having identified that the sum had been paid and the case marked as settled:
- 22 ‘Green said compensation payments were not paid to the families of
23 insurgents killed in combat.
- 24 An MoD source denied the payment was compensation and instead called it
25 an “assistance payment”. The source said the payments did not constitute
26 an admission of liability. However, Green was adamant the payment was
27 “so unusual” that it was considered by officers at the time to be evidence of
28 a special forces’ mission gone wrong.’
- 29 Can we then, if you would not mind, go back to the start of our divider No. 3, which
30 is the statement you gave to Leigh Day? That was a statement in October of 2021.
31 You will see the date in the top right corner of the front page. What I would like to
32 do simply is to look at some of the themes that you had identified towards the end of
33 that statement. If you keep with the red page numbers at the bottom, it is page 37.
34 We will go through the details that you have provided in this statement about the
35 incident in Rahim, but it is just that you had added here what was said to be:

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1 “The prevailing consensus that Special Forces in Afghanistan were out of
2 control”.

3 And the paragraph reads as follows:

4 ‘A serving soldier will never say it but the general consensus of opinion in
5 Afghanistan was that the Special Forces were out of control. They seemed
6 to operate under a completely different set of Rules of Engagement to the
7 rest of us. We were also carrying out operations clearing compounds but
8 we would never have acted as they did. They seemed to have a “pass”
9 when it came to the law of armed conflict which we were rigidly held to.
10 We were rigorously schooled in adhering to the Rules of Engagement.
11 Every month we would have tests, usually conducted through PowerPoint
12 presentations, on the Rules of Engagement. Task Force Helmand was
13 exemplary in our restraint and our use of lethal force. We went to
14 extraordinary lengths to make sure that when we did use lethal force, we
15 followed the letter of the law. We even had lawyers on hand in the Task
16 Force Helmand ops room to advise commanders on the ground on when to
17 shoot and when to hold fire. The same rules did not seem to apply to
18 Special Forces who were disconnected from the rest of the British army,
19 operating under a different chain of command.’

20 Again, we will come back to these particular themes in more detail, but trying to
21 keep if I can with the chronology and, again, I am moving you through the bundle
22 but I suspect you will get used to this eventually. On, if you would not mind, to
23 divider No. 4, please, which is an undated article again which featured in *The*
24 *Sunday Times*, entitled “Rogue Troopers or Standard Operating Procedure?” What I
25 would like to do is to take you in that to page 116, so the second page behind divider
26 No 4.

27 CHAIR: Have we got the date of that article? Did I miss it?

28 MR GLASGOW: We do not have the date but we are trying to establish it. It was not
29 entirely clear and it was not a date that the witness was able to recollect when he
30 provided his statement to us.

31 A It was a, it was what they call an Op Ed, so opposite an editorial piece and I actually
32 forget the name of the journalist who, who wrote that. I think we could find that by
33 doing research on *The Times* newspapers. Using this headline we can get that date.

34 Q Thank you. If we were to look to that second page, so our page 116 in red, if we
35 look to the second paragraph beginning “When I raised my concerns”:

36 ‘When I raised my concerns with Task Force Helmand headquarters, I was,
37 rather more politely but no less forcefully ordered to drop my enquiry. I’d
38 been silenced by the Task Force Helmand top brass but the Village Elders
39 remained determinedly voluble. Thanks to their persistence, three weeks

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1 later Bebe received an “assistance payment” of £3,364 from the UK
2 Ministry of Defence. The Ministry denied this was compensation, claiming
3 it did not constitute an admission of liability for the death of her sons.

4 To everyone on the ground, including myself, it was nothing less than
5 exactly this. So far as I knew, Her Majesty’s government was not in the
6 habit of financially assisting the mothers of armed Taliban commanders
7 legally killed in self defence - as the SAS had claimed.

8 Shockingly, no one was particularly shocked or even surprised. It was
9 widely acknowledged that Special Forces were a law unto themselves.’

10 Now, the reason for identifying some of those features in either your work or in
11 articles to which you have contributed is that we are able to see the nature of the
12 report that you had provided over time to either the readers of your book, the readers
13 of *The Sunday Times* or various other individuals. What I am going to do over the
14 course of your evidence is to come back to look at those themes and to identify if
15 there are discrepancies in those accounts why there might be discrepancies or
16 whether they can be discounted; if there are discrepancies whether they might be
17 significant or not, okay?

18 But, before we try to do that, what I would like to do is to have your help first of all
19 with your period of deployment, because that is extremely important so that the
20 Chair is in a position to understand the role that you performed whilst you were part
21 of Op HERRICK 16 and in particular then he will be able to put your evidence in
22 context, okay? Now, I anticipate that you do not need to look to the relevant parts of
23 any statement, but I am going to give paragraph references and page references to
24 other people.

25 A Of course.

26 Q Feel free to turn to them if you want to. Sir, you will find perhaps the best place to
27 start is behind divider No. 3, the statement provided to Leigh Day and indeed
28 starting at paragraph 10, so our page 27 in red at the bottom.

29 A Yes, I have got that open, yes.

30 Q You explain that you were:

31 “... deployed as the Battlegroup Information Operations Officer ...”

32 And you describe that that was:

33 “... all about engagement with the local population.”

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1 In your book you had identified why you had perhaps the most appropriate skills
2 from civilian life to fulfil this particular role, but can you explain to us what that role
3 entailed and the sort of work that you were conducting on a day to day basis whilst
4 you were in deployment for those nine months?

5 A Sure, so the role of Information Operations was a relatively nascent role within the
6 British military at that time and, because it was a new area of effort, the military
7 were looking to people with marketing and communications expertise, particularly
8 those people who were in the, in the Reserves to support them in carrying out that
9 function. So there was an obvious, it was an obvious fit for me to perform that role.
10 I did attend a number of Information Operations courses prior to deployment so that
11 I sort of understood what the Army's expectations were in that role.

12 The Commanding Officer, Lieutenant Colonel James Bowder and now General
13 Bowder, was keen actually to create a new role for me which he termed the
14 Engagement Officer. I had two issues with that: the first one was, when soldiers talk
15 about "engagement", they typically talk about a kinetic engagement where shots
16 have been fired, so I felt that the title Engagement Officer was not the right one, so
17 rather than resist his suggestion, I sort of quietly over time transitioned from being
18 the Engagement Officer to the Information Operations Officer, which I felt was a
19 better title and much more consistent with the direction of travel that the Army was
20 moving in in terms of naming conventions.

21 I had a reasonably free portfolio, in that the Commanding Officer was not
22 particularly directive. The two areas that he, he wanted me to focus on was, first of
23 all, the internal narrative, the narrative that we would share with our own, within the
24 battalion in terms of what we were doing and why we were doing it and where our
25 area of main effort would lie. So I wrote something that we called the Transition
26 Narrative, which laid out three key lines of operation for the battalion and then we
27 used that as a structure to report our activity against those lines of operation. So that
28 was one area, the internal communication.

29 Then the other area was actually to get a feeling for the perceptions on the ground
30 with regard to the master narrative which ISAF was pushing out, which was, if I
31 remember correctly, a better life with GIROA, being the Government of the Islamic

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1 Republic of Afghanistan. So I came up with a framework by which we could
2 measure some of that, some of that activity and we created a traffic light system
3 across all of the different areas we operated in, so a very simple system of green,
4 amber, red to identify how well we were performing against that master narrative.

5 Q In terms of securing the engagement and using that advisedly, but in terms of
6 securing the engagement of those within the Task Force themselves, did that involve
7 you speaking to or presenting to service personnel to help them understand the role
8 that it was hoped that the British military were performing in Afghanistan?

9 A Yes. As I, as I recall the process of that, I, I presented a framework to the
10 Commanding Officer and said "I think it looks like this". He was satisfied that that
11 was a useful tool. He, we then engaged with all of the company commanders and
12 the staff officers to explain that narrative to them and the implications to them
13 thereof and the fact that they were expected in our daily updates to report against
14 those lines of operation and so on. I think, if you were to look -- and I noticed that
15 my, my confidential report is somewhere in this document -- there is a point in that
16 where he says that it informed every action. So it was widely, widely used by the
17 battalion.

18 Q And in terms of it being used by the battalion, was its use limited to the regular
19 Green Army or did it cross over to UKSF at all or do you not know?

20 A No, there would be no cross-over. Indeed, I suspect that it was only used by the
21 Grenadier Guards Battalion for the duration of their tour. It was not, much to my
22 disappointment, it was not a lasting tool that was carried forward and, although it
23 was commended by the Task Force Helmand Commander again in my appraisal, I
24 don't think it was adopted by any other unit within the Task Force.

25 Q When it came to considering this particular plan, at any stage did you get
26 engagement from anyone within UKSF or did you discuss it with anyone in UKSF?

27 A Our Transition Narrative?

28 Q Yes.

29 A No.

30 Q And then looking at the other side of that particular project and the engagement with
31 the local population and the message that was trying to be conveyed, namely that life
32 under GIRoA would be better than the life they either faced at that present moment

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1 or had had before, how did you impose -- and I do not mean that in a critical sense --
2 but how did you deploy the traffic light system to secure the understanding of the
3 population as to why you were there and what you were trying to achieve?

4 A Sure, I mean, I think the particular challenges that we faced was that, within the
5 battle group, we only had one fluent Pashtu speaker, so we were not really able to
6 engage reliably through language because we, we always had to accept that there
7 would be some degree of interpretation that our interpreters would put on it, very
8 often trying to find the positive. So it was very much an observational tool and so
9 we would look at measures of prosperity, for example. So, did people carry mobile
10 phones? Did people have solar panels in their compounds? What kind of goods
11 were stocked in the local shops and bazaars? So it was very much an observational
12 tool to see whether those people in areas of GIRoA control had a good quality of life
13 relative to those people in contested areas. Those are areas where we were
14 contesting control with the, with the Taliban and the insurgents and indeed in areas,
15 when we did go into areas controlled by the Taliban, the quality of life there. So it
16 was very much an observational tool because of our limitation of actually being able
17 to have dialogue.

18 I leaned on a lot of my marketing experience to, to try and figure out what those
19 measures would be. So I had previously worked for a company called Hammerson
20 as their Marketing Director. They own a number of shopping centres around the UK
21 and we would conduct ourselves something called a “mystery shop” to kind of
22 examine the experience of shoppers. So I was bringing some of my marketing
23 knowledge and expertise to bear in terms of trying to measure that, that quality of
24 life, a better life with GIRoA.

25 Q Was it easy to deploy your civilian skills in a military context, because the two
26 worlds seem to be very different, if you do not mind me making that observation?

27 A They are extremely different and yes, it was definitely a challenge. As I think I have
28 outlined in my book, there were moments when I realised that by using the language
29 of marketing and communications and advertising, I completely lost my audience,
30 who are hard-bitten soldiers, and so it was a constant battle of persuasion and I
31 didn't always get it right.

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1 Q In terms of considering the traffic light system, did that inform the way operations
2 might be conducted or indeed whether certain operations would go ahead?

3 A I don't think that um it had a great deal of impact on whether operations went ahead
4 or not. I think that over time um I did, it became persuasive. So the Grenadier
5 Guards were a light role infantry battalion. They're, you know, they are infantry
6 soldiers. They were at the very sharpest point of British foreign policy objectives in
7 Afghanistan at the time and they were not really used in terms of their training or
8 their expectation of what was expected of them they didn't, you know, they didn't,
9 engaging with the local population in this way was not the same thing that they had
10 considered to be important.

11 What I think was useful was that, by having clear lines of operation, it enabled them
12 to measure their activity so, for example, if a company was pursuing a lot of fighting
13 patrols, so going, setting out to engage and constrain the enemy but they were not, so
14 that was one of our lines of operations clearly, but another line of operation was to
15 compel the local nationals to accept GIRA governance. If they were spending too
16 much time on fighting patrols and not enough time compelling local nationals, then
17 that would come out in their operational reporting because only one line of operation
18 was being filled with activity. So I think that it was useful over time and it was,
19 although there was some resistance initially from company commanders to adopt
20 this methodology I think over time and the feedback that I got over time, it actually
21 was pretty useful.

22 Q One of the things that you have identified in your statement to Leigh Day, and if you
23 do have page 27 there, if we just look to paragraph 11 for a moment, you explain
24 that:

25 "In the planning of operations, I was there to consider how we were going
26 to seek to communicate with locals."

27 And then, as you have just observed:

28 "Since we didn't speak any Pashtu, our actions and the way we conducted
29 ourselves would be our communication. As far as possible, we needed to
30 understand the effects of any operations we conducted and the impact that
31 would have on the local population."

32 Can I just ask you about that, please? To any extent was that a change in approach
33 that you tried to bring about with the Grenadier Guards or was that already

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1 something in place but that you were able to focus on with a bit more clarity because
2 of your background?

3 A I think the latter rather than the former. I think that, you know, the Green Army
4 behaved and conducted itself in an exemplary way for the most part, but I think that
5 there was a lack of consideration for what I would call second and third order
6 effects. So, these were, you know, to try and give you an example, if we were, if we
7 were conducting a ground clearing operation so we were clearing insurgents from an
8 area, which was a reasonably frequent occurrence during our tour, the second and
9 third order effects of that were that we would probably be driving our vehicles over
10 farmers' fields and, whilst that might be tactically necessary, there was a second or
11 third order implication of that that we were actually damaging the crop that that
12 farmer was relying on to sustain his family. I think some of these second and third
13 order effects were not always being either (a) clearly articulated or (b) thought
14 through and I think that I was able to, to bring to bear some consideration of those
15 second and third order effects.

16 Q Just considering operations by UKSF, for example, on a number of occasions you
17 have expressed the view that you and others had formed about the impact night raids
18 were having on the local population. Is there a difference in terms of second and
19 third order effects that might not have been picked up? So, if one thinks, you have
20 an eye to the consequences of driving across a field, so the damage to the crops, the
21 problems of the livelihood to the future of the family. With a night raid that is
22 conducted, are there second and third order effects that need to be borne in mind
23 before those operations are embarked upon?

24 A I would strongly argue yes and I would, and of course this is just my opinion, but I
25 would argue that the Afghan campaign was a failure in large part because of the
26 tactics of night raids, which turned the population against us and which, in terms of
27 their outcomes, I think operated outside of the Law of Armed Conflict as I
28 understood it. So I think it was a very, very damaging tactic.

29 Q We have already received evidence as to President Karzai's attitude towards night
30 raids and observations that he had made, but can I ask you this before I pick up on
31 what you have just said about the Law of Arm Conflict? It is this: given your
32 difficulty to communicate with the local population because your company had only

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1 the one Pashtu speaker, how were you able to gauge the impact on the population
2 that UKSF night raids were having?

3 A I mean, I think if we, if we take the Rahim incident, the extreme anger that was
4 directed towards the ground holding company after that raid um is, is an example of
5 the reaction. So the, the Spin Zhiras, the local elders were incandescent that this raid
6 had taken place and that, in their view, three innocent farmers had been killed.

7 Q Were there any other occasions where similar complaints had been raised that either
8 you were made aware of or that you observed being made?

9 A I think the, the most notable one which involved Special Forces was the attempt to
10 close down the Hawala system in Gereshk, which I have recounted in my book.
11 Essentially the first order effect is yes, we are disrupting Taliban finances and I
12 completely understand that, but it was taking a sledgehammer to crack a nut because
13 it actually closed down the entire economy of Gereshk, so the second and third order
14 effects of that were that ordinary citizens who might have well embraced the GIRoA
15 Government actually found themselves unable to, to run their finances of their
16 businesses because the Hawala system was closed.

17 Q Now, we know from your evidence the steps that you took following that particular
18 incident, the document that you prepared and wrote and the way that it was received
19 and we know also the attitude that there was to your raising concerns about what had
20 happened in Rahim, but can I ask you this? Just putting your concerns to one side
21 for a moment, do you know whether others shared your concerns about those two
22 incidents?

