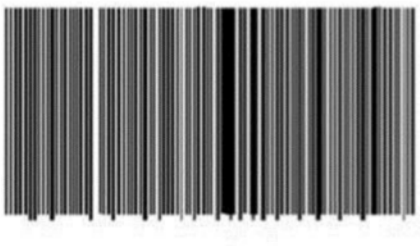
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



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Witness name: Matthew Cox

Statement Number: R9.16(S)

Dated: 16 June 2025

Exhibits: [19]

INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

WITNESS STATEMENT OF MAJOR (RET'D) MATTHEW COX

DATED 16 JUNE 2025

A. Introduction

1. I, Major (Ret'd) Matthew Cox, formerly of the Royal Military Police ("**RMP**"), make this statement in response the Independent Inquiry Relating to Afghanistan's ("**IIA**" or the "**Inquiry**") Sixteenth Secret Rule 9 Request to the Royal Military Police dated 31 October 2024.
2. The purpose of this statement is to explain the roles that I filled under Operation Northmoor ("**Op Northmoor**") between November 2016 and 2022. I explain my roles as Silver Commander of all Op Northmoor investigations, as well as the Senior Investigating Officer ("**SIO**") for Teams 1 and 2. I remained in post when

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Op Northmoor's investigation concluded in July 2019 and the closedown of the operation took around 1 year which meant that we left RAF St Mawgan in November 2020. I was extended in post to assist with the Judicial Review until, approximately, July 2021 and then I was involved as a civilian consultant until the middle-end of 2022 on the Judicial Review proceedings until they were stayed once the Inquiry began around end of 2022 and early 2023.

3. The facts in this statement are true to the best of my knowledge and belief. I have relied upon my personal recollection of events, my contemporaneous notes in my workbooks and policy books and the Op Northmoor Executive Summary for the purposes of making this statement. I have also read the Report of Alan Pughsley to the Inquiry dated 14 August 2024 (the "**Pughsley Report**").

B. Training and Experience

i. Prior to Op Northmoor

4. I joined the RMP in 2004 as a Direct Entry Officer. Prior to Op Northmoor, 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. I had a two year assignment as an Executive Officer ("**ExO**") to Brigadier Robert Warren, the then-Provost Marshall (Army) ("**PM(A)**"),[1] in the Army Headquarters ("**HQ**") dealing with policy, administration,

[1] This was between 2013 and 2015 while Op Northmoor was being established and so I had no involvement with Op Northmoor at this time.

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drafting minutes of meetings and various protocols. My policing roles involved managing and leading investigations, and, other than murder investigations, I covered the full spectrum of criminal and non-criminal conduct offences.

5. At the point I joined Op Northmoor, I had experience with attempted murder and serious sexual assault investigations. I also had experience in investigating what were termed 'unlawful killings in theatre' during my tour in Afghanistan, for example, Taliban unlawful killings of British soldiers in Afghanistan. I did not, however, have experience in working actual 'homicide' investigations.
6. During the course of my career, I completed the 'Basic Investigation' course, the 'Advanced Military Investigation' course, the 'Management of Investigation' course as well as the 'Senior Investigating Officer' ("**SIO**") course with Essex Police. This was supplemented with continuous personal and career refresher and development seminars and training.

ii. During Op Northmoor

7. On reflection, whilst at the time I believed that my experience, training and understanding was suitable, due to the complexities of the investigation I would have benefitted from more Continuing Professional Development and a closer relationship with a mentor who was current in homicide investigations. During my time on Op Northmoor, I completed all of the training that was offered. That was in the form of in-house continuous training and it was not investigation specific. As far as I can remember, I did refresher training such as the

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'Management of Investigation' course and training to update me on the latest forensic techniques which I believe was approximately every six months.

8. I am not sure that there was anyone within the civilian police at that time that would have had the necessary military experience to understand the context of murder investigations in a war zone. They are unique and the Gold Commander was particularly experienced in such investigations and so was better placed to lead Op Northmoor.

9. At the outset, there were lots of gaps in the experience and training of the investigation teams. The investigative teams were made up of a lot of operationally experienced senior Non-Commissioned Officers ("**NCO**"), who had many years' experience investigating crime. However, this investigation was highly complex. It would be fair to say that none of us had dealt with an investigation of this magnitude and many of the more junior members of Op Northmoor had little or no experience of investigations.

10. With regards to the junior soldiers, whilst every effort was made to ensure all personnel were trained for their role, the turn-over, time restrictions and secrecy of the investigation meant that there were some serious short falls in the level of experience as well as their competency and currency (i.e. whether their experience and training was sufficiently recent) of dealing with an investigation of this enormity. We needed people who were security cleared straight away and this caused delays, for instance, because getting someone cleared in order for them to access the files took time. There was also the issue that personnel

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would be posted to Op Northmoor before, as is usual in the Army, being sent on their next posting and so the process had to begin again of getting new joiners cleared and trained up to the required standard.

11. That said, I felt that I had a strong relationship with the junior officers within Op Northmoor. Despite the issues I have mentioned, in my view they were dedicated, extremely intelligent and diligent individuals who were not only keen to learn, but were professional and competent officers.

C. Roles on Op Northmoor

12. During my time on Op Northmoor, whilst my rank remained the same, I recall that it was often necessary to hold multiple roles at the same time since there were no volunteers to take on certain roles. This could be challenging and may not always have been entirely appropriate, but it was required to ensure that there was sufficient oversight from an investigation and management perspective.

13. From November 2016 until February 2017, I was initially indirectly involved in Op Northmoor while I was serving as Regimental 2IC of Special Investigation Branch ("**SIB**") Regiment of the RMP. From February 2017, I became directly involved in Op Northmoor as the Silver Commander for all Op Northmoor investigations and the SIO for Team 2 investigations. I retained this latter role until Team 2's work concluded in around autumn 2017 and remained Silver until Op Northmoor's conclusion in July 2019. From July 2017 until July 2019 I was

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the SIO for Team 1 investigations. Following the conclusion of Op Northmoor, I continued to support the Ministry of Defence ("**MoD**") in its drawdown and disclosure requirements regarding Op Northmoor until 2022.

i. November 2016 until February 2017: Regimental 2IC of the SIB Regiment

14. From November 2016, I served as the Regimental 2IC of the SIB Regiment in RAF St Mawgan. The role of Regimental 2IC meant I was second in command to the Officer Commanding ("**OC**") of the Regiment at the time, Major Tina Stitson. I supported her role by being responsible for the more day-to-day operations of the Regiment such as financial and personnel management.
15. When I was its Regimental 2IC, the SIB Regiment was made up of three companies as well as Op Northmoor. For want of a better word, I collectively refer to the individuals who worked on Op Northmoor as the "**Unit**" throughout this statement. As Op Northmoor formed part of the wider SIB Regiment, it was part of the scope of my work – although I did not have any direct involvement in Op Northmoor's management and investigations as Op Northmoor was Major Stitson's direct responsibility.
16. Major Stitson was not only acting as OC, but also as Silver Command for Op Northmoor at the time. In my opinion, this meant the Silver Command role at the time was contentious and confused. Ideally, the purpose of the Silver Command role was to focus on the investigations. However, because Major Stitson also had to fulfil her OC responsibilities, she was incredibly overstretched and

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overloaded with responsibilities. As OC, she was responsible for international, regimental and company duties, also known as the G1-9 responsibilities, as well as station duties which did not relate to the investigation. This was severely hampering the progress of the investigation at the time.

17. To relieve this tension, Provost Marshal (Army) ("**PM(A)**") Brigadier Neal, on the advice of Gold Commander, Lt Col John Harvey, and Assistant Head Northmoor ("**AH NM**"), Col Robert Morris, decided to separate the OC and the Silver Command roles to allow for greater focus to Op Northmoor's investigations. I put myself forward for this newly carved-out role of Silver Commander for all Op Northmoor investigations.

ii. February 2017 until Autumn 2017: Silver Commander and SIO for Team 2

18. I volunteered for the role as Silver Commander for Op Northmoor and, whilst there were several candidates who could fulfil the role, my understanding is that the other officers did not want the position and therefore I was chosen to take over from Major Tina Stitson while she stayed on as OC. Although I was formally appointed to the roles of SIO for Team 2 and Silver Commander of Op Northmoor on 15 January 2017 and 23 February 2017 respectively, I officially took over both roles from February 2017. As Silver, I received in-person briefings from each team to update me on their position in the investigations, including of course from Team 2. I believed that this was adequate for what I needed to commence the role.

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19. As Silver Commander, I was the Officer in Command (“”**OIC**”) of Op Northmoor’s investigation teams and its supporting elements, the MIR, intelligence cells and disclosure cells. The Silver Command role was not a classical role as defined within the College of Policing Guidelines. Instead, it was part of the command structure that was deemed the most appropriate by Headquarters Provost Marshal (Army) (“**HQ PM(A)**”) at the time. I remained Silver Commander for Op Northmoor until its closure in July 2019.

20. Around the same time I was appointed Silver Commander, I was also appointed SIO of Team 2 which was investigating the allegations of offences relating to detainee abuse. From my recollection, the decision to appoint me as SIO Team 2 was made at strategic level by Brigadier Neal (PM(A)) based on advice from AH NM, CO SIB Regiment, Gold Commander and myself following a review and evaluation of the investigative process and outcomes. It was recognised that Team 2 did not have an SIO and the Warrant Officer (“**WO**”), Zoe Duce, needed support to assess the investigations and provide executive decisions. I was therefore requested by the then-Gold Commander, Lt Col Harvey, to review all ongoing investigations and provide direction for Team 2. I remained SIO for Team 2 until its work concluded in around autumn 2017 after it had exhausted all lines of enquiry (“**LOE**”) and completed its consultation with the Operational Offending Team (“**OOT**”).

21. I should note that in the initial four weeks of me taking on the duties of Silver Commander and the SIO of Team 2, there was overlap while I was still also

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fulfilling my Regimental 2IC and separate OC duties. This overlap might have caused some confusion to others at the time but this was short lived. Once I officially took over as Silver Commander and SIO of Team 2, these additional roles were taken away so that I could focus on Op Northmoor.

iii. July 2017 until July 2019: Silver Commander and SIO for Team 1

22. In July 2017, I became the SIO for Team 1 when I took over from Captain Jason Wright as he was due to be posted elsewhere. Team 1's investigation focused on allegations of Schedule 2 of the Armed Forces Act 2006 offences including unlawful killing allegations. This change was part of a natural process in the military posting system. Captain Wright had already spent four years on Op Northmoor and, as a posting is usually only for two years, he was due a new posting.

23. Before I formally took over the role, I already had an overview of Team 1's investigation from Captain Wright's weekly updates to me since the time I started on Op Northmoor in February. In the week leading up to Captain Wright's formal handover of all duties to me on 18 July, we had additional formal and informal meetings in which Captain Wright gave me more detailed verbal briefings. I recall we had a thorough exchange in which he shared information on investigative strategies and the personnel on the team — regarding who they were, their experience, and how long they had left.

