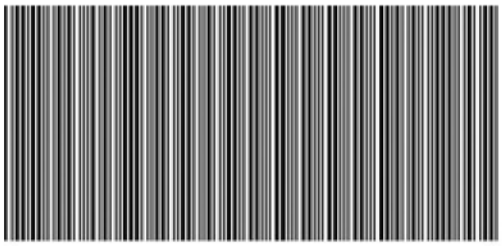
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RMP-221-0007659-A

Witness name: John Harvey

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INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

WITNESS STATEMENT OF LIEUTENANT COLONEL (RET'D)

JOHN HARVEY

DATED 22 October 2025

A. INTRODUCTION

1. I, Lieutenant Colonel (Ret'd) John Harvey, make this statement in response to this Inquiry's Seventeenth Secret Rule Nine Request dated 31 October 2024. This statement addresses questions relating to my tenure as Gold Commander on Operation Northmoor ("**Op NM**") between September 2016 and December 2019 (as far as I recall my first Op NM briefing was in September 2016, after which I read in before formally taking over as Gold as of December 2016).

2. In providing this statement I have sought to answer the questions set-out in the Request according to my current recollection of matters that fall within my knowledge from the material time. Where this is not the case I have referred to documents that I have had the benefit of reviewing in preparing this statement, before commenting on their contents where relevant. With that in mind, I have



answered the questions that I am able to by reference to either my direct recollection of events or my current views having refreshed my memory.

B. TRAINING, EXPERIENCE AND JOINING OP NM

3. I joined the Royal Military Police (RMP) in 1986 and primarily served as an investigator with the Special Investigation Branch (SIB) from 1990 until 2002. I was then commissioned and continued serving, mainly with the SIB/HQ Provost Marshall Army ("**PM(A)**"), until discharge in 2020. Upon the closure of Op NM in 2019, I was posted to HQ PM(A) as SO1 Standards for several months before a period of gardening leave prior to discharge from the army upon retirement in April 2020.

4. During Op NM, I was a Lieutenant Colonel and I assumed the role of the Gold Commander. My responsibilities included (a) ensuring that the investigation was in keeping with PM(A)'s directions and the Terms of Reference ("**TORs**") for Op NM, (b) ensuring that it functioned in line with RMP Policy, and (c) ensuring that it was conducted in accordance with our obligations under the Armed Forces Act 2006 ("**AFA**").

5. From memory, Col Rob Morris was the Assistant Head ("**AH**") of Op NM during my tenure, and a full Colonel, which meant was – in effect - my "boss". At the head, above us all was Brigadier Dave Neal who was PM(A) during my time as Gold on Op NM. Col Scott Meredith was also AH of Investigations and Policy. This meant that if there was an AFA enquiry or a request for more information about RMP policy and how it was applied, Col Scott Meredith would address it.

6. In addition, the RMP used the Military Police Investigative Doctrine ("**MPID").** MPID interprets and applies the terms of the AFA to military policing. Col Scott

Meredith would interpret the policies and give direction if needed whereas Rob Morris was in charge of Op NM policy and reported directly to Brig Dave Neal as PM(A). I therefore reported to Brig David Neal, normally via Col Rob Morris and after Col Rob Morris' departure - circa 2019 - I reported to Col Scott Meredith. In addition, I sought the advice of Sir Jon Murphy as part of the Independent Advisory Group ("**IAG**"). I also worked closely with the Service Prosecution Authority ("**SPA**") – Stephen Kell in particular - and the Independent Review Team ("**IRT**"), all of which I address below in more detail (**RMP-221-0001768-A**).

7. I do not recall there being any selection or recruitment process for the role of Gold. At least, there was none that I was privy to. I was informed that I was being appointed to the role but I do not remember specifically when I was told. It is possible that I was told by Brig Dave Neal or Col Rob Morris but in any event it was confirmed by the Manning and Records Office ("**M&RO**"). I believe I was informed not long before I started the role (ahead of September 2016).

8. My predecessor in the role of Gold was Lt Col John McAllister. It is my understanding that he left for [redacted] several months before I came in but I do not know when. I did not receive any handover from him. In my view, the fact that there was a lack of handover from my predecessor was not ideal but on the other hand I do consider that there is some benefit in not being influenced by the person that did the role before me. I do recall asking to review his policy books or notes but was told that the investigation team did not have them. Due to the lack of handover, known as a "handover takeover" or "HOTO", I went to RAF St Mawgan, which as far as I recall was in September 2016, and received an end to end briefing from the then SIO, Jason Wright. Sir Jon Murphy of the IAG was also present at this meeting and that was the first time I met him. Jason briefed us on the investigation and outlined the nature of the allegations, their scope and his then-working hypotheses. At that stage he relayed words to the effect of that the worst case scenario would be government sanctioned unlawful killings. The other

end of the scale was said to be a single rogue UKSF unit ([SU1] in particular). To be clear this was said in the context of an introductory overview of scale as opposed to amounting to a concrete Line of Enquiry ("**LOE**").

9. In terms of my first impressions I recall that, upon being briefed, I was made aware that Sir Jon had initially observed that there was very little tangible available evidence and that we had to focus on how we could prove the allegations evidentially. This was on or about September 2016 as part of my opening briefing from Capt. Wright. I was also made aware that issues had also arisen in relation to data management due to the failures to implement infrastructure such as the Forensic Data Handling Capability ("**FDHC**") which I have addressed in more detail below. I understood that further issues had also caused by the adversarial relationship between the RMP and Leigh Day. For example, at the time I was made aware of delays in relation to accessing witnesses that remained in Afghanistan. There did not appear to be direct or collaborative communication with Leigh Day witnesses. I wanted to improve this relationship to encourage better cooperation which would in turn allow us to progress the investigation more effectively.

10. I did not undertake specific training for the role of Gold before being posted to Op NM. But I did undertake the Regulation of Investigatory Powers Act 2000 ("**RIPA**") Authorisation course in January 2017 upon being posted to Op NM. In addition, during my career, I underwent SIO training, Scenes of Crime Officer ("**SOCO**") training, and I had 15-30 years' experience as an SIO. I was aware that a Gold Commander's course existed and that could have been an option but I was not offered it. I did mention this to Col Rob Morris and PM(A) but due to the timing of the training and money available they said I could not do it. To the best of my recollection this was because there was a lack of availability for this course and the next opportunity would have been as late as circa 2018. Clearly in an ideal world it would have preferable to do the Gold Commander's course. That said, given I had access to the Homicide Working Group – more below concerning the

[redacted]

same - and the external assurance I also address in detail below, I am not of the view that the lack of Gold Commander's course made a material difference to my suitability for role. But I do consider that my previous investigative experience meant that I was an appropriate candidate for the appointment. For example, record includes the following:

a. Bosnia circa 1998-1999: WOIC for the SIB's investigations into alleged war crimes.
b. East Timor circa 1999: WOIC in relation to the SIB's investigations into around 130 alleged murders. I was posted in to upskill, supervise and manage a UN operation comprising [redacted] Partner Forces military police.
c. Iraqi Historic Allegations Team ("**IHAT**"): I was the OIOC working under Colonel Jeremey Green for what was a 2-year period (as far as I recall). IHAT was a standalone investigation into alleged war crimes perpetrated by UK armed forces in Iraq 2003-2009. In my view the nature of the allegations made in relation to regular army forces as part of IHAT were similar in nature and scope to Op NM. This experience exposed me to an investigation that operated on a larger scale than Op NM – in terms of both the timeline and number of allegations, which totalled circa 3,400 overall - and so allowed me to gain particular experience of the *modus operandi* of dealing with this type of investigation (e.g. how RMP's powers under the AFA operate on such a scale; accessing witnesses situated within conflict zones and managing investigative teams on that scale).

11. I was also a member of the Homicide Working Group ("**HWG**") from around 2013-2016. This is a civilian organisation that writes homicide policy for domestic investigative use. This includes national police chiefs' representatives from across the UK who review ongoing homicide investigations to shape policy and provide

best working practices to all UK home office forces and military police forces (I was the appointed representative for the tri-service police chiefs).

12. However, I should add that Op NM was unique in terms of sensitivity and scale. This was because of the fact it involved UKSF in the context of some of the most serious allegations that can be levelled – extra-judicial killings - and due to the time that elapsed since the underlying events themselves. To the best of my knowledge the RMP had not been tasked to investigate sensitive allegations involving UKSF on such a scale before Op NM, and this is why the investigation was classed as a Critical Incident in line with the HWG's definition, namely that there had been an alleged incident so serious that in all likelihood it would overwhelm the resources of the forces tasked to investigate it (consequently Op NM had been formally categorised as a Category A+ investigation some time prior to my tenure as Gold). In summary, the nature and scope was a challenging prospect no matter who you were or what experience and training you had.

13. As a general additional point that arose from this unique context, I would also like to add that military investigations do not directly mirror their civilian equivalents. For example, the roles of Gold/Silver/Bronze do not operate in the same way. Their civilian counterparts have far more autonomy. This is because the RMP function within the Chain of Command which means Op NM had less control over the placement of personnel and deployment of resources. Further, civilian investigators can directly engage with the press whereas RMP investigations cannot, as directed by MPID. Another example is the fact that, whilst the Murder Investigation Manual ("**MIM**") guides civilian policing and to an extent informs the application of MPID insofar as RMP would always try and adopt civilian policing standards and processes as part of best practice, the nature of military policing in the context of the AFA meant that it would not always be practicable to do so. By this I mean the challenges posed by investigating allegations that necessitated in-theatre Lines of Enquiry ("**LOEs**), which risked Op NM's investigative Teams'

exposure to kinetic environments. This was exacerbated by the drawdown dynamics in Afghanistan up to 2019 insofar as restrictions of movement and the security of Op NM personnel were concerned. Whilst we were able at times to deploy into Afghanistan – indeed as we were at the time of Op NM's closure – there were frequent challenges in obtaining authorisation to access DDO sites and speak to witnesses in Afghanistan. Practically speaking, in order to access these locations directly, force protection would have been required. This was never forthcoming due to the risk posed not only to Op NM personnel but also to the witnesses themselves, and any force protection provided. All of which means that whilst the so-called Golden Hour principles can be applied easily within domestic HOPO investigations, military investigations require a different approach due to the circumstances I have just outlined. Allied to this was the impact of the delay between the dates on which the alleged incidents took place – circa 2010-2013 - and the point at which RMP became aware of the allegations due to the Leigh Day Complainants as of circa 2014. In addition, this was complicated by the manner in which the additional allegations arose in 2015 (i.e., from a then-unknown/unnamed UKSF original source).