23 A Yes, I mean, I think that um the balance of opinion certainly with regards to the
24 Rahim raid was, I believe I'm right in saying that the patrol base had been there
25 since 2006 so it was not something new, it was not something that we had set up
26 ourselves without them. We had simply occupied it successively over a number of
27 years. So we, we had come into an area where we had very good intelligence. We
28 knew the names of all the farmers that lived in the village of Rahim. That
29 intelligence had been gathered over a number of years and was passed to us. So
30 when I said "We had no intelligence", it was intelligence that dated back to the time
31 the patrol base had been set up and the general consensus from our intelligence team
32 -- and this was reiterated to me personally by the Intelligence Officer who also made

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1 the same comments in the Commander's update briefing that we had every morning
2 -- was that we really don't have any information that these guys are anything other
3 than farmers. It seemed highly unlikely to me, given the length of time that the
4 patrol base had been there, that we had somehow missed something, not impossible
5 but unlikely.

6 Q We will come to that in due course because clearly it is an important part of your
7 evidence, but before we get side-tracked by that for a moment, just can I ask you
8 this? In terms of anyone expressing their concerns to you about the activities of
9 UKSF, did anyone express to you that they had reservations about other night raids
10 or other instances where they had questioned the conduct and actions of UKSF?

11 A I think that the, the, there was broad knowledge that this was something that Special
12 Forces were doing night raids. You know, to the best of my knowledge, this was the
13 only night raid that was conducted in our AO during our time um but I think there
14 was a general understanding, largely I think through the media, that night raids were
15 a common tactic and reservations were widespread around the utility of doing that.
16 So it was something that was discussed in broad terms rather than specific incidents
17 and I think that there were, particularly amongst the officers with whom I socialised,
18 there were broad concerns that this was not a war winning tactic.

19 Q If we just leave aside questions of whether it was or was not a war winning tactic for
20 a moment and picking up on something you said a few minutes ago, you expressed
21 the view that you held that night raids fell outside the scope of the Law of Armed
22 Conflict. Again, we will come back to this in due course ----

23 A Sure.

24 Q -- but could I ask for you a short explanation as to why you say that now and then we
25 will move on in due course to consider it again?

26 A Yeah, I think that there are a number of issues here, but I think the primary issue um
27 is this idea that it is all right, it is okay for us to kill bad men if we know that they are
28 bad, and that is simply not the case. If somebody is *hors de combat*, so they are
29 outside of combat, i.e., they are sleeping in their bed at night, it is not legally
30 appropriate to assassinate them and so I think that there was some reservation
31 certainly that this was not the way to prosecute the war, that it was outside of the
32 Law of Armed Conflict. So targeting men whilst they were *hors de combat* was

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1 fundamentally flawed. So I think that is the most important point. Of course, there
2 are also legally binding ways in which we conduct ourselves. So, yes, I was very
3 concerned at this, this idea that the end justifies the means was a justification for
4 night raids because, to the best of my knowledge, that is not the case. So, that, that
5 also was a concern for me.

6 And then the second concern was that we were fighting a counter-insurgency where
7 hearts and minds are at the forefront and yet this seemed to become a secondary
8 concern with night raids. So although successive ISAF commanders were insistent
9 on the utility of night raids that was not reflected by the elected officials. You
10 mentioned Hamid Karzai, but I think that cascaded all the way through the, the
11 Government. Certainly the Government members that I spoke to were vehemently
12 opposed to it and so were the local population. So, even if this had been legal, even
13 if it had been appropriate from a military point of view, it was a, it was not winning;
14 in fact, it had the exact opposite effect on the local population and, and missed the
15 key point in counter-insurgency operations about, you know, we are not fighting on
16 the ground, we are fighting over hearts and minds.

17 Q So in terms of the plan that you had tried to put into effect with the company with
18 which you were based, namely a better life with GIRoA, far better than the one
19 before was appropriate, was your attitude towards the night raids one that they were
20 actually driving a coach and horses through the plan that you were trying to put into
21 effect, which was a replication of the overall plan that the British Government were
22 trying to put into effect with the assistance of ISAF?

23 A Er yes. I think that it was very damaging and I think that um you know we now had
24 the opportunity to look back on the Afghan campaign and I think that you would be
25 very hard pressed to suggest that that was in any way successful. I think it was a
26 terrible failure and I think that night raids played a significant role in that failure. A
27 Danish Staff Officer who I knew who was, who, who was part of the team that
28 investigated the Danish contribution summarised that "ISAF won all the battles but
29 NATO lost the war" and I think that is a pretty good summation of the campaign.

30 Q And just before we have our short first break of the morning, can I ask you this? In
31 reaching the conclusions that you have just expressed as to the legality and propriety
32 of night raids, you had identified the significance of killing someone who is *hors de*

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1 *combat*. Can I just ask you this? How is it that you are able to reach the conclusion
2 that those who lost their lives in the night raids were in fact *hors de combat* rather
3 than legally engaged for another reason?

4 A That's a very good point and I think that um when I, you know, the Rahim case did
5 not, it raised a number of red flags for me. So it seemed an extremely unlikely
6 scenario that members of the Afghan population would go to bed each night with
7 weapons concealed in their pyjamas. This doesn't make for a good night's sleep but
8 it would, if the SAS account is true, that would be necessary because you simply
9 don't know when the SAS are going to turn up. So you would have to take the
10 precaution of going to bed each night with a, with a weapon strapped to your body.
11 That seemed highly improbable to me. So I was, there was a flag raised initially.
12 You know, that account just seemed improbable to me.

13 I was further concerned when I asked, because it was my role to go and engage with
14 the, the Spin Zhiras and actually try and explain the situation, I knew that I wouldn't
15 ever be able to share those gun tapes with the Spin Zhiras, but if I was to speak
16 credibly I wanted to see those tapes and I could hand on heart say, you know, "The
17 account you were given by the family is incorrect". The refusal to show me those
18 gun tapes was another red flag because I couldn't understand why, why I wouldn't
19 be able to see the tapes, so it suggested to me that actually the tapes did not
20 corroborate with the account.

21 And then over time and particularly when George Arbuthnot spoke to me a number
22 of years later, he pointed out to me that actually a number of the after action reports
23 had this same incredible story: that people once detained reached for concealed
24 weapons, whether they were behind windows, whether in a, you know, the detail
25 changed but the broad approach was to say that detainees had reached for concealed
26 weapons further consolidated for me that there was cause for concern here and we,
27 we really needed the Inquiry that we are having now to get to the bottom of it.

28 Q Just so I have understood it, the cause for concern that you just set out to the Chair,
29 that is a cause for concern that started in Afghanistan but focused on the incident in
30 Rahim and has grown in size and shape since then because you have been made
31 privy to other information about other raids in different parts of Afghanistan about
32 which you now have general questions. Is that a fair way of summarising it?

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1 A That is absolutely correct and I think that, and perhaps you will come to this, but the
2 name a “deliberate detention operation” should result in detention and not in death;
3 otherwise you would give that operation a different name. So there is a sense to me
4 that, you know, there is some obfuscation here um that is deeply concerning about a
5 tactic which actually is not a war winning tactic, it is a war losing tactic um and
6 therefore requires this Inquiry.

7 Q And, given your experience in advertising and communications, would you have
8 chosen a different title for a DDO than the one that appears to have been given to it?

9 A I don’t think that the title matches the effect, so they don’t appear to ... we, the name
10 and the outcome are not the same, so it is, it is I think deliberately obfuscating.

11 MR GLASGOW: Sir, would that be a convenient moment? Could I ask for 15 minutes
12 and what I would like to do is to have another 15 minute break a little later to ensure
13 that Mr Green and everyone has time to stretch their legs and concentrate on what he
14 has to say.

15 CHAIR: Indeed. Thank you, Mr Glasgow. A quarter past 11, please. Thank you.

16 MR GLASGOW: Thank you.

17 (Adjourned for a short while)

18 CHAIR: I am sorry to keep you. Mr Glasgow.

19 MR GLASGOW: May it please you, Sir. We had been dealing briefly with DDOs, the
20 terminology used to describe them and whether that was or was not an appropriate
21 description for how you understood those operations to be conducted. Again, to
22 remind you and everyone else, the available information for you comes first from the
23 incident in Rahim, where you were a direct witness to the complaints being raised by
24 the Spin Zhiras and you had had the advantage of being aware of the intelligence
25 that your company had in respect of the occupants of that village; and we will come
26 on to deal with your involvement in efforts to get more information about it in due
27 course. Then, following your return from Afghanistan, in your discussions with
28 George Arbuthnot in the preparation of the articles that we touched on, he had made
29 you privy to other incidents and you had drawn a comparison which raised even
30 more red flags in your mind as to the way these incidents were being recounted in
31 the post-operational reporting. Is that right?

32 A That’s correct, yes, yeah.

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- 1 Q Now, what I would like to do, please, is to change tack slightly, but what I would
2 like to do is to come to Rahim, because we are going to deal with the incident itself
3 in more detail, but so the Chair understands a little more about that particular area
4 where you were based, it was one of the forward operating bases, is that correct?
- 5 A That's correct, yes.
- 6 Q And when you were on deployment, were you based there for large parts of your
7 deployment or was it an on and off time that you spent there?
- 8 A I mean, significant periods of time were spent there, but I spent significant periods of
9 time in all of our forward operating bases um so, as I previously outlined, one of my
10 roles was to try and ascertain the degree to which the local population were willing
11 to accept a GIRoA government and, in order to understand the ground and to do that,
12 I travelled to all of the patrol bases in our area of operations.
- 13 Q It may be very difficult to put a figure on it, but can you give us an idea of the sort of
14 length of time you might have spent at the patrol base at Rahim?
- 15 A Cumulatively over the whole period?
- 16 Q Please.
- 17 A I would say over the nine months a cumulative period of four to six weeks.
- 18 Q Presumably geographically then an area you became very familiar with because you
19 needed to know the lie of the land if you were going to go out on patrol?
- 20 A Absolutely. I mean, it's a surprisingly small area, the total AO, and in the early days
21 we would navigate by maps, but by the end of the tour we knew pretty much every
22 dusty corner.
- 23 Q Right and you set out in your statement to Leigh Day that it was "on high ground
24 just beyond the Green Zone". Can you explain that to the Chair, please?
- 25 A Yes, so that's um the Green Zone is the area of land that is irrigated by the Helmand
26 river, which is an incredibly sort of complex network of, of dams and irrigation
27 channels, which are managed and run by the Mirabs, the Mirab being the local term
28 for the, for the gentlemen who maintain and run the water courses.
- 29 Q Now, can you give us some idea of the size of the village either in terms of the
30 number of compounds or the number of occupants or both?
- 31 A Um yes. I mean, these villages were, were pretty small, frankly, so 200 or 300
32 inhabitants living in a smaller number of compounds. Generally speaking, you

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1 know, a compound would have a family group or so, in particular, Bebe Hazrata was
2 the matriarch of a family group of three sons, all of whom were married and had
3 children of their own.

4 Q And did they all live within the same compound as a family unit?

5 A They did, yes.

6 Q And you touched upon the intelligence that your company had access to. Can we
7 just have your help with that, please, so that we can understand why you reached
8 certain conclusions about what the UKSF told you as regards connections to the
9 insurgency or otherwise? So first this. In terms of the intelligence that you inherited
10 because there had been a patrol base there for some time, when you arrived there,
11 was it part of your role to study the intelligence so that you could better understand
12 the local population?

13 A I mean, there was certainly an element of that, but intelligence was a different
14 function within the headquarters, so I have referred here to, to intelligence as J2. My
15 memory might be deceiving me, but I think that might actually be J3. I think that
16 might have been a mistake that I made. But what I do know is that I was, that
17 Information Operations was J9, so we were at the bottom of a list and quite a long
18 way down that list, but certainly there were people whose, whose key and primary
19 task was to focus on the intelligence and my primary task was to focus on the local
20 nationals, but I would frequently engage the intelligence cell for information that I
21 thought would be pertinent to my own activities and that's the nature of the
22 headquarters. Although you might have a specialist area, we are entirely intra-
23 operating.

24 Q If one thinks of your arrival in Rahim for the first time, if you are about to embark
25 on engagement with the local population as part of your J9 role, presumably before
26 you did that you either had a briefing from the intelligence team or you looked at
27 documentation from them so you had some idea of what to expect?

28 A Absolutely. I would say daily briefings. So we had a morning meeting with the
29 Commanding Officer every morning called the Commander's update briefing and
30 there would always be an intelligence update in that briefing.

31 Q And, again I appreciate I am asking you about incidents that took place a very long
32 time ago now, but can you recall whether during any of the time that you spent in

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1 Rahim an issue was raised as to any link to the Taliban with people who were living
2 in Rahim or possibly any insurgents who had come into the area?

3 A Er it was an assumption that we held that all local nationals in Rahim had to,
4 whether they wanted to or not, had to engage with the Taliban in some form or the
5 other. The nature of operating in a contested, contested ground for local nationals,
6 meant that not only did they have to engage with us, but they also had to engage with
7 the enemy because we were not holding that ground, you know, behind it going east
8 of Rahim, you were going into insurgent held territory. It was necessary for all sorts
9 of reasons that the inhabitants of Rahim would cross over from ground held by
10 GIRoA, ground held by ISAF and ground held by the Taliban and, in order to live
11 their daily lives, it was a necessary condition that they would have to engage with all
12 of us. It was one of the points that I worked very hard with the Battalion team was
13 to, to understand that.

14 When we arrived our Chief of Staff was keen, in conversations with me, that we
15 should be compelling local nationals to take sides and my response to that was that
16 was simply not reasonable because we cannot guarantee their security 100 per cent
17 of the time. So we have to accept in a counter-insurgency that, whether they like to
18 or not, the local nationals were going to have to engage with us and with the enemy.

19 Q Presumably the difficulty with which they were faced was that, whoever turned up at
20 the door, they needed to appear to be a firm follower and supporter of because there
21 might be repercussions for them.

22 A I think it is a fairly safe assumption to say that, when men with guns turn up at your
23 door, you are going to try and second guess the answer to their questions and tell
24 them what they want to hear.

25 Q And, if one thinks for a moment about the way in which the Taliban were behaving
26 more generally by comparison to, say, the way in which UK Armed Forces or other
27 members of ISAF were conducting themselves, might the local population have been
28 more intimidated by the arrival of the Taliban than by the arrival by those in uniform
29 who were purporting to act on behalf of one or more of the members of the ISAF
30 team?

31 A It is an interesting question, which I think you have to see through the cultural lens
32 of the local people and, when infidels arrive at your door, heavily armed infidels,

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- 1 usually alighting from armoured vehicles or helicopters, um I would say that is
2 pretty intimidating. When someone who turns up who speaks your language, might
3 be your cousin or related to you in some way or has lived in the local village, the
4 probability that you fear them I think is less. I think a number of Taliban were
5 actually not from the local area [REDACTED]
6 [REDACTED] I suspect that for many other of the local
7 population [REDACTED] the British were not welcome.
- 8 Q If the local population had then become relatively adept at at least giving the
9 impression of lending support to whoever comes to their door for fear of
10 repercussions, might it be very difficult to tell which side they are actually aligned
11 to?
- 12 A Yes, I think, I think that it would [REDACTED]
13 [REDACTED]
14 [REDACTED]
- 15 Q If one thinks of the customs and traditions which required them to welcome
16 strangers into their home if they arrived, would you be surprised, say, if the Taliban
17 turned up outside one of the compound doors that the doors would be opened and the
18 Taliban would be allowed in and they could spend the night?
- 19 A Um that's a good question. I think that a combination of the Pashtunwali code and
20 the knowledge that you don't want to upset the Taliban because there are
21 repercussions would conspire to allow people to spend the night in the compound,
22 yes.
- 23 Q So there is, I suppose, at least a possibility that the movement of the Taliban through
24 this particular area could see compound or compounds in Rahim visited by them and
25 that might be intelligence that filters back either to you or to others?
- 26 A Er absolutely. So we, we, you know, we did, when the intelligence was available to
27 us, we were observing that Taliban moving through the area were using what we
28 called BDLs, bed down locations. So, yes, there was intelligence that that was
29 happening.
- 30 Q Whilst you were in Rahim, how was it that you were obtaining intelligence from the
31 local population given the difficulty you had in communicating with them?

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1 A So, I mean, a number of ways. We would conduct er what we would call framework
2 patrolling, so we, we would, without trying to set patterns which would then create
3 risk for us in terms of IEDs and so on, we would go out into the village and the local
4 surrounding areas and conduct patrols. We would always take an interpreter with us,
5 so there was an opportunity for us to engage, although I was always cautious about
6 the quality of the interpretation in terms of the information that we were receiving
7 and hence why I used this observational technique to try and establish quality of life
8 for local nationals and their willingness to embrace the GIRoA Government. So, for
9 example, were farmers taking their crops into Gereshk to sell them in the markets in
10 Gereshk or were they taking them to Yakhchal and selling them in the Taliban
11 shadow government's control market in Yakhchal. So there were a number of ways
12 that you could observe and make reasonable assessments.

