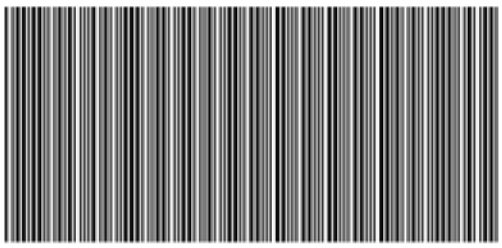
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RMP-221-0007211-A

Ref (to be inserted by Inquiry)

Witness name: Clifford Evans

Statement Number: 1

Dated: 24 July 2025

Exhibits: 12

INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

WITNESS STATEMENT OF CLIFFORD EVANS

DATED 24 JULY 2025

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1. I, Clifford Evans, am making this statement in response to the forty-second Secret Rule 9 Request dated 24 January 2025, because of my engagement to act as an independent investigative reviewer of Operation Northmoor ("**Op Northmoor**") for the Royal Military Police ("**RMP**"). Together, Philip Jones ("**Phil**") and I constituted the Independent Review Team ("**IRT**").
2. The IRT produced five reports during the course of Op Northmoor: (i) 'Review of the structure, working practices, priorities and resilience of Operation Northmoor – Non-Sensitive' dated 2 December 2016, **RMP-221-0000741-A**; (ii) 'Review of Operation Northmoor – Sensitive' dated 24 January 2017, **RMP-221-0000740-A**; (iii) 'Assurance of IRT Operation Northmoor Recommendations – Sensitive' dated 22 November 2017, **RMP-221-0000746-A**; (iv) 'Assurance of IRT Operation Northmoor Recommendations –

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Sensitive' dated 2 August 2018, **RMP-221-0000751-A**; and (v) 'Assurance of IRT Operation Northmoor Recommendations – Sensitive' dated 12 April 2019, **RMP-221-0000755-A**.

A. Training and Experience

3. I worked for 40 years in law enforcement from 1972 until I 'retired' in 2012. After my retirement, from 2012 until around 2020, I also worked as an 'independent review officer' on investigations such as Op Northmoor and the Iraq Historical Allegations Team – although of course the process of reviewing cases was something I did throughout my entire career.

Career in Law Enforcement (1972-2012)

4. To summarise my career in law enforcement, for the first half of my career, I was the Senior Investigating Officer ("**SIO**") on homicide investigations, national and international undercover investigations, and national and international interdiction operations against Organised Crime Groups. From its inception in around the 1980s, I often worked using the Home Office Large Major Enquiry System ("**HOLMES**") throughout.
5. From the second half of my career, I was working with undercover squads, both regionally and internationally. Towards the end of my career, for around six years, I was trained in and acted as an 'Authorising Officer' under the Regulation of Investigatory Powers Act 2000 ("**RIPA**"). Under RIPA, an 'Authorising Officer' is a senior employee designated with the responsibility for receiving, considering and granting applications for authorisation of covert surveillance activities. Covert surveillance activities can include the

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Examples of Covert Policing Tactics

). I set out my career in more detail below.

a. Liverpool and Bootle Constabulary and Merseyside Police (1972-2002)

6. From 1972 until 1974, I worked with Liverpool and Bootle Constabulary before it merged with other constabularies to become Merseyside Police.

7. From 1974 to around 2002, I worked with Merseyside Police. This included working with (i) the Central Drug Squad as a Detective Sergeant / Detective Inspector in the late 1980s/early 1990s, (ii) the Criminal Investigation Department ("**CID**") as a Detective Inspector / Detective Chief Inspector in the mid-1990s, and (iii) the Major Crime Unit as a Detective Chief Inspector from around 1997 to 2001.

8. During my time with Merseyside Police, I went on two secondments.

9. First, before I joined the CID, I was seconded for two years to the British West Indies from 1991 to 1993. Whilst there, I was appointed as a Detective Superintendent of British Virgin Islands Police responsible for setting up and building the capability of its new Drug and Serious Crime Squad. I also acted as an Enforcer, responsible for drug squads and air surveillance units.

Career history details

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[redacted]

10. Second, in around 2002, I was seconded for 15 months to the Royal Ulster Constabulary (now the 'Police Service of Northern Ireland') as a Detective Chief Inspector, leading a review with Phil Jones, who was also still with Merseyside Police at the time, into the Omagh Bombings.

b. National Crime Squad and SOCA (2002-2012)

11. From around 2002 to 2006, I was with the National Crime Squad until it merged with other law enforcement agencies to become the Serious Organised Crime Agency ("**SOCA**"). While I was with the National Crime Squad, I worked as a Branch Commander in the North of the UK, holding the rank of Detective Chief Inspector. As a Branch Commander, I also took on the role as a 'Controller' in kidnap and extortion cases. I was later promoted to Detective Superintendent. [redacted] as well as holding the position of Authorising Officer under RIPA.

12. From 2006 I worked in SOCA until my retirement from law enforcement in 2012. SOCA later merged with the larger National Crime Agency in 2013. With SOCA I was no longer a police officer, but an 'agent'. During my time with SOCA, I was a Senior Grade 2 agent region manager for two years, [redacted] and an Authorising Officer under RIPA for the remaining four years.

Signature [redacted]

Career Post Retirement from Law Enforcement (2012-2020)

13. Since my retirement from law enforcement in 2012, I have acted as an independent review officer for the Ministry of Defence ("**MOD**") for two investigations.

14. First, I formed the IRT with Phil for Op Northmoor, providing five separate pieces of advice from December 2016 until April 2019.

15. Second, after Op Northmoor, Phil and I again worked together as the IRT on the Iraq Historical Allegations Team ("**IHAT**") investigation which later merged into the Service Police Legacy Investigation ("**SPLI**") for the Ministry of Defence from 2019 until its closure in 2020.

Training, vetting and commendations

16. Over the course of my law enforcement career, I completed various Home Office Criminal Investigation courses and was trained in Surveillance and Covert Techniques, RIPA and the ECHR in order to qualify as an 'Authorising Officer' under RIPA. I was also trained as a Controller for my work in Kidnap and Extortion cases. I also completed firearms training, examinations in HOLMES (which included all of the investigation stages), the intermediate and Senior Command Courses at the Police Staff College in Bramshill, the 'Homicide and Linked Homicide' course, and a course in how best to work together between law enforcement agencies of multiple disciplines.

17. I have been appropriately cleared (Two necessary clearance levels) to have sight of and work with material graded to the appropriate classification first from 2001 to retirement from

service in 2012 and again in 2016 by the MOD to assist with Op Northmoor and IHAT / SPLI until 2020.

18. I have been commended on numerous occasions, for leadership, professionalism and detective ability in connection with serious crime, covert operations and investigations including citations from foreign government agencies.

B. IRT Reports

Appointment and my role in Op Northmoor

19. As detailed above, I had previously worked with Phil from our days working in Merseyside Police when we were seconded for 15 months in around 2002 to the Royal Ulster Constabulary to review the enquiry into the Omagh Bombings. I recall Phil got in touch with me in around October or November 2016 to tell me that the RMP was looking for individuals able to provide an independent investigatory review of Op Northmoor. I had not heard of Op Northmoor before Phil got in touch with me.

20. I recall Phil had met with Lieutenant Colonel John Harvey, the then GOLD Commander of RMP's Op Northmoor investigation, to discuss the scope of the review of the investigation Lt Col Harvey wanted Phil to undertake. I understand Phil had been recommended to Lt Col Harvey by John Murphy, as they knew each other from their time working in Merseyside Police.

21. In that meeting, I understand from Phil that Lt Col Harvey had flagged the potentially covert status of the investigation. Phil knew I had a lot of experience in leading both domestic and international undercover operations

and worked as an Authorising Officer for about six years. He put me forward as his partner on the IRT so that I could use my expertise to advise on the lawfulness and, if needed, the surveillance techniques of a covert investigation. While I had not previously had experience of criminal investigations into military personnel, as detailed above, I had extensive experience as a senior ranking police officer leading investigations into serious crimes such as homicide and investigations that involved material held at the appropriate classification.

22. I do not recall a document referred to as 'Terms of Reference' ("**TOR**") that specifically detailed what the scope of our role was. Phil relayed to me what the scope of our role would be as per his initial discussion with Lt Col Harvey in October and we set this out in the IRT reports.