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24. I accept that there are no documents or minutes from me regarding this handover as they were verbal discussions. Given the frequency of new postings and handovers in the army, it is not unusual for there not to be formalised records of these. However, I was confident that I was fully briefed on all aspects of Op Northmoor and, specifically, the investigation of Team 1. As I had been part of Op Northmoor since November 2016, and had been SILVER for Op Northmoor since February 2017, I did not feel that a paper briefing with document packs were necessary.

25. As the SIO, I was responsible for all tactical policing and investigative decision-making that guided Team 1's LOE.

iv. July 2019 until 2022: Close down of Op Northmoor and assisting the Judicial Review

26. I officially took over Op Northmoor on a two-year assignment in February 2017 and I volunteered to be extended in post to provide continuity from February 2019. This is why I was still in post when Op Northmoor was declared completed by PM(A) in July 2019.

27. I remained to support the MoD in its drawdown requirements on Op Northmoor which took around a year until we finally left RAF St Mawgan in November 2020. I was extended in post to assist with the Judicial Review until, approximately, July 2021 and then I was involved as a civilian consultant until the middle-end of 2022 on the Judicial Review proceedings in a purely disclosure role. This

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meant that I was provided with the RMP Op Northmoor material and I gave advice on disclosure. The Inquiry began once the proceedings were stayed pending the outcome of the Inquiry between December 2022 – early 2023.

v. Challenges

28. There were a lot of challenges that I faced during my time as Silver Commander and SIO on Op Northmoor. Some of these challenges are common across the RMP and Army, and some were more specific to Op Northmoor. For instance:

a. Team professional experience: As I detail above in **Section B**, some challenges were caused by Op Northmoor personnel's lack of experience.

b. Resourcing: As I detail below in **Section G**, I found the lack of personnel, including those with specialist capability frustrating. While the infrastructure in RAF St Mawgan eventually did meet our technical needs, its remote location created inefficiencies in progressing the investigation.

c. Team culture and morale: As I detail below in **Section H**, I also found that the enthusiasm of the investigating teams was often a challenge due to the slow progress of the investigation, the location and the lack of understanding of what some people were dealing with. I found on my arrival that many of the investigators had lost faith in the investigation and this was a very difficult mind-set to change. There was also a lack of trust between General Police Duty NCOs and SIB NCOs – which was common in the RMP more generally.

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d. PM(A) consultation with IAG: As I detail below in **Section I.iii**, I faced some issues in relation to the PM(A) in that most major investigative decisions after the appointment of the Independent Review Team ("**IRT**") came through the PM(A) office after consultation with Sir Jon Murphy as part of the Independent Advisory Group ("**IAG**"). This was often followed by a briefing to senior figures in the military or at the ministerial level before the investigation was allowed to proceed. This led to very big delays in the investigative process. In my view, no decisions were made by PM(A) without consultation with Sir Jon Murphy which, again, delayed the investigation. I also recall that it was an ongoing joke at the time to query whether Sir Jon Murphy was in charge of the RMP for investigative decisions rather than PM(A).

e. IRT: As I detail below in **Section I.iv**, another challenge that I encountered was with the IRT. Whilst they were experienced and knowledgeable ex-detectives who provided some valuable review and advice on the investigation, I felt that they lacked the understanding of operational murder investigations and how the RMP investigate. As SIO, I found this to be a frustration and a hindrance at the tactical level.

f. UKSF Protocol: As I detail below in **Section J**, it is also my view that engagement with UKSF caused challenges, in particular, the presence of a UKSF disclosure officer was a contentious issue. I firmly disagreed with a member of UKSF being present in interviews. Whilst the SF Protocol

allowed, in certain circumstances, for the exclusion of a disclosure officer, this had to be authorised by PM(A)'s office. I felt that this meant that the people we were investigating essentially had control of how we interviewed them which was ludicrous.

g. UKSF work demands: A further frustration was the ability to interview witnesses or potential suspects due to the operational requirements and nature of SF work, which was unavoidable but added further delay to the investigation.

h. Competing HQ and Op Northmoor demands: Op Northmoor involved investigations that demanded a lot of time and resource. This conflicted with the time and resources needed to fulfil the army structure requirements, such as mandatory training. Initially, Op Northmoor personnel were exempt from military Mandatory Annual Training Targets ("**MATTs**") but this exemption came to an end and took up valuable time and resource.

D. Record Keeping

29. I was well versed in record keeping as a result of my 15 years in the Army through which I knew that, as a Police Officer, record keeping was paramount. For instance, we are taught on the SIO course that it is essential to maintain Policy Books.

30. As a Staff Officer working within the Army HQ, I knew that taking minutes of meetings and keeping records of decisions was required for every meeting. I

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continued with this ethos throughout my career and I recorded every meeting as Silver and SIO when I was briefing senior officers at meetings and providing or receiving updates. Since I spent my entire career keeping records of personnel, investigations, logistics, intelligence, security and financial matters, I personally felt I was extensively well trained in record keeping as a police officer, as an officer in the Army and operationally.

31. All of my records were kept in line with Army Policy for protected material and in accordance with the Military Police Investigation Doctrine ("**MPID**"), Murder Investigation Manual ("**MIM**"), and the Major Incident Room Standard Administration Procedures ("**MIRSAP**"). They were also kept in accordance with national standards and records were made of policy books, work books, regular meetings with minutes from every meeting generated. In my view, detailed documenting of meeting minutes was something which had in the past been lacking. Records of decisions from meetings at SIO, Silver and Gold level, although few in number, were either generated or requested so that they could be captured in HOLMES and disseminated to the investigation team to ensure that all personnel were aware of the investigative direction and strategic decisions affecting the investigation.

32. It was acknowledged from the outset that there would always be a disclosure requirement and therefore maintaining records for such a complex investigation was an absolute must so that the investigation could be held accountable in the future. All personnel were directed and encouraged to maintain records of all

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actions which could then be submitted to HOLMES. Comprehensive minutes of meetings, briefings and decisions were produced on a regular basis however, unfortunately there were very little, if any, records of previous meetings between PM(A) Brigadier Neal, the IAG consisting of Sir Jon Murphy and Mark Ellison KC, and John McAllister as Gold commander or other meetings between senior decision-makers. As this was before my time on Op Northmoor, this is something I cannot account for.

33. During my various roles on Op Northmoor, I kept workbooks and recorded my decisions in policy logs and I only ever signed such entries as either SIO for Team 2 or Silver Command until Captain Wright left Op Northmoor and I took over as SIO for Team 1. From reading the Rule 9 request from the Inquiry, there appears to have been some confusion about this which, it seems to me, is due from my second Policy Book being incorrectly dated by whoever completed the front sheet. The dates say 3 July 2017 to 6 September 2017 but it should actually say 23 February 2017 to 6 September 2017. If there appears to be any duplication between my policy books and those of Captain Wright, this would likely be due to both of us recording the same direction in our respective books where I record giving the direction as Silver and Captain Wright records receiving that direction as SIO.

E. <u>Op Northmoor Terms of Reference</u>

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34. The Terms of Reference ("**ToRs**") for Op Northmoor changed before and during my time on the investigation in accordance with direction from Gold Command in consultation with PM(A) and the IAG. I was not in an investigatory post at the time of the revision of the Op Northmoor ToRs dated 10 November 2016 and therefore I was not in a position to understand the reasons for the revision or the proposed process for the removal of "systemic issues". I recall John Harvey informed me, after the change, that the RMP does not investigate "systemic issues" as it is not within the Armed Forces Act 2006. However, he said that we would investigate any crimes and, once completed, everything would be sent to the Systemic Issues Working Group ("**SIWG**"), a pre-existing centralising function within the MoD, who would advise as to whether the investigation revealed any systemic issues.

35. I believe that the overall ToRs for Op Northmoor should have been expanded to include operations outside the 11 Deliberate Detention Operations ("**DDO**") and their limited time scales but this was not my decision (**RMP-221-0001026-A**). It was a decision made above my rank and role and, unfortunately, while I verbally voiced my views about this when I was in post, there is no record of my thoughts on this.

36. I was provided with ToRs for my role as SIO by the Gold Commander, Lt Col Harvey. I was also provided ToRs for my role as Silver Commander for Op Northmoor, and I inherited the ToRs for Team 1 SIO when I assumed that role.

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In my opinion, at the time, they were appropriate in line with direction from PM(A).

F. Structure

i. Team Structure

37. From the records that I have reviewed (**MOD-198-0003685-A**, **paragraph 16(a)**), I can state that Op Northmoor was originally established with 1 officer and 8 investigators based in Bulford in 2014. The SIB Regiment RMP then re-allocated additional personnel from across the Regiment and remained in Bulford. Following an Op Northmoor Future Manning Meeting held in December 2014, it was established that an additional 60 personnel would be required to conduct Op Northmoor raising the number to 123 personnel in total. This constituted the investigation teams, an Intelligence and Research team and the MIR.
38. A Silver and Gold command structure was introduced specifically for an investigation of this magnitude as such a structure is not usual in the RMP but is a structure usually adopted by civilian police forces.
39. Full manning was expected to be in place by June 2015, however due to a delay in securing a site, personnel were not assigned until early 2016. In February 2016, Op Northmoor relocated from Bulford to RAF St Mawgan in order to cater for the security requirements mandated by Defence Accreditation and it saw an influx of staff raising to circa 110 personnel. Relocating to a remote location is

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not normally associated with RMP assignments. Long term sickness and loss of staff through mental health had a significant impact on the investigation. I recall that the initial Gold Commander, both previous Silver Commanders and a number of other key roles had to be replaced due to ill health which had a significant impact on the command and leadership of Op Northmoor.

40. A high churn of staff within a major investigation is undesirable and this point was regularly raised and resulted in the appointment of a new Gold Commander, Lt Colonel Harvey, a full Colonel, Colonel Morris, as AH NM and Miles Tooke was appointed as Assistant Head Policy ("**AH Pol**") together with support staff in 2016 such as a person dedicated to managing the Op Northmoor budget. AH NM and AH Pol taken together constituted Headquarters Northmoor ("**HQ NM**"). In addition, as I have explained in **Section C**, the appointment of an OC of the SIB Regiment was separated from the Silver Command role of the investigations in February 2017. These roles were created to ensure that the command structure had continuity and remained focused on the needs of the investigation. These measures were successful as evidenced by the fact that the individuals acting as Gold and Silver Command/SIO continued in their roles from 2016 and 2017, respectively, until completion of Op Northmoor in 2019. AH NM did change in this time but this was because Rob Morris retired and then Col Scott Meredith was replaced by Col Mark John after the Northmoor investigative element had concluded in 2019.

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41. At its peak Op Northmoor was divided into 3 teams. Team 1 dealt with unlawful killing allegations, Team 2 handled the bulk of the abuse allegations and Team 3 provided the supporting elements which included the MIR and intelligence cell. I changed the team structure during my time on Op Northmoor as the investigation progressed to ensure the resources and personnel were employed appropriately. From the original three teams, I restructured the Unit when Team 2 investigations completed and the manpower was no longer required around autumn 2017. I restructured the Unit into an investigative team and an investigative support team which included the Intelligence cell, the MIR and disclosure elements.

