Ref (to be inserted by Inquiry)

Witness name: Major (Retired) Matthew Anthony Cox

Statement Number: 1

Dated: 02 MAY 2024

RMP documents referenced: 16

INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

WITNESS STATEMENT OF MAJOR (RETIRED) MATTHEW ANTHONY COX DATED 2 MAY 2024

(a) Introduction

1. I, Major (Retired) Matthew Anthony Cox, am making this statement in response to the thirty seventh Rule Nine request to the Royal Military Police (RMP).

2. The facts in this statement are true to the best of my knowledge and belief. I have relied upon my personal recollection of events, and my contemporaneous notes and other documents provided to me to review for the purposes of making this statement.

3. I joined the RMP in 2004. Throughout my career prior to Operation Northmoor (OPNM) I served in Northern Ireland, Germany, Canada, Afghanistan and throughout the UK in both operational and policing roles. The majority of my career was spent in pure policing roles, which involved managing and leading investigations, and covered the full spectrum of criminal and non-criminal conduct offences.

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4. I first became involved in OPNM as of November 2016. In February 2017, I became the Silver Commander and Senior Investigating Officer (SIO) for Team One investigations (unlawful killing allegations). This coincided with the end of my predecessor's term as SIO, (then) Captain Jason Wright. On 18 July 2017, Captain Wright formally handed over all duties to me and I continued in that role until OPNM's conclusion in July 2019 (and continued to support the Ministry of Defence in its drawdown and disclosure requirements up until 2022). As the SIO, I was responsible for all tactical policing and investigative decision making that guided Team One's lines of enquiry.

5. I have been asked to provide my account of investigations conducted by OPNM into allegations of "dropped weapons". At the time of my appointment as SIO, investigations into dropped weapons allegations formed part of lines of enquiry which were being actively investigated. But given my previous involvement in OPNM, I was aware of these allegations before I became SIO.

6. As I understood it, the allegations originated from a letter contained in a restricted security compartment, which came to be known by OPNM in 2015. This compartment was named Op A (a name allocated by UKSF and retained by OPNM thereafter) and related to N1799's statement dated 24 March 2011 and given to N1785, latterly known to be a record of what N1201 relayed to N1799 (**RMP-221-0001998-A)**. Amongst other allegations, N1799's statement suggested that it was implied that fighting age males were photographed alongside weapons they may not have had in their possession when killed.

7. Before the end of his tenure as SIO, (then) Captain Wright set-out a strategy concerning N1799 **(RMP-221-0005525-A).** This was dated 22 June 2017 and sent to me on 30 June 2017. In that note, Wright set-out the timeline of previous engagement with N1799 and suggested courses of action to me thereafter: one being no further engagement with N1799, and the other being the option to intercept N1799 in order to gather further information. At the time the decision was taken not to re-engage with N1799. However, following consultation with

the Independent Review Team (IRT), and advice from Sir John Murphy, the decision was then made to re-engage and further this line of inquiry. Unfortunately, after several attempts, N1799 refused to engage any further and the decision was instead made to engage with N1201 directly and challenge what was allegedly said. This met with negative results.

8. As far as I was concerned the dropped weapon allegation ran throughout the entirety of OPNM. If true, it demonstrated a theme running through the investigation in relation to the suggestion that fighting age males that did not pose a threat were being intentionally engaged. The dropped weapons allegation was a core line of enquiry in that context.

(b) April 2017: Mail on Sunday allegations

9. On or about 19 May 2017 I became aware of press interest from both the Mail on Sunday and The Sunday Times concerning matters said to relate to OPNM. This resulted from articles and associated allegations from sources that were then unknown to the OPNM. The suggestion of a "drop pistol" allegation formed part of those allegations. Internally I was made aware of an OPNM Narrative Q&A, which referenced this press interest and specifically the drop pistol allegation. At the time, my primary concern was the need to identify and speak to the 12 sources which David Collins (journalist from The Sunday Times) said he had been speaking to (allegedly a "*mix of on and off the record*" sources).