23. I understood from Phil that at this meeting it was agreed, subject to receiving our appropriate clearance, that a review of the entire 'structure, working practices, priorities and resilience of Op Northmoor's investigations' should take place within the context of Op Northmoor TOR. We were tasked to:

    a. First, visit Op Northmoor in RAF St Mawgan to review the 'non sensitive' material. This was Team 2's investigation into allegations of detainee abuse in Afghanistan between 2005 and 2013; and

    b. Second, return to finish our review of the 'sensitive' material once we had been appropriately cleared. At the time, this was Team 1's investigation into allegations of unlawful killings by UKSF on Operation

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Tyburn, a UKSF 'Deliberate Detention Operation' ("**DDO**") that occurred in Afghanistan in February 2011. The claim had been brought by Mohamed Bang and his nephew Saifullah Yar who alleged they had not only suffered abuse while detained but also that, during the DDO, four of their relatives had been unlawfully killed. The 'sensitive' material was also Team 1's investigation into allegations of unlawful killings that occurred on ten other similar DDOs from 2010 to 2011 in Afghanistan. After lots of scoping work, in 2018, Team 1's work directed its focus on two of the ten further DDOs, i.e. Objectives [redacted] and [redacted] – DDOs that I believe occurred around February 2011. ***See* RMP-221-0006990-A, workbook p. 7.**

24. For the purpose of the Inquiry, I focus the majority of my witness statement on my review of Team 1's investigation into the UKSF's alleged unlawful killings and the Major Incident Room to the extent they provided Team 1 with a supporting function, although the IRT reports also covered Team 2's investigation into allegations of detainee abuse.

25. Ultimately we were tasked to consider the viability of information or intelligence producing any actionable lines of enquiry or evidence. The information or intelligence we considered was provided to us through the content of the SILVER Command / SIO briefings to us at the start of each visit to Op Northmoor and their supporting documents.

26. We were not engaged to provide ongoing support throughout the length of Op Northmoor. Instead, the Op Northmoor team would commission us to provide

an independent review of Op Northmoor in light of its TOR on an *ad hoc* basis. This was first to complete the review contained in the December 2016 and January 2017 reports and then three more times to provide assurance and further advice on the progress of Op Northmoor in November 2017, August 2018 and April 2019, respectively. In each of the five IRT Reports we detail our understanding of the agreed scope of our review. For each of our IRT Reports I believe the MOD rather than the RMP remunerated us.

27. As detailed in our first IRT Report dated 2 December 2016 (RMP-221-0000-741-A), before we provided our initial advice we reviewed –
"*the nine reports, dating from 2/5/2014 to 11/10/2016, completed by the National Crime Agency Regional Advisor Detective Superintendent Paul Williamson have been examined, as well as the reports from Greater Manchester Police Review Team. There is no conflict between the contents of these reports and our recommendations. Indeed the IRT is grateful for having sight of this information, having the benefit of hindsight and a new senior management team which is amenable to consider constructive change*."

28. We did not have any meetings with Det. Supt. Paul Williamson or the Greater Manchester Police Review Team to discuss their reports as we did not deem it necessary given our review of the reports.

29. I note that while we say that there is "*no conflict between the contents of these reports and our recommendations*", this should only be read as at the time of the 2 December 2016 IRT Report (RMP-221-000741-A). As detailed in the IRT reports, Phil and I did not receive [appropriate clearance] until later that

year and so could not yet review and opine on the classified material and therefore covert parts of the Op Northmoor investigation. As detailed below, in our later reports we did not agree with the NCA reports in that respect.

Visits to RAF St Mawgan

30. In total, I believe we spent 34 days working on Op Northmoor over the course of five visits to RAF St Mawgan in Newquay. Each of our visits would last around a week and would start with comprehensive, verbal briefings on Op Northmoor's progress by the relevant SIO or SILVER Command with Lt Col Harvey either supervising or contributing. The SIO or SILVER Command would supply us with supporting information, images and documents which we would review and interrogate with our own questions.

31. Phil and I did not dictate the format in which we received material from the Op Northmoor team. The process of the SIO providing the material for us to consider during our visit was repeated throughout our involvement. Of course, this meant we were reliant on what the SIO deemed valuable information. This inevitably narrowed the scope of our review. At the time, I assume it was felt by the Op Northmoor chain of command that this was the best use of time. Of course, Phil and I could have gone into the Major Incident Room ("**MIR**") and looked for material ourselves but this would have taken a long time. Rather than duplicating work, I assume it was felt that the SIO would be best placed to put together his case for the IRT to review and advise on. Phil and I assumed that the format of our review and these briefings had been agreed between the Op Northmoor chain of command and the SIO prior to our arrival.

32. Throughout each visit in RAF St Mawgan, Phil and I would be drafting the IRT Report together. We would agree the content and recommendations in the report. We would be in continual discussions throughout the week with each other and the Op Northmoor team, for example reviewing how they were using tools such as HOLMES and asking for further information and discussion with the relevant SIO and/or SILVER Command regarding their approach to the investigation, as needed. In particular, we would review the material SILVER Command and/or the SIO provided to us for the viability of any actions or processes taken regarding information, intelligence and/or evidence of the alleged crimes of either detainee abuse or unlawful killings in the context of the Op Northmoor TOR.
33. During each of our visits, Phil and I would sit in a separate, private room in RAF St. Mawgan when we were drafting the Report together.
34. The MOD or RMP did not proscribe the format for the Reports. The decision of including recommendations came from Phil and my own long-standing and extensive experience of reviewing all manner of investigations, operations and cases. It was standard practice to include recommendations at the conclusion of a report so that it would be a practical document for SIOs receiving the report.
35. Given the [redacted] of a lot of the material, we could not take any documents out of [redacted]. RMP therefore provided me on request with MOD Service Police Investigator's Workbooks to allow me to take notes of the verbal briefings and the supporting documentations. RMP would retain these

aide memoir notes at the end of our visit. ***See* RMP-221-0006991-A; RMP-221-0006990-A**.

36. At the end of our visit we would finalise our report and present our findings and recommendations to Lt Col Harvey as GOLD Command. We drafted our IRT reports for the benefit of the investigation rather than, for example, PM(A)'s strategic level. SILVER Command and the SIOs would receive the report following this meeting, but as we had been discussing our ongoing reflections and thinking with them prior to the final report, none of the findings or recommendations in the report would come as a surprise to them. As detailed below and in the IRT reports themselves, where the SIOs disagreed with the proposed recommendations, we would discuss it with them. This meant that discussion with the Op Northmoor tactical leadership team after the report was finalised was limited although we would have discussions as to the practical implementation of the recommendations. In addition to the Op Northmoor higher chain of command, I understand the IRT Reports also went to the Independent Advisory Group ("**IAG**") but we did not have a direct feedback loop from either of them – instead, we understood from GOLD and/or SILVER Command that the Op Northmoor higher chain of command and IAG accepted our recommendations in full.

37. The lack of discussions between the IRT and IAG was unsurprising given that they were separate external groups. In terms of the lack of feedback from the chain of command above GOLD, this was also unsurprising. We only

expected to hear from them if they disagreed with any of our recommendations.

38. Phil and I had a reasonable assumption that our recommendations as the IRT would be followed unless it was challenged by the SIOs, SILVER Command, GOLD Command or higher up the chain of command. The IRT reports were drafted in parallel to ongoing consultations with the SIOs and SILVER Command during our visit to RAF St Mawgan. Of course, if the SIO or SILVER Command did not agree with a recommendation but we still thought it the right course of action, this would still remain in our report for GOLD Command or above to consider.

39. I understand that Alan Pughsley submitted that his impression, based on the Op Northmoor decision logs, was that the IRT "*seemed to almost be directing this investigation rather than advising on it*". As detailed above, and below, Phil and I did not give advice on the understanding that we were "*directing*" the investigation. Our reports were merely recommendations and not directions. I cannot comment on how the Op Northmoor chain of command decided to rely upon our reports. ***See* Expert Evidence of Alan Pughsley, Transcript, Day 15, 27 January 2025, p. 24, lines 20-24.**

40. There was at least one example where the Op Northmoor Team 1 did not follow one of our recommendations. This was the IRT's repeated recommendation for Op Northmoor to seek duty statements from participants in the DDOs. SILVER Command / SIO Maj Cox however preferred to take Criminal Justice Act 1967 Section 9 witness statements although I do not

recall the specific reason as to why save for that it was outside the operational investigatory practice of the SIB. Unlike Section 9 statements, a duty statement cannot be submitted into a court case as evidence. Instead, the purpose of the duty statement is to collect information and intelligence from those on duty at the time of a crime. Crime scenes can be hectic and so duty statements allow police officers to cut through the chaos and note down any information or intelligence while it is still fresh in their minds. Their value is that they are not a document that lawyers comb through and sanitise.