42. As with any change, personnel had their own concerns about changing the dynamic of the team. Personnel were still not adequately trained or experienced in their roles when I took over or in fact during my tenure as SIO. The change in structure of Op Northmoor was done in consultation with the other Officers and WOs in Op Northmoor and reflected the needs of the Unit, and investigation based on the personnel we had left and the experience and qualifications they held. In my view, the setup of the teams was inadequate at the beginning as there were initially not enough personnel and then, when we did get more people involved, those people were not all sufficiently trained in their specific roles. However, this was rectified and the team became fully trained. To my knowledge, all relevant training for personnel was up-to-date and they were competent upon completion. Overall, I considered that the team structure of the



investigation was fit for purpose because we changed the make-up of the teams in line with the needs of the investigation as it progressed.

ii. Leadership Structure

43. I have set out below my understanding of the leadership structure on Op Northmoor.

44. On appointment as PM(A) in July 2016, I understand that Brigadier Dave Neal gave direction that the MoD would benefit by being given greater awareness of Op Northmoor and specifically, the more serious aspects of potential offending. This resulted in PM(A) meeting with the Vice Chief of Defence Staff ("**VCDS**") and the Permanent Under-Secretary ("**PUS**") of the MoD in regular, diarised, meetings scheduled with them. These meetings continued after the appointment of AH NM (Colonel Rob Morris) and AH PoI (Mr Miles Tooke) in 2016. I understand that as part of their role they would attend the regular meetings with PM(A), Vice Chief of Defence Staff ("**VCDS**") and the Permanent Under Secretary ("**PUS**").

45. The impact at the tactical level of this engagement was well received as this acted as a firewall between the strategic/political level of the operation and the operational/tactical level. This ensured the investigation could remain focused.

46. However, briefings at this level did require input from operational/tactical level personnel and therefore created delays in the progress of the investigation. This meant that there were delays in decision-making and taking action. For example,

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before we could launch active investigations and recover witness statements in relation to Objectives [redacted]1, and [redacted]2, Director Special Forces ("**DSF**") was briefed by AH NM about the continued expansion of the investigation from just Objective Tyburn. No action was allowed to be taken until DSF had been briefed. This is an example of how such briefings caused delays. Further, in order for PM(A) to brief ministers, operational staff, such as myself, would have to take time out of progressing the investigation to provide an initial briefing to PM(A) or AH NM.

47. While the leadership structure did not change during my time on the investigation, those filling the role did. For example, whilst PM(A) was Brigadier Neal throughout my time at Op Northmoor, AH NM did change as I have set out. There were also multiple personnel changes amongst the SIOs for Teams 1 to 3.

48. I believe the officers leading the investigation on a tactical level were trained and had the appropriate mentors but what they all lacked was substantial experience of dealing with such a complex investigation. It would be fair to say, to the best of my knowledge, that none of the hierarchy had recently dealt with or lead a murder investigation, let alone an alleged case of multiple Extrajudicial Killings ("**EJK**"). Continuity throughout an investigation is the perfect set-up but changes in personnel were unavoidable with postings, retirement and through sickness. Whilst this was far from ideal it was not possible to maintain everyone in their roles for the entire duration of Op Northmoor and a turnover of personnel is a

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normal process in the military. I do not recall the turnover in Op Northmoor being any more frequent than usual within the military.

49. I understand that the change in leadership was a concern raised by Alan Pughsley within his report and in the evidence he gave to the Inquiry but, overall, I believed that the leadership structure was correct and fit for purpose with a strategic head at the top and tactical leadership down the chain of command.

50. My understanding of the particulars of each leadership role is that:

    a. PM(A) Dave Neal provided strategic level direction and briefings to senior personnel. I believe PM(A) did adequately brief senior personnel but, when it came to providing actual direction, I do not believe he had the experience or confidence to make the requisite decisions or allow the investigative teams to do their jobs.

    b. The AHs Northmoor were Col Rob Morris (from October 2016 to November 2019), Scott Meredith (from November 2019 to approximately March 2020), and Mark John (from approximately March 2020 until around November 2020) who were all involved in strategic level engagement on behalf of PM(A). I consider that Rob Morris and Mark John performed their role extremely well and provided the necessary buffer between me and senior personnel at the strategic level such as PM(A) and ministers which allowed me to focus on my job. I have set out my personal opinion on Scott Meredith's performance of the AH Northmoor role at paragraph 52(b) below.

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c. The AH PoI was Mr Miles Tooke (from October 2016 to May 2019). He was responsible for acting as a go-between at a strategic level between Government departments to make sure the appropriate Northmoor policies were in place and that we were in touch with the right people. For instance, he would say who we needed to speak to in the Afghanistan embassy. I consider that Miles Tooke performed his role well.

d. Gold Command was Lt Col John Harvey and was responsible for operational level direction (from Oct 2016 until close of Op Northmoor in July 2019). John Harvey was the most experienced of all my senior commanders and provided good advice and direction when requested. He was, in my opinion, as restricted as I was with regards to what direction he could provide. Usually a Gold Commander would have a lot more independence in decision-making in an investigation and, in my opinion, John Harvey did not because he was directed to pass information to PM(A) who then made the decisions.

e. I was the Silver Commander and I provided tactical level direction and implementation of operational direction at the investigatory level. On Op Northmoor, the Officer in Overall Charge ("**OIOC**") role was the same as Silver and therefore I was also responsible for this.

f. There was no Bronze Command role within the Op Northmoor structure.

g. The OC was Major Tina Stitson who was responsible for the administration of the Unit as part of the wider SIB Regiment in relation to military

requirements which was separate to the investigation. Once the Silver Command role and responsibilities were stripped out of her OC role, I consider Tina Stitson's performance was good with regards to her specific OC role.

h. The SIO was also my role and I was responsible for tactical level investigation and implementation of operational and strategic directions. The DSIO and WOIC were the same person and would carry out the responsibilities of the SIO if the SIO was not around.

51. The leadership roles from Gold Commander down to the SIO were set out in the ToRs and the assignment orders. For that reason, in my view, the leadership roles and responsibilities were clear and well-defined. I was not privy to the ToRs for roles such as AH NM, PM(A), or the IAG and therefore I cannot comment on the boundaries of their roles and responsibilities. None of the decisions to appoint personnel to these leadership roles were made by me and therefore I am not able to comment upon the rationale behind it.

52. I have been asked about specific individuals in the Inquiry's Rule 9 Request and whether I had any concerns about them. Insofar as it relates to Op Northmoor and its progress, I acknowledge that I had some concerns about the following:

a. Brigadier Dave Neal. I felt that Brigadier Neal would not make a decision without first meeting Sir Jon Murphy and therefore there was some delay which impacted the investigations. Under the advice of Sir Jon Murphy, he also did not keep any official policy books and he used the records of

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decisions from meetings as his official record and these were usually recorded in emails from AH NM and Gold Command. The investigation and disclosure team where not handed any other material that I am aware of.

b. Colonel Scott Meredith. Colonel Scott took over when Op Northmoor had been declared closed and therefore he did not have the enthusiasm to challenge any previous decisions nor did I feel that he had any investment in the investigation and disclosure process.

c. Captain Jason Wright. I found that Captain Wright was very passionate and professional but his frustration sometimes boiled over which, in my opinion, affected the mentality of the investigation teams as they were aware of his conflict with the Gold Commander.

d. Major Tina Stitson. In my view, Major Stitson took on a huge task that was challenging due to the resources and personnel available. Whilst she was trying to cover Silver and OC roles, she was under a lot of pressure and I believe this sometimes affected her decision making.

53. I have set this out in order to assist the Inquiry but, at the time, I either kept these opinions to myself or voiced them only in general conversation with my peers or Senior NCOs. I did not record these concerns anywhere.

54. I recall that anyone on Op Northmoor that had, or may have had, a conflict of interest with investigating UKSF were provided with the opportunity to recuse themselves and all conflicts were taken into account and discussed with legal advisors, the Directorate of Service Prosecutions ("**DSP**"). Andrew Cayley was

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the Director of Service Prosecutions at the time and whilst he was not personally involved in all of these discussions, a representative of his office would be. All personnel were provided with recusal documentation, and if it was deemed inappropriate for them to continue in their role they were removed. The only notifiable association that I can recall was that Brigadier Dave Neal knew some of the SF officers personally and this was documented. As he was not involved in interviewing them directly, from my understanding the risk was assessed and accepted. I do not know who provided that advice or made the decision in this regard.

55. Like many of the more senior soldiers and officers who were part of Op Northmoor, I myself served in Afghanistan as the Brigade Provost Officer dealing with and advising on detention and policing matters to the HQ and the SF HQ in theatre at the time of some of the alleged offences. This was declared and accepted.

iii. Reflections

56. Overall, I believe that the Gold, Silver, SIO structure worked from February 2017 onwards.

57. It is possible that there was some confusion when I took over as SIO Team 2 and Silver in February 2017 while I was still acting at Regimental 2IC of SIB Regiment and the OC of Reserve Company RMP. But, as explained in Section C.2 above, I only held on to these latter roles for a short time when I first started.

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58. There may also have been some initial confusion about my joint role as Silver Command and SIO for Team 2, followed by my joint role as Silver Command and SIO for Team 1. However, I myself was clear on whose role was what and what each role was responsible for, and felt I was able to demonstrate and communicate this to the Unit.

59. I acknowledge that when Brigadier Neal took over as PM(A) and brought on the IAG and IRT that I felt they were directing the investigation rather than the SIOs being able to make those investigative decisions themselves. However, I do not believe this caused any confusion of individual's roles but was simply a choice made by PM(A).

G. Resources

i. Personnel and specialist support

60. The original resourcing of Op Northmoor was arranged before my time there, however, as Silver/SIO it was my responsibility that the teams remained trained, current and competent to fulfil their roles. Where there were shortcomings, it was my responsibility to highlight this to the chain of command and request that the personnel gaps were filled and/or that training was provided. Unfortunately, this was not always possible due to Army manning constraints and the lack of availability of courses and qualified personnel. Requirements of other resources such as IT facilities was a matter for HQ NM.

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61. I did not consider Op Northmoor to be adequately resourced. From the outset there were not enough experienced and available personnel and there were competing priorities for the specialist assets within the wider RMP and therefore integral specialist support dedicated to Op Northmoor was lacking or strained. For instance, the 3C Service Police Crime Bureau ("**the Cyber Crime team**") would help to fix HOLMES and provide IT support but they were a finite resource with competing priorities. Similarly, the only way we could access the Digital Forensics team was to book them as they were a shared resource.

62. There were gaps in the qualifications and experience of personnel required for such a complex operation. Although I was not present at the start of Op Northmoor, I understand that steps were taken to improve personnel resourcing and there was a lot of effort put in to identifying the gaps, securing courses and funding to ensure personnel were trained. The responsibility for personnel resourcing ultimately lay with PM(A) and Army HQ. In my opinion, the lack of personnel resourcing did lead to significant delay in actions and the ability to set up, operate and generate investigative actions such as intelligence products like association charts and intelligence reports which were the job of the intelligence cell within Team 3, and HOLMES processes.