14. Overall, because Op NM was so unique my colleagues' level of experience of such an investigation was limited. That said, to the extent that the Op NM leadership team – i.e, Col Rob Morris/Col Scott Meredith/the SIO/Team Leaders - felt that if anyone needed additional support or upskilling to make up for any inexperience, this would be provided if needed. We would identify obvious gaps where possible and take steps to rectify them.

C. RECORD KEEPING

15. With regard to record keeping, I had undertaken training in relation to this over the course of my career as part of other course such as that included in SIO training.



This made clear the requirements concerning the maintenance of an audit trail of decision-making. This involved keeping policy logs, workbooks and emails. To my knowledge, the relevant policy for the requirement and standard of record keeping was dictated by the MPID.

16. The majority of decisions made by me as Gold were not carried out in isolation given I would receive direction from PM(A) or the AHs, which was often informed by advice given by the IAG, the IRT, Mark Ellison and the SPA. My primary means of recording directions and/or ensuring an audit trail was established was by way of a policy note and/or within emails so that others were aware of them. This meant that there was always a trail of the decisions that were being made on Op NM. I also kept policy logs and workbooks.

17. I do consider that an adequate record of decisions was maintained. For instance, minutes were maintained and promulgated for all Gold meetings but not just Gold meetings, other meetings too. It was within the Gold and IAG meetings that the advisory group discussed any contentious points in the investigation. But Crime Executive Group ("**CEG"**) meetings were weekly military meetings and Op NM would be one of the agenda items to discuss. PM(A), Col Rob Morris, Col Scott Meredith and I and other Lt Colonels from other regiments would all be in the meeting. When it came to Op NM and CLOSED material discussions during CEG meetings some attendees would have to be excused from the meeting whilst we discussed matters in CLOSED. These discussions often took place between Brig Dave Neal, Col Rob Morris, Col Scott Meredith and the Warrant Officers who would make notes for PM(A).

18. I should also add that there is a subtle difference between civilian policing and military policing where record keeping is concerned. Due to Chain of Command and the nature of the military the expectation was that everyone would act and



abide by MPID and the AFA. Anything that was a formal request or decision or policy would be documented. That said, for example take Lt Col McAllister – there were not adequate notes in order to facilitate a handover. This did mean that upon becoming Gold there was a slight feeling tantamount to "shock after capture", in that there was an element of not knowing what had gone before or the rationale as to why. A specific rationale I would have liked to better understand is the basis for purchasing the FDHC – and the planning around that – before it was established that it would become operational (I address that in more detail below).

19. In terms of PM(A) decision making and recording – I would expect him to be recording his own rationale within his own log books, but would not see them myself or to assess the adequacy of the same. However, where he was giving direction or making a decision I would have expected to see that committed to writing. In my view Brig Neal's decision making was sufficiently recorded and communicated (e.g. by way of CEG, Gold Group meetings, emails, verbal orders and/or specific directions). But where his rationale is concerned it is important to be clear about the nature of the Chain of Command. When PM(A) made clear he wanted options on a particular issue, he would task others such as myself to give options within certain parameters, and this would be done by way of formulating a briefing paper or 'IRTB'. This was the main mechanism through which I would engage with him before certain decisions were made. But once he had come to a decision, whilst I was at liberty to question his decisions, ultimately as the chief officer what he orders goes. At that stage I would not expect to have any further rationale or explanation from him, whether written or otherwise.

20. I should add Jason as SIO was very comprehensive in his note taking – and as a matter of course I had to check and sign off on his policy books. As far as I can recall I checked and signed off on both Jason's and Maj Matt Cox's policy books (Matt being Jason's successor from 2017 onwards).



D. OP NM TERMS OF REFERENCE

21. I did not have any involvement in the drafting of the original TOR's dated 17 March 2014 because I was not part of Op NM at this time. When I started, I remember reading the TORs and recall that they referred to systemic issues. I asked for a practical definition of "systemic issues" for the purposes of the AFA but this was not possible given the AFA does not include a definition. I asked the SPA and PM(A) SO1 Legal about this and explained that they were asking me to investigate something that was not defined in law or RMP policy. It was for this reason that I objected to systemic issues being included in the TORs for the investigation as of 2016 and this is also why I did not feel that the TORs that had been formulated in 2014 were adequate. As a result, I was involved in the revision of Op NM's TORs as of 10 November 2016. The reference to systemic issues was then removed. I do recall discussion at the time about removing this term and being asked to explain why, but I do not recall anyone being particularly resistant to the change. My view at the time was that the TORs were otherwise adequate insofar as were any linked criminality to be identified, this could be investigated under the guise of our powers within the AFA without including the term in the TORs.

22. As far as I can recall, I did consider that the revised TORs were adequate since the main revision was the removal of systemic issues. In this context, it is important to note the existence of the Systemic Issues Working Group ("**SIWG**") which sat within the Directorate of Judicial Engagement Policy ("**DJEP**") as part of the MOD. Anything that investigators considered to relate to systemic issues was referred to the SIWG. For instance, there was an allegation that an individual detainee had complained that he was not fed whilst in detention. The question was then whether or not this formed part of a wider pattern of alleged abuse so as to be treated as a systemic issue. This was referred to the SIWG to consider for the purposes of advising Op NM. These sort of referrals happened notwithstanding revision of the

TORs in 2016. I recall instances where I expressly followed up on whether or not these referrals had taken place after 2016.

E. STRUCTURE

(a) Overall structure

23. The Op NM investigation teams were comprised of the General Police Duties ("**GPD**") element (the equivalent of uniformed civilian/Home Office police) and then the SIB which is the equivalent of the Criminal Investigation Department ("**CID**"). When Op NM started, due to how big it was, the demand was that the investigation needed 100+ SIB trained personnel but there insufficient capacity for this given there were only circa 210 SIB personnel in total, and many were deployed overseas. This meant it was not possible to assign them solely to Op NM and as a result the Op NM team had to draft in circa 100 GPD personnel and train them to deal with the Op NM material.

24. From what I can recall, investigation teams were already formed and in place when I took over as Gold. But there were a number of catalysts for a change in the structure during my time. For instance, there was a firewall between Team 1 and Team 2. In general terms I understand the reasoning for this was twofold. First, due to the nature and sensitivity of the information relating to Team 1's unlawful killing investigation into UKSF a lot of the data held was [redacted] held at a certain classification [redacted]. Second, this was necessary because of the intended use of covert tactics as part of Team 1's LoE. But I felt that Team 2 may discover matters relevant to Team 1's investigation and vice versa. My view was that this had to change given these separate silos could result in avenues of investigation not being explored and so there had to be better knowledge transfer. I instituted this change around December 2016 into 2017 over a number of months. Upon review of **RMP-221-0007650-A** I note that this change was something that was also endorsed as part

of National Crime Agency ("**NCA**") advice as a recommended course of action. That said, to my recollection, this was something that had already become apparent to me early on in my time as Gold notwithstanding the fact that this advice came later.

25. I set out here my understanding of Op NM's teams and their respective roles. In doing so I have refreshed my memory by reviewing **RMP-221-0002076-A and MOD-198-0003401** with a view to reminding myself of the investigation's Command Structure:

a. Team 1 were responsible for the Op NM investigations that were held at a certain classification. Their focus was on the most serious allegations concerning alleged unlawful killings of fighting aged males by UKSF. Due to the nature of these allegations and the potential for in-theatre deployment as part the investigation, the SIB investigators undertook pre-deployment training. In addition, they had to be appropriately cleared given the classification of much of the material was held at a certain classification.

b. Team 2 investigated everything from non-Team 1 unlawful killing matters down to low level crime (e.g. theft or anything up ABH or matters that might equate to offences dealt with by the magistrates' court). Essentially, they dealt with detainee abuse and anything that fell outside Team 1's remit.

c. Team 3 included those that assisted with cyber capabilities, MIR processes such as the HOLMES system and related disclosure tasks. Debbie Hayes was WOIC for Team 3 before I joined Op NM.

d. The Major Incident Room ("**MIR**") was the location that held the HOLMES and General Police Officer Roles. I understand the MIR sat within Team 3 or at least formed part of the work undertaken by Team 3.

[redacted]

26. The team structure changed during my time on the investigation in that, as I have already explained, the organisation of each team being in a silo was removed. In implementing this change, I did consider that there could be a potential for security leaks by making the teams aware of each other's work but I felt that there was far better awareness and cross pollination of information.

27. As to whether I considered the team structure of the investigation to be fit for purpose during my time with the investigation, there is not a straight-forward answer. The experience of the team members varied and priorities sometimes clashed. For example, it was my view that the focus should have been on progressing the investigations rather than refreshing military training given I had concerns about the slow progress that Op NM had made from the outset of my tenure as Gold. For instance, the fact that only one direct UKSF witness had been spoken to despite the investigation having been ongoing for 3 years was an issue **(RMP-221-0000823-A).** This is also an example of the differences between GPD and SIB. My background is SIB so the investigation – to my mind - should have been the sole focus but people were brought in to run the teams from GPD. In my opinion this meant that at times there were differing priorities (e.g. SIB and GPD training requirements necessitated the completion of annual tests thus taking personnel away from the investigation). To address this I did speak to PM(A) about this clash and said that I wanted a "*hall pass*" for all Op NM personnel (other than the Team 1 members who would deploy overseas). My view was this would suspend ongoing training requirements in order to ensure there was a focus on Op NM. As far as I recall PM(A) agreed but those who had to deploy overseas to interview in Afghanistan still needed to do the mandatory pre-deployment training in order for it to be safe for them to go. The time for which non-essential training was suspended was temporary and I cannot now remember how long this cessation lasted for.