13 Q Might there be a risk that the farmer would have to go to both markets to try to
14 please both sides of that particular debate?

15 A It is perfectly possible and also of course something that I never was able to get to
16 grips with was, was to do a price comparison: could they sell for more in Yakhchal
17 than in Gereshk, yeah.

18 Q You have just mentioned the need to avoid patterns when it came to patrol because
19 of the risk of IEDs and, again it will be my complete ignorance of the situation so
20 forgive me for this, but if, as described by you, Rahim was not an area that was
21 linked in any great way to the insurgency and you did not believe there was a
22 Taliban presence there, why might there be a risk of a patrol coming across an IED
23 in an area that did not have Taliban control?

24 A It's a good question -- for the same reason that we conducted patrols into Taliban
25 areas, we typically used helicopters, [REDACTED]
26 to go in and challenge Taliban in areas they controlled, they similarly came into
27 areas that we controlled and challenged our presence there. In the absence of having
28 helicopters, they used IEDs.

29 Q And, in terms of the Taliban incursion into an area where they did not have a
30 presence before, that could either be because those who were living there were too
31 frightened to object to them coming and planting an IED or it might be because in

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1 fact they are supporters of the Taliban and are allowing them to do it or it might be a
2 mixture of the two.

3 A I would suggest a combination of the two. It is certainly the case that, for those
4 villages living in contested areas, they also suffered from the IEDs that were placed
5 in their villages and a number of, just in my time, a number of children, civilians
6 were victims of IEDs which were not intended for them but were intended for us, but
7 nonetheless it made living in contested areas very risky.

8 Q In the event that you became aware of an IED that had been placed somewhere in
9 Rahim -- and we will deal with Rahim rather than another forward operating base if
10 you do not mind ----

11 A Yes.

12 Q -- but in the event you became aware of the presence of an IED, would any steps be
13 taken to try to remove it or to destroy it so that local nationals who are not aware of
14 it might not come across it and hurt themselves in the circumstances you have just
15 described?

16 A I mean, interestingly that works both ways. So, there were areas that were so heavily
17 seeded with IEDs that we, we really couldn't remove them all and then there were
18 areas where we would discover IEDs. You know, every patrol had their Vallons,
19 you know, a metal detector effectively, you know, a very brave individual who
20 would be the first person in the patrol clearing ground and then marking a safe route.
21 When we found IEDs, we, we essentially would do what we call "mark and avoid",
22 [REDACTED] not
23 just for ourselves but also for, for local nationals and then over time, when resources,
24 specialist resources to clear those devices were available, they would then be
25 removed but not by us, that was a specialist task.

26 Similarly the local nationals, when they were aware of an IED, they would typically
27 mark it with a small cairn of stones [REDACTED]

28 [REDACTED]
29 [REDACTED]
30 [REDACTED]

31 Q Were any parts of Rahim heavily seeded with IEDs or, given that it was not in a
32 Taliban controlled area, were there fewer IEDs present?

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- 1 A There were, there were large areas, particularly a wooded treeline to the south of
2 Rahim which essentially was the no man's land between the area that we controlled
3 and the area that the Taliban controlled and that was very heavily seeded with IEDs
4 and it was always fraught with risk whenever we tried to move through that, through
5 that IED screen, which was one of the reasons that we favoured helicopters.
- 6 Q Just focusing for a moment then on Bebe Hazrata, her compound and her three sons,
7 did you know either her or any of her sons before this incident occurred?
- 8 A No, not personally, no.
- 9 Q In terms of intelligence that you were aware of, were you aware of any particular
10 intelligence held about her, her sons or anyone else in her wider family?
- 11 A Prior, prior to the incident, I had had no reason to speak with the intelligence team
12 with regards to Bebe Hazrata.
- 13 Q So, as far as you were aware, at least prior to this incident, you did not know whether
14 they lent genuine support to the Taliban or false support or no support at all?
- 15 A I, I had no idea, no, no, not prior to the incident. As I said when I, when I looked
16 into it afterwards, the intelligence team were pretty clear that there was nothing to
17 suggest that the sons were anything other than farmers and even less to suggest that
18 they were Taliban commanders, remembering that the purpose of DDOs was to
19 remove the head of the snake. So it was to take out the military Taliban
20 commanders to therefore, so that we would disrupt command and control.
- 21 Q We will come onto the intelligence in due course, but could I just ask you this?
22 Your intelligence team could not avail you with any information to suggest why this
23 compound or those individuals should have been targeted or might have been armed.
24 Is that the correct way of describing it?
- 25 A That's, that's a good summary, I think.
- 26 Q Presumably there is the possibility that there was other intelligence that your
27 intelligence team were not aware of, but intelligence held either by another team,
28 another unit or at another level that could not be shared with you?
- 29 A That is absolutely the case and that was the argument that I had with the Special
30 Forces' spokesperson, who indicated to me that they had other intelligence.

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- 1 Q And that is presumably the information that you wanted to be aware of so that you
2 could use that in a counter argument with the Spin Zhiras when they came to
3 complain about the murder of innocent farmers?
- 4 A Um I don't think that's quite right. I think that I was, I would have liked to have
5 been party to it for my own understanding and it would be something that would be
6 pertinent to our own intelligence in terms of understanding our area of operations,
7 but in terms of engaging with the local nationals about this incident, that wasn't
8 really what I was looking for. What I was looking for was the gun tapes to say to, to
9 show to me that the account that I had been given by the Special Forces was
10 accurate, because it was important in terms of my own integrity. If I was going to go
11 and make the case, I had to believe the case and, as I mentioned earlier, I had some
12 concerns about the, about the credibility of the, of the after action report.
- 13 Q Can we come to the incident itself and, if you have still got your statement that you
14 provided to Leigh Day in 2021 open, we are on to paragraph 17, which is page 29 if
15 it helps.
- 16 A Yes.
- 17 Q In so far as placing a date on the incident is concerned, at various times it has been
18 "July" or "August" or "around July", and that is not a criticism, but have you been
19 able, short of the schedule that eventually you were made privy to, have you been
20 able to identify a date in your own mind?
- 21 A I regret that I have not. I think that, I've tried to describe this in the past, you know,
22 every day is a Monday when you are on operations. There is a routine, a daily
23 routine that you go through, um and it is unchanging by and large. So being able to
24 accurately put dates to events I have found particularly difficult. I think the closest
25 that I have come is working with David Collins, who identified the assistance
26 payment that we have referred to earlier, and he found a date for that in one of the
27 supporting documents here. I think, if you work backwards three weeks, you are
28 getting somewhere close to that date, but I've never been able to accurately or
29 definitely been able to say "It happened on this day".
- 30 Q Prior to the arrival of Spin Zhiras to complain about what had happened, did you
31 have any advance knowledge of an operation that was going to be conducted in that
32 area?

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- 1 A No, um which was one of the great frustrations for us was that it was very, you
2 know, it is very destabilising when operations you are unaware of are coming into
3 your area of operations and so we were very frustrated about this. The Company
4 Commander was, you know, was particularly and rightly aggrieved that we had no
5 part in all of this.
- 6 You mentioned IEDs earlier and tragically um one of the members of their team, an
7 Afghan National Army soldier, actually stepped on an IED that we were aware of
8 which we had marked and avoided, but which we, because we didn't know they
9 were coming, we were actually not able to tell them. So there was, there was an
10 injury there that could have been avoided if some collaboration had taken place prior
11 to the event.
- 12 Q Was this an IED that was part of that heavily seeded area of the no man's land or
13 was this a separate IED that was nearer?
- 14 A This was a separate IED that we were aware of. We had it down as a "mark and
15 avoid", but we hadn't, hadn't at that point had the specialists been able to come and
16 take it away.
- 17 Q And, again, it may be a trite observation, but might there be reasons why you
18 wouldn't be briefed about the activities of Special Forces conducting a night raid?
- 19 A I mean, I think the reasons why um relate to separate, separate chains of command.
20 So Special Forces operated outside the Task Force Helmand chain of command um
21 and we really had very little idea of what they were doing, which was really a lesson
22 from history that we had forgotten. So Colonel Gwyn found the same thing in the
23 Burma campaign, that his, his ground holding troops had little knowledge of what
24 Special Forces were doing and identified that as being very counterproductive. That
25 was also our experience in Afghanistan.
- 26 Q To your mind, is it a lesson that should have been learned?
- 27 A I think it's a lesson that we should relearn and I hope that this Inquiry is part of that
28 relearning process.
- 29 Q And in terms of sharing information between those two chains of command, it may
30 be an obvious point, but why might it be important that one chain of command is
31 aware of what the other chain of command is doing?

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1 A I mean, I think it's important because we, we need to be careful not to step on each
2 other's toes. If you're going to, if you're going to hold an operation in Rahim, at
3 least do that in the context of understanding what the ground holding company is
4 trying to do and make sure that those activities are complimentary and in support of
5 the main aim of the campaign rather than pulling in opposite directions. I think that
6 could be counterproductive.

7 Q If one imagines the scenario that there had been a briefing provided as to this
8 particular activity, would there have been any scope for you or the Company
9 Commander to say "Actually, this isn't pulling in the right direction, we don't
10 support this, we think you should reconsider it" or would that be inappropriate?:

11 A I think that it would give the Company Commander and myself or others the
12 opportunity to voice their concerns. Whether those concerns would be listened to or
13 not that would be for others to decide, you know, what the main effort would be. I
14 am perfectly prepared to accept that I might raise an objection to something, as I did
15 with the Hawala operation, but be overruled.

16 What we could have done in the Rahim incident certainly is we could have advised
17 the, the team conducting the ground DDO of the IED. So we could have provided
18 them with useful intelligence. I suspect that, had we been asked, we would have said
19 "We don't think these are the right targets based on our own intelligence and we
20 don't think that killing people in this village is going to, is going to further advance
21 the counter insurgency" and in fact, you know, I can say this with hindsight, but, you
22 know, it was very damaging to the counter insurgency.

23 Q When was the first time you became aware that something had happened in Bebe
24 Hazrata's compound?

25 A In the, in the Commander's update briefing the following morning. So the incident
26 will have, you know, was, you know, the company in the forward operating base
27 became aware that something had gone on overnight, although quite what they were
28 not sure. The following morning they were approached by the local Spin Zhiras, you
29 know, demanding answers and that information was subsequently reported through
30 the chain of command to headquarters in Main Operating Base PRICE and in our
31 morning meeting it was an overnight incident that was reported and was top of the
32 bill for that particular day.

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- 1 Q I am unaware of the distance between the Forward Operating Base and Bebe
2 Hazrata's compound, but had anyone heard the explosion that had led to the injury to
3 the member of the Afghan National Army?
- 4 A I, I, with the passage of time I can't say with certainty, but given the proximity to the
5 patrol base, so less than half a mile away, it would seem, it would seem unlikely that
6 that was not, that the explosion was not heard and subsequently, if it was heard, it
7 would have been reported, but without the patrol obviously, I can't say with 100 per
8 cent certainty.
- 9 Q Now, the meeting that you had with Lieutenant Colonel Bowder that you have
10 described as "morning prayers".
- 11 A That was the Commander's update briefing, yes.
- 12 Q And is this the meeting at which information was then provided, it being the top of
13 the agenda, namely there had been an incident or an operation?
- 14 A That's correct.
- 15 Q Do you remember now how it was described?
- 16 A Yeah, it was described as an incident in the, in which the assumption was that
17 Special Forces had conducted a night raid of which we had not been apprised as far
18 as I'm aware.
- 19 Q Why was the assumption that it was Special Forces who had conducted a night raid?
- 20 A Because it was inconceivable that another military unit other than Special Forces
21 would come into our AO without informing us.
- 22 Q I mean, might it have been a Taliban operation that had taken place at night? At that
23 stage, all you knew was there had been an incident.
- 24 A I mean, that is a very good point. We did have incidents where IEDs, IED emplacements
25 effectively blew themselves up emplacing IEDs. So, it might well have been that,
26 but that is not how I remember this incident being reported.
- 27 Q Now, in terms of the report that was provided, can you remember now who made the
28 report in the Commander's update briefing?
- 29 A Yes, that role would have fallen to two departments within the headquarters, the
30 team, the operations team running the Ops Room and the intelligence team who had
31 been reporting it as actionable intelligence. So between those two officers they will
32 have collaborated ahead of briefing the Commanding Officer because that would be

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1 the sensible and right thing to do and they then would have informed the
2 Commanding Officer with the rest of the team present.

3 Q And, in terms of the information that was provided beyond it being an incident, were
4 they already aware of complaints being made at the gate by Spin Zhiras to the effect
5 that something had happened in Bebe Hazrata's compound?

6 A That's a good question which I can't answer I'm afraid with the passage of time.
7 whether that happened shortly afterwards, but as soon as we were aware of the
8 incident, obviously we were very attuned to that um and at some point as we were
9 dealing with that, you know, the delegation from the village elders was made. With
10 the passage of time, you will have to forgive me, I can't accurately say ----

11 Q Of course.

12 A -- whether that happened. I think it seems unlikely given the [REDACTED] hour of the
13 Commander's update briefing, but I can't say exactly.

14 Q Given the [REDACTED] hour of the update briefing, it may be that at best all that can be
15 described is there has been an incident and little more than that.

16 A As I recall it, yes, exactly. There was, you know, there has been an incident and
17 really this was the point of the Commander's update briefing because things would
18 happen overnight that we needed to bring to the Commanding Officer's attention.
19 The Commanding Officer would then give us direction in how to follow up and,
20 trying to recall the events of that day, there was a supposition that this was a Special
21 Forces' operation that had been conducted in our AO rather than an emplacer or
22 some other incident. I think that we had, we had established that much at that point
23 and the Commanding Officer gave his direction and the direction for me was to
24 engage with Special Forces to see if I could find out why that raid had been
25 conducted and what was going on.

26 Q So the specific direction to you was that you were to raise this with Special Forces.
27 Is that because of your previous experience in discussing things with the Special
28 Forces' Liaison Officer?

29 A That, that's exactly right. You know, I think that the Special Forces didn't hand out
30 their telephone number routinely but I had a contact number because I had
31 previously engaged with them. So I was able to follow up based on that previous
32 engagement.

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- 1 Q If you have still got the statement that you gave to Leigh Day, could we look to page
2 8 together for a moment, please, and to paragraph 18, if you would not mind? Sir, it
3 is my fault, it is at page 30. I have looked at the wrong coloured number, I do
4 apologise. It is page 30 in red, paragraph 18.
- 5 A “At Morning Prayer”?
- 6 Q That is the one, yes:
7 “At Morning Prayer some time coming towards the end of the tour in July
8 or August 2012 we were informed by the intelligence officer ... that there
9 had been an incident overnight in Rahim where local villagers were
10 claiming that ISAF soldiers had burst into a compound and killed three
11 farmers in front of their family.”
- 12 If we pause for a moment, if that is a correct summary of what had happened, it
13 would appear that, as at the Commander’s update briefing, information had already
14 been received from local villagers that it was ISAF soldiers who had “killed three
15 farmers in front of their family”. It may be that there has been a conflation of
16 different bits of information into that one paragraph. Again, I appreciate I am asking
17 you about something that happened a very long time ago, but can you remember
18 now whether the update briefing was being presented with the scenario “It’s ISAF
19 soldiers who’ve gone in and shot three people in front of their family” or whether
20 that was information that came out a little later on?
- 21 A I, I think I have to conclude that this is a conflation of an ongoing incident with
22 information trickling in over the course of the day. I think that is the safest
23 conclusion. To categorically state that we had all of this information at that early
24 hour in the Commander’s update briefing is um, is unlikely.
- 25 Q The update briefing was routinely [REDACTED] in the morning.
- 26 A Correct.
- 27 Q So the opportunity for people to have arrived at the gate of the patrol base to raise
28 those complaints, for those complaints to be interpreted and understood and then that
29 information to filter its way through the intelligence team and out into the update
30 briefing would be limited.
- 31 A Correct. My only hesitation is that, in a world with no electric lighting, people rise
32 early from sleep, so it is possible that a delegation had arrived prior to the update
33 briefing, but I can’t say with absolute certainty.

