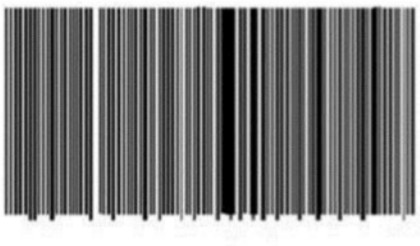
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



RMP-221-0007104-A

Ref (to be inserted by Inquiry)

Witness name: Philip Jones

Statement Number: R.9.44(S)

Dated: 5 August 2025

Exhibits: 10

INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

WITNESS STATEMENT OF PHILIP JONES

DATED 5 AUGUST 2025

---

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

22 November 2017, **RMP-221-0000746-A**; (iv) 'Assurance of IRT Operation Northmoor Recommendations – Sensitive' dated 2 August 2018, **RMP-221-0000751-A**; and (v) 'Assurance of IRT Operation Northmoor Recommendations – Sensitive' dated 12 April 2019, **RMP-221-0000755-A**.

A. Training and Experience

3. Since 1972 until my retirement from Merseyside Police in 2002, prior to Op Northmoor, I worked in law enforcement up to the rank of Detective Superintendent and Heard of the Force's Crime Operations.
4. Throughout my career, part of a senior police officer's role is to review cases and provide advice on lines of enquiry. During this time I had experience in investigations involving material held at [redacted]. I did not have experience of criminal investigations into military personnel as this is usually the RMP's jurisdiction. As noted in the summary of my career below, I did have specific experience as an independent external reviewer tasked to review a complex investigation into homicide for up to 14 months in 2002.

Career with Merseyside Police (1972-2002)

5. From October 1972 until January 2002, I was a police officer with Merseyside Police undertaking increasingly senior roles. I set these out in the following paragraphs.
6. From October 1972 until March 1987, I was a Detective Constable in the city centre, then a Detective Constable in the Regional Crime Squad before being promoted to Sergeant with Merseyside Police. I was then a uniformed Sergeant in St Helens before I moved back into the Criminal Investigation Department

("**CID**") into the city centre of Liverpool. Once again, I returned to the Regional Crime Squad as a Detective Sergeant on covert target operations.

7. From April 1987 to October 1989, I was seconded as a Detective Sergeant to the Independent Commission against Corruption in Hong Kong where I led investigations into Horse Race fixing (the 'Shanghai Syndicate'), air freight fraud by cargo managers and fraud in the Hong Kong Shipping Insurance Market.
8. From October 1989 until February 1992, I was a Detective Inspector in the Wirral area, acting as a criminal investigation manager supervising a team of detectives. As part of this, I led investigations into elder abuse, rape and homicide.
9. From February 1992 until March 1993, I was a Detective Inspector in the Serious Crime Squad. My principal responsibility was the management and performance of the squad's sub-team focused on investigations into robbery.
10. From March 1993 until June 1995, I was a Detective Chief Inspector acting as the Head of Criminal Investigations in the St Helens Area of Merseyside. During these two years, I, amongst others, formally reviewed several outstanding homicide investigations and the investigation of a serial rapist. I also acted as a trained assessor of police officers for selection to specialist posts and for promotion, up to and including the rank of Superintendent.
11. From June 1995 until June 1996, I was a Detective Chief Inspector, acting as the Deputy Head of the Intelligence Bureau. I led and coordinated the covert assets of the force and focussed the analysis effort in support of operational colleagues during a turbulent period in which Liverpool became known as 'Gun City, UK' where there were frequent firearm discharges and an increase in murder cases. I

also initiated and led early implementation of an increase in resources and capability in the force's intelligence function.

12. From June 1996 until February 2001, I was a Detective Superintendent acting as Head of the Anti-Corruption Unit where I led various corruption investigations. This included carrying out extensive enquiries in Netherlands in relation to follow-up enquiries on a covert investigation. I also undertook international anti-corruption capacity building missions to Hungary and Slovakia to support their EU accession bids.

13. From February to May 2001, I was appointed by the Court of Appeal to act as Detective Superintendent on an Outside Force Investigation on behalf of the Metropolitan Police and under supervision of the Serious Fraud Office which involved investigating facts occurring 11 years prior.

14. From May 2001 to January 2002, I was the Head of the Force's Crime Operations, managing approximately 450 investigators, analysts and specialist support personnel. I was responsible for all proactive investigations into organised crimes, as well reactive serious crime investigations and management of 'crimes in actions (e.g. hostage taking). I was also responsible for the specialist fraud squad, the International Crime Unit, Computer Crime Unit and the Covert Operations Team.