(b) Leadership Structure

28. By way of general outline, the personnel in charge of the teams were Jason Wright as Team 1 SIO and then Major Tina Stitson was acting as Silver but in a slightly different capacity (as she was running the organisational side of things and not the investigative side). Then there was Josh Stribling and another Captain, Pete Knight, helping Major Stitson. Pete Knight took over from Tina Stitson as Silver in December 2018. As of 2017 following Jason's departure Major Matt Cox then became Team 1's SIO.

29. My understanding of the leadership structure was that the investigation was attempting to replicate the civilian police system of Gold/Silver/Bronze which was implemented for major incidents. But the Op NM version was varied as to reach and scope for the purposes of a military investigation on such a complex scale and in light of the severity of the allegations. As noted above, the Bronze, Silver and Gold roles were necessary due to fact that Op NM had been declared a Critical Incident/Category A+ investigation. This structure was considered best practice that had been adapted slightly to function within the RMP's Chain of Command.

30. That said, there were a number of personnel changes within the leadership structure during my time on the investigation. In the main this was due to M&RO requirements, sickness, promotions and end of service. The structure itself did not change but, towards the end of Op NM as teams began to draw down, Maj Matt Cox was almost fulfilling the roles of what would be expected of both Bronze, Silver and SIO. Maj Tina Stitson – who had been Silver – was posted out and her position became a Captain role (as above I believe this was Captain Pete Knight). I also recall that Danielle Smith was appointed as the disclosure officer because there was no disclosure cell. This was the first formal appointment of such an officer and was done at my behest.

[redacted]

31. I did not necessarily have concerns with regard to changes in personnel but some changes meant there was a risk of loss of corporate knowledge. I understand the Inquiry's desire to query why people in key positions were allowed to move around often but that is the nature of the military system and associated changeable postings. Of course I did not want to lose good people but if M&RO said a person was due to be re-posted then there is little I could have done without the intervention of PM(A). This was standard practice as part of the Chain of Command. In my view, this turnover was normal for the military and I recall that a lot people did get extended in post. I should add that in my opinion there were adequate systems in place by way of record keeping and knowledge transfer in-between reposting of personnel. In addition, to the extent there were any knowledge gaps due to people leaving the investigation we could always contact them post-departure.

32. Otherwise, my understanding of the key leadership roles was as follows:

a. **PM(A).** Brig Warren was in charge at the inception of Op NM until it changed to Brig Dave Neal circa August 2016. Brig Viv Buck was PM(A) at some point after Brig Dave Neal's departure. I do not consider that I am best placed to comment upon the quality of PM(A)'s performance since all of these individuals were at a rank higher than mine. However, I do recall that I did not have any concerns about them and indeed I felt that Brig Dave Neal did the right thing in bringing in the IAG and the IRT.

b. **The AH's**. As stated, the AHs were Col Rob Morris who was specifically AH Op NM and Col Scott Meredith who was in charge of Investigation & Policy. I do not recall having any concerns about their capabilities.

[redacted]

c. **GOLD**. Gold was initially Lt Col McAllister who was my predecessor. I cannot comment on his capability as he left a few months before I joined.

d. **SILVER**. Maj Tina Stitson held this appointment and then it became Maj Matt Cox. During absences, another person, for example Jason Wright, would step up as acting Silver so a Bronze command could act up as Silver if the appointment was vacant. In my view, Maj Tina Stitson was trained but not experienced enough in respect of the Op NM allegations - I do not believe she had held a similar role previously. Maj Matt Cox was also adequately trained but did not have previous experience as Silver/SIO. That said, I believe that they were well supported by internal and external advisors so as to fill in any gaps.

e. **BRONZE** – as far as I can recall this was a role which was often rotated between personnel. I cannot now remember it being occupied by a particular individual.

f. **OC**. From my recollection, the OC role was also a mixed role as Silver could be OC. Maj Tina Stitson was Silver but also acted as OC.

g. **SIO**. The SIO was Jason Wright then Matt Cox. Jason Wright had an SIB background and was a very experienced investigator but I do not believe he had previously been an SIO.

h. **DSIO**. As far as I recall the first DSIO was N73 [redacted]. I did not have any concerns about N73 [redacted]. I am now reminded that his successor as DSIO was Mark Dempster, similarly I had no concerns about his capability.

[redacted]

i. **WOIC**. WOIC can be a different appointment for different areas. For example, WO2 Zoe Duce was Team 2 WOIC and was in this role at the commencement of my tenure and Debbie Hayes was also a WOIC (although a WO1). I considered them both to be very capable warrant officers and I did not have any concerns. I recall that I would have meetings with them on a weekly basis.

33. Overall, my most frequent contact was with Jason Wright, Matt Cox, and Zoe Duce. I had less frequent contact, but still often met with, Maj Tina Stitson and Debbie Hayes.

34. As to the rationale for appointments of personnel, I was not normally privy to the rationale behind postings to Op NM but, in the military whilst you can apply for a role that you want, ultimately you are appointed to a role as directed by M&RO.

35. In terms of whether I considered the leadership structure to be fit for purpose, my answer is yes and no. For example, Major Tina Stitson had undertaken the SIO course but to my knowledge she did not have any prior practical experience working as an SIO (see **RMP-221-0007650-A, page 6**). In a perfect world we wanted suitably qualified and experienced personnel ("**SQEP**") but in reality it was often a combination of some with experience in one area but without a breadth of experience that may have been ideal. By that I mean the sense that some had received relevant training – such as the SIO course – but had not actually led an investigation that would require the qualification as an SIO. Conversely, others had practical investigative experience but had not undertaken training specific to their role. Overall, I felt that the leadership roles and responsibilities were clear and well defined. But if necessary we could rely on the MPID for definitions concerning particular military roles and expectations.

[redacted]

36. I am asked to consider whether I had any concerns about named individuals in leadership roles. I did not have any concerns about the individuals but as I have stated above I was aware some were inexperienced but trained. As there was support in place, this filled the gap. If I did have any concerns then I would have reported it to next in command above me, Col Rob Morris, and that person could have been removed from the investigation. However, I do not recall removing anyone or attempting to do so.

37. As to conflicts of interest, as far as I can recall, at the point of setting up Op NM there was a potential conflict arising from the fact that Brig Dave Neal's wife, Lieutenant Colonel Claire Waterworth, was Commanding Officer of the SIB. I was aware that Lieutenant Colonel Waterworth was moved outside of RMP when Brig Dave Neal became PM(A).

38. In addition, a recusal policy was in place as part of Op NM. This meant all personnel working on the investigation had to sign off by declaring they did not have any associations with, or involvement in, the underlying allegations before joining the team. This was for everyone to sign whatever their rank. For example, unless I am mistaken Maj Matt Cox had to go through the recusal process because of his previous role when he was deployed in Afghanistan. Another example might be past deployment with UKSF, or involvement in an RMP investigation into UKSF. For example, around the autumn of 2016-into 2017 as far as I recall Maj Matt Cox identified that Brig Dave Neal had been in-theatre Provost Marshall in Afghanistan during the time when allegations were made about prisoner detention issues, which Team 2 were investigating by the time he became PM(A). Given his time as in-theatre Provost Marshall did not relate to UKSF DDOs in and of themselves within the relevant period, just detention matters, this was not deemed to give rise to a potential conflict.

[redacted]

F. RESOURCES

39. My role in relation to the overall resourcing of Op NM was not straightforward. For example, if any area of the team such as the HOLMES team said they do not have enough people then they would put it through their Chain of Command and that would come to my desk. I would go to Col Rob Morris first as the AH in order to progress the request. It would then be relayed to M&RO to provide whatever manpower they could, depending on whether the requisite personnel were available and whether the RMP's overall manning margin would allow for the posting of those personnel. I cannot remember many specific examples but I remember the MIR needed a disclosure officer so I requested Capt Danielle Smith (who had a legal background, and she was someone I had worked with previously within SIB). I felt the rest of the teams were well resourced. They were getting to full strength prior to my tenure but I do not remember exactly when we reached optimum capacity (but to the best of my recollection we reached this point circa 6-12 months into my posting as Gold).

40. It was not my sole responsibility to ensure that Op NM had adequate overall resourcing in that our resourcing needs were addressed via something known as command support. This meant that any person in a command appointment – such as Gold - is expected to have a two way conversation with their subordinates concerning resourcing. This was a case of speaking to OCs or team leaders and seeing what they needed before trying secure the staff, training or infrastructure required. That said I do consider that I provided the SIO and other officers on Op NM with the resources they needed to carry out an effective investigation. For example Maj Matt Cox as SIO could engage with the IRT or engage them as mentors if he needed their support or we could always go and see Sir Jon Murphy and the IAG. I recall that I could seek advice if I required any guidance. If I required

additional Training for staff I could, in order to get more training resource, go to PM(A)'s office to justify any given spend and apply for the Training budget to be allocated.

41. I recall the issue of replacing Jason Wright as SIO as a key resource. The preferred option as his successor had in-fact been Bret Stanford. When you look at who was the most SQEP personnel Bret was the obvious choice. Whilst I recommended him I was told that he could not be made available. I do not recall where that response came from. Thereafter, it was made clear to me that Maj Matt Cox had been posted to Op NM as SIO (I do not recall working with Maj Matt Cox prior to Op NM).

42. All of that said, in my opinion, it appeared that when Op NM was first stood up, it was not adequately resourced in terms of personnel. In an ideal world Op NM would have comprised only SIB personnel but this was not possible due to the numbers required (as I have already stated above). The result was recruitment from GPD and those people may not have been sufficiently trained or experienced. For instance, I recall an occasion where a person working as part of the HOLMES team had only just done the requisite training and had no practical experience of indexing as part of a live investigation e.g. trained but not experienced.