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- 1 Q Now, you have been tasked by Lieutenant Colonel Bowder to conduct enquiries and
2 obviously you have got the phone number, but is there any reason why you might be
3 picked over someone else or is it simply that you have got the link through the
4 Liaison Officer and might stand a better chance of getting the information?
- 5 A I think it is probably a number of issues there. I think the first one is that this was an
6 incident involving local nationals, so it clearly fell in my remit, within the remit of
7 the J9 cell. Within the operations, I think, you know, perhaps that Colonel Bowder,
8 you know, I was by some margin the oldest Captain in Colonel Bowder's battle
9 group and I think that being a Reservist I was perhaps less likely to be intimidated or
10 kind of bamboozled by dealing with Special Forces and would perhaps be less
11 seduced, you know, by engaging with the UK's elite forces. I think that may have
12 come into his consideration, but I also did have a number, which others did not.
- 13 Q Prior to making the phone call, did you speak to anyone about the intelligence that
14 there may or may not be around Bebe Hazrata, that compound and her family?
- 15 A Yes, I did. I spoke with Alex Bayliss, the Intelligence Officer, because of course I
16 wanted to get as clear a version of our own intelligence as I could. I, I suspect that if
17 I had learned that they were Taliban commanders, I might have taken a slightly
18 different view, but nonetheless I think in the course of that conversation my concerns
19 that the story lacked credibility would have been the same.
- 20 Q So, trying to put you in the position in which you were in before you picked up the
21 phone to speak to the Liaison Officer, you are at least by that stage aware of the
22 compound where this has happened, the relationship between the matriarch and
23 those who have lost their lives and the number of people who have lost their lives.
24 Did you know anything about the circumstances at that stage in which they had lost
25 their lives other than that they had been shot?
- 26 A Er no, very little. You know, I, I can make some educated assumptions around the
27 manner in which night raids are conducted, but I did not have that detail and indeed
28 still do not really have that detail because I have never seen the gun tapes.
- 29 Q This is of course the first night raid that you had any involvement in; and by that I
30 mean in the aftermath rather than in the operation itself. So, in terms of your
31 knowledge about night raids, were you already aware of what was going on on night

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1 raids whilst you were in Afghanistan, because you have told us of the information
2 that you got on return from George Arbuthnot?

3 A A combination of both. So I was aware of night raids as an ISAF tactic. I was
4 aware that they were not popular both with the Karzai Government or indeed with
5 the local nationals that I engaged with and, indeed, members of the Afghan National
6 Army that I spoke to who counselled me against night raids. So there was a general
7 level of awareness. We, as part of our own operations, did periodically conduct
8 compound clearances and I certainly trained for conducting compound clearances, so
9 I had some sense of the tactics involved, but I think the after action reports that
10 George Arbuthnot shared with me, that prior to that I was not aware of the flakiness
11 of these reports in terms of just the credibility of the, of the after action report and
12 the manner in which people had died.

13 Q Can we just look again, if you would not mind and bear with me, back to page 30 in
14 red, paragraph 19, so the page you are on and this time paragraph 19? The reason
15 for looking at this is because this appears to report information that you either knew
16 or were made privy to during the Commander's update briefing. It records:

17 "The incident had happened not far from our patrol base ... There was a
18 compound occupied by an extended family headed up by a matriarch ... All
19 the sons were married and living in the same compound. From the
20 intelligence gathered we basically knew every person who was in that
21 compound. We had absolutely nothing on this family in terms of
22 intelligence other than that they were farmers and perhaps could have been
23 Taliban sympathisers (i.e., individuals who had some sympathy for the
24 Taliban cause, but were not involved in the activities of the Taliban) which
25 was the norm. There was nothing to suggest they were terrorists or
26 commanders. The family was saying that foreign soldiers had broken into
27 their compound, separated fighting aged males ... from the women and
28 children and elderly men ... and then shot dead all three of Bebe's sons who
29 had their arms up in the air and were unarmed. The village elders had
30 turned up at the patrol base the next morning absolutely furious shouting at
31 our soldiers as to them we were all the same, all ISAF and all infidels. They
32 wanted to know what was going on."

33 And then just with the chronology, if you turn over the page, the next paragraph
34 begins "Coming out of that morning prayer" and, again just seeking to identify
35 whether there has been a conflation of information or whether all of this was
36 provided in the update briefing. Paragraph 19, as recorded by Leigh Day, appears to
37 offer quite a bit of information that has been provided either prior to or during the

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- 1 course of the update briefing. Looking at it now, do you think that is probably
2 information that you became aware of later on but has been put into this route in the
3 chronology and it may be misleading?
- 4 A I, I accept that this is probably misleading and that the detail of this information did
5 not all come at once in the Commander's update briefing. So, yes, I, I acknowledge
6 that this is misleading and I apologise for that.
- 7 Q It is not a criticism of you and you do not need to apologise, but what I am anxious
8 to ensure is that, if we can put a chronology on the information, we get one that is as
9 accurate as possible given the passage of time, okay?
- 10 A I think the starting point um will have been the Commander's update briefing, where
11 we knew something had happened in our AO which we had not had a hand in and
12 from there over the course of a number of hours we gathered intelligence. I do
13 vividly remember speaking about this prior to the Commander's update briefing,
14 waiting for the Commanding Officer to arrive, where he had already looked at our
15 intelligence on the Hazrata family and I think I summarised his conclusion actually
16 somewhere else where "The SAS had got the wrong people" was very much his
17 summation based on our own intelligence.
- 18 Q So certainly at a relatively early stage the information that you were being provided
19 with and with which you appear to agree was that the SAS had got the wrong
20 people?
- 21 A Yes and I think that, as I learn more, that opinion consolidated.
- 22 Q Now, again, we will come on to it in a little bit, but in due course did you do as
23 directed by your Commanding Officer, which was to make contact on the phone
24 number you had with the UKSF's Liaison Officer?
- 25 A Yes, I did, yes.
- 26 Q And, before we descend into the detail of that, was there anything that he or she (but
27 I think it is a he), but was there anything that that individual said to you which
28 caused you to question the picture as you already understood it, which was that the
29 wrong people had been targeted?
- 30 A Um I mean, you are right it was a he, and I regret that I can't remember his name,
31 but we had previously met in the UK [REDACTED]
32 [REDACTED]

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[REDACTED]

[REDACTED] I know who it was but I just simply cannot remember their name.

In terms of the conversation that we had, it was, it was a, it was not an easy conversation. There was a strong sense of resentment from him that I was questioning what the SAS were up to. At some point he did call me a “Taliban loving apologist”. That is a phrase that I have used since and it particularly stuck in my mind at the time, and the general course of that conversation was that this was none of my business and he nor Task Force 196 had to even, you know, trouble themselves by talking to me and he was doing me an enormous favour simply by having a conversation with me but he wasn’t going to give me any information.

Q Forgive me for asking it, but was it any of your business what UKSF had got up to the night before in that particular compound?

A It absolutely was my business because my business as part of our effort was to engage with the local population and convince them that a life with GIRoA was the way forward, and this activity absolutely killed that for the village of Rahim. So this activity, rightly or wrongly -- I guess that’s for the Inquiry to decide in terms of the legality of the operation -- but this had a counterproductive negative effect on our, our aim of winning the hearts and minds of the local population and persuading them, in accordance with the master narrative, that a better life was ahead with GIRoA.

Q In any way was this individual persuaded that because you had the force of the Commanding Officer’s request behind you, that he should comply with your request for you to be given some information?

A No, he was very clear um that the Commanding Officer Task Force Helmand had no right to, as the representative both of the Commanding Officer and I suppose Task Force Helmand, he was not obligated to share that information with us.

Q And the individual to whom you spoke, leaving aside the name and maybe that can be found out in due course, but can I ask you this? Do you know if that person was a member of UKSF, [REDACTED] or do you not know?

A [REDACTED] I know which service they were a member of. [REDACTED] I can’t say whether they were, [REDACTED] UKSF [REDACTED] but in the role in which he spoke to me he was

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1 working with the Task Force in a supporting role, so he was not what I would call a
2 “blade”, one of the people that have gone through SAS selection and are serving in
3 one of their, one of their squadrons, but he was in a supporting role.

4 Q And at any stage did he need to speak to anyone to clarify the position that he had
5 adopted with you?

6 A No, he seemed very confident in, in, in explaining to me that he wasn’t going to tell
7 me anything.

8 Q Was there any scope for you to speak to anyone else to seek to persuade that person
9 to come to a different view or was this really the end of the matter as far as this
10 phone call was concerned?

11 A No, so I think that I was sufficiently persuasive that he did agree to ask whether I
12 could see the gun tapes and in a subsequent conversation he told me that I couldn’t.

13 MR GLASGOW: Well, we will come to that in a moment. Looking at the time, Sir,
14 would now be a convenient moment for our second short break and then we will
15 have a sensible run-up to lunch?

16 CHAIR: Indeed.

17 MR GLASGOW: Shall we say twenty past if that just gives everyone enough time to
18 stretch their legs? Can I then, in fact very rudely, can I check with the witness?
19 Would you like any longer than just over ten minutes and of course you may have it
20 if you would like it?

21 WITNESS: No, no, that is absolutely fine, yes.

22 MR GLASGOW: Thank you, Sir.

23 CHAIR: Thank you. Twenty past, please. Thank you.

24 (Adjourned for a short while)

25 CHAIR: Mr Glasgow.

26 MR GLASGOW: May it please you, Sir. Mr Green, we were just dealing with your
27 conversation with the SF Liaison Officer. Can I ask you this, but it may be that you
28 do not know the answer to it, but do you know where that person was based?

29 A I, I do not um, you know, it was a telephone call, it was a number um and I don’t
30 know the area codes in Afghanistan. It was on a secure communications telephone.
31 I think I assumed that they were at a military base, but I can’t say with certainty.

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- 1 Q Now, obviously your request for assistance had fallen on deaf ears, but in seeking to
2 persuade him what you wanted him to do, did you offer any of your information?
3 So, for example, did you say “We’ve looked at our intelligence and we’ve got
4 nothing to support the need for an operation in this area”?
- 5 A Um I, yes, yeah is the answer to that. I will have raised with him the fact that we had
6 no intelligence to support his own that these were Taliban commanders and we
7 certainly had the conversation that he was working on other intelligence that was
8 better than our own or more detailed than our own.
- 9 Q So, just picking up on that then, so he had said to you -- have I understood this right
10 -- that he was working on other intelligence that was better than yours, but it was not
11 intelligence that he could share with you?
- 12 A That’s correct, yes.
- 13 Q And he had described the three people who had lost their lives, was it each of them
14 being a Taliban commander or one or more of them or can you now not remember?
- 15 A Um I can’t say with certainty. I think we talked in the plural, yes.
- 16 Q Do you know if your response to that was “Well, that doesn’t accord with everything
17 we know about this particular family”?
- 18 A We, we certainly had a to and fro about our intelligence relative to the intelligence
19 that the Special Forces were acting on and recognising that they were different
20 sources and er he certainly implied that the quality of the intelligence they were
21 operating on was of a higher value than what we had gleaned over several years in
22 the forward operating base.
- 23 Q Can I check something else that is in the Leigh Day statement with you, please, and
24 it is page 31 in red and the paragraph number is 20?
- 25 A So 31 in red and paragraph?
- 26 Q Paragraph 20, so top left will be “20”:
27 ‘Coming out of that morning prayer someone was asked to confirm if an
28 ISAF operation had been conducted. A request was sent up through the
29 Chain of Command to Task Force Helmand Headquarters and it was
30 confirmed later that day that three “enemy combatants” had been killed by
31 British Special Forces who had been acting in self-defence.’
- 32 Can I ask you this? Do you remember now how that was confirmed and who it was
33 confirmed by, please?

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- 1 A We, yes, I mean, we, because we had not conducted the operation, we knew it was
2 not us. We, we knew um that the local Spin Zhiras were putting it on us as ISAF
3 troops, so in the same way that I was tasked to try and liaise with, with the Special
4 Forces, I know that the Operations Officer was tasked with going up through the
5 chain of command to find out if anybody in Task Force Helmand knew what was
6 going on and that information, you know, was subsequently passed back.
- 7 I think to the point that we talked about earlier in the previous session, in reporting
8 this, I have conflated some things, these things happened over a period of time, over
9 the course of the day. The intelligence picture grew and we began to understand
10 more of what happened, what went on as we investigated. Exactly when that
11 happened in that series of events across the morning I'm afraid my recollection is not
12 good enough.
- 13 Q Thank you very much for that. Simply for completeness, I think we have all
14 assumed we know what we are talking about, but when you use the phrase "Spin
15 Zhiras", does that refer to the village elders?
- 16 A Yes, it does, yes. So Spin Zhiras is a Pashtu phrase which literally translates as
17 "white beards", "spin" white and "zhira" beard, but it is used in the Pashtu language
18 to mean village elder or wise person.
- 19 Q And it was these individuals who had come at some point on the morning after the
20 raid to complain about what had happened?
- 21 A That's correct, yes.
- 22 Q And was it one, more than one or do you not know because you were not there at
23 that time?
- 24 A I was not there, but my strong recollection again is of plural, so it was not a single
25 delegate but delegates.
- 26 Q At any stage did you have any interaction with those delegates either that day or
27 another day?
- 28 A I almost certainly will have had interaction with those delegates but not on this
29 specific issue. This was handled by the Company Commander himself and by his
30 Information Operations Office, IIA109.
- 31 Q Can we look, since we have just mentioned Spin Zhiras, can we just look at your
32 book for a moment and that passage that we had identified very early in your

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1 evidence? In divider 3 it is page 100, so almost to the very end of this particular
2 section. It is from your book and it is page 319 and it is that third paragraph where
3 you identify that you were once again “in conflict with British Tier One Special
4 Forces”:

5 “TF196 insisted the men were insurgents, but this claim seemed highly
6 improbable to me. The brothers’ compound was just a short distance from
7 one of our patrol bases and any suspicious activity would almost certainly
8 have come to our attention.”

9 And then you wrote:

10 “Our own J2 Shop had nothing on the men. The general consensus from
11 our analysts was that the SAS, while ruthlessly efficient as always, had
12 directed their special talents against the wrong targets.”

13 Now, when you wrote “the general consensus from our analysts”, how many
14 individuals shared this particular view and was it shared outside of the analysts and
15 if so by who, please?

16 A So this was the analysis of the, of the Intelligence Officer, Alex Bayliss, who came
17 to that conclusion with his team. I, I certainly spoke with a number of, of his, of his
18 team about this and spoke directly with Alex and this was their general conclusion
19 that “We don’t have any intelligence here, we don’t have any intelligence of our own
20 to support this, this view that they are Taliban commanders”.

21 Q And, at this stage when you are writing about this incident, this was the book that
22 was published in July 2016.

23 A Yes.

24 Q So presumably written in the months running up to its publication possibly in 2015,
25 possibly 2016, but there is nothing in the book that deals with the circumstances in
26 which you ultimately found that these men had lost their lives. Is there any reason
27 why you did not talk about the question marks or the red flags that you told us about
28 of weapons being kept in pyjamas?

29 A I think when I wrote the book, which actually took me, I naively thought I could
30 write a book in three nights and it actually took me three years and then another year
31 with an editor to get to the final edition that you have seen, it was a slightly longer
32 task than I originally imagined, but whilst writing this I think there are two things.
33 One is I am telling a story and so there is a degree of artistic licence around not the
34 event but some of the words that I use, so the final sentence, for example, “directed

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1 their special talents against the wrong targets”, is not the language that I would have
2 used in an Inquiry, had I ever imagined that I would find myself at an Inquiry. So I
3 think there is a degree of narrative story telling that flavours the book, so that is one
4 consideration.

5 But actually the most important consideration is that, first and foremost, this book is
6 not about night raids or the SAS. I think, you know, there is two pages here in a
7 130,000 word book, so the focus of the book was not whether Special Forces were
8 doing, were, were committing war crimes in Afghanistan. I think that came later in
9 terms of my decision having failed to raise this within the chain of command to
10 decide that actually I would go and use the media as a route to calling for an Inquiry.
11 I certainly would not have done that. It is a deficiency of my own character that I
12 wouldn't have done that if George Arbuthnot had not come calling and made it clear
13 to me that this was one of many incidents and not an isolated incident.