15. From January 2002 to March 2003, while still with Merseyside Police, I was attached to the Police Service of Northern Ireland (then the Royal Ulster Constabulary) to support the investigating officer in the Omagh Bombing investigation. My role was an External Senior Investigative Adviser. It was during

this time that I first worked directly with Cliff, although I knew him more generally from Merseyside Police

Career Post Merseyside Police (2003 to 2019)

16. From March 2003 to July 2014, I took up the position of Operational Review Coordinator for the National Crime Squad, which later became part of the Serious Organised Crime Agency before finally becoming the National Crime Agency ("**NCA**"). My main responsibility was reviewing covert operations throughout the country, as well as assisting forces in independent reviews.
17. From July 2014 until early 2016, I had a sabbatical from work for personal reasons.
18. For around three months from March 2016, I was self-employed and I was appointed to review an alleged corrupt senior officer in a southern police force. It was appropriately resolved.
19. From around November 2016, I was appointed to work as an independent review officer for the Ministry of Defence ("**MoD**") for two investigations.
20. I first formed the IRT with Cliff for Op Northmoor, providing five separate pieces of advice from December 2016 until April 2019 to the RMP. Cliff and I were well partnered, as I would enjoy the more 'big picture' aspects of the advice and he would enjoy getting into the more technical detail regarding aspects of the investigation such as the use of HOLMES and the grading of the underlying intelligence.
21. After Op Northmoor, Cliff and I again worked together as the IRT on the Iraq Historical Allegations Team ("**IHAT**") investigation which later merged into the

Service Police Legacy Investigation ("**SPLI**") for the Ministry of Defence. We carried out a thematic review for three weeks in 2019.

22. I remember our role on Op Northmoor was very different to our role on the Omagh Bombing investigation. For this, we were fully embedded on a day-to-day basis as part of our role as independent investigators. In contrast, I think we were only on Op Northmoor for something like 30 days spread out from around November 2016 to April 2019, attending only at the request of Lt Col John Harvey.

B. IRT Reports

Appointment to Op Northmoor

23. I first heard about Op Northmoor when Jon Murphy got in touch with me in lae 2016 to ask if I would be interested in coming on to provide an external, independent review of the investigation. I knew Jon Murphy from our time in Merseyside Police although I had never worked with him directly. I assume Jon Murphy thought of me for the role because he knew my background and knew that I had started doing independent investigative work for time to time. As I said I was interested, Jon Murphy arranged for me to meet with the GOLD Commander on Op Northmoor, Lt. Col John Harvey.

24. On 18 October 2016 therefore, Lt. Col John Harvey and I met at Bulford Army Camp to discuss the scope of the Op Northmoor investigation, the proposed role and whether I was suitable for the role. At this meeting it was agreed, subject to me receiving appropriate security confirmation, that a "*review of the structure, working practices, priorities and resilience should take place*". *See* **RMP-221-0000741-A, para. 1.1.**

25. During the meeting Lt Col John Harvey mentioned that the investigation was considering applying for Regulation of Investigatory Powers Act 2000 ("**RIPA**") authorisation to employ covert techniques and that they would like my view on this as well. I recalled that Cliff had many years' experience working as an Authorising Officer under RIPA and so proposed to bring him on to advise on the potentially covert aspects of the investigation. With Lt Col Harvey's authorisation and Cliff's agreement, Cliff and I formed the IRT. While we were appointed to provide advice to the RMP's Op Northmoor investigation, I recall we were remunerated by the MoD. *See* **RMP-221-0007102-A**.

Scope of the role

26. I do not recall a document that RMP provided as a written terms of reference ("**ToRs**") relating to our appointment. My understanding of the scope of the role came from that initial conversation I had with Lt Col Harvey. Our role did not change during our time on Op Northmoor.

27. In our initial two IRT Reports, Cliff and I set out our understanding of the terms of reference of our role per this same discussion.

28. For the 'Non Sensitive' work (i.e. Team 2's investigation into allegations of detainee abuse in Afghanistan) we were to undertake an independent review "*of the structure, working practices, priorities and resilience*." **RMP-221-0000741-A,** para. 1.1.

29. For the 'Sensitive' work (i.e. Team 1's investigation into allegation of extra-judicial killings committed by UKSF), our terms of reference were:

- "*Robust evidence based analysis of Op Northmoor's organisation structure, working practices and its output.*
- *What is required in the immediate future and over the longer term*
- *Whether the current systems are viable for the prompt, effective and accountable investigation of allegations made to Op Northmoor. (e.g. balance of effort exchange time against budget)*
- *And, if not how Op Northmoor might better support and be supported for these objectives.*
- *Based upon all the evidence available, whether Team 1 matter merit further investigation*" *See* **RMP-221-0000740-A**, para. 1.4.

30. For the purpose of this Inquiry, I focus the majority of this witness statement on the advice we provided on Op Northmoor Team 1's 'Sensitive' work investigating the allegations against UKSF of extra judicial killings in Afghanistan.

Visits to RAF St Mawgan and SIO Presentations

31. We provided an IRT Report at the end of each of the five in-person visits to RAF St. Mawgan in Newquay. Initially, we were only engaged to provide advice following the two visits.

    a. First, on 22 November 2016, for the 'non-sensitive' aspects of Op Northmoor which was followed by IRT Report with six Recommendations dated 2 December 2016 – *see* **RMP-221-0000741-A**, para. 5; and

    b. Second, on 3 January 2017, following confirmation of our relevant clearance, for the 'sensitive' aspects of Op Northmoor which was

followed by the IRT Report with eight Recommendations dated 24 January 2017. *See* **RMP-221-0000740-A**, para. 9.0.