43. In order to improve personnel resourcing upon joining Op NM, I went to Col Rob Morris to get the allocated resources which were still outstanding in order to hurry them up to try and get us to full strength. Otherwise, I am not aware of what else could have been done at that time. Ultimately resourcing was the responsibility of AH, PM(A) and M&RO to get to full strength. In hindsight, we could have brought in civilian contractors but that was not a consideration due to the nature of the investigation and sensitivity so I do not believe there was another avenue we could have gone down at that time.



44. There were also constraints in certain respects. For example, Team 1 wanted to deploy individuals overseas in-theatre in order to interview witnesses but we could not do that because – as I have already alluded to - of the security situation in Afghanistan and the previous lack of engagement with Leigh Day. Consequently, I do not believe that a lack of personnel resourcing practically undermined the investigation during my tenure as Gold. That is because even with the additional resource we still would have faced the same barriers getting in-theatre or have had the same challenges arising from having to operate the FDHC and obtain and manage UKSF's data.

(a) Location

45. I was at Campion Lines in the SIB when Op NM was in its infancy. As to the location/facilities and whether St Mawgan was adequate for Op NM, the decision to move and the move itself pre-dated my tenure. Campion Lines was the original base for Op NM but when it grew it was not a big enough space to secure or hold what Op NM was dealing with (in terms of volume of classified data). I was not based in [redacted] RAF St Mawgan given I was in Bulford. I would visit the teams in RAF St Mawgan weekly and I would [redacted] work from there when I did visit. However, I did not think RAF St Mawgan was the right place, for instance because it could not accommodate the FDHC, as detailed below.

46. It was not "people" who had responsibility for location/facilities, it is the Defence Infrastructure Organisation ("**DIO**"). I understand the RMP chose RAF St Mawgan from a field of three locations offered by DIO (St Mawgan being the only one deemed suitable by UKSF to house their data securely). This was already in place when I took over so I was not part of that discussion. I only know it was due to security level and the FDHC.

(b) FDHC/HOLMES

[redacted]

47. With regards to resources other than personnel, I did not consider that Op NM was adequately resourced in terms of IT facilities and infrastructure. Primarily the location for Op NM was an issue in terms of trying to have the FDHC built (although the decision to secure this system had been taken prior to my tenure as Gold). I recall that a technical expert was brought in around 2017 - I cannot now remember who. They said the FDHC system could never be housed within RAF St Mawgan due to health and safety risks. [redacted]

John Harvey recalls the health and safety risks at RAF St Mawgan.

[redacted] This was despite the fact that Op NM had already purchased the system for approximately 6/7 million pounds.

48. This explains why I do not think Op NM had suitable IT systems in place. In that context, I do not know why my predecessors purchased the FDHC without making sure it would or could become operational. However, I was of course aware that even in the early stages of Op NM they were anticipating the full recovery of the relevant UKSF server(s) and that the FDHC would be the only system capable of ingesting and storing the required volume and classification of data for the purposes of interrogating it. I know that parts of the FDHC became operational but that its capacity was greatly reduced compared to the complete system as originally envisaged.

49. Whilst the decision to build the FDHC was made before my time, in my view it was a flawed assumption to think that it could be implemented. For example, in addition to the operational issues concerning the system's installation I recall that the IRT was of the view that we did not have enough evidence to seize the UKSF's servers. That is, as of January 2017 the IRT advised that the servers should be secured by way of mutual cooperation with UKSF as opposed to making use of our powers of seizure following the deletion issues in 2016 (see **RMP-221-0000987** and the IRT's January 2017 report **RMP-221-0000740-A** - which I address in more detail below).

[redacted]

50. In relation to the HOLMES system, I was not personally trained in it. If you are leading an investigation into complex serious crime then according to the MPID the HOLMES system should be utilised to capture and index evidence from that investigation. The SIO or OC do not personally use it themselves; there is a HOLMES Manager and HOLMEs team who do that work. If not HOLMES then it is not clear to me what other tool would be used for this type of major investigation.

51. There were some difficulties with HOLMES that were ongoing and I am reminded that the NCA PIP 4 Report from 10 October 2016 had reiterated past concerns as to inadequate HOLMES training and information management issues within Op NM **(RMP-221-0007650-A)**. The recommendations were to review the operation of HOLMES and ensure we had SQEP operating the system. As a result we arranged HOLMES training for some members of the investigation and sent others to the civilian police for more training. As far as I recall I think Maj Matt Cox took the lead on that. The team also access to the national police college as a resource so they could seek advice and guidance if required. Whilst I can understand there would have been a risk that this issue could have had an adverse impact on the investigation, I do not remember any specific examples, other than minor delays.

52. I also recall that at times there was intermittent bandwidth at St Mawgan and so the internet connection would occasionally fail. Whilst frustrating I do not remember this having a tangible detrimental impact on the investigation. Otherwise, I would say that the infrastructure IT systems (differentiating from the Investigative IT e.g. FDHC) and support was sufficient.

G. CULTURE/ MORALE

53. I understand the need to be based at St Mawgan related to the security implications anticipating the recovery of the server when it was believed that this

would take place as the investigation matured, but in my view we should have moved to a more suitable location. There was a morale problem for Op NM personnel and their families arising from the location (though this was an issue for some not all). The social infrastructure was poor for families such as workable internet, travel to and from the base, schooling and the fact of having to relocating itself. Further, if investigators wanted to speak to subjects within the UK they were around [TG] away.

54. Further, it is always difficult to put circa 100 people in [a building] for 8 hours or more a day. For the personnel it was a difficult working environment. When I spoke to people in the first briefing, and when I worked [there], I learned that people felt isolated in the location. At the beginning there was Team 1 and Team 2 and there was no cross over, although this was for good reason at the time as I have already addressed. I felt that the compartmentalisation probably added to the feeling of isolation.

55. I believe that the culture did change for the better over time during my time on Op NM due, in part, to the structural change I described previously allowing for crosspollination between teams. This happened after everyone was sufficiently cleared and it was all linked to the IRT review and advice from Sir Jon Murphy. For these reasons, I can understand how issues with workplace culture could have impacted on the investigation but I do not recall losing anyone solely on the basis of issues arising from the location itself.

H. EXTERNAL GROUPS

56. The NCA and GMP MERT were already in place on Op NM when I took over so cannot speak to why they were brought in or precisely when. As stated, I was a member of the HWG and from that I had access to the expertise of all major

homicide investigators and SIOs, which included the best SIOs selected from the circa 43 home office police forces. The HWG also drew from the NCA and GMP, so I assume that is how NCA and GMP were originally brought on board (previous Gold was also my predecessor as the HWG Tri-Service Representative).

57. The IAG and the IRT came into being on the say so of PM(A) Brig Dave Neal at the point that I took over as Gold. I do not know why he brought in new advisers when there was already some in place but I was not privy to that conversation, only Brig Dave Neal can explain.

58. My understanding of the role of the IAG was that they were advisers to PM(A) and the investigative team if required on certain points. Whereas the IRT were the actual "hands-on" reviewers of the evidence produced on Op NM and our related processes. Sir Jon Murphy and Mark Ellison KC were part of the IAG. If there was something unusual that came up during the investigation then I could go to them and take advice from them. I recall at one stage there was an issue as to whether the RMP could pay witnesses for their time and Brig Dave Neal's concern was that this might have gone against UK Military law so we asked Mark Ellison KC to advise on it. I say this by way of example of what kind of advice the RMP might ask the IAG for. We were not obliged to follow IAG advice but if Brig Dave Neal said he agreed with it then his direction flowed down to the rest of the team and it was followed. The IAG was part of the Gold Group as PM(A) insisted on them being involved in any formal Gold Group meetings. I think it made sense to have them there as they were specialist and highly qualified advisers. I welcomed their advice.

59. The Operational Offending Team ("**OOT**") was comprised of SPA lawyers, and was set-up specifically for Op NM prior to my tenure. Op NM was required to seek the OOT's advice in relation to whether or not the evidential sufficiency test ("**EST**") had been met, and whether all reasonable LOEs had been exhausted. We were

at liberty to consult the OOT on an ongoing basis throughout the investigation as to the sufficiency of the evidence at various junctures when deciding whether or not to pursue a particular LOE, a process which was all regulated by the AFA (though the OOT itself was particular to Op NM). This ad hoc advice is distinct from the FORM 3 advice we were required to obtain in relation to whether or not the application of the EST would lead to a Service Police Investigation Summary ("**SPIS**"), or the Service Police Case Report ("**SPCR**"). If the OOT were of the view that the EST was not met the investigating officer would write the SPIS and the matter would end there (subject to any change in circumstances or new evidence that justified reopening the investigation). On reflection, I should add that in line with MPID and the nature of the allegations, post-closure of Op NM I would have expected there to have been an ongoing review in order to ascertain whether or not there was a need to reopen the investigation. Conversely, if the OOT were of the view that the EST was met then the investigating officer would refer the matter to the SPA by way of the SPCR.

60. In addition, there are terms of reference which state that the RMP was to refer cases to the JCRP, in this instance the Group included the SPA and at times members of the IAG would attend (see (**RMP-221-0007652-A**); **RMP-221-0002659-A**). The rationale behind this was that the RMP cannot just pursue a Schedule 1 or Schedule 2 AFA offence without referring the case to the SPA for advice. There were two officers from the SPA assigned to Op NM, which later became one person and we had direct contact with the office of the Director of the Service Prosecution Authority ("**DSPA**"). Therefore, all cases would have been referred to the SPA - positive or negative where the EST was concerned - as there was a legal obligation to do so.