14 Q Right. If we come to the first article that was published then, if we look on, it starts
15 at our page 103 in red, which is the July 2017 article which recorded the information
16 from Bebe Hazrata as part of its title. If we look, if you would not mind, on to page
17 104, we had looked at this at the outset of your evidence, but if we look to the fourth
18 paragraph and the quotation attributed to you:

19 “The local population turned against us for killing three innocent farmers”.
20 And is that how you regarded those three individuals who had lost their lives in the
21 Rahim incident in either July or August of 2012?

22 A I think that um what I am recounting there is the view of the local population who
23 turned against us because, in their view, we had killed three innocent farmers rather
24 than specifically my view. I think it was my view that I tended to favour our own
25 intelligence over the SAS intelligence. My judgment on that may have been clouded
26 by their extreme antipathy. How my questions were received by the Special Forces
27 and their unwillingness to share their intelligence with me may well have clouded
28 my judgment, but it was certainly the case in the view of the local people that we had
29 killed three innocent farmers, members of their community.

30 Q If we skip a paragraph and then look to the one just before the halfway point that
31 begins “The elders”, again recording the views of others if you see that. On the left-
32 hand side in the square brackets?

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1 A Yes, I've got it.

2 Q
3 "[The elders] were very clear that their position was that it was an
4 execution. I personally believe that they were probably right."

5 A That was the conclusion that I reached, yes.

6 Q And in reaching the conclusion that they were probably right that it was an
7 execution, are you suggesting some sort of illegality around the actions of those
8 involved by UKSF on that particular raid?

9 A I mean, it's absolutely implied. "Execution" there, as I understand the law,
10 "assassination" and "execution" are terms which are illegal under the Law of Armed
11 Conflict and this new term "targeted killing", which we hear a lot about now and
12 which seems to become, regrettably, a standard part of warfare, is a, is a way of
13 avoiding the use of terms which are clearly illegal.

14 Q In reaching the conclusion that they, the Spin Zhiras, were probably right that what
15 had happened was an "execution", was in any way your judgment clouded because
16 of the way that you had been treated by the Liaison Officer and the refusal to share
17 information with you?

18 A I mean, you know, that is, that's how we all form a conclusion, based on the
19 available evidence and the extreme unwillingness to discuss this with me, their
20 refusal to show the gun tapes, all raised red flags for me and I have always
21 maintained, you know, I am not a witness to war crimes. You know, I do not have
22 any first-hand evidence, but the balance of probabilities suggest that something was
23 not right and that required an Inquiry. I think that is why I'm sitting before you
24 today.

25 Q If we look on, please, if we skip a paragraph:

26 "He says a special forces' spokesman based in Helmand Province ..."
27 Do you see that?

28 A Yes.

29 Q
30 'He says a special forces' spokesman based in Helmand Province ...'
31 So that is presumably the Liaison Officer about whom we have been talking a
32 moment or two ago?

33 A Yes.

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- 1 Q
2 '... refused to allow him access to the video footage of the mission, known
3 as "the gun tapes", claiming it was "top secret".'
4 Can I pause there? The phrase "gun tapes" is one that you have used three or four
5 times now during the course of your evidence and it may well be obvious what you
6 mean when you use that phrase, but can you explain to us what the "gun tapes"
7 relates to and how you came to know of the existence of such footage?
- 8 A So "gun tapes" was a sort of broad term that referred to any kind of camera, whether
9 it was in a helicopter, a UAV, a drone or some other aerial device that was used to
10 provide live video feeds to command centres. I am making, when I asked for the
11 "gun tapes", I made an assumption that such a thing would exist in this operation
12 based on my own knowledge of the availability of video footage and how it was
13 sourced and where it went to. I was not challenged on the existence of gun tapes, so
14 through the course of that conversation I did at least establish that a gun tape existed,
15 even though I was not allowed to see it.
- 16 Q Can I just check with you? When you say that you established that a gun tape
17 existed, is that because no one actually said "It doesn't exist" because the
18 conversation proceeded on the basis that it might exist or did someone actually say
19 "Oh we do have gun tapes but you aren't allowed to see them"?
- 20 A Again, with the passage of time, I can't be completely accurate, but we had a
21 conversation about gun tapes which we would not have had if the Special Forces'
22 spokesman had said to me "There is no gun tape".
- 23 Q Right. The phrase "gun tape" or "gun tapes", is that a phrase that you have used in
24 order to describe this or is that a phrase that was being used by others at the time?
- 25 A It is a phrase that was common parlance and so I adopted it, yes.
- 26 Q You had explained that it was your knowledge that gun tapes would in all likelihood
27 exist for an operation such as this. Two questions if I may and first this. Did gun
28 tapes exist for any operation that you and your company might conduct from any of
29 the forward operating bases?
- 30 A Yes, I mean, we had our own UAVs and we would frequently have live feeds going
31 into the operations centre. So for example, there was an incident, in our AO, where
32 an Apache helicopter fired a hellfire missile to take out a low target and that live feed

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1 from the helicopter was shared with our operations room and we, we watched that
2 happen in real time.

3 Q And in terms of that footage, the footage of any of your operations is concerned, was
4 that retained and stored or are you not aware of what happened to it?

5 A That, that didn't fall into my remit, the maintenance and storage of the records, but
6 um we were, as I believe all military units were, very cautious about maintaining
7 records and we had a Chief Clerk whose responsibility was to make sure that, that
8 operational paperwork was kept and stored, I presume stored securely. I wouldn't
9 imagine that would be any different anywhere else.

10 Q And the second question was as to how it is that you were aware or presumed that
11 UKSF would be equipped with the same facility?

12 A Because my experience, limited as it is, is that the quality of equipment available to
13 the Special Air Service is of a superior standard to that which is available to the
14 regular Green Army, so it seems reasonable to assume that they would have superior
15 recording equipment, maintenance of records than we, that we did.

16 Q Can you remember now whether you asked to see "the gun tapes" in this particular
17 conversation or whether you used a different description or can you not now
18 remember?

19 A I, I, it's possible that I used a different term, but I think it's likely that I used this
20 one.

21 Q In terms of the ultimate answer, which was "It's **classified** so you can't see it", in
22 any way did you to ask for an explanation as to why it was classified at that level?

23 A Um I, I made the point that I **was appropriately cleared** so there was no reason to
24 deny me access to it, but that was not a sufficiently persuasive argument.

25 Q Leaving aside for a moment the level of the classification, because he played the
26 **classified** card and you have matched it, might there be operational reasons that
27 you were not privy to that would mean that you should not see the gun tapes?

28 A Yes, certainly. You know, there is a "need to know" basis with **classified**
29 information, so simply being cleared to see it is different from actually needing to
30 see it, but I think in the context of this operation there was a need for me to see it
31 because I was being required to go and engage with the local nationals and, you
32 know, for my own integrity I needed to know that what I was being told had

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- 1 happened had actually happened and that I would be more persuasive in my
2 argument with them if I had all of the facts in front of me. I think actually it was
3 unreasonable to expect me, it was an unreasonable request to expect me to go and
4 state a case for which I did not have confidence was the truth.
- 5 Q Did you explain that to the person you were speaking to?
- 6 A I'm sure I did. It, it seems inconceivable to me that I did not justify my need to see
7 the tapes.
- 8 Q And we will come on to look at it again a little bit later, but there are also accounts
9 that you have provided where you have specifically asked to see if not the tapes the
10 intelligence behind the operation. Can you remember now whether in this call with
11 the Liaison Officer, whether you actually said that: "Well, if I can't see the tapes,
12 can I see the intelligence?"
- 13 A No, I don't recall that and I think that, I think that we set aside the different
14 intelligence fairly early on and the conversation really centred around my desire to
15 see the tapes if I was going to hand on heart go and engage with the, with the local
16 elders and I wanted to be 100 per cent clear in my mind exactly what had happened.
17 So certainly the intelligence came up, the fact that we were using different sources
18 um and I think the implication being that the SAS source was better than our own,
19 but fundamentally the conversation was about access to the gun tapes.
- 20 Q Okay. Ultimately in terms of the information that you received as to how these three
21 men had lost their lives, when were you given that information? Was it in this call?
22 Was it over the course of the day or days or do you now not remember when it was
23 that you got that information?
- 24 A There was more than one call. Um so ----
- 25 Q I am so sorry to interrupt you. Was that more than one call to the same Liaison
26 Officer?
- 27 A To the same Liaison Officer.
- 28 Q Thank you.
- 29 A So we, we did have a conversation about the tapes. He, I think, I was sufficiently
30 persuasive that he decided to check further up his chain of command whether I could
31 have access to the tapes and then he subsequently came back to me and said "No".

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- 1 Q Right. In terms of then the information you were provided with, can you help us
2 now with when you think it was that you were given the information about, leaving
3 aside what Bebe Hazrata had to say, but when you were given the information from
4 someone on behalf of the UKSF as to why these men had been shot and killed?
- 5 A Can I just ask you to repeat the question?
- 6 Q Yes, can you remember now when it was that you were given the information by
7 someone acting on behalf of UKSF as to why these men had been shot and killed?
- 8 A In that initial conversation.
- 9 Q So the very first conversation, and what was it you were told by way of explanation?
- 10 A That these men were Taliban commanders.
- 11 Q Right.
- 12 A And had therefore been targeted in a deliberate detention operation which had gone
13 wrong when those men revealed weapons they had concealed in their pyjamas and
14 were lawfully shot in self-defence.
- 15 Q So, in that first call, if we break that down for a moment, first, they were Taliban
16 commanders?
- 17 A Correct.
- 18 Q But, as you said before, you are not clear whether that is one, more than one or all
19 three?
- 20 A Correct. My, my recall is in the plural, they were all Taliban commanders.
- 21 Q And that during the course of the operation is it one or more than one had had a
22 weapon hidden about their person?
- 23 A No, all of them simultaneously. Again, this was part of the, the lack of credibility in
24 the story, that they somehow synchronised their actions and all produced weapons
25 simultaneously and were then lawfully shot and killed. It's the quality of the, of the
26 after action report was the red flag for me that says this just really, it's not really
27 very credible, believable. I think that over time when I'd been exposed to more of
28 these after action reports where a similar, similar story has revealed itself, it implies
29 to me that there wasn't really very much care or attention in covering these stories
30 up. You know, they were stories that kind of met the minimum legal threshold.
31 They explained why these men were lawfully killed, but they really, both
32 individually and collectively, lacked credibility, which suggests to me that the

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1 soldiers writing these reports felt that they had “*Top Gun*”(sic) and didn’t really
2 have to, they didn’t have to explain to me or indeed to anyone else, they just had to
3 meet the minimum legal threshold in terms of explanation, but that was completely
4 divorced from the need to credibly cover up what they were doing.

5 Q If we just think about the circumstances as described to you in which these three
6 individuals were shot and killed, the UKSF, [REDACTED], have arrived under cover of
7 darkness and taken the compound by surprise and called people out. Might it be
8 possible that individuals who had access to a weapon nearby them might at that stage
9 pick it up and hide it within their clothing?

10 A I mean, it is of course perfectly possible. I think that you have to think about the
11 balance of probabilities. I think there is a slight Western misconception that all
12 Taliban are suicide loving bombers looking forward to meeting their 37 virgins as
13 they ascend to heaven. My experience was that that was not the reality and that
14 when clearly outgunned and outnumbered and, frankly, in front of their families and
15 putting their families at risk, the, the insurgents would surrender, possibly knowing
16 that within 30 days they would be released, but certainly would not, certainly all the
17 Taliban that I met did not have suicidal tendencies; and I think taking on an armed
18 force that had just burst into your home would require a degree of suicidal tendency.

19 Q Just distracting you slightly from this particular incident, because we will come back
20 to it after lunch, can I ask you this? When I asked you about your deployment I had
21 focused on a particular aspect of the work that you had conducted, but what is
22 abundantly clear from both your book and also the reports into your conduct whilst
23 overseas is that you were involved in much more. Did you participate in any sort of
24 compound clearance yourself as part of your role with the 1st Battalion of the
25 Grenadier Guards?

26 A I did on a couple of occasions, yes. It was not ever my intention to be, to be at the
27 front of the queue, but the way that these happen in operations, as you stack up to go
28 into a compound, you are eating through resource and they finally got to the man at
29 the back and that was me and so it was my turn, yes.

30 Q In terms of whether there was or was not some sort of procedure that was applied to
31 when you did this, was there a system that you and others that you worked with

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1 employed in order to try to clear the compound and make it safe for you to progress
2 on?

3 A Er yes, there was. There was a very clear process which we practiced *ad infinitum* in
4 various training areas, you know, from Canada to, to the UK prior to deployment. It
5 was a very well-practiced, well-rehearsed process. We didn't use it often, but we
6 certainly trained and there was, there was a very clear process and we all knew our
7 role, yes.

8 Q And, as part of the process, at any stage did you use local nationals to assist in the
9 clearance of buildings or of compounds?

10 A No, that, that would, that was not part of the training procedure, no. No, it's not part
11 of the TTP.

12 Q At any stage were local nationals sent back into a building unaccompanied and
13 unrestrained so that they could open doorways or windows or assist in shedding light
14 into a building?

15 A No, that would never have been done under the TTP.

16 Q And forgive me for asking this as it may be obvious to you at least why that would
17 not be part of it, but why would you not allow a local national to participate either in
18 the clearance or to do so on their own?

19 A I mean, to answer your second question first, to, to allow somebody to do something
20 on their own, yeah, or somebody that you had detained, you are releasing them from
21 detention. You no longer have control over their actions. That would be extremely
22 foolhardy. To do so er under a degree of control, I suppose it's possible. It might be
23 reasonable to do that under certain circumstances, but it was not a procedure that we
24 employed.

25 Q And, picking up on one of the observations you have made much earlier on about the
26 question of who is or is not *hors de combat*, putting yourself back, if we may for a
27 moment, to the position where you go into a compound and individuals then come
28 out and are under your detention, are those individuals at that stage, as you
29 understand it, *hors de combat*?

30 A I think a slightly, I don't think the correct term would be *hors de combat*, but they
31 certainly are now subject to due care and attention as detainees. There are clear rules

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1 about what you can and cannot do with detainees, so “hooding” detainees for
2 example would be completely unacceptable.

3 Q And, without wanting to put you into too much detail in your memory as far as this
4 is concerned, just simply this. On those occasions where you were part of a patrol
5 which engaged in a compound clearance, did you have to engage with individuals
6 who had come out and had effectively surrendered to your detention?

7 A Yes, on a number of occasions. When we talk about “detention”, you know, these
8 people were not bound or physically detained or physically restrained, but they were
9 people that we had found in the compounds who temporarily came under our
10 detention whilst we cleared that compound and, when we were satisfied that the
11 compound was cleared, we moved on and they were left behind.

12 CHAIR: The term *hors de combat* would suggest that they were *combat* in the first place
13 and what you are saying is that that assumption could not be made; that they were
14 just under detention?

15 A Yes, I, I, my concern is using the correct legal term. So my understanding of what
16 *hors de combat* means is that you are out of combat. That might mean that you are
17 injured or it might just mean that you are at home asleep in your bed; whereas the
18 term “detainee” is different, in that that could refer to a combatant that you have
19 disarmed and is now in detention. So I just wanted to make that distinction, Sir.

20 Q And just going back to your earlier answer that you had no Afghans with you, were
21 there interpreters who would do the call out or how would that be done?

22 A Um interpreters were, did join us on patrols. They were uniformed but they were
23 never armed. So, actually they were never putting their boot to a door and going
24 through a door. That would always be an armed member of the team.

25 Q But, as you described your procedure, the procedure that you used for compound
26 clearances, were there interpreters there to do that task?

27 A There would have been interpreters there and we would use them externally to tell
28 people to come out or to tell people that we were coming in and to be prepared or to
29 put their hands up or whatever it may be. So there was, there was, the interpreter
30 was certainly part of the process, but actually at the point of entry the interpreter
31 was, you know, held in as safe a place as possible.

32 CHAIR: Thank you.

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1 MR GLASGOW: Just a final piece of clarification before we leave this and then break for
2 lunch, because we are going to then go back to Rahim from there after that, as to the
3 operations that you have been involved in where you had conducted a compound
4 clearance, were these at day-time, at night-time or both?