63. In my view, additional resources were required, for example the investigation required there to be Achieving Best Evidence ("**ABE**") interviews, the use of HOLMES, MIR, intelligence gathering and disclosure task but there was a lack of trained personnel and not enough courses to train everyone in a short



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timeframe. That said, within the constraints of time, personnel, and money available to Op Northmoor, I felt that those who held responsibility for personnel resourcing fulfilled their obligations the best they could.

ii. Secure facilities: RAF St Mawgan

64. With regards to IT resourcing, it is my understanding that at the outset Op Northmoor did not have the IT facilities, resources or infrastructure required for such a major investigation. This resourcing decision was made before my time on Op Northmoor. I am able to comment on the decision-making from my review of the Op Northmoor Executive Summary (**MOD-198-0003685-A**).

65. Upon commencement of Op Northmoor it was established that due to the projected scale of the investigation a suitable location was to be sought. The SIB Regiment's RHQ in Campion Lines, Bulford, was deemed insufficient as:

    a. It could not physically accommodate another large scale investigation. The infrastructure could only accommodate upwards of 100 personnel and another investigative operation already being undertaken within the MIR there; and

    b. It did not have the facility to house a server containing footage graded at the appropriate security classifications.

66. Further to this, there was the necessity to have all personnel appropriately security cleared. Planning and consideration had to be given by the organisation (senior command and Army itself) to identify suitably qualified and experienced

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personnel ("**SQEP**") for the investigation team and its various supporting components. This included an effective MIR, Disclosure Cell and Intelligence and Research Team. Significant delay was incurred whilst various sites across the MOD were scoped. The number of options available for Defence Infrastructure Organisation ("**DIO**") consideration were restricted by the availability of locations that could provide a compliant working area within the compressed timeframes required. All bar one of the options were unable to provide [required security] capability within the timescales outlined or could only provide the capability at excessive cost. The options listed were:

a. **Do nothing**. Option discounted

b. **Southwick Park**. Not deliverable in the desired timescales in an affordable manner. Discounted but reserve option.

c. [RAF St Mawgan.] only required minor works and host unit could support the increase to its establishment. Preferred option.

d. **RAF Wyton**. Site was earmarked for other basing projects. Discounted.

e. **Fort Blockhouse**. [Did not meet security requirements] and high additional costs to make it compliant. Discounted.

f. **Keogh Barracks**. Not costed, too much work was required to make it fit for purpose and couldn't meet the timescales. Discounted.

67. RAF St Mawgan was chosen as being the most time and cost effective. Deputy Head of Program development at DIO ([IIA611]) signed the letter of

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authority approving RAF St Mawgan as the preferred option on 8 July 2015. Due to scoping, authorisation, and procurement processes, Op Northmoor did not start to relocate to RAF St Mawgan until February 2016 and was not fully established until August 2016.

68. My understanding is that RAF St Mawgan was primarily selected due to Operation's envisaged security requirements. As there were limited appropriate options, RAF St Mawgan became the home for the Op Northmoor investigations.

69. Although the location catered for the security aspect of the investigation, it affected investigators when deploying from RAF St Mawgan to conduct interviews. Due to the remote location, it often took three days to record one statement since it would take Time Given one-way to get to SAS location from St Mawgan in order to take a statement. While our intention was to conduct an efficient and effective investigation, the extended time often needed to travel from RAF Mawgan to record evidence did not lend itself to efficiency.

70. There were a number of personnel based at Northolt whose primary function was the review of relevant material on the Directorate of Judicial Engagement Policy ("**DJEP**") Archive System ("**DAS**") system. The DAS, is a UK based server, which contains huge amounts of data from all theatres of operations covering all timescales, some of which was relevant to Op Northmoor investigations. However, the personnel based in Northolt could not easily contribute to the investigation. For example, prior to undertaking interviews,

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there was a requirement for those individuals to be briefed so that they had sufficient knowledge of the investigation to conduct the interviews. However, the briefings had to be conducted at a security classification and so had to be in person in a secure area. For personnel at Northolt to contribute involved approximately a ten hour round trip from RAF St Mawgan. They were therefore inevitably excluded from these briefings as it was easier for Op Northmoor staff to travel from St Mawgan and conduct the interview themselves. After this, personnel in Northolt were just DAS searchers.

71. RAF St Mawgan was selected to house the investigation due to the anticipated classification of material collated. Delay was always to be expected when initially setting up secure areas, however there was protracted delay in achieving certification for the secure areas. It was not until almost 18 months, around October 2017, after relocating to St Mawgan that the required certification was in place. Due to this delay, processing of material was not able to be achieved on site, causing delay on the investigation.

72. A provisional investigation element remained in Campion Lines until this time. The recovered SFHQ(A) Server did not relocate to RAF St Mawgan until September 2018. However this functioned in HMS Collingwood in the interim period SFHQ(A) server was the server being used in theatre. RAF St Mawgan was not set up to look at it so we could not move it down to us. HMS Collingwood was the only place that could house it and delay was caused by getting the information from HMS Collingwood to RAF St Mawgan. Any intelligence and

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evidence found on the server had to be exported from there and taken to RAF St Mawgan in hard copy which caused delay.

iii. Forensic Data Handling Capability

73. I understand that it was originally anticipated at the outset of Op Northmoor that a full Forensic Data Handling Capability ("**FDHC**") was to be installed, catering for all information system ("**IS**") needs covering all Security Classifications [redacted]. The FDHC's purpose was be able to process and search through a vast amount of different forms of data. I understand that it was decided that FDHC was no longer required, as we were not recovering the hard drives from across theatre and volumes of data we previously thought we would be (**RMP-221-0000928-A**). It is therefore not possible for me to say what impact it could have had or whether it would have had any impact at all.

74. The details of the impact of this on the investigation are unknown to me although I believe there was frustration at the continued delay in acquiring relevant data for the investigation.

iv. Home Office Large Major Enquiry System ("HOLMES")

75. At the inception of Op Northmoor, the suitable HOLMES platform was set up to help manage the investigation, associated material and the disclosure process. As an interim measure, it was set up on existing IT equipment, using a server which was originally intended for installation in Campion Lines and was

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designed for limited utility, for short term use and then the archiving of hosted material. HOLMES was due to be replaced by the FDHC but then the FDHC never came in.

76. However, this interim measure became the permanent solution, enduring three years in service and as a result the system would regularly 'fall over' requiring on-site remedy and maintenance which caused delays.

77. I was trained to use the parts of HOLMES which I required to a good standard via in-house training. Prior to Op Northmoor, I had never used HOLMES before as it was not required for any of my previous roles.

78. In my view, HOLMES was a very effective way to manage such a large and complex investigation in accordance with the MIRSAP. There were some issues with using HOLMES in that the work was done on a suitable HOLMES system licences were required to operate it which caused issues as did maintaining trained, qualified and competent personnel who understood the benefits of using it.

H. Culture / Morale

79. When I arrived it became apparent that there was a division between some General Police Duty NCOs and SIB NCOs. It seemed to me that the reason for this was the perception of competence of General Police Duty NCOs. I do consider that this culture impacted the effectiveness of the investigation in that there was a mistrust and animosity between the teams which from what I have

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read and heard lead to a delay in some decision-making and actions due to the lack of trust from SNCOs.

80. The morale within the various teams on Op Northmoor overall varied across the unit. Some people had little knowledge or interest in the investigation, others thrived on it. Some individuals were not challenged and found it boring whilst others felt overworked. Some found the location a challenge being down in Cornwall but I am conscious that it would not be possible to please everyone all of the time.

81. During my time as SIO for Teams 1 and 2, I believe that I was able to bring some unity to the investigation by including both teams in the whole investigation and letting them understand what it was they were investigating and why. They were empowered to make decisions which led to a more inclusive team and unit ethos. This developed team cohesion and a better investigative focus and effectiveness. I also made efforts to address welfare concerns such as improving the accommodation for junior staff.

82. There were also monthly Unit Health Committee meetings which are a standard part of military organisation in which every member of the Unit who needs to speak to a doctor is discussed by leadership, subject to the limits of medical confidentiality, to see how that person is doing and what they need. Other efforts were put in place to help boost morale such as Wednesday afternoon sports, PT every morning and the teams were encouraged to come up with ideas for

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"cultural days" out of the office. This would be a day where they did team building activities.

83. Whilst the senior personnel within the teams, such as Warrant Officers and NCOs may not have always agreed with me on decisions and direction, we worked closely together. I also believe I had a strong working relationship with the junior personnel in the teams. From my experience, I encourage a culture of active and constructive challenge. I would particularly expect experienced investigators to carefully consider and challenge directions from me which is what they did and I considered this to be entirely appropriate.

I. External Groups

i. The National Crime Agency and the Greater Manchester Police Major Enquiry Review Team

84. In relation to the National Crime Agency ("**NCA**"), and Greater Manchester Police Major Enquiry Review Team ("**GMP MERT**"), I had very little interaction with them. They were appointed before my time on Op Northmoor. I do not know who appointed them but my understanding is that the purpose and rationale for their appointment was to provide advice to the investigation teams.

85. I attended a meeting in late 2016 or early 2017 where all parties were present and one of the outcomes was that NCA and GMP were no longer required because a decision was made by PM(A) to replace the NCA and GMP MERT with the IAG and the IRT. I am unable to comment on the performance of the

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role of the NCA or GMP MERT as they ceased to be involved in Op Northmoor shortly after I began my role. However, I do recall reading some NCA reports and felt that they were thorough and gave good advice on next steps.

86. The meeting in late 2016 or early 2017 was a heated meeting and one of Sir Jon Murphy's first. I was not, at that point, appointed as the Silver/SIO however I recall that after the meeting little further advice was sought from NCA or GMP. A decision was made at the strategic level under advice from the IAG and letter of thanks was written, in time, to the organisations disengaging their services.

87. I note that the Pughsley Report raised a concern that the number of advisors created a "congested playing field" (**see Pughsley Report, paragraph 211**). However, there was only a period of a couple of months when the NCA and GMP MERT were on-board as well as the IAG and IRT as the IAG and IRT took a different view on the approach to the investigation and PM(A) Brigadier Neal chose not to continue with the NCA and GMP MERT teams.

ii. The Operational Offending Team

88. The OOT, comprising of Stephen Kell (retired RAF lawyer) and Francis Davis (civilian with experience of the Iraq investigations), were already part of the investigation when I assumed command and therefore the decision to appoint them was also before my time on Op Northmoor. I recall they were civilian lawyers and their role was to provide legal advice as they were appointed through the office of the DSP. My understanding is that the purpose and

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rationale for their appointment was to provide tactical level expertise and legal advice on all investigative matters.

89. In my view, the OOT's advice, and the opportunity to talk through the investigative lines of enquiry and possible outcomes with them, was invaluable to each investigation. The impact of the OOT was very positive as it meant that we had direct access to legal advice, from personnel that were who were current, competent, experienced and dedicated to Op Northmoor and there was continuity of decision-making and a legal advisor who knew the investigations which reduced delay in reading in a different legal team every time we conducted a JCRP or needed advice on investigative strategies. For instance, Steven Kell, who was part of the OOT, attended Gold meetings when invited which allowed him to provide legal advice and insight when and if it was required at a strategic level but he was not there to direct any strategic direction.

iii. The Independent Advisory Group

90. With regards to the IAG, they too were already part of the investigation when I assumed command and I therefore have no knowledge of whose decision it was to appoint them. I understand that the purpose/rationale for their appointment was to provide strategic level expertise and advice to PM(A) from a policing and legal perspective on all investigative matters with the focus being on strategic decisions.