32. The other three visits were assurance visits to review the implementation of our reports. These were always done as separate requests and appointments by the MoD. We were not able to dictate whether or when we would return for another visit.

    a. The first, on 13 November 2017, for assurance of the six and eight recommendations, was followed by the IRT Report dated 22 November 2017. *See* **RMP-221-0000746-A.**

    b. The second, on 30 July 2018, for re-assurance, which was followed by the IRT Report dated 2 August 2018. *See* **RMP-221-0000751-A.**

    c. The third, on 8 April 2019, for further re-assurance, which was followed by the IRT Report dated 12 April 2019. *See* **RMP-221-0000755-A.**

33. Each of the five visits lasted around a week each and would follow the same pattern. The pattern and length of visit was dictated by the MoD's letters to us regarding our appointment and activity and I assume their underlying budget as well. *See* **RMP-221-0007102-A**. The visit would start with a presentation from the relevant Op Northmoor Team, usually led by either the SIO or SILVER Command who would explain and/or provide progress of the investigation. Cliff and I would ask questions and interrogate the Team at the end of the presentation, and request to review the material underpinning the presentation. This would sometimes be followed by further back-and-forth discussion with the SIO and/or SILVER Command regarding the material and any other follow-up questions we had. Throughout our visit, Cliff and I would have more informal discussions with

the SIOs/SILVER and GOLD respectively to discuss the development of our IRT recommendations. Throughout our visit, Cliff and I would speak privately regarding our reflections and views and we would start drafting the requisite IRT Report. As we could not take any material out of St Mawgan, we were given Service Police Workbooks to write notes in which we handed back to Op Northmoor at the end of every visit. *See* **RMP-221-0007101-A; RMP-221-0007103-A**.

34. Our understanding of the main purpose of the reports was to ensure that Op Northmoor had a consistent approach to lines of enquiry and that any viable lines of enquiry were exhausted. To us, it was logical that our reports would raise issues and end with recommendations so that the Op Northmoor team could implement them on a tactical level.

35. At the end of the visit, we would share the IRT Report with GOLD Command and the SIOs/SILVER Command. GOLD Command would review the report and discuss it with us in a 1-2-1 meeting. I understand he would then distribute it to his higher chain of command. The content of the IRT Report would not change after GOLD Command reviewed the report.

36. For GOLD Command and below, there should never have been any surprises regarding the content as we had been discussing the drafts with them throughout the week. However this is not to say that they dictated the conclusions of the report – we would note where our conclusions differed from the SIO's own views. *See, for example*, **RMP-221-0000740-A, paras. 4.3, 4.4,** where the IRT disagree with SIO for Team 1, Capt Jason Wright, that there is sufficient actionable

intelligence to lawfully support viable consideration of the use of covert tactics under RIPA.

37. For those above GOLD Command, I understand it was Brigadier Neal, Jon Murphy and Legal who had sight of the IRT Reports, but I do not know for certain whether they were shared more widely. When Cliff and I produced the reports, we did not set out on the assumption that our recommendations would be wholly adopted. Ultimately the IRT Reports were recommendations and not directions. However, because we kept getting invited back for further assurance visits and did not receive negative feedback from GOLD Command, and through him, from the higher RMP chain of command, we expected the recommendations would be implemented.

38. I note that Mr. Alan Pughsley in his expert evidence to the Inquiry said that the IRT "*seemed to almost be directing this investigation rather than advising on it*". He then makes the point that this might indicate that the RMP was not independent but rather being "*led by a Home Office force*". *See* **Expert Evidence of Alan Pughsley, Transcript, Day 15, 27 January 2025**, p. 24, lines 20-24; p. 25 10-13, 19-22. I felt we were providing 'common sense' recommendations in an effort to gather the sought evidence and/or intelligence and we were grateful that the recommendations were accepted and acted on. We were not leading at all, nor were we reviewing the SIO's policy books. We were providing recommendations after continual discussions with the SIOs and Lt Col Harvey. As reflected in the IRT Reports, while we were largely satisfied with the extent of Op Northmoor's implementation of our recommendations as they progressed their analysis of evidence and intelligence during our involvement, I would point

out that the following matters were recommendations that were not complied with.

39. First, the team did not provenance the photographs. There was no meta-data. I had never seen this before. In defence of the Op Northmoor team, they might have requested this, but the answer from the Special Forces might have been that there was none. It could be argued that the removal of meta-data is for the benefit and safety for this country. However I am also aware that Special Forces have likely extensively improved and developed their operational experience, Examples Provided . This experience is likely incorporated in how they deal with police enquiries into their practice. This practice also had been subject to extensive defensive legal advice over the years. In other words, the Special Forces are aware of the importance of meta-data to an investigating officer who might want to seek to rely on photographs. Of course, my view here is based on assumptions and needs to be verified.

40. Second, they never implemented our repeated recommendations to seek duty statements from those present during the relevant Deliberate Detention Operations ("**DDO**"). We were disappointed that the duty statements did not happen for Operation Tyburn. We also continued to ask for them for Objectives 1 and 2 as this was only real way we could get possible intelligence and evidence. I go into this in more detail below.

41. I cannot comment on who in the RMP made the final decision on whether to implement our various recommendations. I also cannot comment on what their

rationale was. Where they agreed with us I assume their rationale was consistent with the IRT's own.

42. In total, I believe we probably spent around 30 days in RAF St Mawgan. Throughout my time on Op Northmoor, I recall I felt adequately supported in my role by the RMP, the wider armed forces and / or the MoD.