5 A Always day-time. We actually did not operate very much at night. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR GLASGOW: Thank you very much. Sir, would that be a convenient moment to
12 break for lunch, please?

13 CHAIR: It would indeed.

14 MR GLASGOW: Can I indicate to everyone that I am going to conclude my questioning,
15 subject to any problem, today?

16 CHAIR: Thank you. We will break now, please, until two o'clock and, Mr Green, I
17 remind all witnesses not to discuss their evidence in any breaks.

18 WITNESS: Of course.

19 CHAIR: All right, go and get some lunch.

20 (Short Adjournment)

21 CHAIR: Mr Glasgow.

22 MR GLASGOW: May it please you, Sir. Mr Green, we had been having your help with
23 information that you had not received from the Special Forces Liaison Officer. Can
24 I ask you this, please? The gentleman with whom you spoke on the first occasion,
25 was that the same person that you had spoken to previously when asking about the
26 banking incident that had led to the problems in Gereshk?

27 A That is a good question. Just give me a moment to think. I think the answer is
28 "Yes". It was the same number.

29 Q Right.

30 A No, I'm wrong. I'm sorry, I'm wrong. On the first occasion when I spoke with a
31 member of Special Forces with regard to the Hawala incident, it was actually the
32 team leader who had conducted that operation. So it was a different person.

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- 1 Q So same number, different individual.
- 2 A Correct.
- 3 Q And, as far as the individual that you spoke to as regards this particular incident in
- 4 Rahim, was it the same person on the calls that you had or did the person change?
- 5 A No, it was the same person. Earlier I mentioned it was more than one call ----
- 6 Q Yes.
- 7 A -- but all of the calls were with the same person, yes.
- 8 Q And just before we leave it, one other thing. The meeting, the prayers meeting that
- 9 had happened with the Company Commander, and again forgive my ignorance of
- 10 how this would have worked, but at the time that happened were you at the forward
- 11 base of Rahim?
- 12 A No, I was not. I was at the Main Operating Base PRICE ----
- 13 Q Right.
- 14 A -- attending the Commanding Officer's prayers, [REDACTED] at
- 15 Main Operating Base PRICE.
- 16 Q And the information that he was receiving during that briefing, was that from
- 17 someone who was personally present in the briefing relaying information that had
- 18 come from Rahim or was somebody patched in via a [REDACTED] link?
- 19 A No, all of the information in that meeting room was the physical participants in that
- 20 room but some of those people were relaying information on behalf of the Company
- 21 Commander in Rahim.
- 22 Q So, when it came to the calls that we have been discussing that you made, those were
- 23 calls that you made from Main Operating Base PRICE going out to the Liaison
- 24 Officer whose number you had?
- 25 A Correct.
- 26 Q At any stage did you travel to Forward Operating Base RAHIM in order to assess the
- 27 situation on the ground?
- 28 A No, I did not, no. I relied on both the Company Commander and the Information
- 29 Operations Officer on the ground.
- 30 Q So, when I had asked you about any interaction you might have had with the
- 31 delegates, were the Spin Zhiras, were they visiting the Forward Operating Base
- 32 RAHIM or Main Operating Base PRICE or both?

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- 1 A They were just visiting RAHIM. They were the local elders for Rahim and in
2 answering that question I did engage with them but not on this and not at that time.
3 So I did have a dialogue with the elders but not on this specific issue.
- 4 Q I understand and, other than the information that you were provided with by your J2
5 team whilst you were at Main Operating Base PRICE, did you contact anyone in
6 RAHIM to see if you could get a feel for the atmospherics or the mood that there
7 was?
- 8 A Yes, I did. I spoke with both IIIA109 the Information Operations Officer and with the
9 Company Commander.
- 10 Q Right, thank you. Can I please take you into some of the other documents to look at
11 some of the different iterations of the accounts because we touched upon those at the
12 outset of your evidence and I would like to give you an opportunity to help us with
13 them if we may? We have already looked at the excerpt from your book, but could
14 we just look for a moment if you would not mind back in the file to divider 2, which
15 is the statement that you have provided to the RMP.
- 16 A Yes, I have that statement.
- 17 Q So behind divider 2, if you would not mind, could we just turn straightaway to the
18 last page of that statement which is red numbered 22 at the bottom?
- 19 A Yes.
- 20 Q You offered this view at the end of your statement to the RMP:
21 “It was my view that the refusal to show me the gun tapes was in effect an
22 admission of guilt that SF personnel had operated outside the [Rules of
23 Engagement].”
- 24 Now, as to that view that you clearly held when you spoke to the RMP in 2017, can
25 you remember when it was that you reached that view? Was it at the time that you
26 were refused access to the gun tapes or was it subsequently after you had had
27 discussions with, for example, George Arbuthnot about other incidents?
- 28 A It’s a good question. I think that um it, from the initial conversation, as I have
29 referred to before as red flags, there was a red flag here and that is why I did not take
30 that answer as sufficient explanation and then subsequently raised it with my
31 Commanding Officer and with the Information Operations Lead for Task Force
32 Helmand, who was the second most senior officer in Helmand at that time.

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- 1 Q So just breaking that down if I may, a red flag was raised in your mind but not so
2 much of a red flag as you regarded it as an admission of guilt at that stage. Is that
3 fair?
- 4 A That is a fair, that is a fair analysis, absolutely, yeah.
- 5 Q So with the red flag raised, having been effectively shut down from getting further
6 information from UKSF, two lines of enquiry then began for you: first of all, was it
7 first to the Company Commander?
- 8 A Not to the Company Commander but to the Commanding Officer.
- 9 Q Sorry, Commanding Officer.
- 10 A Lieutenant Colonel (now General) James Bowder.
- 11 Q Right and, when you spoke to Lieutenant Colonel Bowder (as he was at the time), he
12 had tasked you to make the initial enquiry because you were the best placed person
13 given your contact you had, or at least the contact number you had.
- 14 A Correct.
- 15 Q When you spoke to him and set out everything you had not been told in your call or
16 calls, what was his response, please?
- 17 A Without putting words in his mouth, he said in effect that that was the best we were
18 likely to get from Special Forces and that I should not pursue it further.
- 19 Q Was he or did he appear to be surprised when you told him that your efforts to get
20 information from UKSF had not met with success?
- 21 A He was not surprised at all and I would judge that that was the outcome he
22 expected.
- 23 Q Did you seek to persuade him to allow you to make more enquiries or did you
24 entreat him to intercede on your behalf?
- 25 A I think that he clearly indicated to me that it stopped there and, whilst I believe he
26 shared my reservations, he did not encourage me to pursue my enquiries any further.
- 27 Q Can you remember now whether you expressed yourself in clear terms that there was
28 a red flag in your mind or were you less direct in your description to him?
- 29 A I suspect that I was more direct um and more explicit in my view at that time given
30 that, in that context, we did not always use gentlemanly language.
- 31 Q So is it safe to assume that he would have been in no doubt as to the question marks
32 you had over the failure to show you the information?

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- 1 A I, I would find it hard to believe that I did not make myself clear.
- 2 Q In addition to setting out the refusal to show you the gun tapes, did you also raise
- 3 with him the red flag you had about the explanation given as to how these three men
- 4 had met their deaths?
- 5 A I certainly did and I think that we both laughed at the, at what we perceived to be the
- 6 incredulity of the, of the claim.
- 7 Q That was the first then of the raisings that you made on this particular matter in an
- 8 effort to take it a little further but ultimately no further. The second effort was what,
- 9 please?
- 10 A The second effort, because I had a dotted line report through my specialist area of
- 11 information operations, we had a lead in the Information Operations in Task Force
- 12 Helmand whose name I had forgotten until I was presented with this, this statement
- 13 that I gave to the RMPs, where I do actually name him and I'm just trying to find
- 14 that for you now. (Pause) Sorry, just bear with me. (Pause) Yes, so on page CG21 -
- 15 ---
- 16 Q Yes.
- 17 A -- the third paragraph:
- 18 "I raised this with the [Task Force Helmand] SO1", which is a full colonel
- 19 ranked staff (inaudible) "[Information Operations] who advised me not to
- 20 continue to pursue this."
- 21 Unfortunately that is not where his name appears, but it is in here somewhere.
- 22 (Pause)
- 23 Q I will find the name for you in a moment.
- 24 A I am very sorry, I'm embarrassed because I have seen it today in reviewing your files
- 25 and it was a name that I had forgotten until I saw it. So it is in here somewhere. I do
- 26 apologise.
- 27 Q No, no. I think you will find it is the page before. So if you look to page CG20, the
- 28 middle main paragraph, last couple of lines:
- 29 "... Information Operations Officer [IIA109]?"
- 30 A No, that is not the SO1. That was [IIA109], who was the Information
- 31 Operations Officer in Patrol Base RAHIM. It is not Major Chris Sarjent, who was
- 32 the Company Commander.
- 33 Q If we look onto page 19, the last paragraph?

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- 1 A Yes, here it is. Here it is. It is on that first page, the last paragraph. So CG19, the
2 last paragraph:
- 3 “I expressed those concerns to IIA110, the Task Force Helmand
4 ... SO1 Info Ops”.
- 5 Q Thank you, Mr Green.
- 6 A I am sorry that took me a little while to find. So, yes, returning to your question,
7 because I had this dotted line report, I felt that I was not stepping outside of my
8 loyalty to my Commanding Officer by discussing my concerns with him. He
9 initially appeared sympathetic and said he would get back to me and when we did
10 speak again he um, he indicated that I shouldn’t pursue it any further.
- 11 Q In indicating that you shouldn’t pursue it any further, did he offer any reasons as to
12 why you shouldn’t pursue it?
- 13 A Not any that particularly stick with me. It was more that it wasn’t really, it wasn’t
14 really worth, it was not in my, it was not going to be good for me, if that is the right
15 expression, to pursue this. That sounds like a threat. It wasn’t an implied threat, it
16 was an indication that it would not be helpful to my role with the battle group if I
17 made a fuss about this.
- 18 Q Given that you had already been described as a “Taliban loving apologist”, were you
19 concerned that that view might spread and that something might be said that could
20 possibly damage you in any way?
- 21 A Not really at that time. I understood my role as a Reserve Officer that I had a luxury
22 that other officers did not have. I didn’t really as a 48 year old, or 47 year old,
23 Captain, I didn’t really have a career that needed protecting. My motivation for
24 being there was not as a career soldier but as a Reservist and that gave me a licence
25 that I recognised other officers did not have, where I could be a little bit more
26 challenging of the chain of command because I wasn’t risking my career. I hope that
27 I used that luxury wisely, but on this occasion I feel I probably had pushed it as far
28 as I could go at that point.
- 29 Q So, in terms of red flags for you at this stage, if I am right, there is a red flag relating
30 to the refusal to show you the gun tapes because that was a concern that you had, is
31 that fair?

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- 1 A It was a concern that I had because I knew that I would need to engage with local
2 nationals to try and calm the situation and I needed for my own personal integrity to
3 know that what I was claiming or was going to claim to them was actually true, yes.
- 4 Q Was there a red flag over the refusal to share the intelligence which had led to this
5 particular operation?
- 6 A Less so because I accept that intelligence needs to be secured and it is not always
7 possible to share intelligence with everyone. I think we talked about “need to know”
8 earlier today.
- 9 Q We did.
- 10 A Yes.
- 11 Q And was there a red flag as to the circumstances in which it had been described that
12 these three men had lost their lives?
- 13 A Yes, that the description of the events as described by the Task Force, sorry by the
14 Special Forces’ spokesperson who I spoke with just lacked any credibility in my
15 mind.
- 16 Q In terms of the credibility of accounts, could I just invite you, if you would not mind,
17 to go to the statement you made to the Inquiry, which is behind divider 1, so back to
18 the beginning of the bundle and in terms of the pagination if one looks to the red
19 number, it is No. 8 at the bottom, please?
- 20 A I have it.
- 21 Q You have identified here that:
22 ‘Operational service is characterised by a degree of bravado and dark
23 humour. For example, it was a “joke” I heard many times that insurgents
24 running away (and therefore no longer posing a threat to life) should be
25 reported as “falling back to secondary positions”, which would mean they
26 still constituted a threat to life and could therefore continue to be engaged.’
- 27 Is this a “joke” or “bravado” which is associated with the regular Green Army, with
28 UKSF or with both?
- 29 A I can’t speak for Special Forces because I didn’t socialise or engage with them so I
30 can only speak for the Green Army and specifically within the Green Army I can
31 only then speak for my own battle group, where we did make this, this joke if you
32 like. I don’t honestly believe that we would have engaged people who were running
33 away, particularly if they were not armed, but it was the nature of the bravado that
34 was systemic within operations.

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- 1 Q So, in a sense, “dark humour” as you have described it, but not a means of justifying
2 the engagement of any individual that was running away?
- 3 A Not in a context where I had those conversations, yes.
- 4 Q And the other example you gave in terms of reporting was also set out in this
5 paragraph, which is the wearing of what is described as “German shoes” and you
6 said:
7 “Our intelligence reports would often mention German shoes in their
8 description of Taliban suspects. It became a running joke that Taliban
9 fighters could be positively identified by their choice of footwear.”
- 10 In terms of the “intelligence reports”, are those intelligence reports that were coming
11 in to you as part of your company, that is the Grenadier Guards, rather than anyone
12 else?
- 13 A Er they were intelligence reports that were being shared with our intelligence cell
14 within the battle group. [REDACTED]
15 [REDACTED]
- 16 Q And, in terms of identifying potential individuals who were either members of or
17 sympathisers with the Taliban, what is the link with “German shoes”, please, if you
18 can explain it to me, or it may be that you can’t explain it?
- 19 A I’m afraid I can’t explain and I don’t think anybody ever did satisfactorily explain it,
20 but a number of descriptions of various known Taliban would use this reference to
21 “German shoes” which we all laughed about because we actually didn’t know what
22 it meant. We weren’t even sure how that was a valuable piece of information. So it
23 became something slightly comical to us and yes, we, we used that to comedic
24 effect, but not, we didn’t take it seriously.
- 25 Q To the best of your ability, were you able to identify a particular style of footwear
26 being worn by members of the insurgency?
- 27 A No, no, we did not, no.
- 28 Q In terms of the Joint Priorities Effects List, in the statement that we have got can I
29 take you on, please, to page 10 if you would not mind? You deal with your
30 understanding of the term “kill or capture” and can I pause for a moment before we
31 look to this paragraph and ask you this? When I raised the question of a deliberate
32 detention operation and we discussed whether or not that was an appropriate means
33 by which to describe the particular operation that was being carried out, I neglected

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- 1 to ask you this, but was that a term that you were familiar with whilst in Afghanistan
2 or is that a term that you have only become familiar with since leaving Afghanistan?
- 3 A Since leaving. In fact, to the best of my knowledge, the first time I heard that
4 expression was in your Opening Statement, so at the first of the public hearings.
- 5 Q In terms of, as you have described it here, “kill or capture”, can I ask you this? In
6 describing something as a “kill or capture operation” or “mission” or “raid” or
7 whatever it be, is that a term that you had heard in Afghanistan or is it a term you
8 have only heard since coming back from Afghanistan?
- 9 A No, that was a term that I heard in Afghanistan and that term was linked to what was
10 called the Targeting Cycle, which was explanation given and I reflected in the break after
11 you asked me the question about the DDOs that actually that terminology,
12 the Targeting Cycle, might more appropriately describe what was happening on those
13 operations.
- 14 Q What is the latter phase of the Targeting Cycle?
15
- 16 A I think that's, I think, you know, my understanding is “kill or capture”.
- 17 Q Right and the Targeting Cycle, again, is that a description that was being used in
18 Afghanistan when you were there?
- 19 A It was being used in Afghanistan and I believe that it came from US doctrine. So I
20 think the terminology originated in US doctrine, not UK doctrine.
- 21 Q And was it described, albeit that it had come from US doctrine, was it described in
22 connection with UK activity?
- 23 A Yes.
- 24 Q And can you remember now whether it was employed when describing Green Army
25 activity, UKSF activity or both?
- 26 A UKSF activity.
- 27 Q And, when it was used, given your lack of connection to UKSF, is it right to
28 conclude that you heard it being used by people who were not in UKSF when talking
29 about UKSF activity?
- 30 A Correct.
- 31 Q Have you ever heard anyone from UKSF,
32 , or attached or in a support capacity who has used that term?

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1 A No, I have not, no.