41. For an investigation into what was essentially a cold case where we were lacking actionable information and intelligence, a duty statement might have been a valuable information and intelligence gathering exercise. Where they were being delayed or blocked from interviewing people for Section 9 statements, it might have been a way to 'shake the tree'. ***See*, RMP-221-0000740-A para. 9.6; RMP-221-0000746-A, para. 4.1; RMP-221-0000751-A, para. 2.5.g; RMP-221-0000755-A, para. 9.0, 9.1.**

42. Save for my comments regarding duty statements, I recall we were satisfied with the level of implementation of our recommendations.

End of our role on Op Northmoor

43. The final IRT report was submitted on 12 April 2019. I don't recall being told specifically by Op Northmoor that they would no longer require further IRT Reports, nor why the IRT role came to an end. We were simply not asked to return. I assumed at the time that our role came to an end because the Op Northmoor investigation had not been able to secure information, intelligence

or evidence to support the allegations of unlawful killing. Prior to this, the IRT Report dated 12 April 2019 (RMP-221-0000755-A) had concluded that, based on what Op Northmoor had provided to us until that date, our own independent review had failed to identify information or intelligence that amounted to evidence of a crime. I provide further thoughts on this below.

Challenges of the role

44. Overall, I felt adequately supported in my role by the RMP, Armed Forces and/or the MOD.

45. First and foremost however, the main challenge of the role was that we were asked to review, for Team 2, allegations of detainee abuse that occurred between 2005 and 2013, and for Team 1, allegations of unlawful killings going as far back as 2010 and 2011. Because of the passage of time, there was no crime scene, no bodies, no forensic evidence, no suspects, no witnesses or actionable lines of enquiry.

46. To confirm, where I talk of "actionable" information, intelligence or lines of enquiry, I merely mean information or intelligence that may trigger further action from an investigator. Where I talk of "graded" intelligence, I am referring to the assessment of the quality of the intelligence and the source from which it comes. Example of intelligence grading [redacted] When grading intelligence, an

investigator must not only grade the content of the intelligence but the source of the intelligence as well.

47. The RMP was essentially being asked to investigate a cold case. I recall also that between the date of the alleged crimes in Afghanistan and the date we were investigating the allegations, Afghanistan had become more dangerous and so Op Northmoor was not able to access areas alleged crimes had occurred without a high risk to life. (Even without the passage of time, how can you protect a crime scene while in theatre? This is not my area of expertise, but in my view, investigators operating in that context must always be on the back foot.)

48. The other concern was that at the time the IRT began advising on Op Northmoor, Op Northmoor's Team 1 had collected what I recall was a considerable amount of material but Captain Jason Wright, the SIO for Team 1, did not appear to realise that the material was of poor quality and lacked any actionable information or intelligence. His working assumption was that he could conduct the investigation covertly even though Phil and I could clearly see that, based on the material, he had no prospect of authorisation under RIPA for the application of covert techniques. I discuss this in more detail below.

49. Finally, ultimately the IRT was being asked to produce each of its reports only after a limited time spent in RAF St Mawgan. As detailed above, the timeframe given to us was directed by GOLD and above. To be able to produce our reports in the given timeframe, we were reliant on the briefings

and supporting material provided to us by the Op Northmoor team – which in fairness always appeared comprehensive at the time. However, as Phil and I flagged in para. 1.3 of RMP-221-0000740-A, the basis of our review meant "*It follows that it has not been possible to examine all available material*."

C. Op Northmoor Terms of Reference

50. I believe we were provided with the TORs for the purposes of our review of Op Northmoor. However, as outlined above, the scope of our work was per the initial meeting Phil had with John Harvey. The TORs had been drafted and signed off before Phil and I were appointed to the IRT and so I am unable to comment on how the TORs came to be. I am also unable to comment on my understanding of the reasons for the revision, and in particular the removal of the reference to identifying "systemic issues" as I was not involved in the decision-making. I do not recall having any issues with the TOR. ***See* MOD-198-0003178-A; MOD-198-0003181-A**.

D. Op Northmoor Investigation Structure

51. My understanding of Op Northmoor's team structure was fairly narrow. It only really consisted of a basic understanding of the tactical end of the structure, i.e. GOLD and below. While advising on the structure of Op Northermoor's investigations was part of our initial engagement, during our initial visits to RAF St. Mawgan, it did not appear any further input from us was necessary. As detailed below, we did provide some limited advice regarding the size of the MIR.

52. As detailed above, I recall Team 1 was responsible for investigating the allegations of extra-judicial killings and Team 2 was responsible for investigating the allegations of detainee abuse. I do not remember a 'Team 3' but I do remember the Major Incident Room ("**MIR**") which I believe was supporting both Team 1 and Team 2's work.

53. I don't remember all of the individuals in Op Northmoor's tactical team structure but I do recall interacting with:

    a. GOLD Command was Lt Col Harvey who was also our point of contact throughout our time on Op Northmoor. His experience in the field showed and I was suitably impressed. He absorbed and understood our advice fully and it was clear that he appreciated our consistent reliance on seeking actionable intelligence and evidence.

    b. SILVER Command was Major Matt Cox although I recall he was not part of Op Northmoor for the IRT's initial reports in December 2016 and January 2017. I remember he was adequate and generally receptive to our recommendations. I could not say whether he agreed or disagreed with our recommendation to change the strategy from covert to overt. If he did disagree, it would have showed a lack of understanding of RIPA and of how to properly assess and identify intelligence and evidence.

    c. The SIO for Team 1 was Capt Wright until he was replaced by Maj Cox. Capt Wright was clearly enthusiastic, thorough and hard working. I recall he was good to Phil and me, making himself available as and when we needed. He did not easily hide when he was frustrated and

once convinced of a strategic direction for his investigation, it was difficult to dissuade him of it although he was always open to discussion and reflection. The prime example of this is his difficulty in letting go the possibility of using covert techniques of investigation. As detailed further below, his determination to pursue a covert strategy showed a lack of understanding or experience of RIPA and a concerning lack of understanding of how to properly assess and identify intelligence and evidence. The need to switch the investigation status to overt before Capt Wright attempted to apply to us covert techniques was something Phil and I swiftly flagged to Lt Col Harvey as GOLD Command – a recommendation he recognised as correct and promptly accepted.

d. The SIO for Team 2 was Warrant Officer ("**WO**") Zoe Duce. I remember she was bright and competent and I was very impressed with her. With what I could see appeared to be minimal to no supervision, she had been able to get her head round what was a huge bulk of work. When the IRT arrived, we reviewed her strategy to tackling the investigation into the detainee abuse allegations and agreed it was a good one but recommended she apply the Leggatt ruling. I detail this further below.

54. I recall the Provost Marshal (Army) ("**PM(A)**") at the top of the Op Northmoor RMP command chain was Brigadier Dave Neal, but I never met him.

55. I did not know whether any of the Op Northmoor investigators were Professionalising Investigations Programme ("**PIP**") trained and 'PIP training'

is not something that I recall having experience with from my days in law enforcement. I did not advise on this and cannot provide further comment.

56. Generally, other than my concerns regarding their initial intention to pursue a covert strategy and the gaps in their knowledge on intelligence and evidence building that I detail below, I considered the Op Northmoor investigators were suitably experienced. They were receptive to our recommendations.

57. I am not aware of any potential conflict of interest for any persons at the RMP tasked with investigating UKSF, that may have hindered their own – or the RMP's – ability to investigate impartially or objectively during Op Northmoor.

E. Resources

58. The IRT were not involved in any decision-making regarding the resourcing, nor were we asked to review whether Op Northmoor was adequately resourced. As detailed above, our main output was to provide an assurance function and provide independent tactical-level advice by reviewing and helping to identify actionable lines of enquiry. I therefore cannot comment on the adequacy of Op Northmoor's resourcing of personnel (both numbers and skill), investigative support and specialist capabilities including IT resourcing.

Location and facilities of RAF St Mawgan

59. I also was not asked to review, nor was I aware of any issues with the location or facilities allocated to Op Northmoor. From the IRT's perspective and purposes, they appeared adequate.

Major Incident Room

60. The MIR which supported Team 1 and 2's work sticks in my mind because of its impressiveness. It was bigger than any MIR I had seen for one investigation before. I remember it as an efficient, professional operation with rows of friendly and motivated young people looking smart in their military fatigues while diligently at work. The team appeared supportive and respectful of each other. I remember them as keen to learn and while I was in RAF St Mawgan, I remember often being approached for either a casual chat or to be asked general careers advice.