Challenges of the role

43. I recall four challenges during my time advising on Op Northmoor.

44. First, this enquiry was unique in its size and composition. It had an underlying lack of actionable intelligence and evidence. There were no bodies, no forensic DNA, no scene, and no reliable photographs or usable data.

45. I remember that before we met with the then SIO for Team 1, Captain Jason Wright, for our first meeting in January 2017, there was such a build-up surrounding what they had discovered. But then, when Cliff and I were listening to the presentation itself we were very disappointed. While they had gathered a lot of material, the material they had did not constitute actionable intelligence or evidence. Time had passed since the alleged crimes, witnesses and alleged suspects were inaccessible so trying to find new actionable intelligence or evidence was difficult. Further, Afghanistan had become more dangerous in that time [redacted] and so Op Northmoor struggled to send people out there. Even with the work put in to advancing lines of enquiry, the lack of actionable intelligence or evidence to either prove or disprove the

Team 1 allegations was an issue throughout and until the end of my time advising on the Op Northmoor investigation.

46. I note that throughout his evidence, Mr Alan Pughsley relies heavily on the Murder Manual when assessing the Op Northmoor investigation. *See, for example,* **Expert Evidence of Alan Pughsley, Transcript, Day 15, 27 January 2025**, p. 26 line 13, p. 38 line 2, p. 43 line 20. In my view, while the basics outlined in the Murder Manual are always useful to guide an investigation, a unique enquiry such as this also requires a unique and nuanced approach. You need to look at gaining opportunities where you can which might necessitate breaching the cultures of the RMP and indeed the Special Forces. For example, as I detail below, the taking of duty statements —while not part of the RMP's usual operational practice— was something that Cliff and I strongly felt was necessary to try to extract information and gather opportunities for intelligence or evidence. I, of course, understand why these cultures exist but for an investigation like Op Northmoor, challenging these practices can be the only way forward.

47. Second, I recall that Op Northmoor Team 1 did not always appear to understand that the material they had was not actionable intelligence and evidence. There is a difference between what you as an investigator think happened, and what the intelligence and evidence actually indicates. In this case, intelligence and evidence did not indicate a crime. I recall that Captain Wright, the then SIO for Team 1, did not always appear to understand the concept of graded intelligence. For graded intelligence, an SIO must not only assess the reliability of the information itself, but also the source of that information. Where this lack of

understanding became most clear to Cliff and me was Captain Wright's focus on trying to seek permission to pursue covert tactics to advance the case, and also Captain Wright's and Major Cox's approach to assessing photographs as possible evidence. I go into both of these examples in more detail below.

48. Third, Op Northmoor's refusal to implement the IRT's repeated recommendation to seek duty statements. We didn't understand why they hadn't already collected statements as a first step of the investigation. To help collect information, we recommended they get duty statements from everyone who attended the 'scene' such as the UKSF units present during the relevant DDO. I don't know why they did not do it, other than it was not something within RMP's operational practice. Instead, they opted to seek statements under Section 9 of the Criminal Justice Act 1967.

49. In the civilian police force, duty statements are something we would have done as routine. Duty statements give you more flexibility whereas Section 9 statements mean that witnesses stick to a script as they can be relied on in court. Section 9 witness statements are sanitised documents which is not what you want when you are running an intelligence-lead investigation. To be fair to the Op Northmoor Team, I recall UKSF individuals were claiming that they could not differentiate between one DDO and another so asking them for duty statements this long after the fact may not have achieved much more. However, we continued to ask Op Northmoor to consider duty statements as this appeared to us the only real way we could get possible intelligence and evidence.

50. Fourth, I remember Cliff and my role on Op Northmoor was very different to our role on the Omagh Bombing investigation where Cliff and I were also essentially

an IRT. During the Omagh investigation we were fully embedded on a day-to-day basis as part of our role as independent investigators. As I say above, I think ultimately we were only working on Op Northmoor for about 30 days. Our advice was therefore necessarily limited to the information and material the SIO and his team provided us in the SIO presentations and during the days we were in RAF St Mawgan. As we set out in our IRT Report dated 24 January 2017, our work on Op Northmoor was a "*focused review, to a set terms of reference and short timescales, with a reliance on the information presented by the Senior Investigating Officer (SIO) and his team. It follows that it has not been possible to examine all available material*." *See* **RMP-221-0000740-A**, para. 1.3. We therefore had no time to do anything else.

End of the role

51. As detailed above, the final IRT Report was submitted on 12 April 2019. I believe Lt Col Harvey told us that this would be our final report. I understand now that Op Northmoor closed a few months later but no one from Op Northmoor informed the IRT at the time. I cannot comment on the rationale for why we were not invited back again before Op Northmoor closed. I recall that at the time of the final IRT Report there was no actionable intelligence or evidence to either prove or disprove the allegations of extrajudicial killings. At the time, I assumed when we were not invited back that there was still little or no prospect of garnering anything new, and so there was no need to invite us back. I go into more detail on this below.

C. Op Northmoor Terms of Reference

52. The IRT did not advise on the Op Northmoor ToR, nor the revised Op Northmoor ToR. I am therefore unable to comment on reasons for the revision, and in particular the removal of the reference to identifying "systemic issues". I am therefore also unable to comment on whether the revised ToRs were adequate.