2 Q You go on in your paragraph at the bottom of page 10 and if we just look at it
3 together, having spoken about the term “kill or capture”, you say:

4 ‘... the desired outcome was to kill [and that] this was consistent with the
5 joint Priority Effects List ... which was unofficially but consistently
6 referred to as the “Kill List”.’

7 Who referred to the JPEL as the “Kill List”, please?

8 A So the JPEL was something that we had visibility to so it wasn’t uniquely a Special
9 Forces’ document and the, again, you asked me about the appropriateness of the
10 term DDO and JPEL was another term that seemed to hide the true intent because
11 the only priority effects that ever seemed to come out of these things was “kill or
12 capture”. So, it was more appropriately named the “Kill List” and I remember
13 reviewing that “Kill List” on a number of occasions and being very grateful that I
14 wasn’t on it.

15 Q As to who would describe it in that way, was that a common way in which
16 individuals would talk of this particular list or was it a term only used by a handful
17 of you or just you?

18 A A term that I took to be in common parlance, but in my own conversations they
19 would almost exclusively I think have just been with the Staff Officers in our
20 headquarters, so a relatively small number of officers and COs yes.

21 Q Your assumption, if it is fair to call it that, was that you were not a unique group of
22 individuals using this description?

23 A That is correct, yes.

24 Q If we just look on in this particular section, if we turn on to page 11 -- we are already
25 on page 11, I do apologise -- if you run your finger down about five lines, you will
26 see “The high volume of missions “ that starts in the middle of the page.

27 A Yes, I see it, yeah.

28 Q
29 ‘The high volume of missions that did not result in a successful detention
30 indicate to me that DDO, like “priority effects” was a deliberate misnomer
31 and was not, in fact, the desired outcome of the mission. In my view, if
32 detention had been the desired outcome, such a high volume of operational
33 failures would have raised questions with regard to the efficacy of the TTPs.
34 Given this was deemed unnecessary, it implies to me that commanders were
35 satisfied with the outcome.’

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1 Can I ask you how it is that you have come to that view about the operations that
2 were being conducted when, as I understand it, other than the Rahim incident where
3 you had direct knowledge, the only other information you have been made privy to
4 is what George Arbuthnot has either shown or told you?

5 A Yes, so this is a conclusion that I had reached following your Opening Statements
6 where I first became exposed to the term “DDO”. So I’m able to look back on this.
7 I’m able to reflect on past events on the basis of new information and what strikes
8 me is that, based on my own understanding of how the military operates, the idea
9 that an operation would be called a deliberate detention operation and not result in
10 deliberate detention would, in the first instance, be embarrassing to those concerned
11 if they had failed to achieve a detention. In the second instance, it would raise alarm
12 bells with the chain of command that their process is not working because it is not
13 achieving the desired outcome. And, in the third instance, something would be done
14 about it. The fact that (1) did not lead to (2) and (3) causes me to come to the
15 conclusion that this was a misnomer and the outcomes that did happen were desired
16 and desired at a fairly high level in the chain of command, that these were
17 appropriate outcomes. That was my conclusion.

18 Q And simply to clarify that, is that a conclusion that you have reached in discussions
19 with anyone else or because someone has shared particular information with you or
20 because you have analysed the information available and have reached that
21 conclusion yourself?

22 A It is a, it is a personal analysis that I have come to on my own.

23 Q If we go back to where you were in 2012 for a moment and at least to the end of
24 your tour, so you have returned from Afghanistan, the incident in Rahim has
25 happened not long before you ended your deployment, so you left theatre with red
26 flags very much still fresh in your mind. At any point did you try to raise those red
27 flags with anyone in the chain of command or outside of it following your return
28 from Afghanistan?

29 A It is a, it is a regret and deficiency of my character that I did not. Um I think to try
30 and give that some context, young men ... Excuse me just a moment. Sorry, sorry,
31 just bear with me. (Pause) Young men were dying every day in Afghanistan, so as
32 horrific as it may seem, when these three young men died, they were three in a long

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1 list of people that were reported to us on a daily basis and so we quickly passed over
2 from this incident onto other more immediate and pressing incidents. So I think in, I
3 can fairly say, the collective knowledge of the battle group, this was one incident of
4 many and we fairly quickly moved on and that is a regret.

5 I also regret and I honestly until I spoke with George Arbuthnot I was unaware of
6 Operation NORTHMOOR and it never occurred to me having not managed to speak
7 with or not managed to convince my Commanding Officer or the SO1 Information
8 Operations that this was worth pursuing, I didn't then pursue a third line of enquiry
9 and go to the RMP. It just simply didn't occur to me until my conversations with
10 George and, as I mentioned this morning, once he made that aware to me that was
11 when I asked him to connect me with the RMPs.

12 Q And that request that you made of him then put in train your discussions with the
13 investigators at the RMP that ultimately led to the statement in which you offered
14 your opinions and conclusions as to what had gone wrong as regards the Rahim
15 incident?

16 A That is correct, yes.

17 Q I do not seek to criticise you when I ask this, so can I make that very clear? In not
18 pressing the matter, is that because there were other more important things that came
19 to pass that distracted you from it; is it because you did not feel if you pressed it that
20 would be well received by anyone; or is it for some other completely different
21 reason?

22 A It's a good question. You don't have to criticise me for it, I criticise myself for it. It
23 was a failing. I, I think to try and answer your question, it's a combination. There
24 was a, you know, we, we lurched from one incident to the next on a, on a daily basis.
25 We became desensitised to hearing of people dying. We had our own particular
26 crosses to bear with regards to our own ... Excuse me. (Pause) ... with some of the
27 soldiers from our battle group who were killed. So this did drop down the priority
28 list at the time. There is no doubt about that. I, in terms of my own personal
29 welfare, I knew that if I spoke out I would, I was consigning myself to a difficult life
30 and I perhaps, because I have a family and other considerations, I delayed speaking
31 while I internally debated those issues.

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1 MR GLASGOW: Thank you. Sir, I am going to change subjects and I wonder whether
2 now would be a convenient moment for a short break? I would certainly welcome
3 one.

4 CHAIR: Yes, indeed. Let us do that. We will break now for a quarter of an hour.

5 MR GLASGOW: Thank you.

6 (Adjourned for a short while)

7 CHAIR: Mr Glasgow.

8 MR GLASGOW: May it please you, Sir. Thank you very much for that break. Mr Green,
9 before I change topic and I know I promised you I was going to, but just before we
10 leave some of the documents, if you would not mind, in the file in front of you go to
11 divider 2 and the statement to the RMP. Could we just look together at page 20, so
12 red numbering CG20 at the bottom?

13 A Yes.

14 Q The third paragraph down begins "It was reported".

15 A Yes.

16 Q
17 "It was reported in the [Commander's update briefing] that Local Nationals
18 ... had approached the patrol base claiming that the farmers were innocent
19 of any crimes and had been gunned down in cold blood."

20 Two words have been scored through and initialled by you "gunned down in their
21 beds" and then "cold blood" appears. Can you help with how it is that those two
22 words "their beds" appear and why they have been struck out, please?

23 A Yes, um two factors here. The first one is that I did not hear first-hand testimony
24 from the local nationals, so that was received information and on reflecting on the
25 statement before I signed it, I realised I was putting words into the mouths of others
26 and that I had no knowledge that they had said that. So to situate the killing as
27 having happened in their beds was incorrect and I felt the term "cold blood" more
28 accurately described their view that they had been murdered or assassinated.

29 Q So originally the statement had read

30 "... innocent of any crimes and had been gunned down in their beds cold
31 blood"?

32 I mean, it does not quite read properly, does it ----

33 A No.

34 Q -- when one reads it that way?

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- 1 A No, I don't think that's quite right actually, Mr Glasgow. I think what happened
2 here is that in the writing of this I, I corrected myself in the moment.
- 3 Q Thank you.
- 4 A And so the words were crossed out by the investigator that was taking the statement
5 and that is why the words follow each other. It was a correction that I made in the
6 moment.
- 7 Q Thank you very much indeed. Can I ask you this? Thinking back to the different
8 descriptions you have had at various times about what may or may not have
9 happened on that particular evening, do you remember whether anyone used the
10 phrase they had been "gunned down in their beds" or do you know how it is that you
11 put those words wrongly in the mouth of someone else?
- 12 A I think that it was, rightly or wrongly, my analysis of night raids that we were
13 bursting into people's homes and shooting them in their beds. Practically speaking,
14 understanding some of the TTPs, I know that that is highly unlikely, so I think I was,
15 I was removing my own prejudice in asking for those words to be changed.
- 16 Q Thank you. Can I try to change the subject slightly, although it probably does
17 remain very similar to the one we were dealing with before, and it is this. What I
18 would like to deal with is to ask you about the "assistance payment" that you came
19 to hear of and to ask you how it is you have reached certain opinions or conclusions
20 about the payment of that money to Bebe Hazrata.
- 21 A Of course.
- 22 Q You had explained in your witness statement that you provided to Leigh Day in
23 October 2021 that you were surprised to hear an assistance payment would be made.
24 Before I ask you why you were surprised, can I ask you this first of all? When did
25 you first learn that she was to receive any money at all?
- 26 A Within, within days of the money being delivered because we, we needed to discuss
27 how we were going to give her that money, which in Afghanistan was an eye-
28 watering sum of money and we were concerned that actually she might be subject to
29 some form of personal violence if people knew that she had such an item. So there
30 were some risks attached to how we safely gave her that compensation money.
- 31 Q You said "within days of the money being delivered". Do you mean in the days
32 before the money was delivered to her?

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- 1 A In the days before the money was delivered, yes.
- 2 Q Right, so in terms of arrangements that had to be put in place for the safe delivery of
- 3 the money, was that, for want of a better phrase, an operation that you advised on?
- 4 A Yes, so um IIA109 and I discussed it and I believe Chris Sarjent also was concerned
- 5 that their Chief of Police [Name Given] was a pretty notorious character and
- 6 we were concerned that he might actually re-appropriate that money for himself if
- 7 we, if we, if we didn't create checks and balances to make sure that didn't happen.
- 8 Q And in so far as the physical handover of the money is concerned, did you or any
- 9 member of your company play a part in that?
- 10 A Yes, IIA109 was involved in that, so he, he was ultimately responsible for making
- 11 sure that that money ended up in her hands.
- 12 Q And when you discovered that money was to be provided to her, at that time what
- 13 was your reaction to the news, please?
- 14 A I mean, as I said, I was surprised. I was surprised for two reasons: (1) because the
- 15 process of processing claims was a lengthy one and it didn't happen in double quick
- 16 time. Indeed, you know, many claims that we were involved in the payment of were
- 17 for incidents that had happened before our time in theatre, so it was a fairly lengthy
- 18 process that local nationals had to go through to, to receive payments of any kind,
- 19 compensation payments of any kind. So there was a surprise that this one had been
- 20 processed as quickly as it was.
- 21 But there was an even greater surprise that we were paying money to people that as
- 22 a you know, that we were claiming were, were were Taliban commanders because
- 23 it seemed very unlikely to me that we would compensate mothers for the deaths of
- 24 their sons if their sons were Taliban commanders. I think that was a view that was
- 25 shared broadly across the battle group by all who knew that that payment was being
- 26 made.
- 27 Q When you say you think that was shared by all, did you discuss it with others and
- 28 learn that was their view or is this an assumption on your behalf?
- 29 A No, we discussed it. I think, again, the surprise with which it was paid was, was the
- 30 subject of discussion and the purpose of the payment was also the subject of
- 31 discussion and so, yes, this was, I think, a broadly held collective view.

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1 Q You have explained to us that you were not at the forward operating base at the time,
2 but in terms of getting a read on the atmospherics from those who were there, was
3 this a vociferously pursued complaint by the village elders?

4 A Yes, it was and um there was a, there was a significant breakdown in communication
5 and a loss of trust. As I think I previously stated, the Patrol Base Commander, Chris
6 Sarjent, was, was, you know, absolutely incandescent because he felt that all of the
7 risks, the extreme personal risk that his own company had taken in that AO over a
8 period of months was wiped out in seconds in that incident, yeah.

9 Q If we think for a moment, the Patrol Base Commander is “incandescent”, the
10 Company Commander has demanded an explanation and you have made a number
11 of phone calls challenging what you had been told and “raising red flags”, to use
12 your phrase. Might the speed of the payment be in part because you and others had
13 escalated the complaint and those who were responsible for paying it were
14 recognising a need to deal with this thing quickly?

15 A I mean, one must conclude that that is the case and that there was, that there was a
16 need to deal with a dangerous situation in Rahim, but it was still extraordinary that
17 we would, that we would pay what I think was termed “assistance payments” to
18 mothers of Taliban, of the Taliban leadership. It was very unusual. I was not aware
19 of that happening in any other situation.

20 Q But if one recognises the volatile nature of the situation in Rahim because of what
21 happened, leaving aside whether they were or were not linked to the insurgency in
22 any way, is it possible that people hearing your challenge, listening to the complaints
23 of those in the base and elsewhere in the company have recognised a need to address
24 a problem and therefore paid out in otherwise very unusual circumstances?

25 A It’s an interesting question that you ask. I think that the issue at hand is not whether
26 people felt that we needed to make a payment speedily. You know, in, in incidents
27 where Taliban leaders were lawfully killed in the course of combat, there was no
28 need to recompense the families to satisfy the local nationals and that is not
29 something that Her Majesty’s Government were in the habit of doing. So it is a very
30 unusual policy and to my mind it was an admission of guilt that we had killed the
31 wrong people and that these people were not actually Taliban commanders. That
32 was my interpretation and it was an interpretation that was widely shared by others

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1 on the basis that, in, in the process of legally killing other combatants, we didn't, we
2 didn't hand out money to the family afterwards. It was just not, it was just not, it
3 was an inconceivable policy. So it was very, very unusual. I hope I am explaining
4 myself sufficiently well.

5 Q You are. Can I ask you this? In terms of whoever was responsible for authorising
6 the payment, and I do not mean the specific individual but this, to your knowledge
7 was it a payment authorised by the UK forces or by ISAF or do you not know?

8 A At the time I was there I don't know. I think subsequently, down to the investigative
9 work of David Collins who identified the payment, that appears to have been an HM
10 Government payment, yeah.

11 Q And, if we look to the spreadsheet just in case it is relevant, in our divider 3, if you
12 were to look to page 70 and in fact you will need to turn the file on its side when you
13 do so and you will be familiar with the spreadsheet itself, but page 70 has a
14 particular entry that you have identified. It is three up from the bottom on red page
15 70.

16 A Yeah, I have that.

17 Q So we have got here:

18 "3 x [Local Nationals] shot by ISAF [Task Force] (suspected [insurgents] -
19 see Storyboard). Assistance payment to be made to calm local
20 atmospherics."

21 A Yeah, I mean, I think what is telling about this, about this description is that we talk
22 about "3 x LN", so three local nationals, not three insurgents, which would be "INS"
23 would be the abbreviation. I don't think that we're in the habit of killing "suspected
24 insurgents". You have to be confirmed as an insurgent. You know, there can be no
25 doubt so "suspected", I think the use of the word "suspected" there is very telling
26 and I think that the idea that we make an assistance payment "to calm local
27 atmospherics", whilst it may be true in this case, if those local nationals had been
28 insurgents and were not suspected insurgents and had been killed lawfully, there
29 would have been no question of making an assistance payment "to calm local
30 atmospherics". So I think that in one and a half lines there, there is a lot to be, to be
31 gleaned from that, that simple sentence.

32 Q Can we just look at the way that you have described this payment on other occasions
33 if you would not mind? Still behind divider 3 if we turn on to page 110, which is the

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1 article in November of 2017 which dealt with the payment itself. We looked at it
2 much earlier in your evidence, but bottom in red 110.

3 A So I am on that page. Where are you?

4 Q About halfway down the page, if your hole punches are in the same area as mine,
5 just below the first hole punch at the top, a paragraph beginning “An MoD source”.

6 A Yes, I have that.

7 Q
8 ‘An MoD source denied the payment was compensation and instead called
9 it an “assistance payment”. The source said the payments did not constitute
10 an admission of liability. However, Green was adamant the payment was
11 “so unusual” that it was considered by officers at the time to be evidence of
12 a special forces’ mission gone wrong.’