10. Consequently, I requested - through the Chain of Command - that the journalist be approached and asked to provide the names of these sources so that we could speak to them to see if they had any relevant evidential information that could help the OPNM investigations **(RMP-221-0005526-A**). This was done through the Directorate of Defence Communications (DDC). However, the journalist did not provide any information, despite repeated requests (as I understand it). As a result, this did not lead to any traceable individuals.

(c) SSgt Chambers' concerns

11. In June 2017 information came to light that an individual (SSgt Chambers) believed he had seen the same weapon(s) within post-operation photographs taken from different UKSF operations. This arose from his time working for the Weapons Intelligence Section (WIS) in Afghanistan in October-November 2009 **(RMP-221-0005376-A)**. As the policy logs show, I was of the view that these allegations should have been included in OPNM's TORs given they reflected suspicions that had already been raised in N1799's statement (**RMP-221-0000899-A**).

12. On 13 June 2017, I wrote an outline of Chambers' statement and explained its potential relevance to OPNM's TORs **(RMP-221-0005527-A**). As stated within that Issue Recommendation Timing Background (IRTB), at the root of Chambers' concerns was his view that on several occasions in October-November 2009, he had seen photographs showing numerous dead insurgents with what appeared to be the same unique weapon system in each photograph (i.e. suggesting the weapons were being recycled between sites). He added that in some instances, it appeared that the weapon had been placed next to the dead body or even in the deceased's hands. SSgt Chambers' view was that, given his experience in relation to various weapons systems, it was obvious to him that the same weapons were being photographed with different dead bodies.

13. As the IRTB shows, at the time my view was that whilst this issue sat outside of OPNM's TORs (given the timeframe), the relevant UKSF unit had been identified. Crucially, this would have i) allowed incident summaries and scene images from operations covering Chambers' period of deployment October-November 2009 to be recovered for comparison purposes, and ii) meant attempts could have been made to contact individuals cited by SSgt Chambers in order to interview them. Any resultant evidence and intelligence may have

either have supported lines of enquiry within the scope of Team One's investigations or have been unrelated.

14. For those reasons I recommended to Gold - Lieutenant Colonel Harvey – that Brigadier David Neal, the then Provost Marshal (Army) (PM(A), should extend the investigation's scope to include this line of enquiry. In agreement with Gold, that note was forwarded to PM(A) for him to consider. As of 26 June 2017, I became aware that this line of enquiry was not to form part of OPNM's TORs. This decision followed a Non-Executive Group (NEG) meeting held on 22 June 2017, during which PM(A) was presented with the above IRTB. Whilst I was not present at that meeting, PM(A)'s direction was that these allegations sat outside OPNM's remit and so were not to be included **(RMP-221-0000902-A**). On or about 30 June 2017, PM(A) then directed that Chambers' allegations should still be investigated but by 4 Inv Coy SIB. Ultimately, the SIB/OPNM's Team Two (non-fatal complaints) took this line of enquiry forward. The OPNM team started initial scoping of the allegation until direction was received from PM(A) to pass the investigation to 4 Inv Coy SIB for completion.

15. In December 2017, a full review of search terms used on the servers and data sets to find relevant evidential material was conducted. The revised search terms included "dropped weapons", but no references to dropped weapons were found during the searches to the best of my recollection (**RMP-221-000990-A**).

(d) Captured Enemy Weapons – 2017-2019

16. During the course of the investigation searches were conducted of various records to locate any Captured Enemy weapons (CEW), which may have been

[redacted]

destroyed/decommissioned. Notably, this analysis was further complicated by the fact that it was eventually established that some recovered weapons had been destroyed in 2014. Whilst I cannot remember the operational specifics, I do recall descriptions in some post operational reporting that weapons were also denied on site post-engagement.

17. An example of a consequent line of enquiry occurred on or about 18 July 2017, whereby weapons that may have related to Team One's investigations were identified and recovered by SSgt Smith from N2461 (**RMP-221-0005532-A**). Photographs were provided of AK variants, one of which had no serial number but did have Arabic writing on its body. These steps were taken in order to determine whether those weapons could be eliminated from our enquiries, which they subsequently were.