61. The only point the IRT noted in our reports was whether the size of the MIR could be scaled down in line with either Team 2's work wrapping up or the more focused approach of Team 1's work. ***See* RMP-221-0000740-A, para. 7.1.**

HOLMES

62. One question the IRT did consider in January 2017 was the question of whether or not "*the current systems are viable for the prompt, effective and accountable investigation of allegations made to Op Northmoor (e.g. balance of effort exchanging time against budget*)". ***See* RMP-221-0000740-A, para. 6.0**.

63. At the time, the Op Northmoor team were transferring substantial material onto a [redacted] suitable HOLMES account. The IRT advice was that a better use of time was to prioritise transferring issues that related to the current main lines of enquiry only. The remaining material could be left in its current format until the

main lines of enquiry had been exhausted. This would result in quicker alignment of the HOLMES Incident Room to the actual investigation. In addition, as a foundational point, we also recommended the team to establish a 'Sequence of Events' Category within the HOLMES account to create an overarching picture of the investigation and maintain a record of the events as further material was added to the account. ***See* RMP-221-0000740-A, paras. 6.1, 9.8**. This recommendation was accepted and successfully implemented as per the IRT's assurance visit and report that followed. ***See* RMP-221-0000746-A, paras. 5.1, 5.2**.

64. While the IRT did not have access to the Op Northmoor HOLMES system, as I had worked with HOLMES for many years, during my visits to RAF St Mawgan I remember speaking to the HOLMES supervisor, Adam Ridley, to check that he was well supported and knew what he was doing. I recall I was content, as he had received HOLMES training from Devon & Cornwall police and had a point of contact with them so that he could receive ongoing HOLMES advice. I do vaguely recall that towards the end of his post (although I am unsure when that was), he did mention that there was no succession plan for who would maintain Op Northmoor's HOLMES once he moved on and so he was concerned about Op Northmoor's resilience as regards this capability. I do not know whether or how that concern was resolved.

*Forensic Data Handling Capability ("**FDHC**")*

65. The IRT did not give any specific advice concerning the FDHC. I understood that initially for the RMP the importance of getting the FDHC established was so that, in theory, they had one place to put the material they were collecting so they could properly interrogate and access it. If they did not have a place to put the material, they would not be given the material.

66. I recall that the FDHC did not end up getting used as the HOLMES capability was sufficient for the material they were receiving. The Op Northmoor investigation had adopted a focused approach of pursuing specific main lines of enquiry rather than spending their time inputting and then reviewing large amounts of low quality material that took focus away from the main lines of enquiry. It was the IRT's view that there was nothing further to be gained by using the FDHC on balance. The view expressed in the IRT Report was an observation based on the limited information SILVER Command / SIO Matt Cox gave the IRT. ***See* RMP-221-0000746-A, para. 6.0**.

F. Culture / Morale

67. My view of the culture and morale of Op Northmoor was limited to the 34 days I spent in RAF St. Mawgan.

68. From my perspective, I thought the culture was one of an approachable, respectful and supportive environment. It was professionally impressive, as the individuals were all easy to engage, were happy to ask for advice, readily received advice and feedback and ultimately achieved set tasks in an efficient

manner. I do not recall the culture changing or what steps leadership took to create the culture.

69. I recall the overall morale as appearing buoyant and positive. The IRT were well received and any intercessions with staff were met with positivity and enthusiasm. I could not comment on what factors contributed to the positive morale.

70. Throughout our reports, Phil and I would comment on the team's positivity and drive. ***See* RMP-221-0000740-A, para. 7.2; RMP-221-0000746-A, para. 6.2; RMP-221-0000751-A, para. 3.1; RMP-221-0000755-A, para. 13.0.**

G. Other Advisors

71. I am unable to provide any insight into the appointment or role of other parties who advised Op Northmoor such as the National Crime Agency ("**NCA**"), the IAG, the Greater Manchester Police Major Enquiry Review Team ("**GMP MERT**"), the Director of Service Prosecutions ("**DSP**") / Service Prosecuting Authority ("**SPA**") and the Operational Offending Team ("**OOT**") as I was not directly involved.

72. Of course, John Murphy from the IAG had been the one to recommend Phil as an independent investigative reviewer to Op Northmoor as he knew Phil from their days in Merseyside Police. I also knew John from Merseyside Police when I was his Sergeant in the late 1970s. However, I did not see or directly interact with John in the context of Op Northmoor, nor do I recall Phil interacting with him during this time. As mentioned above, I understand the finalised IRT Reports also went to the IAG but we did not have a direct

feedback loop from them – we would hear from GOLD Command that the IAG accepted our recommendations in full.

73. Prior to finalising our initial IRT Report, Phil and I had sight of the nine reports, dating from 2 May 2014 to 11 October 2016, completed by the National Crime Agency Regional Advisor, Detective Superintendent Paul Williamson, as well as the two reports from Greater Manchester Police Review Team. We also read a report by the IAG. I have not re-reviewed these for the purpose of this statement and cannot recall the details of all of these reports. I have very briefly checked the NCA Report dated 10 October 2010 to confirm my general recollection of their position on covert versus overt. ***See* RMP-221-0000736-A, p.12.**

74. I recall I had reservations concerning the reports produced by Det Supt. Paul Williamson, the NCA Advisor. In fairness, I do not know what his TORs were. I recall I was concerned and disappointed in his reports for two reasons:

    a. First, I remember thinking the reports were too strategic and not that helpful for the investigators on the ground.

    b. Second, his advice for the investigation to be done along covert lines with the expectation that, based on the material they had, there was potential to eventually obtain RIPA authorities to mount covert surveillance tactics on suspect nominal was inappropriate.

75. I remember Phil and I noted our reservations about the advice from Det Supt. Paul Williamson to Capt Wright and to Lt Col Harvey. While Lt Col Harvey

was receptive and agreed with our concerns, Capt Wright did not agree with our views as he wanted to keep the investigation covert.

76. Finally, my view of Phil was that he was an easy-going partner and experienced investigator. I enjoyed working with him which is why we went on to work as the IRT for other investigations.

H. Relationship with UKSF

77. I did not have any dealings with UKSF and could not comment on the relationship between the RMP and UKSF during the investigation. I also could not say either way whether the RMP showed UKSF undue deference.

78. The IRT did not provide the RMP advice on how to deal with UKSF and the Protocol. However, I do remember reading the UKSF Protocol document and Phil and I being impressed with whoever had drafted it from the perspective of UKSF. I do not remember the detail of the document but I remember thinking it superbly protected UKSF interests and it really did not provide a way for the RMP to get any useful information for their investigation. It didn't seem like there was a way of forcing that scenario.

79. I did understand the UKSF's reticence to hand over material to the RMP. Given the passage of time since the alleged crimes had taken place, Op Northmoor did not have actionable intelligence or evidence. From my perspective, their requests to UKSF were therefore perceived by UKSF as essentially fishing expeditions. The Protocol prevented such fishing expeditions and instead put the onus on the RMP to make more focused requests for material. Any requests not focused would be considered too

vague, not justified or too risky. However, because the RMP did not have quality intelligence or evidence, it could not offer up a more focused query. They were stuck.

80. On reflection, in many ways, it was a last resort to go straight to UKSF to ask for intelligence or evidence when we didn't have evidence or intelligence on our end. Normally an investigator would not to go straight to the organisation they were investigating but in this case the RMP had nowhere else to go to identify actionable intelligence or evidence.

I. Investigative Direction

Influence over the Strategic Direction

81. I set out above how our advice was sought and how we approached our review and the format of our advice. Ultimately, the IRT significantly influenced Op Northmoor's strategic directional change from covert to overt. As I set out in more detail below, we recommended this change due to the clear absence of any graded information, intelligence or evidence which justified the legal use of covert tactics. Further down the line, the IRT's main purpose was to continue to review and evaluate the tactical lines of enquiry put forward by the SIO to illicit further information, intelligence and/or evidence to advance the investigation.

82. Ultimately, our reports were recommendations – not directions. It was for Op Northmoor to decide whether to accept or implement them.

83. I could not comment on the amount of influence other external advisors had over the investigation, or the appropriateness of the same, as I do not know.

GOLD Group and Other Meetings

84. As I did not attend GOLD Group meetings, I cannot comment on their purpose, frequency or adequacy. The only formal meetings I attended were the briefings the SIOs put together for the IRT's arrival so that the IRT were able to review the Op Northmoor investigation and provide a report. These briefings would sometimes be followed up by more *ad hoc* informal meetings between Lt John Harvey (GOLD), Maj Matt Cox (SILVER), Capt Jason Wright (SIO), Phil and I throughout the week we were in RAF St. Mawgan so we could maintain an open dialogue between the IRT and the Op Northmoor leadership team to advance the investigation.