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91. I believe that it was a good decision from PM(A) to have an independent advisory group to assist him with strategic decisions.

92. However, I did feel that what were presented as 'guidance' would automatically became the tactical investigative level direction. This took away the independence of the SIOs who should have been able to pursue their own lines of enquiry. As I detailed above in **Section C.v**, in my view, no decisions were made by PM(A) without consultation with Sir Jon Murphy which delayed the investigation. These decisions were then often followed by a briefing to senior figures in the military or at the ministerial level before the investigation was allowed to proceed. This led to very big delays in the investigative process.

93. Separately, on occasion, I recall that I was directed by Gold to brief Sir Jon Murphy before the Gold meetings that he would attend. This was either done by me in person or I would brief Gold who would brief Sir Jon Murphy himself. I was not given any explanation as to why I was required to brief Sir Jon.

iv. The Independent Review Team

94. The IRT were also part of the investigation when I assumed command. I understand that, following the appointment of Brigadier Neal as PM(A) in July 2016 and under advice from Sir Jon Murphy, a decision was made by PM(A) to commission a team to review Op Northmoor with a view to providing advice on how the investigation stood and what investigative LOE could be developed. The purpose/rationale behind their appointment was to provide tactical level

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expertise and legal advice on all investigative matters including giving advice on the progress of the investigation and future lines of enquiry. The IRT issued their recommendations on Team 2 in December 2016 and on Team 1 in January 2017. My understanding is that they could not look at Team 1 work until their clearance was arranged.

95. It is good procedure to review an investigation of this magnitude on a regular basis and especially with a change of command at the strategic level. In my opinion, it was a good decision to have a fresh set of eyes to review Op Northmoor. The initial reviews of the IRT were extremely important and influential. Their advice, all of which was accepted by PM(A) and then given as direction which resulted in a change at a strategic level, provided 8 major points which changed the direction of the investigation for team 1. These were:

1. High priority - that the planned visit to Afghanistan in an effort to obtain witness statements from both Bang and Saitullah and any other available evidence be progressed. Engagement with [APU1] *personnel should also be sought with a view to gathering further relevant intelligence/evidence.*

2. High Priority - Efforts to recover Data Sets proceed, by consent and not seizure, in an effort to identify relevant material.

3. The categorisation of suspect status currently applied to [redacted] [N1141] *and* [N1201] *is removed.*

4. That the ten similar events identified by [N1466]

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[redacted] *continue to be investigated in an effort to identify any evidential discrepancies.*

5. At present no covert tactics requiring authorisation under the provisions of RIPA 2000 should be applied for.

6. An Individual duty statement/report should be sought from each participant in Operation Tyburn, who is still in service.

7. An individual duty statement/report should be sought as necessary to other scenes as and when significant discrepancies have been identified.

8. That the back record conversion onto a [redacted: suitable HOLMES] *account be restricted to material relevant to the main lines of enquiry. A 'Sequence of Events' category is developed within the HOLMES account.* (**RMP-221-0000740-A, paragraph 9.0)**

96. In the end, the IRT was incredibly influential, and I accept Alan Pughsley's opinion that this advice shaped the investigation, but I do not believe this was the original purpose or intent in having an IRT. Overall, I agreed with these recommendations save for recommendations 6 and 7 regarding duty statements because I was of the view that only formal Section 9 statements or interviews were appropriate in these circumstances because they would provide the level of detail or independence required. To explain, a duty statement is very much an informal self-recorded version of events as opposed to a Section 9 statement which is a formal witness statement recorded by the investigator. I also agreed

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with the recommendation to change the investigation from a covert to an overt operation as it allowed us to make progress.

97. I should note that I not only disagreed with recommendation 6 and 7 as set out above form the January 2017 IRT report, but directed my team to undertake formal Section 9 statements and interviews rather than follow the IRT's recommendation to only take duty statements (**RMP-221-0000994-A**). This was not seen as a major discrepancy to the recommendation and so was not a contentious change.

98. My issue was with PM(A)'s continued complete acceptance of the report recommendations after the first one and the lack of discussion with SIOs about this. Whilst they were experienced and knowledgeable ex-detectives who provided some valuable review and advice on the investigation, I sometimes felt that they lacked the understanding of operational murder investigations and how the RMP investigate. I found this to be a frustration and a hindrance at the tactical level as SIO such as the example I have already mentioned regarding duty statements.

v. Joint Case Review Panel ("JCRP")

99. The decision to set up the JCRP was made before I assumed my role on Op Northmoor. The JCRP had weekly meetings and initially comprised of the OOT, NCA, GMP MERT, Gold and/or Silver Command and SIOs of Op Northmoor. In

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January 2017, when the NCA and GMP MERT ceased their involvement in the investigation, the attendees were less but the JCRP process was the same.

100. The purpose of the JCRP was to review case files and conclude whether investigations of certain LOE had been completed and/or exhausted

101. For example, in Autumn 2017, all Team 2 case files were submitted and scrutinised by the JCRP before a final decision was made, through the JCRP, to discontinue the majority of the Team 2 investigations after the Leggatt Test had been applied. As the investigation streamlined with the disengagement of the NCA and GMP, the JCRP process involved the OOT, Silver and the SIOs. The JCRP considered each case on its merits, applying emerging and relevant legislation and case law where appropriate (e.g. the `Leggatt Test'). See, for example, **RMP-221-0004452-A**, **RMP-221-0004453-A** and **RMP-221-0004459-A**.

102. I felt that this was a very good way to ensure governance over every decision to continue or discontinue investigations. It allowed the investigators to discuss LOE with the legal team and make an informed decision as to whether to continue with the investigation or not. To this extent the JCRP did impact the strategic direction of Op Northmoor as this was the point. In my view the JCRP made the correct decisions on discontinuing the Team 2 investigations that it did due to the lack of evidence and application of the Leggatt Test.

vi. Dealings and concerns with Individuals

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103. I have been asked to consider whether I had any dealings with certain named individuals, the only such individuals that I had contact with were:

a. Philip Jones (IRT). I was present when they conducted their reviews and I provided them with briefings and conducted meetings with them as part of their periodic reviews.

b. Cliff Evans (IRT). I was present when they conducted their reviews and I provided them with briefings and conducted meetings with them as part of their periodic reviews.

c. Sir Jon Murphy (IAG). I briefed him occasionally with updates on the investigation with PM(A). I had concerns regarding, what in my view was Sir Jon Murphy's disproportionate influence over the decisions made by PM(A).

d. Mark Ellison KC (IAG). Mark Ellison KC was part of the IAG. I had very little interaction with him and I believe that I only met and briefed him once. The purpose of this meeting was to update him on the investigation. The IAG was intended to be limited to discussions between PM(A), Sir Jon Murphy, and Mark Ellison KC and therefor it was usual that I would not have much interaction with the IAG. On this one occasion, I briefed Mark Ellison KC on direction from PM(A) (**RMP-221-0001027-A**).

e. Stephen Kell (OOT). I had regular contact with Stephen Kell as he was the direct legal advisor to Team 1 on Op Northmoor. I would update him on the investigation and he would provide legal advice

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f. Francis Davis (OOT). I had regular contact with Francis Davis as the direct legal advisor to Op Northmoor for Team 2 investigations until they were completed. He was also part of the JCRP process.

g. Andrew Cayley KC (Director of Service Prosecutions). I had occasional meetings with Andrew Cayley KC when required to brief him on the progress of the investigation. The DSP and the Service Prosecuting Authority ("**SPA**") provided intimate legal advice and support to Op Northmoor. Their advice and experience was extremely valuable to the investigation but I do not recall how much influence the DSP had.

h. Peter Ryan (DJEP). I had occasional meetings with Peter Ryan when required in order to brief him on the progress of the investigation. I believe these took place at St Mawgan, Bulford and Andover. I had to provide this briefing but I did so as I was directed to by PM(A). My understanding was that he would occasionally attend IAG meetings and act as an interlocutor between Op Northmoor, IHAT and ministers.

vii. Reflections on IAG/IRT Recommendations

104. In relation to the IAG and IRT, I found the conclusion of the IRT in their first report, that there was 'no evidence of a crime being committed', odd as I felt that there was clearly enough suspicion to suggest there may have been a crime. However, I was never provided with any rationale as to why the IRT came to its conclusion.

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105. It was commonplace that PM(A) Brigadier Neal would direct that we had to wait for IRT review and recommendation before we could proceed and PM(A) would inevitably accept the recommendations and make them directions to us. There was no room for the SIOs to challenge this direction in the way one would usually expect in other investigations. I accept, as Alan Pughsley wrote in his report **(Pughsley report, paragraph 229),** that I was receiving and following instructions. This was because I do not feel that I was given any other choice or opportunity for debate.

106. I also agree that the position taken by PM(A) in respect of the IAG and IRT caused some alienation of Captain Wright. I did not see this have any negative impact on the progress of the investigation but it seemed to me that it did impact on his morale and perhaps the team's morale more widely.

107. I did agree that the investigation should focus on specific DDOs, as doing so offered better investigative LOE, but not that the other DDOs should be discounted. When the decision was made to accept the IAG/IRT's recommendations, I recall that their report was submitted to PM(A) and discussed at the IAG meeting and the decision was made to accept the recommendations at those meetings. There was no discussion or involvement from myself.

J. Relationship with UKSF

i. Communications with UKSF

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108. The nature of the relationship between those working on Op Northmoor and UKSF during the investigation was, as I understand it, that Jason Wright as SIO Team 1 prior to my joining Op Northmoor, made good connections with UKSF personnel in the HQ.

109. I chose to ensure that I only conversed with UKSF when necessary. The working relationship between Op Northmoor and HQ UKSF personnel was professional and courteous.

110. With regards to the communication of sensitive information to UKSF, I did believe at the time that informing UKSF of any sensitive information would have a detrimental effect on the investigation and direct impact on any future interviews. I did raise concerns to John Harvey but only did so verbally and so there will not be any documentary record of my concerns.

ii. Special Forces Protocol

111. I am aware that an updated version of the Special Forces Protocol was created following a discussion that took place at the strategic level between John McAllister on behalf of the RMP and someone at UKSF I was not involved in and so cannot provide details on the decision-making process. According to the Protocol, the role of the UKSF disclosure officer in relation to Op Northmoor was to ensure that matters of national security were not divulged or recorded.

112. In my opinion this could have been done retrospectively and redactions made and therefore their presence was unnecessary. I firmly disagreed with a

member of UKSF being present in interviews. I felt that it was wholly inappropriate to have disclosure officers who were representing the interests of the unit, who personally knew personnel that we were potentially considering as suspects or significant witnesses.

113. Whilst the SF Protocol allowed, in certain circumstances, for the exclusion of a disclosure officer, this had to be authorised by PM(A)'s office. I felt that this meant that the people we were investigating essentially had control of how we interviewed them which was ludicrous.