61. In terms of the IRT, when I met Sir Jon Murphy I recall he said that there needed to be a "*foot on the ball moment*" and wanted to bring in a team to look at everything. The resultant practical steps were that the IRT conducted their first review, then the review came out with the recommendations. As time progressed



into January-November 2017 the ongoing observations from the IRT across their reporting was that the approach Op NM was taking was not right, and that the covert approach being undertaken was not advisable and/or it was not being implemented correctly (**RMP-221-000228-A**; November 2017 IRT assurance report). For example, the IRT took the view that there was insufficient evidence to justify the covert approach or justify search and seizure of the UKSF servers.

62. I recall that upon the IRT becoming involved in Op NM at the end of 2016 and because their security clearance had not yet come through, they initially they conducted a review on the Team 2 work which did not require a certain level of security clearance. This delayed their work on Team 1's investigation. The IRT then reviewed Team 1 work after their clearance came through and they accessed everything the RMP Op NM teams had and then came up with their recommendations. The IRT report then set out their observations and conclusions for Team 2 and, later, Team 1. This was all sent to PM(A) who would say whether or not he agreed with the recommendations which then informed the approach the investigative teams were to take as a result.

63. In relation to the '*Leggatt Test'*, I recall that a brief was provided from SPA to the SIO, who in turn briefed me and I recall that it was about the requirement of direct evidence and standard of witness evidence that had to be met (in terms of statements of truth). I understood that this was a legal direction being given to us after the judgment came out and its use was agreed by the SPA. I followed their advice. The direct impact of it was that, once it was agreed by the SPA, some investigations would be discontinued in line with the Test **(RMP-221-0000822).** For example, Stephen Kell looked at the test on behalf of the SPA and how this would apply for Team 2 and so it was applied against all Team 2 allegations. The point was that if no new tangible or probative evidence was provided by the complainants then the matter was to be discontinued. But it is worth pointing out that discontinuation was not absolute. It just meant that there was no tangible

[redacted]

evidence at that time but a matter could be reopened in future if more evidence was discovered.

64. Overall, in my view making use of these external sources of advice was prudent in order to assist Op NM. I seem to recall that there was some cross-over between the NCA, GMP MERT, IAG and IRT. This was for a few months when they were in place at the same time but then the IAG and IRT replaced the others (**RMP-221-0001764-A)**. The circumstances in which the NCA and GMP MERT involvement in Op NM ended is that it followed the advice of Sir Jon Murphy. My first recollection of this issue follows our joint briefing from Jason in September 2016. Sir John did not agree with the direction from NCA and GMP MERT in relation to conducting the matter in a covert fashion. He thought it was prudent for PM(A) to receive some external advice and assurance. This led to the formulation of the IRT. Sir Jon Murphy was a retired Chief Constable of Merseyside and the IRT comprised previous Merseyside officers so I drew the conclusion that he brought in his people given he had worked with them before. I should say that if I were in his position I would have done the same, in that when looking to create an independent review I would want to use people I knew and trusted.

65. Otherwise, I do not consider that I am able to comment on the impact, if any, that the departure of the NCA and GMP MERT had on the investigation. The SIO at the time, Jason Wright, was aligned with the positions of the NCA and GMP MERT. Then a review team came in – the IRT – and the direction of the investigation changed on the orders of PM(A) after the IRT advice came through. The direction when NCA/GMP MERT were the advisers was to follow covert tactics which, as I have explained, Sir Jon Murphy and the IRT did not agree with as they did not think Op NM had the tangible evidence we needed. The same went for the proposed changes in terms of designating suspects as witnesses.

66. I did not have any concerns about any of these external agencies. I also did not think there was the evidence we needed to justify covert activity or pursue suspects

at that time and so in that sense I agreed with the IRT. In terms of my understanding at the time the need for RIPA authorisation was clear insofar as covert tactic [redacted] was concerned – and whilst I was not specialist in this area I understood that the threshold (in terms of obtaining authorisation) for such tactics was high and so it seemed we did not have enough evidence to justify such a covert strategy. This is consistent with my first reaction when I joined Op NM which was to query "*where is the evidence*?" In relation to the IAG and IRT specifically, I did agree with the conclusion of the IRT in their first report that there was little tangible evidence of a crime being committed. For example, there had been circumstantial hearsay allegations from members of the UKSF community, but those allegations had not been committed to statements and had not otherwise been corroborated by this point. It seemed to me that there was a lot of hearsay and opinion but, for example, little to no *direct* witness statement evidence from complainants or UKSF sources in addition to the allegations from Leigh Day claimants. My understanding was that the IRT's rationale was based on the statements available to them at the time. They did not say there was no evidence at all, just that there was not enough tangible evidence at the point of review. In short, I was in agreement with the IRT and their findings. The Brigadier chose to follow the IAG and IRT's advice so that is the road we went down.

67. The IRT's recommendation was also that the RMP should focus on a specific number of DDOs and, from my recollection, this was because these were the DDOs more likely to provide tangible and positive evidence. All DDOs remained in scope in practice and so I did agree with this IRT recommendation. It was not that we would forget about the others, it was just that we would focus on these three and get the evidence and then go on to find more evidence in the other DDOs if it became available. I did agree but even if I didn't it was for PM(A) to decide whether he agreed with their conclusions and recommendations and then direct the RMP on whether we follow them.

[redacted]

68. That said, when the IRT recommendations came through there was some discussion as to what the recommendations were and what they meant. There were differences in opinion in amongst Op NM insofar as the strategic and investigative direction from 2017 onwards was concerned. For example I recall that Jason Wright and Detective Superintendent Paul Williamson (NCA) were at a Gold group meeting in which a recommendation was discussed and Jason said he wanted more time to prove his hypothesis as against Sir Jon Murphy's recommended direction. It did not surprise me that Jason disagreed with recommendations from the IRT. He had put 2-3 years into the investigation and was convinced he was doing the right thing. It was then being suggested to him that this was the wrong course of action and that the investigation was going to head in a different direction as a result of the IRT's recommendations. I understood that position at the time and recall there was ongoing discussion. For example, during the IRT's review and consultation I recall several conversations before the first report was furnished. As far as I remember these conversations included the IRT team and members of the investigative team - I would have thought that the SIO and DSIO were present. I cannot remember specifics but there was debate and disagreement between the pre-existing direction that the investigation was travelling in and the IRT's proposed advice.

69. The rationale for accepting the IRT's recommendations was explained to others in Op NM after PM(A) endorsed and accepted them as of February 2017. Brig Neal would often confirm his directions via email as PM(A) and his rationale would be contained therein. For less important matters he might decide in the meetings but he tended to take more consequential matters away to consider them. In the military a Brigadier does not have to explain himself to a lower rank and so that was the situation with Brig Dave Neal and me as a Lt Col, so it was very rare that I would get an explanation. It is possible to question but, ultimately, I was guided by PM(A)'s direction and this was not out of the ordinary within a military setting and the Chain of Command in particular.

[redacted]

70. In is important to set all of this in the practical reality of where we were at the time. The DSP/SPA would also give advice during the progress of the investigation. This would often come via the JCRP. The whole point was the need to ensure early engagement and review from the SPA so they could review the evidence we had and they would advise on the EST. For example, our hypothesis was: how can we "*prove it happened*?" For instance, from the images I saw and the allegations on their face things did 'not look right' but we needed to prove it. For example, by that I mean OPSUM photos that showed a number of dead bodies and blood pattern splatter was clearly visible, but without context it was difficult to assess if anything unlawful had occurred. In addition, where weapons were recovered it was difficult to establish the extent to which any of the deceased had posed a threat. Absent an analysis of the provenance of the photos for the purposes of forensic integrity, which was something I know the IRT advised was necessary, it was difficult to rely on those photos. That left need for direct witness evidence from UKSF or Leigh Day complainants but we had not been able to secure this as of January 2017.

71. Further, in terms of DDO site access, forensic analysis was severely limited because of the internal security situation and access to the respective scenes which was compounded by the fact that these were considered legacy investigations arising from matters 2010-2011. This meant that, as I note above in terms of the so-called Golden Hour, the forensic strategy had to be aligned to the legacy nature of the investigation given there had been delay from circa 2010-2011 until the allegations originally arose in 2013. From that point onwards the lack of access in-theatre to the relevant DDOs scenes meant that we could not conduct investigations such as i) on-site scene reconstruction, ii) forensic analysis of gun shot residue, iii) ballistics and iv) blood pattern analysis. All of which, whilst not exhaustive, would be reflected by the MIM as best practice. Those are some of the steps that comprise the ideal in relation to the Golden Hour. The strategies around this were formulated by the investigative team but I recall that I considered them adequate given the situation we found ourselves in. I should add once more that these are factors that would not ordinarily affect civilian police forces given the

extent of the delayed access – even if we had access – and the hostile in-theatre and the risks it would pose.