Lines of Enquiry

85. During each of our visits, Phil and I would give advice regarding current and proposed lines of enquiry the Op Northmoor teams were pursuing. It was the main focus of our review. This would include both:

    a. General advice, for example, on ensuring the respective line of enquiry was being followed with the foundations in intelligence and evidence in mind. ***See* RMP-221-0000740-A, paras. 3.7, 9.1**; **RMP-221-0000746-A, paras. 3.9 to 3.10**.

    b. Specific advice, for example, on–

        i. How to properly asses photographs and their provenance, ***see* RMP-221-0000751-A, para. 2.7, RMP-221-0000755-A, paras. 5.1,10.0 to 10.1;**

ii. Ensuring any witness evidence was corroborated, ***see also*** **RMP-221-0000741-A, paras. 5.0 to 5.6;**

iii. Steps needed to follow a particular line of enquiry such as information the SIO received from a potential UKSF whistle-blower, ***see*** **RMP-221-0000740-A, para. 3.10; RMP-221-0000751-A, paras. 2.5.e, 3.0; RMP-221-0000755-A, paras. 7.0-7.2**.

86. I have been asked to consider whether there was evidence to support any of the conclusions outlined in the Op Northmoor TORs. I have reviewed the TORs dated 10 and 15 November 2016, but cannot identify any "conclusions" outlined and so cannot provide further comment. ***See*** **MOD-198-0003178-A; MOD-198-0003181-A**.

87. As detailed above, the IRT were ultimately reliant on the SIO presentations and supporting documentation to assess whether all relevant lines of enquiry were comprehensively investigated. As seen in our reports, we noted when we agreed a line of enquiry had been fully investigated, or when it needed to be pursued further. In our final report, we noted what lines of enquiry were or were not still outstanding. ***See*** **RMP-221-0000755-A, para. 2.2, 8.2**. which sets out the two outstanding lines of enquiry:

a. "[redacted] *has also provided intelligence and a subsequent statement which outlines an event which merits further investigation*."

b. "*At the present time,* [redacted] *and* [redacted] *who were present on both* [redacted] *and* [redacted] *have yet to be interviewed.*

The interview of [Name Given] *who participated in Objective* [2] *alone is still outstanding*."

88. We also detailed our views that RMP should consider a final 'shake of the tree' by sending requests for duty statements to the participants in eight of the relevant DDOs but noted that the IRT "*recognise that the requesting of duty statements is currently outside the operational investigatory practice of the SIB. Consequently at this point in time there appears to be no merit in pursuing this line of approach*." **See RMP-221-0000755-A, para. 9.1.**

89. As the IRT were not asked to return following the report, I am not able to comment whether these particular outstanding lines of enquiry were resolved. I provide some comments below on the lines of enquiry that apparently emerged after the date Phil and I were no longer involved in Op Northmoor.

90. I recall that at the time of our final report, we were getting the impression from John Harvey that our IRT input may no longer be required. Subject to the outstanding lines of enquiry we identified in our final report, we therefore wrote that –

"*The IRT are of the opinion that Operation NORTHMOOR should now consider all aspects in connection with a suitable exit strategy. The IRT believe that the enquiries and extensive work carried out to date has been robust, thorough and will be able to stand scrutiny from any third party*." ***See* RMP-221-0000755-A, para. 13.0.**

91. To clarify, this concluding paragraph was not recommending imminent closure of the investigation. A "*suitable*" exit strategy includes resolution of

outstanding lines of enquiry. At the date of our final report however, we were happy with the implementation of our recommendations and had not yet been shown material that amounted to graded intelligence or evidence that a crime had been committed.

Witnesses and Interviews

92. While the IRT did give advice on whether a particular witness, once identified, was worth pursuing as a line of enquiry, we did not give advice on the practicalities of how the RMP identified, located or scoped witnesses.

93. We also did not give advice on the practicalities of identifying and interviewing witnesses, persons of interest or potential suspects, including on how RMP interviewers were assigned or their respective level of expertise. We were not asked to advise on these points, and it was within the RMP's expertise of how to appropriately progress an investigation in a military context.

94. As discussed below, we did recommend that Team 1 remove the categorisation of suspect status applied to N1141 and N1201 . However such advice fell into the category of considering the underlying intelligence and evidence and advising on the lines of enquiry – and therefore whether or not someone was correctly labelled as a suspect. ***See* RMP-221-0000740-A, para. 9.3**.

95. I have been asked to provide my understanding of the decision in March 2017 to restrict interviews in Afghanistan to Saifullah Yar and Mohammed Bang. I am unable to comment as I was not involved in that decision. I note that the IRT Report dated 24 January 2017 anticipates that "*any other available*

evidence" should also be sought during a visit to Afghanistan, including possible engagement with the [APU]. ***See* RMP-221-0000740-A, paras. 3.4, 9.1**.

96. As I was not involved in the decision-making, I am unable to comment on why Saifullah Yar was not interviewed by investigators until September 2017. I am unable to comment on why witness statements were not taken from UKSF on Objectives Tyburn, i.e. the Objective during which Saifullah's father, brothers and cousin were allegedly unlawfully killed, until late 2017 onwards. I note the first Secret IRT Report dated 24 January 2017 recommended that the visit to Afghanistan and obtaining Saifullah Yar's witness statement should be pursued as a "*High priority*" and that individual duty statements/reports should be sought from each participant in Operation Tyburn still in service. ***See* RMP-221-0000740-A, paras. 9.1, 9.6**.

97. I am unable to comment on why witness statements were not taken from UKSF on Objectives [2] and [1] until late 2017 onwards. Although I note that as early as January 2017, the IRT recommended that "*An individual duty statement/report should be sought as necessary to other scenes as and when significant discrepancies have been identified*." ***See* RMP-221-0000740-A, paras. 9.1, 9.7.**

Data

98. Generally, the IRT did not give advice in relation to obtaining relevant data (e.g. UKSF servers), digital and media evidence (e.g. video footage from DDO operations) from the UKAF and UKSF.

99. However, the IRT did recommend that it would be "*prudent and more expeditious*" if any data was recovered by consent rather than seizure. The IRT's view was that there was "*no appropriate foundation to enable seizure*". ***See* RMP-221-0000740-A, paras. 3.5, 9.2.**

100. While I do not know the extent of the RMP's powers for seizure, the IRT gave this advice from our perspective as experienced police officers. The principle remained that you cannot seize data without consent if you do not have a strong case to justify the seizure. Phil and I could not identify justifications for seizure without consent due to the lack of actionable intelligence or evidence.

Forensic analysis of images

101. I recall giving advice on the forensic analysis of images in relation to allegations of dropped weapons and images taken on DDOs (including of Enemies Killed in Action). Phil and I would emphasise that images should not be subject to expert opinion until their provenance was properly established.

102. I remember this resulted in disagreement with the Op Northmoor Team 1 as they were keen to procure an expert to examine and provide an opinion of each scene. I remember that before one briefing, SILVER Command / SIO Maj Matt Cox and his Team 1 were very excited to show Phil and me an image they had found, believing it to be a major break-through. The image was both graphic and clinical. It showed nine male bodies in a room, neatly laid next to each other, without blood spatter and each apparently deceased. ***See* RMP-221-0006990-A, workbook p. 11**. However, they could not

establish 'continuity' of the photo, i.e. who had taken the photo, or where or when the photo had been taken. In other words, there was clearly not sufficient provenance to justify procuring expert forensic analysis of the image. I recall they were disappointed that Phil and I were not impressed with the image they had found. Without provenance, any number of explanations or interpretations of the image could be put forward. An expert could not retrospectively turn the image into evidence and so procuring one was a waste of investigative time and money. As we stated in our IRT Report dated 12 April 2019 (RMP-221-0000755-A), para. 10.1–

a. "*No probative value or context can be established by opinion alone.*
b. *There is simply no evidence or intelligence to append such an opinion to.*
c. *Nothing of value would emerge that would assist the reconstruction of each scene*."

103. I cannot recall the details of our explanation to the Op Northmoor team in the briefing at the time, for example, to what extent we had to explain what constituted sufficient provenance. However, I do recall trying to paint the picture of how a photograph without provenance may be interrogated in a legal court setting to explain why Phil and I did not consider the photographs a significant development.

Signatur [Signature]

N1201 and N1141 *as suspects*

104. In its first Secret Report dated 24 January 2017, the IRT advised that the categorisation of suspect status currently applied to N1141 and N1201 should be removed. ***See* RMP-221-0000740-A, para. 9.3**.