13 In terms of “a special forces’ mission gone wrong”, what you have said a moment
14 ago was that, in effect, an admission that the wrong people had been killed. Is that
15 what you mean by “a special forces’ mission gone wrong” or did you mean
16 something else when you described it that way in November of 2017?

17 A I, the, the former. I think it aligns with my statement about the SAS employing their
18 special talents on the wrong targets and so I think that was, you know, that was, that
19 was my viewpoint and it was a viewpoint that was widely shared with all of those
20 that I discussed it with because of the unusual nature of the payment and the speed
21 with which it was processed.

22 Q If we just turn on, if you would not mind, please, to divider No. 4, to the “Rogue
23 Troopers” article which we have been able to identify was in fact published on 21
24 November of 2020. If you look, please, to page 116, which is to one of the pages
25 that we looked at at the outset of your evidence, you deal with the assistance
26 payment in the second paragraph. You will be able to see the sum of money set out
27 there and the last sentence of that paragraph:

28 “The Ministry denied this was compensation, claiming it did not constitute
29 an admission of liability for the death of her sons.”

30 And then it continues:

31 “To everyone on the ground, including myself, it was nothing less than
32 exactly this.”

33 In other words, the payment was nothing less than “an admission of liability for the
34 death of her sons”.

35 A Correct.

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- 1 Q And, again, is that because the wrong people were killed or is it because the manner
2 in which they were killed or is it because of both?
- 3 A It is a very good question. I think that in the moment at the time of the incident our
4 strong view, based on our own intelligence, was that they had hit the wrong targets.
5 I think in the initial moments of an awareness of that incident, this was before I had
6 had the explanation from the Special Forces' spokesperson, so I was not aware of the
7 circumstances in which they had been killed, our view was they hit the wrong guys,
8 they got the wrong guys, we've got nothing on these guys. So that was the first
9 reaction. The second reaction with regards to the lawfulness of the killing came later
10 after I had had those conversations and the red flags that we talked about were
11 raised, where I, I questioned the credibility of the information that was being given
12 to me.
- 13 Q And, of course, we remind ourselves that in the short passage in the book where you
14 touched upon this issue, you suggested that they had engaged the wrong targets.
- 15 A Correct.
- 16 Q In the first article in *The Sunday Times* you had accepted that it was probably, to use
17 the words, "an execution", which ----
- 18 A Correct.
- 19 Q -- implies something more serious than simply the engagement of the wrong targets.
20 Would that be fair to say?
- 21 A Correct.
- 22 Q In your statement to the RMP the following month, you said that the UKSF had
23 "acted outside the Rules of Engagement".
- 24 A Correct.
- 25 Q In other words, an allegation that they had acted unlawfully.
- 26 A Correct.
- 27 Q Okay. In describing it in the different ways that you have done in those written
28 passages, in any way has your view changed? Has it got worse of what happened or
29 have you always been of the view that this was more serious than just the wrong
30 targets? This was unlawful activity?
- 31 A Yes, I think there was a very short sequence of time from believing that the SAS had
32 targeted the wrong people, based on our intelligence, to then having the conversation

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1 with, with the Special Forces' spokesperson around what they were doing and why
2 and then being informed that these guys had been murdered inside the wrong bed
3 and had been killed in self-defence when they revealed concealed weapons. That's a
4 fairly short window. I mean, that happened within the day of dealing with that
5 incident, the first day of dealing with that incident, so I very quickly came to the
6 conclusion that something was not quite right here and required further investigation,
7 which was why I asked to see the gun tapes. So I, so initially "You've got the wrong
8 people" to "You've got the wrong people and you've behaved unlawfully", so there
9 is a fairly small window for myself of reaching that conclusion.

10 That conclusion has not changed in the intervening 12 years, but it has been further
11 reinforced by conversations with George Arbuthnot to understand that actually this
12 was one of a number of DDOs that was reported in this way that concealed weapons
13 had been brought to bear which further reinforced my view with regards to the
14 credibility to the narrative that was provided by Special Forces and then
15 subsequently my own, such as they are, my own investigations into what appeared to
16 be a pattern of behaviour, which is something that I have fairly doggedly pursued for
17 the last decade or more, followed by my sitting in on your initial hearings where you
18 outlined a number of cases and where I first became aware of this term "DDO" to
19 replace "Kill Capture" [REDACTED]. It is a sequence of events, but with each event
20 it has reinforced my opinion.

21 Then I think, you know, we further have to conclude that the outcome of the, of the
22 Afghan campaign and the abject miserable failure of that campaign, all of these
23 things are linked and further reinforced my view. So it's a, it happened fairly early
24 on, but with each step and with each passing year, I have, I feel that I have become
25 more and more convinced of my viewpoint.

26 Q Is there any danger that because your first interaction with UKSF over the Hawala
27 incident in effect led you to question straightaway what you were being told on the
28 propriety of what had happened, is there any way that that might have prejudiced the
29 way you have approached every step of this particular chain?

30 A I think that, you know, human nature tells me that, yes, that is perfectly possible. I
31 hope that understanding that possibility I have tried to be as objective as I can be in,
32 in my further analysis.

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- 1 Q Could we just then lastly look to that further analysis that was, in the round,
2 something we touched on much earlier on? In your statement to Leigh Day, so back
3 in divider No. 3 please to page 37, so red 37 at the bottom and it is paragraph 33.
4 You wrote in here that:
5 “A serving soldier will never say it but the general consensus of opinion in
6 Afghanistan was that the Special Forces were out of control.”
7 When you assert it as being “the general consensus of opinion”, is that limited to the
8 people that you had had discussions with within that relatively small group of the
9 officer cadre in your company?
- 10 A It certainly includes that group, but it is not exclusive to that group. So, again, as I
11 have pursued this in my own investigations, I have come across a number of other
12 individuals who operated in Afghanistan at different times to myself who shared my
13 views, and I am sure those names are very well known to you, but Frank Ledwidge I
14 think would be one who, who springs to mind; Mike Martin would be another one
15 who springs to mind. I have also read the Brereton Report, the Australian report,
16 where there was a similar viewpoint held there. In fact, there is, there is a
17 particularly memorable quote from a serving Special Forces Australian general who
18 talked about Special Forces soldiers “behaving like self-righteous pricks” um and
19 there is even a report from an anonymous Task Force Helmand commander who,
20 who used very similar language about his concerns about SAS deportment and
21 behaviour in Afghanistan.
- 22 Q In terms of them being “out of control”, is that out of control in the way they
23 conducted themselves in and around a base, out of control whilst out on operations
24 or is it a general sense that they were behaving in a manner that did not befit the
25 position that they held?
- 26 A I mean, frankly, all of the above. So, if we start with of “out of control” in terms of
27 command and control, as the anonymous Task Force Helmand commander
28 mentioned himself, you know, he had no idea what they were doing. So they were
29 out of control. They were out of control of the national, they were outside of
30 national control and command. They were being controlled by a non-UK headquarters.
31 Task Force Helmand had no idea what they were doing. We didn’t even know when
32 they came into our AO, as the incident in Rahim clearly indicates. There was no

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1 awareness that that operation was going on. So from a command and control point
2 of view they were if not out of control certainly outside of our control.

3 In terms of their behaviour and deportment, we know that the normal rules that apply
4 to the Green Army did not apply to Special Forces' soldiers. So we know that
5 alcohol use was widespread in theatre and was banned for everybody else. We know
6 that the normal rules around respecting rank and observance of dress were not
7 observed by Special Forces. This may seem like a small thing, but actually it sets a
8 culture of exceptionalism, and it is that culture of exceptionalism that led to a sense,
9 I believe, amongst Special Forces that the normal rules did not apply to them and,
10 therefore, they were out of control.

11 Q In terms of the rules, you go on in this particular paragraph to say:

12 "They seemed to operate under a completely different set of Rules of
13 Engagement to the rest of us."

14 As far as the Rules of Engagement under which they operated are concerned, were
15 you familiar precisely with what they were or was it simply your observation that
16 they seemed to do things differently to the way you did them?

17 A I mean, it's a good question. With regard to the Rules of Engagement, to the best of
18 my understanding, there was only one set of Rules of Engagement, so I don't think
19 that they had something that differed to the Rules of Engagement that I had. I'm
20 happy to be corrected on that if there was indeed a different Rules of Engagement,
21 but I would find that quite extraordinary if there was, but, so I think that the Rules of
22 Engagement were standard. They apply to all ISAF troops in theatre, but there was
23 certainly a sense that they were not held to account in quite the same way that we
24 were and the incident in Rahim appeared to verify that, that school of thought.

25 Q If we look on a sentence, you observed that:

26 'They seemed to have a "pass" when it came to the law of armed conflict
27 which we were rigidly held to.'

28 What did you mean by 'they seemed to have a "pass"'?

29 A They seemed to, it seemed that they were not being held to account in quite the same
30 way that we were. The idea that we could go into a compound where we knew
31 senior members of the Taliban lived and conduct the style of operation that they did
32 was, you know, that was not, you know, we knew lots of, we knew lots of members
33 of the Taliban. You know, we, we constantly were observing them, but we certainly

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1 did not have the freedom to go and kick their door down and take them out in their
2 courtyard. You know, that would have, we would never have conceived of an
3 operation of that kind. It is not that we didn't have the capability to do it, but we just
4 knew it was the wrong thing to do.

5 Q Leaving aside whether it is the wrong or the right thing to do, might it be that they
6 had intelligence which necessitated a particular operation to take place at a
7 compound at a given time and date in order to have an impact?

8 A I mean, I think that you have to start with, you start with impact. You know, what is
9 the impact? We talked earlier today about second and third order effects. I think
10 that, whilst the, as I understand it, the purpose was to cut the head off the snake, that
11 would imply that small numbers of people were being subject to, depending on your
12 language, targeted killings or assassination or extra-judicial assassination. The
13 impact of that, in my view, was to lose the war in Afghanistan. So, you know, whilst
14 there might have been a short term tactical benefit to removing the commander, the
15 long term strategic result was failure of the entire campaign.

16 Q And just the last comment you make in this paragraph if I could ask you about it, it
17 is something that you have touched upon already, but having observed that:

18 "The same rules did not seem to apply to Special Forces who were
19 disconnected from the rest of the British army, operating under a different
20 chain of command."

21 Now, that there are two different chains of command had been in place for a number
22 of times and you have already made the observation that there was a lesson that had
23 not been learned since Burma and might need to be relearned.

24 A That's correct.

25 Q Why might it be prudent for those two chains of command, if not at least to be the
26 same but to be connected to each other? Why does that matter?

27 A Because the campaign objective should be the same and, therefore, we, we, well
28 actually, yes, campaign objective should be the same, we all want the same outcome,
29 so we should all be working towards achieving that outcome. That's one very good
30 reason.

31 The second very good reason is that actually from a doctrinal point of view, we, we
32 choose to fight under the doctrine of fighting power, which the Americans do not,
33 and fighting power requires that we place equal importance on the concepts of the

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1 moral and the physical domains and my, in this instance, the Special Forces were
2 under a US command which did not place the same level of significance to the moral
3 domain in the way that we fight. So that led to operations that were not in line with
4 British Defence doctrine and were not in line with the laws that we apply to our
5 forces and were not in line with campaign objectives. So it was a triple whammy, in
6 my view.

7 Q Thank you. Well, that is a matter that you touched on in the chapter that you have
8 contributed to *Ground Truth*. I am not going to take you through the detail of that
9 because you set it out very clearly in that chapter.

10 Mr Green, those are all the questions that I wanted to ask you this afternoon, but
11 what I would like to do is to extend to you the invitation that we have to every
12 witness, and it is this. If there is any matter that you think should be brought to the
13 attention of the Chair or any important piece of evidence that has not been touched
14 on, now is an opportunity to do it. You do not have to accept the opportunity now if
15 you do not want to, you can always provide us something later in writing, but if there
16 is anything you would like to say, I know the Chair would be very grateful to receive
17 it.

18 A If I may, Sir, there are two points that I would like to clarify. The first one is prior to
19 getting very emotional this afternoon, I'm not sure that I adequately explained,
20 because of my emotions, why I didn't more rapidly seek to address this particular
21 situation with, with the death of the three farmers in Rahim. I tried to explain that,
22 you know, we were living in a world where people were dying every day and some
23 of those people were our own battle group comrades and, in those situations, rightly
24 or wrongly, you prioritise the people that you know and love over the people that
25 you don't, and that's just the hard reality of the situation. I think I, I, I can only
26 share my regret with you that I didn't speak sooner.

27 And the one thing that we haven't touched upon really in all of this is Mr Glasgow
28 has never really asked me the reason why I decided to speak out. There are lots of
29 good reasons why, in my view, we should be holding this Inquiry. One of course is
30 justice; another one is to try and restore our international reputation; but
31 fundamentally the reason that I decided to speak out is because the organisation that
32 I grew up with, the organisation that I love, the organisation that shaped me as a

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1 person is a losing organisation. I now have the extraordinary honour of being a
2 guest speaker at the Ukrainian Ground Forces Academy, where I lecture young
3 soldiers who are about to go to the front on ethics, and I say to them “I can’t give
4 you any advice on how to win a war because I’ve never been in a war that I’ve won,
5 but I can give you advice on how not to lose a war and the way to not lose a war is to
6 not lose sight of your humanity and not to lose sight of your ethical conduct.”

7 What I would like to see is the British Army has been losing small wars for the last
8 20 plus years and I would like to see the British Army being restored to being a
9 winning organisation rather than a losing one, and that is why I think this Inquiry is
10 important and that is why I think we should be conducting this investigation and
11 Inquiry. And I have campaigned for that for over ten years. Today has not been
12 easy, as I am sure you all realise, but it’s, it’s one I’ve wished for and I’m delighted
13 that we are now going through that process.

14 MR GLASGOW: Thank you very much, Mr Green.

15 CHAIR: Thank you very much for that. Before I close this hearing, can I just ask one or
16 two questions following on from some of the earlier questions ----

17 A Of course you can.

18 Q -- about the cash question? The payment was in US dollars and physical cash, was
19 it?

20 A Yes, it was actually in a mixture of local national currency, Pakistani rupees, because
21 that was a currency that was used in the local markets, and a lesser amount of US
22 dollars, which were not in wide circulation in Nahr-e-Saraj.

23 Q I was interested because, on page 311 of your book, which I have here ----

24 A Yes, I have seen a number of copies here today.

25 Q There are a number of other copies, indeed. You interestingly mention that carrying
26 large amounts of cash on the battlefield began to present some problems ----

27 A That’s correct.

28 Q -- so commanders began to carry claim forms, which they passed to the locals for
29 presentation ----

30 A That is correct.

31 Q -- to the MSSG, the Military Stabilisation Support Group, and you then go on to
32 explain that the Afghans stepped up their game in response and it became a bit of an

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1 industry in terms of ambulance chasing. Is there anything further you could tell us
2 about that aspect?

3 A Certainly. So there were a number of claims that the, that the Military Stabilisation
4 Support Team processed which, for example, used the same photograph to
5 demonstrate damage to your compound. So, yes, this, there was, I think, a broadly
6 or widely held perception that the infidel was easily parted with his money and so a
7 small industry grew up where people would advise on claims and supply useful
8 photographs to process claims. So, to be very honest here, one compound looks very
9 much like another, but some of these photographs, you know, appeared with such
10 frequency that they became the object of some more of that dark humour that we
11 talked about earlier.

12 CHAIR: Thank you. Mr Green, can I finally say this to you? Can I first of all thank you
13 very much indeed for coming to give evidence to the Inquiry and to me? Thank you
14 for the very great care and thought that you have given to the way in which you have
15 answered all Mr Glasgow's many questions. It is not easy giving evidence to any
16 Inquiry or court, and this today has not been an easy exercise, but the thought and
17 care which you have put into your answers has been much appreciated.

18 WITNESS: Thank you, Sir.

19 CHAIR: Leave all these questions to me and the Inquiry. It has been a long day. We
20 have finished today, we do not need tomorrow, and for that I am grateful to you and
21 to you, Mr Glasgow, and your formidable team for all the work that has been put
22 into preparing this hearing. Can I thank [REDACTED] the team
23 that have allowed us to have these very secure surroundings and thank everybody for
24 their careful attention today? We will now adjourn, please, to a date to be notified
25 and I wish that everybody should go and have a good cup of tea. All right?

26 WITNESS: Thank you.

27 CHAIR: Thank you.

28