72. In that context the DSP/SPA advice as to whether the EST was met was critical notwithstanding the IRT's advice.

73. In addition with regard to external advisors, I have set out my dealings with the following individuals and the nature of them:

a. DSI Paul Williamson (NCA). I believe I met Paul Williamson upon taking over as Gold. I recall he said that he was concerned about the lack of progress concerning his recommendations and the lack of Gold Group meetings. He did create reports from his reviews and it seemed to be a repetition in his reports about lack of progress and issues with resourcing.

b. Martin Bottomley (GMP MERT). I knew Martin Bottomley from HWG. In order to join this group someone has to be nominated by their force chief. This would be an SIO or senior officer representing a region within the HWG. Members were in practice all seasoned investigating officers. During Op NM, I spoke to him a few times about his advice but I felt that I had to be diplomatic when the IRT came in to do their own review. I would not see him often and we would speak on an ad-hoc basis. I played no role in bringing him, or MERT, into Op NM. He was well thought of as far as I recall.

c. DCS Russ Jackson (GMP MERT). I only remember meeting Russ Jackson once for an HWG meeting and I recall knowing that he ranked above Martin Bottomley. I do not recall meeting him specifically for Op NM. I know that he was very well thought of. If I remember rightly he was nominated for SIO

[redacted]

of the year circa 2017-2018, which is a National Police Chiefs Council award.

d. Philip Jones and Clifford Evans (IRT). Both men were part of the IRT and were reviewers. They were very experienced retired police officers. I would speak to them when they came for their reviews and I would always be there for the conclusion to get their opinion on what they reviewed. As I touch on above, they did their first review in December 2016 for Team 2 and January 2017 Team 1 but they did also come down for further reviews (**RMP-221-0000740**).

e. Sir Jon Murphy (IAG). Sir Jon Murphy would give advice on Op NM and its direction. I saw him a few times and travelled to Liverpool to seek specific advice from him on specific issues. I would have to justify my travel and get permission from AH and PM(A) to go to Liverpool and speak to him and if there was a query that the Brigadier or Col Rob Morris wanted answering, they would send me. I think I went to Liverpool a couple of times. I met him in London couple of times too and he attended the Gold Group meetings. One example of advice I sought was the question about paying Afghan facilitators for the purposes of making arrangements to interview witnesses. This was because Leigh Day insisted that that this sort of charge would be incurred if witnesses were to be interviewed in-theatre. I also sought Sir Jon's advice about the LoE concerning dropped weapons, which I address in more detail below.

f. Mark Ellison KC (IAG). As part of the IAG Mark Ellison KC was also there to give advice. I met him several times. He would be at Gold Group meetings



and I think I saw him in his chambers twice in my time, although I am not sure exactly.

g. Stephen Kell (OOT). His role was to provide legal advice. I met with him quite a lot. He was the right hand of the DSPA and he would give advice on all of our investigations as part of the Armed Forces Act obligations. He would also be in the Gold Group meetings.

h. Francis Davis (OOT). His role was also to provide legal advice. I do not remember him that well and I think he may have left midway through the investigation but he was definitely there at the beginning. I believe he worked under Stephen Kell.

i. Andrew Cayley KC (SPA). His role was also to provide legal advice. He was the DSPA. He was at the IAG/Gold Group meetings and he came to RAF St Mawgan a couple of times but I cannot remember when or how often but it must have been at least twice for an overview of the serious allegations and evidence that we had. I spoke to him on those two occasions that he visited and I recall that the SIO Maj Matt Cox gave the overview but I would be there too. Other than to give updates and seeing him in meetings I do not think I spoke to him.

j. Peter Ryan (DJEP). He was part of MoD Policy and gave advice of that nature. I believe that he was more directly linked to PM(A) but he was present in about 95% of IAG/Gold Group meetings. I did not speak to him other than when he was in the meetings. I was not completely clear on what his role was. I knew that he was head of DJEP and that whatever happened with Op NM would have an impact on DJEP as they would be responsible

for disclosure to lawyers bringing civil cases against the MOD. I think all cases against MOD were funnelled through DJEP so his engagement made sense and they became more integral when the *Leggatt* judgment came in and we changed the terms of reference.

72. I did not have any concerns with the above individuals. For instance, I understood the role of Sir Jon Murphy – he was a completely independent and experienced police officer, whereas Mark Ellison KC would advise on legal issues. It made sense to me that the Brigadier would have them as advisers. As I have already stated given the AFA stipulates any allegations that meet the EST – or where a decision is made that the EST is not met – must be referred to SPA. Therefore, they had to be engaged. Similarly, DJEP had a role to play insofar they advised concerning the MOD's broader judicial policy. For that reason it made sense for them be linked to PM(A).

I. RELATIONSHIP WITH UKSF

73. Clearly given SU1 were the unit being investigated the position between UKSF and the Op NM team was, to an extent, adversarial but in my opinion there was an ongoing professional relationship. Consequently, I am not of the view that undue deference was shown to UKSF during my tenure as Gold and neither was I aware of anyone else demonstrating the same. As previously stated we had to follow the MPID and in my view the UKSF-RMP Protocol was consistent with that. That said clearly the Protocol and its processes did cause some delay due to the fact that access to UKSF witnesses was at times impacted by the need to comply with its terms.

[redacted]

74. I do recall that on occasion this caused the investigative team some frustration whilst progressing with witnesses, but I do not recall directly or personally discussing the Protocol with UKSF personnel such as the LEGADS or disclosure officers (nor can I recall specific names for the same reason). I was aware however that Jason as SIO and Team 1 by extension had in the past engaged with UKSF as to how the Protocol was to operate in practice (e.g. with the LEGADs in particular). But in my view, notwithstanding any tension that had arisen between UKSF and the investigative team due to the Protocol's operation, we had to stick to it as a policy. I understood some of the issues but it was not clear to me what the alternative would have been given the nature of the investigation into UKSF DDOs. Otherwise I did not have any particular concerns about the operation of the Protocol.

J. MEETINGS AND INVESTIGATIVE DIRECTION

(a) Meetings

75. The purpose of the GOLD Group meetings was to give PM(A) the assurance that the investigation itself is being conducted appropriately, was timely and with adequate resources in order make sure he had overview of the investigation. It was also to make sure that if there was something blocking progress we could call on someone to unblock what needed to be unblocked.

76. These were in-person, minuted meetings but, in addition to the meetings I could always call people up if I needed to. I believe that there was adequate debate and discussion in respect of strategic decisions at GOLD Group meetings and that the meetings were held sufficiently often. There was not a set date or frequency to them - they would be held if there was an investigative rationale to having one. The

demand to have a Gold Group was not as it would be done in civilian policing because, for instance, there would also be weekly CEG meetings. Consequently, the need to hold regular Gold Group meetings was in my view limited because of the CEG meetings during which regular updates for Op NM would be discussed. If specific matters arose which needed a more focused Op NM meeting, then a Gold Group meeting could have been arranged. I do not think there should have been more Gold Group meetings, given I am of the view that they served as a mechanism to be used for specific issues but we were constantly meeting on a weekly basis outside of them.

77. The purpose of Silver Group meetings was translating the strategic directives of the Gold Command into an operational plan. Although I was not at that many Silver meetings and therefore I am not best placed to provide information about them. It would be unusual for Gold to be at Silver meetings but I am aware that their purpose depended on the direction set for the teams by PM(A).

78. There were also IAG meetings but I consider those to be extended to Gold Group meetings as they included the same types of people.

(b) Strategic direction/LOEs

79. There was a change in the strategic direction of Op NM based on IRT findings have already described as of early 2017. I am asked to address whether decisions on strategic direction were made by the right people at the right level. In my view the SIO implemented the investigation's direction but then we had the subject matter experts in the form of the IAG and IRT. There would be some debate over their recommendations in that I seem to recall that the SIOs did debate with them on how to do things on occasion. But their recommendations went through PM(A)

to me and PM(A) endorsed those recommendations so I would say that the decisions were taken by the right people.

80. In general, I was not directly involved in investigating specific LOEs as Gold given this was for the SIOs and their team to progress. As I have already alluded to there were problems faced on Op NM, such as access to witnesses, access to UKSF personnel due to either the Protocol or their availability and in-theatre issues such as not being able to access people in Afghanistan easily or at all.

81. In addition I seem to recall that Mr Bang was too ill to travel to where we could hold the interview which is why I think his interview did not take place. It was not that it was decided by the RMP that we would not speak to him. Maj Matt Cox could clarify this. It was also my understanding that Mr Saifullah was not interviewed by investigators until September 2017 due to his availability and the security situation in Afghanistan. In any event I note that the position at the time was that he would not add much evidential value because he accepted he was in a locked room at the time during the DOO and/or when the unlawful killing was said to have occurred. Moreover, I am reminded that the IRT recommendation was only that "*reasonable steps*" were taken to get an interview with him (**RMP-221-0000228 p.4; RMP-221-0007651-A).**

82. The reality was that some LOEs would have to take priority and some would have to wait for appropriate points in the investigation before they could be dealt with. For example, in terms of designating N1201 and N1141 as suspects, this was a decision taken prior to my tenure as Gold. Clearly this was a LOE that was deemed appropriate in terms of their designation at the material time, but as I have addressed things changed in early 2017 the investigative direction shifted and their designation as suspects was not pursued in line with the advice of the IRT.

[redacted]

83. In relation to finding and interviewing witnesses, as I have explained, trying to get in theatre and to access and record the evidence of the witnesses who alleged that they saw the EJK was one of the biggest frustrations. To illustrate I remember that when we first got the green light to meet in-theatre, a hotel to be used in Kabul blew up shortly after this decision so the security situation changed again and we could not go. As I have stated another issue in the regard was that the relationship with my predecessor and John MacAllister/Jason with Leigh Day was adversarial in so far as there appeared to be distrust and little open communication between the two.

(c) The Protocol

84. In addition to this, insofar as the need to interview UKSF was concerned, there were a number of operational barriers to getting the requisite access to key individuals as part of these LOEs. Whilst the non-trained support members could be interviewed at will, this was different with trained members of UKSF. In line with the Protocol, MPID and Provost Marshall Army Guidance there were certain processes that needed to be followed in terms of notice and the presence of LEGADs. In addition there is the reality that at time persons of interest could be abroad on operations which posed obvious logistical problems. Not only that but the previous suggestion that covert strategies should have been pursued prior to my tenure added additional difficulty when trying to access serving personnel trained UKSF personnel. Clearly the latter fell away as of the change in strategic direction in 2017 and the decision to pursue an overt strategy.

85. As to why N1802 and N1786 were not interviewed as witnesses, from memory, N1802 and N1786 were to be interviewed on the conclusion of Op NM. This is because if the EST was met following any of the investigations and were there then a subsequently referral to SPA that had the potential to change their status from witness to suspect. I remember we had this conversation with Sir Jon Murphy. The decision not to

interview was agreed by me with Sir Jon Murphy. That would be directed to Matt Cox but the ultimate decision-maker as to matters such as this was Brig. Dave Neal as PM(A). As far as I recall Maj Matt Cox raised the issue as to at what juncture do we speak to N1802 and N1786, and I believe there was discussion about the two options of interviewing them before the close or after it. My view at the time supported waiting to interview N1802 or N1786, because there did not seem to be tangible or actionable evidence sufficient to meet the EST so as to justify interviewing them.