114. In order to invoke the SF Protocol to allow interviews to take place without an SF Disclosure officer, I was required to request this in writing to PM(A) office for approval which delayed investigative actions. I recall that I invoked the Protocol about six times and I got the authority to proceed with an interview without a disclosure officer. See, for example, **RMP-221-0000924-A**. But on at least three occasions the witness phoned HQ DSF and told them that we had been in contact. This, in turn, made HQ DSF contact us and inform us they were unhappy that we did not go through the protocol. Interviewees could get a disclosure officer, who would be someone from UKSF whose role as to make sure matters of national security were not divulged or recorded, if they wanted one so on the three occasions that I have mentioned there was still a disclosure officer present in the interview because the witness wanted one.

115. We were obliged, under the protocol, to offer a disclosure officer. Sometimes waiting for a disclosure officer to be available would cause huge

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delays in scheduling and re-scheduling interviews. I believe that only three interviews took place without a disclosure officer and those three people would not sign a Section 9 statement. All that the RMP could do was record the information as an intelligence report from which LOE could follow.

116. I did not consider the Protocol to be an appropriate mechanism for liaison between RMP and UKSF in respect of Op Northmoor. On the occasions we asked for the Special Forces Protocol to be revoked, it was because we felt the Protocol allowed UKSF to have undue influence over interviews and investigations. In my opinion, that massively hindered the investigation. See, for example, **RMP-221-0000903-A**. This was because potential witnesses were not prepared to talk openly with the investigation team with a member of the UKSF HQ acting as a disclosure officer.

117. There were examples where a member of one SF unit, the SBS, had a disclosure officer from another SF unit, the SAS. Once the interview had ended, they expressed their objection to as they felt they could not talk freely. I recall that it was DSF who decided who to send as a disclosure officer. This interviewee also refused to provide any witness statement to us and we only managed to record an intelligence report.

118. I understand from reviewing the Pughsley's Report that he has the impression that of the following two elements of the 2008 UKSF Protocol, the second point took priority over the first:

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"*i) 'It is incumbent upon all SF personnel to assist the Service police when they are undertaking one of the investigations;*

ii) 'Activities of SF personnel are highly sensitive and that the maintenance of operational security is paramount in order to ensure the continued operational effectiveness of the SF," (**Pughsley Report, paragraphs 101-103).**

119. I also felt that this was the approach that UKSF personnel took to engaging with the RMP.

120. Alan Pughsley also suggests that the SIOs faced issued obtaining data and digital material from UKSF (**Pughsley Report, paragraph 103).** I recall that there were continued delays caused by waiting for the SF to provide the data that we requested and a continuing uneasiness from the SF when it came to providing that information. The explanation was that it took time to find the data, export it and then transfer it over to us as the necessary UKSF personnel were not always available.

121. On particular delay I can recall is where I requested documents containing legal advice from UKSF Legal Advisors which was provided in response to the questions regarding the DDOs at the time. UKSF were reticent to hand it over, saying there were concerned about who would have access to the legal advice. After assurances from me that I would be the one to personally view the legal advice, the UKSF eventually shared the requested advice with me.

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122. I believe that Captain Wright originally requested the digital material from the SF server but this was before I joined Op Northmoor. Similarly, the agreement that such material would be obtained from SF amicably was made before I took over the role by Gold command, senior leadership and DSF. My understanding was that the server could not be seized as it was operational. As far as I was told, I could only obtain data by direct request to the UKSF rather than simply obtaining the data myself. In my experience, UKSF did provide the data that we asked for but I felt that this process of making a request was unusual.

123. There was a preservation order in place that UKSF were not to delete data or change anything on it before it was provided to the RMP. I recall being aware that there was a point at which they changed over their servers and data was accidentally deleted by a member of their cyber team/ IT support. UKSF conducted an internal investigation and concluded that whatever was lost was unimportant, unrecoverable and the deletion was a mistake. However, this was before I took over as Silver.

124. Ultimately, the RMP did have a copy of the SF server so, going forward, we could see what files we wanted to make a request to access and then we would need to ask SF to access it and send it to us.

K. Investigative Direction

i. Coordination and Meetings

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125. Gold Group meetings were supposed to occur periodically to discuss policies, working practices, plan and provide direction to the investigating teams. My understanding is that Gold, AH NM and AH Pol, sometimes PM(A) and sometimes Sir Jon Murphy would attend. I believe that I recall that I was only present at two meetings and was not invited to any more. I assume that other Gold Group meetings took place that I was not invited to. In the two meetings I attended, the meetings were in person in Northolt. Gold Commander, AH Op NM, AH Op Pol, PM(A) and Sir Jon Murphy also attended the meeting. Whilst I provided notes and briefings on the progress of the investigation to at these meetings, I am not in a position to say if these were briefed at other Gold Group meetings, IAG meetings or on an ad-hoc basis. I was not involved in IAG meetings as these were for more senior personnel than me. My knowledge of them was limited to whatever information was contained in John Harvey's emails which he would sent after those meetings with a brief outline.

126. In relation to Silver Group meetings, the purpose of these meetings was to gain an update from the SIOs and key personnel from across the investigation and provide direction on the investigation actions to the respective teams. They were also conducted to allow the investigation and support teams to share ideas and highlight any issues that needed to be dealt with at a higher level such as manning or equipment. The meetings were held weekly when possible in a conference room within RAF St Mawgan. Heads of departments, such as the Quarter

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Master, SIOs or deputies were included and they were requested to provide an update on their respective areas and a forecast of what actions were next.

127. I am aware that prior to my joining Op Northmoor, Silver meetings were not held frequently but I do not know why that was. Once I took over, I ensured that there were regular, weekly meetings as I considered that they were imperative to keeping the investigation on track. It would allow the left hand to know what the right hand was doing. Before making this change, I considered the sensitivity of the investigation and the increased risk of leaks weekly meetings might create. On balance, I felt the risk of a leak was low and the benefit to the effectiveness and progression of the investigation far greater. The focus of the meetings were to update on (1) what had been done, (2) what was currently being done and (3) what was going to be done. It was also a place to raise any specific or cross cutting issues.

128. I believe all personnel were given the opportunity to voice any concerns about strategic decisions and discussions were open in the Silver Group meetings and that those meetings, during my tenure, were held sufficiently frequently.

129. Other than IAG meetings, which I was not senior enough to attend, the decisions of which directly affected the investigation, I cannot at this time recall any other meetings other than the Silver and Team 1 and Team 2 meetings that I was involved in.

ii. Strategic Direction

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130. After PM(A) changed from Brigadier Robert Warren to Brigadier Dave Neal in July 2016, there was a review of the investigation and the IRT provided a report to PM(A) with suggested actions and investigative changes in December 2016.

131. I detail the suggested overarching actions and changes and my views on the same above at Section I.iv. These proposed changes were endorsed by PM(A) and this set the direction of the investigation at a tactical level.

132. I understand the reasoning behind those changes was that PM(A) was advised to accept them by Sir Jon Murphy.

133. Following this initial direction changes, the IRT published more guidance within their various reports. I felt this 'guidance' was adopted by PM(A) as direction without sufficient consultation with those engaged with the tactical level of the operation.

a. Lines of Enquiry

134. As Silver Command, and then SIO, I was involved in all LOEs.

135. Every effort was made to trace and interview suspects and witnesses from the UKSF unit relevant to the incidents that we were investigating and it was always the most experienced RMP investigators that would lead this task. I understand that concern is raised by Alan Pughsley as to why only Number Given potential APU witnesses were interviewed (**Pughsley Report, paragraphs**

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280). From my recollection, the APU could only identify those NG individuals who were willing to speak to the RMP which is why the other NG were not interviewed.

136. I recall that there were a few outstanding personnel who were in Command of UKSF, N1802 and N1786 at the time of the incidents which we did not interview as well as several potential Afghan witnesses. My understanding is that N1802 and N1786 had not been interviewed because the command responsibility element of the investigation was not pursued. If criminality had been found then they would have been pursued further. PM(A) gave a direction that N1802 and N1786 could not be formality interviewed and such a discussion with them had to be a "gentleman's chat". I firmly disagreed with this and therefore did not speak with them at all. In my opinion, it should have been a proper Section 9 witness statement as per the investigative strategy and not be different just because of rank. I was not prepared to just have a chat and therefore, since the option of a Section 9 statement was not open to me, I did not pursue this LOE.

137. As to the outstanding member of UKSF that was due to return from their posting in August 2019, I was aware that he was outstanding but only PM(A) can say why he did not wait for their return before closing OP Northmoor (**Pughsley Report, paragraph 282**).

1) <u>Interviewing UKSF Command</u>

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138. Those in positions of command responsibility were not pursued as the strategy was that they would be left to last and if any crime was established then they would be challenged with regards to their command responsibility to report such issues to the RMP in accordance with their obligations under the Armed Forces Act. However, as no crime was established they were not interviewed for this purpose.

139. I do believe they should have been interviewed and witness statements recorded for completeness of the investigation.

2) Interviewing Afghan soldiers

140. With regards to the Afghan soldiers, this was a very difficult space to investigate. In order to speak with them we had to rely on the unit we were investigating to pass the details on to the Afghan commanders and then rely on them to find the individuals, release them for interview, assuming they were prepared to speak with us, and then be able to provide reliable and honest accounts to us. With the time we had in theatre, the security situation, the drawdown of troops and the geographical nature of where the witnesses could or would be proved very difficult. In my opinion, this should have been achieved much earlier in the investigation when we had more access to potential witnesses, crime scenes and any evidence in situ. That said, the incidents were alleged to have taken place in 2011 and were not reported until 2014 which meant that a lot of forensic opportunity was already lost.

3) Interviewing N7054

141. We identified N7054 as being the OC of the Afghan Partnering Unit ("**APU**") at the relevant time in January 2019. The APU was partnered with UKSF and went with them on operations. N7054 was interviewed in March and July 2019. While he did not identify any concerns with the Objectives in scope of Op Northmoor, he did make an allegation that a member of UKSF committed an EJK against an unarmed elderly male during a separate UKSF Operation. However, I consider that N7054's allegation was investigated fully since we (a) identified the specific operation in question as Objective PPP2 (b) identified all relevant members of UKSF and (c) interviewed all of the UKSF witnesses including the shooter. The evidence was discussed with the office of the DSP and it was properly determined that the Evidential Sufficiency Test ("**EST**") was not met.

4) Delays in locating and interviewing witnesses – change from a covert to overt investigative strategy

142. There were also difficulties with locating and interviewing witnesses in that due to the time that had elapsed, some of the witnesses had passed away, or some were no longer in the army. For the UKSF witnesses we also had to rely on UKSF to provide their latest details and had to trust that they had indeed not contacted or briefed them. Some witnesses refused to speak with us, some were not comfortable with an SF disclosure officer being present.

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143. In relation to taking statements from UKSF on Objectives [redacted]1, [redacted]2 and Tyburn specifically, prior to this, the investigative strategy was a covert one until after the IRT review. This changed to an overt one following the PM(A) decision to adopt the IRT's suggested changes, and therefore we could start making direct approaches to potential witnesses. Until the strategy changed, nothing could be done and therefore witnesses could not be interviewed earlier.