18. Thereafter, SSgt Smith's briefing dated 23 July 2019 specifically outlines the relationship between the dropped weapons allegations and resultant lines of enquiry concerning CEW throughout this period **(RMP-221-0005528-A** and **RMP-221-0005538-A** – which was appended to that briefing). As noted, CEW records were recovered from UKSF, and it was established that two weapons in question were recovered and repatriated to the UK by the Defence Science and Technology Labs (DSTL) [redacted] (within that document IRN 93002/18 refers to the need to locate those weapons, which were held at the SIB's armoury at that time).

19. Notably, SSgt Smith's briefing alludes to IRN 02006/17 – the non-Team One investigation into Chambers' allegations. By this point it had become apparent that the SIB had searched the relevant server and narrowed that search to the period during which SSgt Chambers was in theatre in 2009. Whilst a large number of operations were identified within the relevant period, they were reduced in scope by creating a list of operations linked to weapons that had been recovered. This list was then cross-referenced with UKSF's electronic reports, and post-operation images from those operations were obtained. A

small matter expert (SME) then evaluated all of that information and concluded that those weapons were *not* the same as between photos. For that reason, the EST concerning SSgt Chambers' allegation was not met and therefore it was not taken forward.

20. In summary, by July 2019, it had become apparent that despite the dropped weapons allegations that had been made, we had been unable to locate any CEW which appeared to relate to more than one operation (whether according to weapons recovered or due to an analysis of post-operation materials).

(e) N7058

21. RMP investigators were deployed to Afghanistan to interview potential Afghan witnesses in July 2019 with regards to relevant operations. Whilst none of those interviewed raised any concerns in relation to those operations, one individual - N7058 - insinuated that whilst deployed with British forces on another operation he had seen an English soldier shoot a man and then place an old AK47 weapon that he was carrying by the body (**RMP-221-0005535-A**). At that time, he gave no further details as to when this occurred, where it occurred or the identity of the alleged perpetrator. Arrangements were then made to re-interview him and specifically discuss his allegation but when the investigation team tried to re-interview N7058, he did not attend. Several attempts to re-interview N7058 were then made but the witness was not made available. This information was then passed to HQ PM(A) in a Course of action brief (**RMP-221-0005537-A**).

22. As can be seen in that COA, there were two options: 1) investigate further or 2) cease that line of enquiry. The former was largely based upon the fact that the allegation was aligned with dropped weapons allegations that had arisen since beginning of OPNM, and that N7058's comments were made unprompted during the interview. The latter was an option given N7058's lack of engagement despite attempts to trace him since the original allegation was

made. In addition, the lack of detail in the allegation made it difficult to establish further lines of enquiry absent other corroborative evidence of this alleged incident.

23. My view at the time was that both COA had their merits, but due to the sensitive and strategic nature of the complaint and related complainant, deciding which COA to pursue did not sit with me as SIO. Consequently, following consideration, the IAG chose COA 2. As was relayed at the time, this was largely due to concerns about the lack of contact from N7058 despite the efforts that had been made to trace him (**RMP-221-0005536-A**; the decision is recorded in **RMP-221-0000785-A**). It was determined that at that time, all reasonable and proportionate lines of enquiry concerning N7058 had been undertaken.

24. That said, this line of enquiry remained under review with the security situation in theatre being one of the main factors impacting its pursuit (**RMP-221-0000233-A**). From my understanding and updates from in-theatre personnel at the time, it was clear that the security situation was getting worse and that being able to move freely and safely as investigators in Afghanistan was becoming more difficult as of 2019.

25. On 17 July 2019 the decision was taken by the IAG that all reasonable and proportionate lines of enquiry had been taken and that OPNM would close. As with all investigations, consideration was to be given to reopening the investigation should new information of a positive nature come to light.

Statement of truth

I believe the contents of this statement to be true.

Signed: *M Cox*

Dated: 2 May 2024