D. Investigation Structure

53. The IRT was asked to advise on the team structure. I recall I was impressed with the teams and how they were set out and did not have much to add. I recall thinking it was fit for purpose. They were well-staffed with professional, motivated and polite people.

54. The Teams were siloed from each other but that was expected considering the sensitivities of the material.

    a. Team 1: Team 1 worked on the "sensitive" allegations. These were the allegations against the UKSF of extra-judicial killings in Afghanistan. The SIO for Team 1 was originally Captain Jason Wright before Major Matt Cox took over.

    b. Team 2: Team 2 worked on the detainee abuse allegations. The allegations had been made against the treatment of detainees of the UK Forces in Afghanistan. This included the law firm Leigh Day's civil claims for damages against the Secretary of State for Defence (Project ELSINORE), allegations against custody staff in the National Afghanistan Detention Facility (Operation ISOPTIC), and the 15 SIB complaints of detainees made whilst in detention of UK Forces. I recall

when I joined that WO2 Zoe Duce was in charge of this work. *See* **RMP-221-0000741-A**, paras. 2.3-2.8.

c. Team 3: This was the support team for both Teams 1 and 2. From my work books I recall this team was led by Captain Stribling when I first joined. *See* **RMP-221-0007103-A**, workbook p. 7. I believe this might have included the Major Incident Room ("**MIR**"). This was where the Op Northmoor investigation used HOLMES. HOLMES is an investigative tool and useful repository for material. We also advised the team to use HOLMES to create a sequence of events to help with the chronology of events and help induct any new joiners to team. They key thing with HOLMES is to make sure you use it correctly so that the system can properly analyse the information. For example for Team 2's work, we advised that all individual complaints populated under one nominal so that they could assess the true extent of the number of people who were actually making the complaints. I recall that Op Northmoor used HOLMES in an organised way, with input from a HOLMES expert.

55. The team structure changed when Team 2's work was wrapped up but I cannot recall the details of the new structure. I had no concerns with this as downsizing was logical as the lines of enquiry were being exhausted and we were not finding any new actionable intelligence or evidence.

56. I recall that above the leadership structure involved the Provost Marshall Army ("**PM(A)**") Brigadier David Neal at the top who was supported by Jon Murphy and the legal team. Underneath them sat GOLD Command, Lt Col John Harvey. As

described above, my understanding was that after our IRT Reports went to Lt Col John Harvey, he who would take the reports to that group.

57. To me, Op Northmoor's team and leadership structure appeared clearly defined, with each person knowing what their role was. I have been asked about my understanding of the roles of the following leadership positions within Op Northmoor and my opinion of the persons who occupied those roles:

    a. PM(A) was at the top of the RMP chain of command. The position was held by Brigadier David Neal. I do not recall interacting with him and so cannot say more.

    b. The Assistant Heads: I had no recollection of them.

    c. GOLD command was Lt Col John Harvey. He was the IRT's main point of contact, and held the most senior role on the tactical end of the investigation's chain of command. I recall I found him professional, trustworthy, courteous and that he had good leadership skills. Overall, he was spot on for the job.

    d. SILVER command was Major Matt Cox. He was not with Op Northmoor when we were initially involved but I cannot say when exactly he joined. I recall he was enthusiastic, thorough and pragmatic. He readily understood our advice and was able to implement it. He was a pleasure to work with. Overall he was the right man for the job. A round peg in a round hole. It was apparent he would listen to his officers in a way they were not inhibited because he was receptive to information and challenge.

    e. I do not recall a BRONZE command.

f. I recall the OC was Tina Stitson, but I do not know what the role entailed. I met her once during my time on Op Northmoor but we did not discuss the investigation itself. I am unable to comment on whether she was adequate for the role.

g. I do not recall any OIOC.

h. I recall the SIO for Team 1 was Captain Jason Wright before Major Matt Cox later took over. Captain Wright was hard working and enthusiastic, but it was clear he had a belief system in play. By that I mean that he thought he knew what crimes has been committed. However, there was not enough focus towards underpinning his beliefs with the foundations of investigation, i.e. graded intelligence and evidence. *See* **RMP-221-0000740-A**, para. 4.3. You do sometimes need 'mavericks' in an organisation to cut through red tape and drive things forward but it still needs to be rooted in foundational principles. Overall his intentions were good but perhaps he didn't appear to have the requisite experience or knowledge to get where he wanted to go with the investigation. I got this impression in particular from his proposed plan to pursue covert tactics which I go into in more detail below. Below I also query the level of influence the NCA advisor had over Captain Wright. I raised some of these concerns with GOLD command but I cannot say what action, if any, resulted. Despite Captain Wright perhaps not being sufficiently experienced, there was no evidential loss due to his appointment.

i. I do not recall a DSIO.

j. I recall the WOIC for Team 2 was WO2 Zoe Duce. She led Team 2's work when I first joined. She was impressive. I recall thinking she would go far as she was professional, thorough and very bright. You would tell her something once and she would instantly grasp it. The only real steer we needed to give her was to apply the Leggatt test as a lot of the work she was doing was unnecessary. I discuss this in more detail below.

58. The IRT did not give advice in respect of appointments of personnel within Op Northmoor, and I cannot comment on the rationale behind any appointments made of personnel to the above positions.