144. I understand that Alan Pughsley raised a query about the reason for delay in obtaining witness statements from UKSF for Operations [redacted]1, [redacted]2 and Tyburn after the change of direction in 2016 (**Pughsley Report, paragraph 372**). From my perspective, there was a short delay between the IRT report being received by PM(A) on 24 January 2017 and it being communicated to the SIOs in February 2017 (**RMP-221-0000740-A**). The recommendations from the IRT report, as accepted and directed by PM(A), were given in priority order and they were clear that the first matter was to obtain statements from the complainants, Mr Bang and Mr Saifullah. In my view, this is the appropriate way around for matters to progress as we needed to have the statements containing the allegations before we could be clear on what we were interviewing the SF witnesses about. It took approximately 9 months to be able to take a statement from Mr Saifullah before statements from UKSF witnesses could be taken, as Leigh Day informed us that Mr Bang was to unwell to travel or to interview with us before that point.

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145. Furthermore, Objectives [redacted] and [redacted] were not given full investigative status until November 2018 and this was after I made a case to PM(A) for more DDOs than just Objective Tyburn to be investigated. I also recall that once the IRT recommended that Objectives [redacted] and [redacted] were to be investigated, I was instructed by Gold that I was not to proceed until AH NM spoke to DSF to tell him that we were looking into Objectives [redacted] and [redacted] in addition to Objective Tyburn. It was a month before AH NM was able to reach DSF and so this courtesy call also caused a short delay which I felt was unnecessary and was not a courtesy that would have been shown to a different Unit.

146. The same issues were posed by the Afghan witnesses as many were untraceable due to the time lapse, some would not speak to us and we had to rely on the Afghan authorities to provide detail and do the 'Trace, Investigate and Evaluate' ("**TIE**") process for us. With regards to Mr Saifullah specifically, there were massive delays in his availability, due to his location, the security situation, the fact that Leigh Day & Co ("**Leigh Day**" or **"LDC**") could not speak to their client for long periods of time and therefore coordination of the interview was very difficult. The additional effect of the roulemount of troops, the elections in Afghanistan, Ramadan and availability of flights lead to long delays. The requests to interview Afghan witnesses also had to go through the Embassy in Afghanistan which caused further delay.

5) *Obtaining data and digital media evidence*

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147. Efforts were made to obtain relevant data and digital media evidence in relation to allegations of EJK by conducting searches of the servers available, requests were submitted to UKSF for any video footage that existed but they returned negative results. This meant relevant media evidence could not be obtained as the RMP were told that it did not exist. For fullness, the RMP also sought to obtain media evidence from other sources, but again were unable to obtain them. See, for example, **RMP-221-0004561-A**, which documents that RMP's efforts to obtain FMV footage from US Military authorities were unsuccessful. Similarly, I note that prior to my arrival Captain Wright requested a Serious Incident Report from UKSF in respect of Op Tyburn which I pursued as an outstanding action when I took over. I was told that this did not exist and I requested a Section 9 statement from SF confirming that this document does not exist which I believe we did not get. However, I recall receiving confirmation via email from SF headquarters that the SIR did not exist (see **RMP-221-0000937-A**, **RMP-221-0000945-A**, **RMP-221-0001001-A**).

148. I understand that Alan Pughsley recorded a concern about the closure of Op Northmoor despite the ongoing review of UKSF data by the RMP (**Pughsley Report, paragraph 281**). For my part, I recall that although we were still in the process of reviewing all of the data, we had not found anything relevant to Op Northmoor during the review. In my view, there were no other investigative

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steps that should have been taken in relation to this line of enquiry, relating to digital and media evidence, taken that were not.

149. In respect of imagery analysis in relation to dropped weapons, all weapons that could be tracked were tracked and traced back to the individual operation and serial numbers were compared to records and images. Extensive searches and comparisons were made by Team 1 and Op Northmoor supporting cells to identify any repeat weapons but again none were found. Any footage, such as FMV, that was identified and viewed was recorded in the RMP daybooks but no positive imagery was found relating to the DDOs in question. In relation to the interrogation of ITS4, such as ITS1 and the ITS2 , the list of keywords was recorded in suitable HOLMES and searches were done on the system in order to find relevant investigative material.

b. <u>Recovery of the ITS1 Server</u>

150. In relation to ITS1, this was the main server and focus of the investigation for evidential purposes as it was the server used by the UKSF unit that was under investigation. All actions to do with the recovery of the server and the rationale for its recovery were before my tenure and therefore I cannot provide any further information.

c. <u>Refusal of request for forensic analysis of images</u>

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151. Forensic analysis of images taken on DDOs including EKIA was not undertaken. Despite my repeated requests, this was not done because the IRT disagreed with me and the investigation team about the veracity of such forensic examination.

152. IRT recommended to PM(A) not to have the photos or images forensically examined in relation to Objectives [redacted] and [redacted] until we could say when and where the photographs were taken and who by (**RMP-221-0000751-A, paragraph 2.7**). We did review the meta data of the photographs and establish when and where they were taken but we were unable to establish who took them. PM(A) accepted the recommendation, and so we were prevented from having this forensic analysis completed.

d. [redacted] *and* [redacted] *made witnesses*

153. The declaration of [redacted] and [redacted] as suspects was a decision made by Captain Jason Wright and I have no knowledge of his rationale. I agreed with the IRT recommendation to make them witnesses rather than suspects.

e. Decision not to 'link' the investigation

154. In relation to the decision to not 'link' the investigation, from my recollection and understanding the decision not to link the investigations was taken before my time. During my time as Silver /SIO the issue of whether to link

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the investigations or not, was part of the IRT review discussions. I believe it was under their advice to PM(A) that they remained individual incidents but were kept under review. It was considered at length, for instance between myself, the SIO Jason Wright, and his DSIO and the IRT whether the deaths being investigated formed a wider pattern of EJK by UKSF. I recall at the time that the IRT did not consider that there was a link and that is why they were not treated as such which I agreed with.

iii. Systemic Issues

155. The initial ToRs included identification of "systemic issues". I cannot comment on the investigation of systemic issues as I was not in post when these ToRs were drafted. As referred to above, we were told that we were looking at offences and then everything would be referred to the SIWG who would see if they identified systemic issues. The SIWG is an MOD entity, not specifically made for Northmoor and it is their role to perform a centralising function to look for systemic issues.

156. When I was first appointed Silver Command/SIO for Team 2, I was simply told by John Harvey to ensure that all casefiles that did not meet the EST would be sent to the Systemic Issues Working Group ("**SIWG**") for their consideration. I later also sent the T1 files and a copy of the SPIS for Objectives [redacted], [redacted], Tyburn and [redacted] to the SIWG once they were concluded.

iv. Prioritisation of Deliberate Detention Objectives

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157. The decision to prioritise Objective Tyburn was made before my tenure. I understand that this was prioritised as Leigh Day had issued proceedings based on the allegations from Mr Bang and his nephew Mr Saifullah that four members of their family had been unlawfully killed by UKSF personnel. HQ DSF had previously established that these family members had been lawfully killed by UKSF acting in self-defence during the course of the DDO for Objective Tyburn.

158. In November 2018, I was requested by Gold to select two objectives from the 11 DDOs that caused the greatest concern and present them to AH NM and PM(A) for consideration of further investigation. Objectives 1 and 2 were chosen as they had the highest ratio of weapons versus deceased individuals, the greatest opportunity to record evidence and, on analysis, presented the greatest suspicion of wrongdoing. Ultimately the decision was made by PM(A) based on the presentation that I made to him.

159. In my view, the investigation into those three Objectives 1, 2 **and Tyburn** determined the extent of the investigation into the other 8 DDO's and, in November 2018, they were considered low priority until Objectives 2 and 1 had been fully investigated. The rationale was that these presented the best investigative opportunities. If evidence could be found of wrongdoing in these cases and the EST was met, then consideration would be given by the hierarchy to investigating the rest of the DDOs. If there had been a positive result then consideration would be given by PM(A) and his

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advisors to direct looking at the other DDOs but this did not occur as there was no positive result from Objectives [redacted] 1 and [redacted] 2.

v. Possibility of Cover-up by UKSF

160. In relation to the possibility of cover up by UKSF, it was very much part of the investigation to consider whether the circumstances of any of the deaths on DDOs were covered up by UKSF. In order to investigate this possibility all records of the DDOs were reviewed in detail as to who wrote what. All personnel who could be traced and were willing to speak to us were interviewed to establish the facts and their evidence was reviewed for inconsistencies and command responsibility was considered throughout the investigation.

vi. The 'Leggatt Test'

161. My understanding of the Leggatt Test was that it was a judicial decision from Justice Leggatt in Iraq Historical Allegations Team ("**IHAT**") matters that provided a precedent for the rebalancing, in certain circumstances, of the Service Police statutory obligations to investigate alleged criminal and non-criminal offences. Legal advice was issued by legal in HQ PM(A), although I seem to recall that they outsourced for advice on whether the Leggatt Test applied to Op Northmoor but I cannot recall who to. It was determined that the 'Leggatt Test' applied.

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162. The test allowed for the Service Police to properly decline to investigate allegations of unlawful killing and/or ill-treatment of civilians by British soldiers unless it is supported by a witness statement which is –

a. signed by the claimant;

b. gives the claimant's own recollection of relevant events;

c. identifies any other relevant witness known to the claimant and the gist of the evidence which the witness may be able to give; and

d. explains what, if any, steps have been taken or attempts made since the incident occurred to bring it to the attention of the British authorities. **(MOD-198-0003685-A)**

163. On commencement of the investigation into regarding the DDO for Objective Tyburn and the claims made by Mr Bang and Mr Saifullah in around 2013, Leigh Day were requested to provide all relevant correspondence and material pertinent to the matters in hand. This request had been repeated on several occasions but no material was initially forthcoming.

164. The 'Leggatt Test' was considered, from February 2017, for Objective Tyburn but at that stage due to the complexities and subsequent DDOs identified in pursuance of the Objective Tyburn investigation it was not applied. In the end the Leggatt Test was not applied to Team 1 investigations. This was because until we obtained a statement from Mr Saifullah and/or Mr Bang it would not be appropriate to apply that test particularly in light of the existence of other DDOs. Subsequent engagement with Leigh Day by Gold and Silver

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Commanders secured the interview of Mr Saifullah following which we continued to pursue the investigation. Unfortunately, every time we tried to interview Mr Bang he was either too unwell or we were unable to get into contact with him. See, for example, **RMP-221-0001017-A**.

165. In my view, the Leggatt Test was applied appropriately during Op Northmoor and, with all consideration given to lines of enquiry and evidential opportunities, the application of the Leggatt Test led to the investigation being expedited and ensuring that time, resources and money was not wasted.

vii. Discounting allegations with the JCRP

166. I provide details on the JCRP at **Section I.v.** above. The purpose of the JCRP was to considered each case on its merits, applying emerging and relevant legislation and case law where appropriate (e.g. the `Leggatt Test').

167. For example, before Team 2's investigation was closed, all Team 2 case files were submitted and scrutinised by the JCRP before a final decision was made. See, for example, **RMP-221-0004452-A**, **RMP-221-0004453-A** and **RMP-221-0004459-A**. As the investigation streamlined with the disengagement of the NCA and GMP, the JCRP process involved the OOT, Silver and the SIOs.