86. To be clear, I am not saying that at the time my view was that no witnesses could be interviewed without tangible evidence in order to inform the EST. But what I am saying is that these two individuals in particular raised a unique concern or allegation, in that they were not suspects present at the DDOs but instead the question was whether or not they i) failed to report service offences when they should, or ii) knowingly concealed those offences. I agreed with Sir John Murphy's recommendation to leave interviewing them until the end given the extent to which they could be culpable and/or vicariously liable could only become clear at the conclusion of the investigations. In that context, given their roles, it was necessary to await the outcome of the underlying investigation(s) into the DDOs prior to taking steps to interview them.

87. In relation to information provided by N7054 as a LOE, my understanding was that the rationale for not taking further action following his interview where he alleged the UKSF personnel had committed EJK was that N7054 – whilst part of the Afghan Partnering Unit – was latterly spoken to and it became apparent that he was not in-fact alleging that he had directly witnessed an unlawful killing during one of the relevant DDOs. I cannot now recall the origin of N7054's original allegation but I do recall the conclusion that the EST concerning this allegation was not met based upon what he said in interview, and I recall agreeing with this course

[redacted]

of action at the time given the account he in-fact gave was at odds with the previous suggestion that he had directly witnessed someone being unlawfully killed.

88. In relation to N1799, he was speaking to us up to a point but then refused to engage with the investigation. In terms of the decision not to pursue him any further, given his lack of ongoing compliance with Op NM and refusal to provide a section 9 statement, there was in my view little else we could do other than take the steps we had already taken to seek his consent to provide evidence.

(d) UKSF data/servers

89. In relation to the obtaining of data and relevant media evidence (e.g. video footage from DDO operations), my recollection is that this is all linked to media held by different entities. Most obviously UKSF held this data. But the RMP also sought to contact broader potential data repositories that were less directly involved in the DDOs. For example, relevant data held by legacy MOD departments, related military units and allied partners (e.g. we approached a Partner Force to enquire if they held any ISAF-related data or footage but as far as I recall this did not bear fruit in terms of actually interrogating the data). In general, there were difficulties in obtaining relevant media evidence such as the sensitivities of the material and we had to ask for things which meant we were at the mercy of concerns outside of Op NM. This made me wonder whether UKSF were giving us 100% of everything that had been asked for.

(e) Data deletion/IRT advice as to obtaining servers by consent

90. As to whether there were any investigative steps that ought to have been taken in respect of this LOE but were not, this is difficult for me to answer. The SIO would

know better than I would. After the IRT said we did not have tangible evidence to support seizure of the data, it meant that they recommended we obtain the servers by mutual consent as of January 2017 (**see RMP-221-0000740; RMP-221-0000228-A**). I agreed with this advice at the time given the lack of actionable evidence meant we were not in a position to compel seizure in my view.

91. As stated I agreed with the IRT suggestion that we did not have sufficient evidence to justify search and seizure in relation to UKSF's servers. Therefore, the view that we should have move forward by mutual agreement was supported and that was the approach we took. The debate, specifically concerning the server, centred on the question: "*did you have tangible sufficient evidence to justify the procedure for search and seizure?"* The IRT took the view that there was insufficient evidence in that there was clearly a *suspicion* that something was wrong, but very little evidence to show something had been unlawful in terms of EJK. There were heated discussions between the Op NM Team and the IRT as to whether we had sufficient evidence to justify search and seizure. But before any action was taken this LOE was paused in order to await the IRT's conclusion and advice. I recall Jason wanted to action the seizure/recovery at some point during the December of 2016, despite being informed that investigative LOEs for Team 1 Matters were in effect paused awaiting the IRT review. Whilst this appears to be contrary to my direction at the time, this action was not agreed to or approved notwithstanding the fact the Jason wanted to carry it out.

92. Whilst I agreed with the IRT's view that based on the evidence at the time we did not have reasonable grounds to search and seizure, as GOLD Commander I was not ultimate decision maker. If there were no reasonable grounds and given I agreed with their review based on the evidence at that time, it would not have been appropriate to pursue search and seizure in respect of the servers. Importantly, and as I have noted already a number of times, PM(A) made the final decision in accepting the IRT recommendations and gave direction accordingly. I was privy to

[redacted]

a number of discussions on this subject towards the end of 2016 and early 2017 but at the time I reiterate that I agreed with the decisions being taken on the basis of the information we were appraised of.

93. That said I seem to recall that a working concern of Jason's about whether UKSF were intentionally delaying our access to the server and whether the data had been intentionally deleted as of December 2016. I remember talking to someone within UKSF about this – it may have been N1805 – around this time but after Jason had first raised the concern. It was a question of whether we investigated the issue or whether UKSF conducted an investigation into the deletion. PM(A) was asking for options. The options were broadly whether we formally investigated this issue or whether we left it for an internal UKSF investigation. In the end Brig Neal decided as PM(A) that this be left for UKSF to address internally (or at least that we would not formally investigate the deletion as an offence at that time). I viewed this as the PM(A)'s prerogative to direct how this was dealt with but - to me - as the action had already happened there would ordinarily be the option to investigate it as a malicious act. This was a conundrum in so far as the IRT had already stated we did not have enough evidence to justify seizure. I accept of course that we could have investigated notwithstanding that background, and the evidential decision by PM(A) not to investigate and to allow a unit investigation was, on reflection, probably not a course of action I would have taken as PM(A).

(f) Dropped weapons as a LOE

94. As to the enquiries that were carried out in respect of imagery analysis in relation to dropped weapons, this is something the SIOs would know more about. That said this question kept coming up as the use of dropped weapons was frequently being referred to throughout the investigation. I recall that Maj Matt Cox tried to do a trace on the weapons recovered in the EJK investigations concerning relevant DDOs to see if the same serial number or type of EKIA weapon was evidenced

across DDOs. The thinking was that if the same enemy weapon had been recovered from different DDOs locations, then this was consistent with the allegation that UKSF were carrying weapon(s) in order to drop them by deceased males post-contact/EKIA in order manufacture the appearance of the threat when there had in-fact not been.

95. In addition, I recall that part of the investigation's thinking was centred on the ratio of weapons recovered compared to the number of EKIA. This was a working hypothesis insofar as the investigative team was concerned (i.e., where the number killed exceeded weapons found this could point to the inference that not all of those killed posed a threat as of the point of engagement such that the deaths were outside of the Rules of Engagement ("**RoE**")). In general terms the RoE required the presence of a threat in order for force to be used. As far as I recall Card Alpha set-out the in-theatre RoE. That said each case – or relevant DDO and the attendant core allegations - needed to be considered on their own merit(s). In my opinion factors such as the ratio of weapons recovered versus EKIA may well have been a relevant consideration and/or indicator of unlawful conduct consistent with the allegations, but in my view this would not be determinative in and of itself of the EST being met in relation to a particular DDO. More was required to progress LOE over and above ratios such as this. The same applied to the dropped weapons allegations. My view was that this did not mean dropped weapons did not happen, just that we could not prove it (or in the least this suspicion alone did not prove the EJK allegations for the purposes of the EST).

(g) Other media evidence

96. I cannot recall whether FMV was viewed - this would also be a matter for the SIO on the ground. If there was FMV recovered then they would have been reviewed but I do not know if any such footage was obtained.

[redacted]

97. In relation to forensic analysis of images taken on DDOs, I do not think there was any such image analysis. This goes back to the IRT recommendations but I recall that it got heated between Maj Matt Cox and Delme Williams in relation this issue. Delme Williams did not agree with the IRT recommendation that the provenance of OPSUM photos was not conclusive. I also disagreed to start with because when looking at the images they did not really match the incident reports. But the advice was that we had to prove it. That is, the photographs show you why there was a suspicion but the IRT said we needed to prove the provenance of who took the photo(s) and when it was taken to make them evidentially supportive of the allegation **(see RMP-221-0000740; see also… RMP-221-0000751-A).** This made sense to me at the time but as far as I recall UKSF then had 'amnesia' as to who took the photos which meant we could not progress the point. I also recall that Maj Cox did not agree with the advice regarding duty statements being taken around this time.

98. In relation to the interrogation of ITS4 and the keywords used, a search strategy would have been put in place by the SIO or respective investigative team(s). I do not recall them being raised to me at any point.

99. In terms of footage – this was limited as far as I recall – but I do remember a presentation from Jason Wright as he wanted a view from SPA as to whether recovered footage was deemed to be an unlawful killing. In this footage someone was shot and killed whilst being sat on the back of a bike. As I recall it may have been footage from an air asset. I am sure it was the SPA that viewed it and said that their view that it was a lawful killing, and as part of MPID it was normal for that to determine next steps. You cannot just turn off an investigation – it has to be referred to the SPA as to whether the EST is met or not. This is how it works in the military and that was how the AFA was to be applied.

[redacted]

(h) Systemic issues/linking

100. In relation to the decision to not 'link' the investigation, it was not a decision not to link the investigations as much as it was that we had to prove there is linkage between them in the first place. We did consider joint enterprise but you had to have tangible evidence to prove the incident and then link that to the people and that is difficult across multiple DDOs. I was open to linking the allegations but we had to prove the incidents in the first place and that was my priority as Gold.

101. As to systemic issues, I have set out above my views on why I did not consider it appropriate for them to be included in the TORs. But to my recollection, Team 2 were spending a lot of time looking into systemic issues at the start of my tenure as Gold. As stated, the purpose of the SIWG was to consider the information and to change policy or processes to ensure that any systemic issues that were manifest were identified as part of the overall strategy. As I recall, as above, a number of matters were referred to the SIWG even after the change in Team 1's TORs. I followed up on that a number of times with Maj Matt Cox to make sure matters were being referred appropriately to SIWG (I believe that was both through conversation and via email).

102. I should add that it was not the case that there was a decision in November 2018 to treat the remaining 8 DDOs as low priority. The IRT recommended that we had a better chance on the 3 selected DDOs to find evidence over the other 8, so it is only in that sense that a priority was applied to them. They would still be looked at and we were keeping an open mind – but it was simply that we were focusing on others first in order to see which allegations, if any, were corroborated by evidence for the purposes of the EST.