105. As was always the case before we gave advice, the SIO – in this case Capt Wright – had given us a briefing which we had reviewed and interrogated. We assumed that the material provided to us before we gave the advice was sufficiently detailed but of course it was the SIO himself who controlled what information we were given.

106. Phil and I agreed that based on the information we had at that stage, it was unclear why Op Northmoor had categorised them as suspects. I recall Capt Wright was very motivated to keep them as suspects. Naturally, when you identify someone as a suspect, that is then who you target for a covert investigation.

107. During lengthy discussions with Capt Wright, I recall we told him that if he could show us more intelligence or evidence, then perhaps the classification could be justified, but if there was nothing else then they should be declassified. The IRT noted these discussions in its report, but I do no recall whether these discussions were minuted. As there was nothing further, they were declassified. ***See* RMP-221-0000746-A, para. 3.8.**

108. As we concluded in our IRT Report, "*The suspect designations in connection with* N1141 *and* N1201 *are premature, without foundation and at this current time profoundly unhelpful to the progression of Operation Northmoor*". ***See* RMP-221-0000740-A, para. 4.5**.

Signatur Signature

109. The benefit of declassifying them is that we could more easily approach them for information that may have led to actionable intelligence.

110. We continued to keep our advice on this point under review throughout our time on Op Northmoor, but no further intelligence or evidence emerged that would have justified re-categorising them as suspects. Based on the information we had at the time, I still agree with that advice.

Changing the investigation from covert to overt

111. In its first Secret Report dated 24 January 2017, the IRT advised that due to the absence of any graded intelligence or evidence that the strategic direction of the investigation be changed from covert to overt. ***See* RMP-221-0000740-A, para. 9.5**. As above, the advice was based on information received during briefings by and discussions with the SIO for Team 1, Capt Jason Wright.

112. Our subsequent review and evaluation of the material Capt Wright relied upon did not support a covert dimension but was more suited towards an overt dimension. We shared these observations with Capt. Wright and Lt Col Harvey verbally and discussions took place with both. The advice by the IRT was incorporated into a report, supported by a recommendation.

113. On 5 January 2017, during the first presentation Capt Wright gave us regarding his team's work, it became apparent that the Op Northmoor team, or at least Capt Wright, was confusing information such as hearsay, speculation and gossip with graded intelligence and evidence of a crime.

114. The way I always like to explain the difference between information, intelligence and evidence is with the analogy of turning sugarcane into refined sugar:

a. The process of 'harvesting' of sugarcane is information learned through study or through communication by others – it is not clear what is or is not yet relevant or useful but the investigator is merely trying to collect what is available;

b. The 'milling and refinement' process of sugarcane is where the investigator identifies actionable intelligence, or even evidence. To identify actionable intelligence, the investigator has subjected the information to analysis for a particular purpose. The investigator has ensured it is verifiable so it can be evaluated, assessed and acted upon. Evidence is what might be left at the end of the investigation process – information that is relevant and valid and, crucially, admissible in court.

115. All that to say, Op Northmoor was only in the first 'harvesting' information collection stage, but its investigators appeared to believe they were currently in the final 'milling and refinement' process.

116. During the presentation, Capt Wright outlined his strategy to apply covert tactics using RIPA authorisations including [redacted] Covert Policing Tactic [redacted] against his UKSF suspects. As detailed in **para. 4.3 of RMP-221-0000740-A**, the information he intended to rely on to apply for RIPA authorisations was merely opinion, statistics, third

party disclosure, speculation, rumour and chit chat at various levels. The information was untested, untried and without provenance.

117. Although it was clear a lot of time and work had gone into collecting and reviewing the information, it was of a poor quality and could not support the contention that criminal offences had taken place. It was very clear to me that Team 1 was nowhere near the bar needed to even begin considering applying for RIPA authorisations. Converse to Capt Wright's belief, a review and evaluation of the material showed that it did not constitute graded information/intelligence or any evidence to support the allegations of serious crime, nor the strategic direction of covert means.

118. I remember that after the meeting, Phil and I discussed how astonished and concerned we were that Team 1 appeared to be under the working assumption they would be granted the necessary RIPA authorisations despite what to Phil and me was clearly poor quality of information available to them to justify such an application.

119. I have read the relevant parts of Alan Pughsley's oral evidence given to the Inquiry on 28 January 2025. I note he agreed with Phil and my recommendation to go overt, but not necessarily with all of our rationale. In particular, his view is that while there was no "*direct evidence*", there is "*evidence of concern about the incidents*" which "ju*stifies what Captain Wright did*". However, while I appreciate there was evidence of "*concern*", this still does not amount to evidence of a "*serious crime [that] needs to be prevented and detected*" or that a crime had been committed. I appreciate that

assessment of evidence can be subjective and a fine balance, but our view in this case was that it was merely hearsay. The 'indirect' evidence may show a complaint but that is not enough to give the allegations credence to justify pursuing covert techniques. ***See* Expert Evidence of Alan Pughsley, Transcript, Day 16, 28 January 2025, p. 44, lines 12-18, p. 46, lines 5-14.**

120. Ultimately, any potential application for RIPA authorisations would have failed on the necessity, proportionality and EHCR grounds. We therefore advised that the investigation would be better served by switching the strategic direction to overt. The gap between where they were and where they needed to be to justify a covert investigation was outrageous.

121. As I say above, it was almost a 'cold case' review. There was no scene, no bodies, no forensic as such, no exhibits as such – perhaps some photos but with no or little provenance. The best thing we could therefore do was change the investigation's status from covert to overt so that you could at least talk to witnesses and start to gather possible actionable intelligence.

122. In my view, getting hold of witnesses is your only hope in such a 'cold case'. Capt Wright was resistant and almost inflexible to the idea of changing the status from covert to overt. In my view, you want your investigation to be overt to trigger people to be open and explore the instances in conversations with you.

123. Even if Capt. Wright had been able to legally justify utilising covert methods, in practice, we did not think [redacted] would have given us useful results. For example, the alleged crimes had happened

years prior so it was less likely the covert tactic would yield useful results [redacted]. I appreciate this is perhaps speculative but while RIPA can be used in historic contexts, both the question of time passed since the alleged crime and whether using covert techniques will get you the best results is a consideration.

124. Another consideration under RIPA is the potential 'collateral'. The aim is to minimise the collateral to the extent possible, i.e. to avoid breaching ECHR rights or interests of anyone other than your target. The more potential collateral, the weaker your RIPA case. From my perspective as a former Authorising Officer, I considered that the objective was disproportionate to the potential significant collateral. Example of how use of how covert tactic would result in disproportionate collateral [redacted].

125. An overt investigation meant we could get in touch with the relevant UKSF individuals and at least push them to think about these events and start talking. Part of the proportionality consideration when you are considering whether to go covert is also asking the question of what the best method of getting information is. In this case, it was very clear to me that the investigation was better served switching to overt.

126. I would like to add that I was sympathetic to Capt Wright's predicament. He had been asked to investigate what, as I say above, was essentially a cold case and was inevitably struggling to progress the investigation – which is why I assume he looked to potential covert

techniques. I also query what legal advice was going to him at the time in addition to the NCA recommendations encouraging him to pursue a covert strategy.

IRT View that there was no evidence of a crime

127. To clarify, the IRT did not make a pre-emptive conclusion that there was no evidence of a crime when we commenced work on Op Northmoor. Op Northmoor was an ongoing investigation and our corresponding review was therefore also ongoing. We did however state that based on the initial SIO briefing we received that the information presented to us did not "*at the current time*" amount to a crime. In our initial 'Sensitive' Recommendations therefore we identified steps that Team 1 could take to gather information that might lead to actionable intelligence or evidence of a crime. ***See* RMP-221-0000740-A, paras. 4.1, 9.1 to 9.7**.

128. As detailed above, the first briefing we had on Team 1's work from Capt Wright on 5 January 2017 was disappointing to the extent that Team 1 had clearly done a lot of work and collected a lot of material but was unable to see that the material did not amount to actionable intelligence or evidence to demonstrate a crime had been committed.

129. In particular, in relation to Operation Tyburn, we noted in paras. 4.1 to 4.3 of our IRT Report dated 24 January 2017(RMP-221-0000740-A) that we had considerable doubt that the incident could be categorised as a crime "*at the current time*" given –

a. The "*absence of a detailed complaint and associated witness statements*";

b. an "*over reliance on the Leigh Day claim*";

c. "*no evidence in relation to any individual who took part in the raid of Operation Tyburn or indeed any other alleged connected incidents*"; and

d. No "*actionable intelligence*". As described in the IRT Report, "*Lengthy discussion took place [between the IRT and Op Northmoor] in an effort to identify any actionable intelligence. This scrutiny appropriately categorised the available information as; judgement/statistics, third party disclosure, speculation, rumour and chit chat at various levels. This information is untested, untried and without provenance. It remains at this current time of a poor quality and cannot support the contention that criminal offences have taken place*."