59. I also do not know whether there was any potential conflicts of interest for any of those at the RMP tasked with investigating UKSF that may have hindered their ability to investigate impartially or objectively, nor did I give advice in relation to such potential conflicts.

60. I did not give advice as to whether the RMP as an organisation was capable of adequately carrying out the Op Northmoor investigation. However, I don't think a civilian police force could have gone any further. Ultimately there were no bodies, no forensic DNA, no scene, and no reliable photographs. Therefore, the question of whether we needed additional or replacement civilian police force capabilities did not arise. Even if there had been more intelligence or evidence, I think the RMP's Op Northmoor teams would have been capable of handling it. They had the right motivation, discipline and application. In my view, it comes down to having the right culture within the organisation to tackle the challenge – which they did.

E. Resources

61. Op Northmoor appeared to me (from a high-level perspective) to be a well-resourced enquiry. I do not recall a lack of resources undermining the enquiry at all. In any event, GOLD Command, John Harvey, gave me the impression he was someone who would have plugged any gaps if he had identified them.

Personnel, investigative support and specialist capabilities

62. Op Northmoor seemed to have an abundance of personnel with specialist support where needed. The MIR in particular I remember as impressively large. There was therefore no need for the IRT to provide detailed advice on personnel resourcing, although we did note when the staffing levels of the MIR could be reduced. *See* **RMP-221-0000740-A**, para. 7.1. I assume it was GOLD Command, the OC and/or PM(A)'s role to ensure that they were adequately resourced with the right personnel.

63. I myself cannot comment on whether I thought the investigators on Op Northmoor, or other Op Northmoor personnel, were suitably experienced, as I did not know the details of their career backgrounds at the time.

64. In any event, I did not get involved with Op Northmoor expecting individuals to have the suitable experience. This was a unique, complex and large investigation to everyone. Throughout my career in law enforcement, I have rarely found it fruitful to challenge who is already there when working on an investigation. It is difficult to change staffing and so you have to work with what is already there to keep the momentum going. What I would look for instead is whether individuals on the team have the capacity to grasp new information and apply it. In this case,

Op Northmoor did have such investigators, for example, individuals like Major Matt Cox and WO2 Zoe Duce.

65. I do not know whether any of the RMP investigators were PIP trained, up to and including PIP Level 4. In practice, I do not think having them PIP trained would have made a difference to the investigation outcome. There was no graded intelligence and evidence of the alleged crimes so no need to have someone able to interrogate it.

IT facilities / infrastructure

66. The IRT did not provide any particular advice regarding IT resourcing.

67. From my limited perspective, Op Northmoor appeared to generally be adequately resourced in terms of IT facilities / infrastructure. I am no expert in this field, but they appeared to have a lot of IT facilities which all appeared to work, including in way that supported the use of HOLMES. However, I believe that when we first started Lt Col John Harvey said they were waiting for the right computers to receive the data needed for the investigation. Because they had nowhere to put it, they were unable to retrieve the UKSF servers. He said that it was above his pay grade to know how or when this would get resolved. The IRT in the meantime recommended Team 1 to go to where the UKSF material was kept.

68. I assume that depending on the particular capability needed, responsibility for IT resourcing lay with GOLD Command, the OC and/or PM(A). From my limited perspective, they appeared to have fulfilled their obligations in this respect as the Op Northmoor investigation went on.

Forensic Data Handling Capability ("FDHC")

69. The IRT only provided limited advice regarding the FDHC. We concluded that the current system was able to support HOLMES and therefore it was sufficient. The refocus of the Northmoor investigation on Operation Tyburn, Objectives 2 and 1 and the other eight similar events identified by N1466 meant that Op Northmoor did not need a larger scale capability to deal with lots of additional material. As we concluded in our IRT report dated 22 November 2017, the "*current processes and procedures are sufficient to manage this investigation in an efficient and effective manner*." *See* **RMP-221-0000746-**A, para. 6.0.

HOLMES

70. I remember when we first joined the investigation, the HOLMES account needed to be sorted. All the information was lumped together and difficult to analyse. The IRT therefore gave some advice regarding Op Northmoor's use of HOLMES. In particular we ensured they maintain the rules and conventions of HOLMES, and recommended for Team 1 work that "*back record conversion onto* a 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*". This allowed the HOLMES account to become more focused and able to better support the main lines of enquiry rather than being populated with a mass of diverse material. *See* **RMP-221-0000740-A**, para. 9.8; **RMP-221-0000746-A**, para. 5.0.

71. While we did not have direct access to Op Northmoor's HOLMES account, Cliff was able to view Op Northmoor's HOLMES through the individual responsible for maintaining it. I do not recall the individual's name.

72. Of the two of us, Cliff was more experienced with HOLMES and so was the one who discussed Op Northmoor's use of HOLMES with the individual in Op Northmoor responsible. I recall that after the discussion he was reassured the individual responsible for HOLMES was following rules and conventions of HOLMES and was getting external advice from Devon & Cornwall Police where needed.

73. I do not recall any issues with HOLMES. While HOLMES did not direct the investigation, it was effectively used as a repository for data to create connections between the data and aid its retrieval.

Locations / facilities used by Op Northmoor

74. The IRT did not give advice in relation to the locations and facilities used by Op Northmoor. As mentioned above, the IRT visits were always to RAF St. Mawgan in Newquay. From our perspective, the location and facilities were adequate and secure – although I am sure for a lot of the Op Northmoor personnel it felt a long way from home.