(i) Other

103. I am asked to look at a specific document - **RMP-221-0000776**. As of 2016-17 the IRT were doing their reviews but they could not address Team 1 matters until January 2017 – hence the focus on Team 2 at this point. As I note above, it was for this reason that the rationale was that Team 1 matters were to be temporarily paused until IRT were [redacted] that we were able to give clear direction on it. That is as much as I recall concerning this decision.

104. I am also asked to consider **RMP-221-0000858-A**, from memory this is in relation to the February 2017 and I think it was to discuss the IRT report from January 2017. I cannot now recall now why Jason was not to attend this meeting but I would not expect an SIO to attend a meeting such as this unless it touched on a specific LOE.

105. I have been asked to consider document **RMP-221-0000883-A** and why PM(A) directed that UKSF personnel who had served on Operation Tyburn were not to be spoken to by investigators until after Brigadier Neal and Colonel Morris had briefed DSF. I do not recall what PM(A)'s rationale for this decision was. But in my view, if we have gone to speak to them without informing their Chain of Command, we would not have got anywhere because under the MPID it was normal to speak to superiors in this way during an investigation. I was told they were doing that but I do remember that Matt Cox as SIO was getting frustrated about the lack of access to relevant UKSF personnel.

106. I do not know whose decision it was to appoint Maj Matt Cox as SIO. It was not my choice nor was the decision within my control. As stated, the Office of PM(A) would also have an input with M&RO. In terms of Jason Wright leaving Op NM, it is my recollection that he wanted to stay in post. But when the IRT came in and their recommendations were contrary to all that Jason Wright had been

[redacted]

working on for the last few years that was not well received. Whether he could have stayed on to the end of Op NM was not my decision and it was not in my gift to say that could happen. Ordinarily, when you are in RMP you are moved every 2-3 years. This was a decision taken as part of the Chain of Command.

K. OPERATION CESTRO/OTHER INVESTIGATIONS

107. I may have been the 2IC or Commanding Officer of the SIB at the time of Op CESTRO. The SIOs ran the investigation so I was aware of it via briefings but I was not on the ground investigating. I seem to recall there was a review to see if CESTRO would fit in the Op NM TORs but I cannot remember the detail now. As far as I recall I had no direct involvement in that investigation but I do recall was aware of some of the problems Morag Sheather had during that investigation which to an extent shaped what we did during Op NM.

108. Otherwise I do not recall being directly involved in any investigations cited in the Rule Nine Request.

L. ENDING THE INVESTIGATION

109. It was the decision of PM(A) to close Op NM in 2019. My knowledge of the reasons for closing Op NM is that at that point there was no positive evidence and PM(A) was in agreement that the EST was not met. It is my understanding that this is why PM(A) discontinued the investigation in consultation with the SPA. I am not of the view that it was an arbitrary decision. Clearly, the discontinuance process is dictated by the AFA. You cannot close an investigation unless referred to DSP and they agree with discontinuation otherwise a person has been referred for the crime **(RMP-221-0004666-A).**

[redacted]

110. I cannot recall the specifics of whether, and if so what, LoEs were outstanding at the point of closure. However, I note from meeting minutes - **RMP-221-000065-A** p.3 from 16 July 2019 - that in-theatre teams were spoken to and that the decision to close was informed by the view in-theatre concerning any outstanding LOEs. This would have been a matter for the SIO with their hands-on knowledge. I recall some were ongoing but I would query whether it would have been reasonable and proportionate to continue to pursue them. I think one of them might have been the allegations made by N7054 but he disappeared after his interview so we had to decide if we would ever get to see him. I believe that discussion would have been had about the considerations as to whether to continue to pursue Op NM or not. The view was that the outstanding LOEs did not justify continuing Op NM at this time.

111. Clearly there was discussion and debate at the time between those working on Op NM about ending the investigation, but in any military operation you always have to look at your exit strategy. As we started to draw our conclusions on the basis of the evidence we had the view was that closure was appropriate (**RMP-221-0007653-A).**

112. That said it is difficult to say whether I would have made the same decision at that juncture were I PM(A). I recall that there was much that did not look right but how long was it reasonable for us to keep digging without any positive evidence? I am also not aware of what budget or manning constraints there were from PM(A)'s perspective.

113. With regards to Op NM's executive summary, I do not now have much recollection in relation to it. Sir Jon Murphy explained what he would expect in the

[redacted]

civilian police but, as far as I recall what Maj Matt Cox produced is likely to be what is accepted in the military police and if it was not sufficient then I do not know why it was approved and signed off. The RMP also provided a report at the end of an investigation and that is what was done for Op NM and then it was referred to the DSP. In that sense, our obligations were met upon closure.

M. OTHER MATTERS

114. I have set out below whether and to what extent I was involved in briefing, meeting, or liaising with the following categories of individuals in relation to Op NM:

a. UKSF/Director. I met a number of UKSF personnel such as their disclosure officer but I never met with them on my own. I also do not believe that I met with Director of UKSF. I recall that I met with personnel when the suspicions came up as to whether UKSF had deliberately deleted material from the server as PM(A) wanted options. What we did know was that they were told not to alter or delete anything by Op NM. PM(A) directed me to tell that person he wanted an internal investigation conducted. The results of that determined what we did in response.

b. CGS/DCGS/Other senior members of the Armed Forces. I remember briefing someone high up in RAF St Mawgan, so there will be a record of this and it stuck in my head because his Aide de Camp [redacted] had been involved in such matters but not the matters we were looking at. He still was excluded from the conversation and sat [redacted] outside (**RMP-221-0004666-A**). This meeting took place because I was directed to give him an overview of the investigation (I cannot now recall if it was DCDS or CDS that directed this).

[redacted]

c. DSP/SPA. I did meet with them but not alone. I would be there as Gold and Maj Matt Cox or Jason Wright (before Matt Cox) would give the presentation on the investigation.

d. MOD Officials / Civil Servants. My recollection is that I only met with Peter Ryan at DJEP per his involvement in the Gold Group meetings which I have already described. I also recall that Miles Tooke was our civil servant who worked for us and I had regular contact with him. He was instrumental in redistributing the FDHC once it was confirmed that the hardware would not be used as part of Op NM.

e. I do not recall ever meeting with government ministers or members of parliament.

115. As is hopefully clear from what I have set out above, the purpose of the meetings would vary. This would mean that the nature and detail of information divulged had to be adjusted with investigative strategy in mind. For example, when speaking to senior UKSF officers they would be given a high level overview with little detail as to identities and personnel. As to whether I considered that there was a risk with briefing the types of individuals named above, my view was that if we did not have a robust recusal process then there would be a risk or there could be a risk if the person was to go out and speak to the press but you would not expect this to happen from these professionals. The recusal policy catered for this in my view.

116. I was not aware of any external pressure applied by third parties outside of the RMP in an attempt to influence the investigation. In relation to the possibility of a cover up by UKSF, we were open-minded about it. The possibility existed and

this was recognised by us and my predecessor. We had to first need to establish the crime before looking at a cover up but that is as far as this concern went.

N. OVERALL IMPRESSION

117. As to whether I thought Op NM was properly conducted, this is difficult to answer. If I stand back and look at it like a civilian and looking at it from the position today, I can see that the investigation does not get called on to begin until years after the incidents and that is a big issue in terms of the so-called Golden Hour. The Army knew about it before it was referred to the RMP and that is when it should have been referred.

118. Secondly, I feel it was putting the cart before the horse to buy the FDHC for £6-7 million when that could not be built (as above). I do not think that can be justified. Whilst before my tenure, my view was that Op NM should have had all of its ducks in a row before that computer system was purchased given i) the data had not been secured, ii) St Mawgan could not house the full FDHC, and iii) I questioned the efficacy of the covert strategy being pursued despite the fact that the relevant UKSF unit was on notice of the need for their servers to be secured as part of the investigation.

119. As to the Op NM teams' conduct in general, everyone was trying their best to act in accordance with the AFA and doing the right thing to try to prove or disprove the allegations. In that respect, I was not of the view that anyone working as part of the investigation was seeking to intentionally misdirect Op NM.

120. In my view, Op NM was comprehensive in that we tried to exhaust all avenues and recommendations that we had. There were some outstanding LOEs

at the time of closure but as stated I query what was being learned or gained from that by 2019.

121. As law and legislation stood at that time, I do think that the RMP was the right organisation to conduct the investigation. Though I know that when looking at the inception of Op NM, Brig Bill Warren fought as PM(A) against taking on this investigation. They tried to get the RAF Police or Metropolitan Police Service to undertake the investigation but, in terms of the latter especially, because of capacity and legislation that allows a military policing agency to operate overseas at that time then it was only the armed forces that would cover it. In that sense it was almost a case of the RMP being the only force which was able to take the investigation on. An argument could be mounted that there should have been a hybrid RMP and civilian police team but I was not privy to that conversation if it did take place.

122. Overall, I do not consider Op NM received adequate support from others, such as the MOD or senior echelons of the Army and military. As stated, the location of the investigation was flawed and was never going to be able to facilitate FDHC. When the issue with the FDHC was identified, the DIO did not, in my view, bend over backwards to give us a new place for it to be housed and that was not supportive of Op NM. However, I do want to be cautious of treating this as if there was an ideal scenario. Ultimately, RAF St Mawgan was the best option at the time due to the security considerations of the material that was to be dealt with.

123. In terms of what could have been done better, the law required that we as military police investigated under the AFA given the service police offences. Were there to have been an embedded fulltime experienced HOLMES civil police officers, intelligence teams and SIOs – working alongside Op NM then this may

have assisted. Whilst they would have had no jurisdiction they would have been more hands-on guidance and assistance.

Statement of truth

I believe the contents of this statement to be true.

Signed: John Harvey

Dated: 22.10.2025

[redacted]