130. Our Recommendations sought to address these gaps by, for example, advising Team 1 to obtain witness statements from Saifullah Yar and Mohammed Bang as a "*high priority*", and to take "*duty statements or report*" from each participant in Operation Tyburn that was still in service at the time.

Investigating Allegations as a Linked Series

131. Throughout the Op Northmoor investigation and the IRT's corresponding review, we were alive to the potential of 'links' or a 'conspiracy'. Trying to establish a conspiracy is usually a last resort for an investigator. Where you might not have enough to prove a crime in one instance, you can

perhaps point to a conspiracy by pointing to commonalities and/or cross overs in multiple instances.

132. So, in order to link the allegations, you first needed to establish commonalities and/or cross overs. To establish these commonalities and/or cross overs, you need actionable intelligence or evidence. As detailed above, the main issue during the Op Northmoor investigation was the lack of any actionable intelligence or evidence. While you can try to develop lines of enquiry out of hearsay, it does not necessarily mean that you have any real intelligence. ***See*, for example, RMP-221-0000740-A, para. 3.7; RMP-221-0000746-A, para. 3.10.**

133. To note, the HOLMES systems itself is designed to spot any cross-overs / commonalities if there are any. It is also possible to resource your HOLMES system with an intelligence analyst who proactively looks for these cross-overs / commonalities. Ultimately, given the lack of actionable intelligence or evidence, at this point in time it was unnecessary to pursue this as a work stream.

134. Because Op Northmoor was never able to establish the necessary details of instances, it could not establish their cross-overs / commonalities with other instances. This means it could never begin investigating the allegations as a linked series. Instead, Op Northmoor rightly focused its efforts on attempting to establish the necessary details of instances, prioritising Operation Tyburn, Objective [redacted] and Objective [redacted]. I go into detail on this below.

135. As always, we provided the advice based on the initial SIO and/or SILVER briefing, our own review of the underlying documents referenced in the briefing and subsequent discussions with the SIO and/or SILVER. Based on the information we had at the time, I still agree with that advice.

Advice on possibility that deaths being investigated formed part of wider pattern of EJKs

136. As above, our advice was simply that there was not enough actionable intelligence or evidence to investigate this as part of a wider pattern of extra-judicial killings at that point in time. Without the necessary intelligence or evidence, we did not see a pattern. But really there was no intelligence and evidence enough to get a foothold in and widen the scope to other incidents. If there had been, we would have widened the scope.

137. As always, we provided the advice based on the initial SIO and/or SILVER briefing, our own review of the underlying documents referenced in the briefing and subsequent discussions with the SIO and/or SILVER. Based on the information we had at the time, I still agree with that advice.

Systemic Issues

138. We gave little advice in relation to systemic issues. We only advised on this in relation to Team 2's work into the allegations of detainee abuse and not the allegations of unlawful killings. I was not part of the decision not to investigate systemic issues in Team 1's work and cannot provide further comment.

139. Our main advice to Team 2 was to continue to capture and illustrate any systemic issues during their investigation and disseminate them to the relevant departments. It would have been for RMP to decide who the "relevant departments" were. Our only criticism of Team 2 here was their almost forensic approach meant they spent perhaps too much time on working out those details. We pointed them towards the Ruling of Mr Justice Leggatt in the High Court of Justice, Queens Bench Division dated 7 April 2016 so that they were able to adopt a more proportionate approach to the investigation. ***See* RMP-221-0000741-A, paras. 3.1, 3.2, 5.2; RMP-221-0000746-A, paras. 2.5, 2.6.** I go into this in more detail further below.

140. As the TORs were drafted before the IRT came on board, I am unable to comment on the term 'systemic issues' in the original Op Northmoor TORs, or why they were removed from the revised Op Northmoor TORs, or the meaning of "systemic issues" within the context. I cannot recall and so cannot comment on who or what the purpose of the Systemic Issues Working Group is. ***See* MOD-198-0003178-A**.

141. As always, we provided the advice based on the initial SIO and/or SILVER briefing, our own review of the underlying documents referenced in the briefing and subsequent discussions with the SIO and/or SILVER. Based on the information we had at the time, I still agree with that advice.

Prioritisation of Objective [redacted] *and Operation Tyburn and de-prioritisation of remaining eight DDOs*

142. I recall that Objective [redacted], Objective [redacted] and Operation Tyburn were part of the 11 events all carried out by the same UKSF unit as

per the information provided by the then Director of Special Forces. The basis of this assertion was:

a. Enemy killed in action ("**EKIA**") versus weapons statistics; and

b. The number of instances where the 'head of the family' were being invited to lead the compound clearance before subsequently being engaged and killed.

143. However, I recall that there was no other specific intelligence or evidence available to corroborate this assertion. ***See* RMP-221-0000740-A, para. 3.7.**

144. During Op Northmoor's 'scoping' of the events, the SIO (I assume it was SILVER Command Matt Cox given the timing), indicated that, in addition to Operation Tyburn, he would prefer to prioritise efforts towards the most interesting of images found, i.e. those contained within Objectives [redacted] and [redacted]. As outlined above, Phil and I had to have extensive discussions with the SIO regarding the importance of establishing the provenance of images.

145. In the end, I recall we prioritised the following DDOs:

a. Operation Tyburn actually had witness(es) who could provide statements, and therefore more likely actionable intelligence; and

b. Objective [redacted] and Objective [redacted] had images the SIO wanted to focus on. IRT noted their reservations regarding these images and recommended further scoping actions in regards to Objectives [redacted] and [redacted] as well as the remaining DDOs. Ultimately,

Objectives [redacted] and [redacted] had more material than the remaining DDOs even if of poor quality. ***See* RMP-221-0000746-A, para. 3.10.**

146. The benefit of focusing on these three DDOs meant that Team 1 could make the best use of investigative time by focusing on the DDOs with the most material. As the remaining eight DDOs had even less material to work with than Operation Tyburn, Objective [redacted] and Objective [redacted], resources were best used to focus on the latter three given the better prospects. If actionable intelligence or evidence emerged, we could then widen the scope of the investigation. However, as nothing further emerged, the scope never widened.

147. Ultimately, I do not know whether there was a particular impact of prioritising those three objectives on the investigation over the other eight DDOs. Our IRT Reports continued to recommend further scoping actions in relation to the remaining DDOs even while we continued to prioritise Operation Tyburn, Objective [redacted] and Objective [redacted] ***See* RMP-221-0000746-A, para. 3.10; RMP-221-0000751-A, para. 2.4, 2.5.**

148. As always, we provided the report with the advice based on the initial SIO and/or SILVER briefing, our own review of the underlying documents referenced in the briefing and subsequent discussions with the SIO and/or SILVER. Based on the information we had at the time, I still agree with that advice and the corresponding decision. I do not know who made the final decision, but I assume their rationale followed the same as the IRT's. I cannot comment any further.

UKSF Cover Up

149. Whether there was a 'conspiracy' was a question mark in Op Northmoor Team 1's minds throughout the investigation. For the IRT, our view was that you first had to show something had happened, before you then focus your investigative efforts on showing that someone had subsequently attempted to cover it up.

150. In order to investigate the possibility of a cover up, the first step therefore is to first try to establish whether there was something to exploit or cover up. However, as above, there was nothing credible we could see that showed there was something to cover up. The best thing Op Northmoor did was change the Team 1 investigation from covert to overt so that they could at least start talking to witnesses and perhaps gather actionable intelligence or evidence that either proved or disproved the allegations.

Command Responsibility

151. Throughout the Op Northmoor investigation, the question of investigating offences relating to Command Responsibility was considered.

152. As part of the investigation, Op Northmoor did look at senior figures in the UKSF, such as the Director of Special Forces, and we looked at using them at witnesses just as we would anyone. This was because you would assume that anyone senior would know what was going on – especially through debriefs or post operational reports. But, again, the issue was that there was no apparent crime. If there is no apparent crime, then there is no real basis to investigate offences relating to Command Responsibility.

153. I recall that no senior UKSF figure wanted to talk to Op Northmoor as of course they did not want to be part of what, in my view, they perceived as essentially a fishing expedition. As described above, Op Northmoor would have to contact them in line with the UKSF Protocol but the Protocol had created a safe that couldn't be cracked.

Leggatt Test

154. I outlined my understanding of the Leggatt test in the **para. 4 of RMP-221-0000741-A**. ***See* also RMP-221-0006991-A, workbook p. 22**.