F. Culture / Morale

75. I recall that Major Matt Cox created a motivated, professional and inclusive culture where he would listen to his team and be open to challenge. This was my experience throughout my time on Op Northmoor.

76. Of course, as expected for the Army, there was still an element of rank divide and deference. However, I recall that both Major Matt Cox and Lt Col John Harvey appeared easily accessible to the junior ranks.

77. From my perspective, morale appeared consistently good. When we were there, it felt like a nice environment to work with other people, and there was plenty of space to work on your own if you wanted to.

78. The only person who I recall ever being noticeably frustrated was Captain Wright when Cliff and I did not agree that he could justify pursuing a covert strategy. But perhaps Detective Superintendent Paul Williamson, the National Crime Agency advisor, had unrealistically built up his expectations regarding the likelihood of success of applying to pursue a covert strategy. I discuss this in more detail below.

79. For our part, in our IRT Reports, we attempted to contribute to the morale and support each of the SIOs. Wherever possible we would praise their work in the belief that this would encourage their future efforts in what was a difficult investigation. *See* **RMP-221-0000740-A**, paras. 7.2-7.3; **RMP-221-0000746-A**, para. 6.2; **RMP-221-0000751-A**, para. 3.1; **RMP-221-0000755-A**, para. 13.0.

G. Other Advisors

80. I am unable to comment in detail on the other parties who advised the Op Northmoor investigation, as I did not have any direct dealings with them, nor was I part of the decision-making to appoint them.

81. I recall that before Cliff and I wrote our initial IRT Report dated 2 December 2016, we read the nine reports dating from 2 May 2014 to 11 October 2016, completed

by the NCA Regional Advisor Detective Superintendent Paul Williamson, as well as the reports from the Greater Manchester Major Enquiry Police Review Team ("**GMP MERT**"). *See* **RMP-221-0000741-A**, para. 1.3.

82. I believe that Captain Wright might have offered for me to meet Paul Williamson to discuss my position on not pursuing a covert strategy. I declined because I could not see any real benefit to a meeting.

83. I recall in particular that I thought his NCA Reports were too strategic. I did not see their benefit as they did not give practical advice for those on the tactical level, such as the SIOs, on how to proceed with the investigation. The focus of the advice at this stage of the investigation surely should have been advising Op Northmoor on how to progress lines of enquiry and gather the necessary intelligence and evidence, for example by speaking to witnesses who were present during the relevant operations. *See* **RMP-221-0000740-A**, paras. 9.1, 9.6, 9.7.

84. In addition, I was particularly unimpressed with his advice to pursue a covert strategy as it was not viable or lawful in my view. I got the impression that Paul Williamson and Captain Wright had become quite close, and Paul Williamson was pushing Captain Wright to pursue covert lines of investigation even though there was not enough intelligence or evidence to justify an application under RIPA.

85. I discussed my reservations regarding the advice in the NCA Reports with Lt Col John Harvey at the time and he agreed with my views. I do not know whether action was taken as a direct result of me voicing those concerns.

86. I did not have any direct dealings with the Independent Advisory Group ("**IAG**") or the Operational Offending Team ("**OOT**") during my time advising on Op Northmoor.

87. From my perspective, other than our advice regarding not to pursue a covert strategy, there was no conflict between what the IRT was trying to achieve and what the other external advisors were recommending. The latter were focused on strategic advice whereas the IRT focused on the tactical end. Consequently, there was no benefit in meeting with the other external agencies.

88. As mentioned above, I did know Sir Jon Murphy from the IAG from before Op Northmoor, as he had also worked with Merseyside Police and to the best of my knowledge was the one who initially recommended me to Lt Col John Harvey. I did not have any direct dealings with him during my involvement on Op Northmoor.

89. I also knew Peter Ryan from before my time on Op Northmoor. I had met Peter Ryan on one occasion in around 1998. He came to my force and I provided a presentation to him regarding corruption investigations in the presence of my Chief Constable. Following this presentation, he asked me whether I would consider taking up a role as the Lead Investigator in the Ombudsman's Office of Northern Ireland. I politely declined the offer. During my time on Op Northmoor however, I did not have any dealings with him.

H. Relationship with UKSF

90. The IRT did not give any specific advice in relation to the Special Forces Protocol. Our only advice in relation to dealing with the UKSF more generally was

to seek the data by consent rather than seizure, as, based on our experience of civilian police force powers, without the appropriate foundation of actionable intelligence or evidence, we could not see how the RMP could seize the data from UKSF without consent. I go this in more detail below. *See* **RMP-221-0000740-A**, paras. 3.5, 9.2.

91. I did not have any dealings with UKSF, and so I cannot comment on the nature of the relationship between the RMP and UKSF during the investigation. I do not recall discerning any particular issues with their relationship.

92. I do not recall there was any indication that RMP showed UKSF undue deference during the investigation.

93. I also did not have any concerns about the RMP or other parties communicating sensitive information to UKSF.

94. As I do not know the details of how the Special Forces Protocol worked in practice, I cannot comment on the impact the Special Forces Protocol had on the investigation, nor whether the Special Forces Protocol was an appropriate mechanism for liaison between the RMP and UKSF in respect of Op Northmoor.