168. I felt that this was a very good way to ensure governance over every decision to continue or discontinue investigations. It allowed the investigators to discuss LOE with the legal team and make an informed decision as to whether to continue with the investigation or not.

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L. Operation Cestro

169. I was not personally involved in Op Cestro however, I do recall that it was considered whether it may fall within the Op Northmoor ToRs and it was reviewed to establish if there were any links with Op Northmoor cases or further LOE but none were found. Therefore no further action was taken in respect of it. I understands that Alan Pughsley believed that I reviewed the investigation. However, this is incorrect as this review was carried out by Jason Wright and his team of NCOs.

170. In my opinion, Op Cestro was adequately investigated on Op Northmoor by the RMP as it was thoroughly investigated by 62 Section SIB with two referrals made to the DSP but the SPA did not proceed with any charges or prosecutions. Since this decision was taken by the office of the DSP, I do not know why that decision was made.

M. Other Investigations

171. In respect of Op Pavo, I recall that following an investigation by 62 Section SIB it was completed in January 2012 with no referral. This was reviewed by Op Northmoor to determine whether any matters needed to be included in the Op Northmoor investigation but no further action was taken.

172. Similarly, following an investigation by 62 Sect SIB, Op Shiverwood was transferred to Op Northmoor in 2015 to try and recover any of the outstanding footage recorded by an [redacted] Air Asset present on the

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operation in question. Serious compatibility issues existed with the technology and although a copy of a server, which may have contained some footage, was recovered from US authorities it was not viewable with current platforms and therefore could not be viewed. Following review, direction was given by the then Gold Commander, Lt Col John Harvey, that this was deemed outside of the ToRs for Op Northmoor and returned to 4 Inv Coy SIB Regt for them to continue with the investigation instead completion.

173. In relation to [redacted]*, the footage of the incident was held by Op Northmoor. It was reviewed with the DSP Mr Andrew Caley in May 2017 and, following that, there was consultation with the SPA and the decision was made that the EST had not been met and no referral was made.

174. [redacted]

Details of an RMP investigation into allegations of mistreatment and/or murder not involving UKSF

[redacted]

N. Ending the Investigation

175. According to the IAG, all reasonable and proportionate LOE had been followed for the investigations within the ToR and that led to the closure of Op Northmoor in August 2019.

176. Whilst the investigation had been going on for several years, without any positive leads, I felt that the closure of Op Northmoor was premature and

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*an allegation made by IIA828 about an EJK by a member of UKSF

expedited due to the changeover of PM(A).Personally, I did not believe that we had looked at all aspects that we could have done during Op Northmoor before closing it.

177. I also agree with Alan Pughsley's characterisation that the ending of the investigation was rushed. For example, I was only told Op Northmoor was closing on, I believe, Monday 15 July so that PM(A) could brief ministers on Wednesday 17 July that all reasonable and proportionate LOE had been completed and that all active Op Northmoor investigations would stop (**RMP-221-0000791-A**).

178. Ultimately, the ToRs limited us to a certain time period and specific DDOs and therefore it would be correct to say that we had exhausted those investigations with reasonable and proportionate LOE but I felt that we should have expanded the ToRs.

i. Outstanding LOE

179. I am aware that there were outstanding LOE's that had not been followed and/or adequately pursued by August 2019. I also detail this above at **Section K.ii.a.**

180. In particular, there was an outstanding witness that was not pursued, in my opinion, to the investigative standard I would have expected. One of the final Afghan soldiers that was interviewed by the team made an allegation of dropped weapons. It was not in relation to Objectives Tyburn, [redacted][1] or [redacted][2] and

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therefore the investigators focused on completing their interviews in relation to those three objectives before returning to the allegation he had mentioned in interview.

181. At that time the Afghan soldier stated he was tired but was willing to provide more detail at a later date. Over the next few days, whilst in Afghanistan, efforts were made to re-interview the soldier but he was either not available or the Afghan commanders sent the wrong individual. As the investigators' time in theatre had run out, they left without being able to follow up the allegation. This was raised to the chain of command, Lt Col John Harvey and AH NM Rob Morris, but the decision was taken by them that all reasonable and proportionate efforts had been made to secure his evidence.

182. I did not feel this was the right decision and I continued to remind the AH NM as they handed over that there was an outstanding allegation and witness to potential unlawful behaviour. This was recorded in my policy notes and emails to my senior commanders and I repeated these concerns in email to every subsequent AH NM to remind them that there was an outstanding Afghan witness.

ii. Final ABE Interviews in Afghanistan

183. I was aware that at the time the decision was made to conclude Op Northmoor, although the investigation team was not physically in Afghanistan, they were returning with the evidence they had recovered from there. I

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submitted my objection to the closure of Op Northmoor before the evidence had been reviewed by myself and the OOT (**RMP-221-0000791-A**). It was my understanding that the investigation team had completed the work they could within the time and access that they had in Afghanistan.

184. All further possible investigations were either passed to the SIB Regiment or, as was the case with the Afghan witnesses, left at a strategic level for a decision as to how to proceed.

185. In relation to the ABE interviews conducted by the team, I had received a verbal brief from the investigators following the interviews but I had not seen the interview or transcript as this was still in transit at the time the decision was made to conclude Op Northmoor.

iii. Team discussions on the closure of Op Northmoor

186. The first I heard about Op Northmoor closing was when I received a telephone call from Rob Morris, AH NM, to ask what progress had been made and I explained that I had a team returning from Afghanistan and that the APU might have more information. He told me that PM(A) had decided that all reasonable and proportionate LOE had been exhausted and Op Northmoor would be closed. There was discussion at the time about the decision to end Op Northmoor as this was discussed with all those still left in RAF St Mawgan. I briefed them on the decision by PM(A) to close Op Northmoor and a discussion, that included junior NCOs, SNCOs and officers, was had amongst the team. I

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cannot recall exactly who was there or what their exact opinions were but I do recall the general consensus was that it would be odd to close Op Northmoor without review of all the material.

iv. Executive Summary in relation to Op Northmoor

187. It was me who wrote the Executive Summary, with some assistance from my DSIO who was WO2 Smith with input from all of the heads of departments and I felt that it was a comprehensive reflection of the investigation. As with any document of this nature there were always going be drafts to allow for changes, corrections and formatting. This is why it appears that multiple copies of the Executive Summary were drafted.

188. My intention was that the Executive Summary would be the kind of closing report that Alan Pughsley refers to in him report (**Pughsley Report, paragraphs 54-55 and 278**) as it encompasses all the activity from across all Op Northmoor teams. It deals with the inception of Op Northmoor, the location selection, the FDHC and changes of leadership. I accept that the Executive Summary may not be up to the standard expected by Alan Pughsley and the Home Office police.

189. With regard to the separate annexes and documents that he suggests the report should have, there were separate case documents in Op Northmoor that already contained all of this information and so I felt it was appropriate to summarise them instead otherwise the Summary would have run to tens of

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thousands of pages. This Executive summary was designed to be provided to other people either if they needed to pick up Op Northmoor again or for a similar investigation so that we could be clear on what some of the issues were so that future people could avoid making the same mistakes.

190. I cannot recall who decided to call it an Executive Summary rather than a closing report but it seemed to me to be the right name for that type of document.

191. I was directed by Gold to write the report after I joined Op Northmoor and I started it when some of the investigations had ended but whilst Op Northmoor was still ongoing. It was designed to be a document with a chronology of what happened and drafted whilst people were still at Op Northmoor so that I could speak to the relevant people. This therefore was not a direction given at the end/ at the decision to close Op Northmoor.

192. Once the report was finished, I sent it to Gold, John Harvey, who agreed with the content, but I believe that a final review and wet signature was provided by Mark John, the final AH NM, because the final version was completed in 2020 when John Harvey had already left Op Northmoor. I am also aware that there were closing reports for Op Northmoor in the form of Service Police Investigation Summaries.

193. I was directed by Gold that the Executive Summary needed to include the background, summaries of investigations, how Op Northmoor was set up, problems encountered, what the supporting elements were and lessons learned.

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Essentially, I was told to cover everything. I was not given any other specific direction regarding production of the Executive Summary and I was not given any precedent document. The format and form of the Executive Summary was my own choice on the basis of what I thought would be the most appropriate. I did the best job I could but, with hindsight, I perhaps could have benefitted from an advisor on how better to do such a report.

194. I am not aware that such a large report has been done by the RMP before and believe that this Executive Summary was required owing to the size and uniqueness of Op Northmoor.

O. Other Matters

195. During my time on Op Northmoor, I was involved in briefing/meeting/liaising with the following categories of individuals in relation to Op NM: SO1 Legal in HQ DSF and their disclosure staff, Deputy Chief of the General Staff ("**DCGS**"), DSP/SPA and the only MOD officials/ civil servants I engaged with was Peter Ryan from DJEP.

196. With regards to HQ DSF these were discussions around disclosure and access to material and were not investigate updates. With regards to DCGS/civil servants, the purpose was to provide an update on the investigation. This was a general overview of the investigation rather than providing any investigative specifics. As for the DSP/SPA I provided in-depth briefings on the investigation to provide updates and ask for legal advice.

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197. There were no minutes taken for meetings with DCGS, civil servants or UKSF as there was no requirement to do so. They were either direct briefings or just discussions. With regards to DSP, whilst minutes were not taken the outcome of decisions or agreements were recorded in policy books when there was a requirement to do so. I did not consider that there was any risk in briefing these people as those that were briefed were given clearance beforehand and the level of briefing was delivered appropriately.

198. I do not believe that there was external pressure to influence the outcome of Op Northmoor but there were people such as Peter Ryan who were keen for the hierarchy to provide a date for completion, so that he could brief ministers. No such date was provided by myself as investigations of any description do not have a prescribed completion date. We follow the evidence where it takes us for as long as is reasonable and proportionate to do so.

P. Overall Impression

199. In my view, Op Northmoor was conducted properly and professionally within the resources and experience we possessed. Within the ToRs we were set, every effort was made to comprehensively investigate every avenue. However, I do not consider that the investigation was expeditious. There were many delays some of which were unavoidable and out of our control such as the ability to deploy to Afghanistan. This required trained personnel, aircraft

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availability, accommodation availability, security, and a protection force to name just a few things.

200. In my view, Op Northmoor was also effective to the point that it stopped, although it was probably not adequate overall as I do not think the investigation should have ended when it did. There were outstanding LOE that could have been pursued further.

201. Overall, I believe that the RMP were the right organisation to investigate as they had the knowledge and understanding of investigating in an operational environment. Conventional civilian police tactics as set out in the MIM do not always work in theatre and that is an important factor to consider when looking at the way Op Northmoor was conducted. What we lacked was the comprehensive experience of such a complex investigation and perhaps would have benefitted from having additional expertise or a hybrid team in which an experienced SIO from the Home Office Police worked with the RMP but this I can only say now with the benefit of hindsight. My experience was that the support from other such as the MOD, senior echelons of the Army and military was mostly positive.

Statement of truth

I believe the contents of this statement to be true.

Signed: Signature

Signature

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Ref [IIA to insert]

Dated: 16 June 2025

Signature

Signature.....

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