155. In the report, I summarised what I had identified as the key paragraph 289 of Mr Justice Leggatt's judgment in the High Court of Justice, Queens Bench Division on 7 April 2016:

"*In essence the judgement proposes as a general rule to decline to investigate allegations unless it is supported by a witness statement which is: (1) Signed by the complainant (2) Gives the complainants own recollection of the relevant events (3) Identifies any other relevant witnesses known to the complainant and the gist of the evidence which the witness may be able to give. (4) Explain what if any steps have been taken or attempts made since the incident to bring it to the attention of the British Authorities. The judgement acknowledges that communication through intermediaries and solicitors in England gives ample scope for mistranslation and misunderstanding and* ***acknowledges the need to manage in a proportionate way with a need to set priorities and target resources****. It should only devote its investigative*

resources to allegations which meet defined minimum standards of evidential support."

156. As mentioned above, in view of the volume of complaints Team 2 were dealing with when investigating the allegations of detainee abuse, the Leggatt test was useful to help them focus and take a more proportionate approach. I recall thinking that these complaints had been canvassed by the law firm Leigh Day but were lacking any useful detail. The Leggatt ruling told investigators what they should be considering and directed them to seek corroboration of details including details of the witnesses themselves, ensuring a proportionate approach so as not to waste investigative resources. As detailed in our later report, the IRT concluded that Team 2 had applied the Leggatt ruling properly and with good effect. ***See* RMP-221-0000746-A, paras. 2.3, 2.4, 2.9, 2.10.**

157. In regard to Team 1, while Team 1 had more detail to work with than Team 2, there was not much more in terms of quality of evidence. Again, the IRT advised the team to consider the Leggatt ruling. At that point in time, Team 1's investigation into Operation Tyburn lacked a detailed complaint and associated witness statements and had an over reliance on the Leigh Day claim. The IRT therefore recommended, amongst others, to obtain witness statements from both Mohammed Bang and Saifullah Yar and to seek evidence in relation to any individual who took part in the raid of Operation Tyburn or indeed any other alleged connected incidents. ***See* RMP-221-0000740-A, paras. 4.1, 4.2, 9.1, 9.6, 9.7.**

Signature

Signat [redacted]

158. I do not know who made the final decision to apply the Leggatt ruling to Team 1 and Team 2's respective work, but I assume their rationale followed the same as the IRT's. I cannot comment any further.

159. The IRT's view was that both Teams applied the Leggatt ruling correctly. My only criticism is that they should have considered and applied the Leggatt ruling from when it was first handed down in April 2016.

160. If they had the Leggatt ruling's more structured approach in mind from the start, then perhaps Team 1's work would never have got past the threshold given the lack of proper corroboration for the allegations. When I say "threshold" I mean the jump from a complaint to an allegation. Team 1 had a lot of material and the Leggatt ruling allowed them to be more focused when reviewing that material. It meant they could eliminate lines of enquiry that lacked content and focus on those that might be more fruitful.

J. Other investigations

161. The IRT did not give advice on Operation Cestro, Operation Pavo, Operation Shiverwood, An allegation by IIA828, and Telemeter 2 nor do I recall operations with those names and so cannot comment on the adequacy of any investigation into those operations.

K. Ending the investigation

162. The IRT was not invited back after its report dated 12 April 2019 and so I cannot comment on the closure of the Op Northmoor investigation in August 2019. As described above, our relationship with Op Northmoor was that we were completely reliant on Lt Col Harvey and the remaining senior leadership

team (GOLD and above) to decide whether they would accept the recommendations in our reports and invite us back for further reports.

163. During our final visit, I recall we told them they should start considering what the exit strategy would be in light of no new evidence or intelligence. The impression we were left with was that if we did not hear from Lt Col John Harvey again, we were no longer required. I provide further detail of this above at paragraphs 90 to 91.

164. Ultimately, the IRT had no influence over the closure of Op Northmoor. As it stood in April 2019, the Op Northmoor team had implemented our previous advice well. As I describe above, the lines of enquiry had been an ongoing and progressive discussion throughout the Op Northmoor investigation. At the date of the final IRT Report, lines of enquiry were drying up. At the time, it became clear that we would not find any evidence to support the allegations of extra-judicial killings based on the material we had. Although, like any investigation, material could always come to light at a later date. As I was not involved in Op Northmoor post April 2019, I cannot comment further.

165. The first I am hearing of potential outstanding lines of enquiry and/or the ABE interviews obtained in Afghanistan is through this Inquiry's Rule 9 Request to me. Of course, it is slightly frustrating when you are brought on to consult on lines of enquiry, only to find out later that there are now question-marks regarding lines of enquiry pursued after your involvement. It begs the

question of what the point of having the IRT was if not to support you until the end.

166. As I detail above, Op Northmoor had previously made mistakes thinking they had graded intelligence or evidence of allegations when they actually only had low quality information. The converse could therefore also be possible, i.e. they believed they did not have intelligence or evidence when they actually did. On the other hand, perhaps they had learned from our previous advice and just applied the existing recommendations to the final lines of enquiry. Ultimately, I was not involved as of Op Northmoor's closure and so do not know and cannot comment further.

L. Meetings with and Pressure from External Parties

167. I was not involved and therefore cannot comment on any briefing, meeting and/or communications in relation to Op Northmoor with UKSF or the Director of Special Forces; CGS, DCGS or other senior members of the Armed Forces; DSP or the SPA; MOD officials or civil servants; Government ministers; and/or MPs.

168. I was not aware of any external pressure applied by others outside of the RMP in an effort to influence the outcome, or any other aspect, of Op Northmoor.

M. Overall Impression

169. I have been asked whether I considered that Op Northmoor was properly conducted, comprehensive, effective and progressed expeditiously.

170. It is very easy on hindsight to say 'if the investigation was based on the information the BBC Panorama documentaries claim to have, then there would have been a very different starting point'.

171. Ultimately, however I can say that I considered that Op Northmoor was properly conducted, comprehensive and effective. The only unsatisfactory points are that:

a. I do not understand how Capt Wright ever got to the stage where he was considering covert tactics and I query what legal advice was going to him at the time in addition to the NCA recommendations encouraging him to pursue covert tactics;

b. Op Northmoor never accepted our recommendation to take duty statements from those present during the DDOs. Other than being told that it was not "*operational investigatory practice of the SIB*", I do not recall getting a proper explanation as to why they did not consider it. Of course, there is the military rank structure point where the SIO would have had to justify why he was taking duty statements rather than the usual section 9 statements. However, I feel that opportunities were perhaps missed by not taking them.

172. I don't think I can say that I considered that Op Northmoor was progressed expeditiously. There was of course the initial delay prior to Op Northmoor caused by the [redacted] DSF not bringing the allegations to the Service Police until a later date. But then once Op Northmoor was up and running, as detailed above, my view is that too much time was spent on

the pursuit of lines of enquiry that did not have a basis in graded intelligence or evidence. Of course, I sympathise with the Op Northmoor investigators who were tasked with the role of investigating these allegations. When you have less quality material to work with, it is natural to labour it to exhaustion – especially when the alleged crimes are of such a serious nature.

173. I do consider that the RMP was the right organisation to conduct this investigation. Who else could do it? Civilian police services would not have the same level of access to theatre and also would not be able to fully understand the military context they were investigating.

174. For the same reasons, I do not think a wider role in the investigation ought to have been given to the Home Office Police. It was better to have someone like Phil and I advising them on lines of enquiry, as and when we were needed, than have the Home Office Police take on a wider role. The best thing we, or anyone else with a similar background from the Home Office Police, could do was give them benefit of our experience in homicide and other serious crime investigations so that they could then apply that experience to the military context as they understood it.

175. I cannot say whether or not I considered Op Northmoor received adequate support from others, such as the MOD, or senior echelons of the Army and military.

176. Op Northmoor investigators were being asked to conduct an investigation into what was essentially a cold case. Due to the lack of graded intelligence and weak evidence, they were not operating from a point of

strength but a point of real weakness. When requesting material from external parties such as UKSF, they lacked the justification to receive that material. These requests could therefore have been perceived by others as a fishing expedition. It was therefore unsurprising that they had lots of obstacles such as the UKSF Protocol. Perhaps there might have been a way through the obstacles but this would have been something for GOLD and above to navigate rather than those conducting the investigation on the ground. As this goes beyond my purview, I cannot comment any further.

Statement of truth

I believe the contents of this statement to be true.

Signed: Signature

Printed: Clifford Evans

Dated: 24th July 2025

Signature Signature