I. Investigative Direction

Strategic Direction

95. Our advice was for the tactical rather than strategic level of the investigation. We mainly focused how to identify and best pursue the lines of enquiry, although we did influence the overarching decision on whether to pursue a covert strategy. I outline this in more detail below.

96. I did think our level of influence over the investigative direction was appropriate as our IRT Reports were merely recommendations for leadership to consider,

and not directions. I cannot comment on whether decisions in relation to strategic direction of the investigation were made at the appropriate level within the leadership structure, as I cannot say for certain which individual in the RMP chain of command made the final decision.

97. In addition, I have already outlined above the concerns I had regarding the NCA's advice for the strategic direction of the investigation.

Gold Group and other meetings

98. The only formal meetings the IRT attended were the ones described above, i.e. the SIO presentations at the beginning of each of our visits to RAF St Mawgan and the meetings with GOLD Command at the end of the week to discuss our final IRT Report. I do not believe that the meetings we attended were minuted.

99. As I did not attend Gold Group meetings, I cannot provide any detail.

Lines of enquiry

100. As set out above, the IRT's main focus was to advise on how to identify and best pursue lines of enquiry.

101. Throughout the IRT Reports, we would first provide more 'foundational' advice on how to identify and assess actionable intelligence and evidence in order to properly progress a line of enquiry. *See* **RMP-221-0000740-A**, para. 4.3; **RMP-221-0000751-A**, para. 2.7.

102. Second, we would also provide more 'practical' advice on particular steps we thought Op Northmoor investigators should take to pursue a particular line of enquiry. See for example the advice we gave in relation to the potential UKSF

'whistle-blower' in **RMP-221-0000740-A,** para. 3.10; **RMP-221-0000751-A**, paras. 2.5.e, 3.0; **RMP-221-0000755-A,** paras. 7.0-7.2.

103. Where we thought a line of enquiry or action to attempt to progress a line of enquiry was not viable or proportionate, we would advise the SIO accordingly. *See* **RMP-221-0000740-A**, para. 5.1, 5.2; **RMP-221-0000751-A**, para. 2.1; **RMP-221-0000755-A**, para. 5.1.

104. As we indicated in our reports at the time, we did consider that the Op Northmoor team adequately investigated the lines of enquiry. Ultimately, however, as was consistently the issue during this investigation, we were not able to identify information that amounted to actionable intelligence or evidence of the alleged crimes. A lot of the time, it felt like the Op Northmoor team were constantly hitting a brick wall.

Witnesses and interviews

105. Throughout the enquiry, the IRT encouraged duty statements and 1-2-1 interviews as that was the only fertile ground that evidence might be derived from. As mentioned above however, the RMP culturally did not have an appetite for duty statements. *See* **RMP-221-0000740-A**, para. 9.6; **RMP-221-0000755-A**, paras. 9.0, 9.1.

106. The IRT did provide some limited advice on the practicality of interviewing witnesses by examining and approving the proposed interview strategy documents. We outlined the desired points to prove in each interview and subsequent statements. *See* **RMP-221-0000751-A,** para. 2.5.e.

107. The IRT did not advise on the practicality of locating witnesses, how witnesses were assigned to Op Northmoor interviewers and whether the Op Northmoor interviewers had the appropriate expertise and experience, as this was for the RMP itself to identify given their knowledge of operating in a military context. I do recall that to interview a witness for Operation Tyburn, the SIO sent out an individual who hit it off with the witness because they were a similar age. My impression was that Op Northmoor was alive to who was best to go and do a particular interaction. I remember thinking that there was a well-managed logic to what they were doing.

108. However, I remember my impression at the time was also that asking for direct 1-2-1 interviews was not a natural process for the RMP, or at least there appeared to be many hurdles within the Army to overcome before they could get a 1-2-1 interview both with UKSF and non-UKSF witnesses. Of course, one obvious hurdle was that Op Northmoor could not send the interviewers to Afghanistan because it was not safe and when they did, they were not able to corroborate the statements they took with other witnesses.

109. The IRT did not give advice on the decision in March 2017 to restrict interviews in Afghanistan to Saifullah Yar and Mohammed Bang, and so I cannot provide further comment. My assumption is that this might have been because Afghanistan was not safe and the logistics were too difficult.

110. I am unable to provide detail on why Saifullah Yar was not interviewed by investigators until September 2017. From the IRT's perspective, the IRT Report dated 24 January 2017 recommended that the visit to Afghanistan and obtaining

Saifullah Yar's witness statement should be pursued as a "*High priority*". *See* **RMP-221-0000740-A**, paras. 9.1, 9.6.

111. I am also unable to provide detail on why Section 9 or duty statements were not taken from UKSF on Objectives [redacted], [redacted] and Operation Tyburn until late 2017 onwards. Of course, the prioritisation of Objectives [redacted] and [redacted] did not occur until November 2017. **See RMP-221-0000746-A, para. 3.10.** I discuss this in more detail below. However, already in its report dated 24 January 2017, the IRT recommended that "*An individual duty statement/report should be sought as necessary to other scenes as and when significant discrepancies have been identified*." *See* **RMP-221-0000740-A,** paras. 9.1, 9.7. It also does not explain why Section 9 or duty statements were not taken from witnesses of the operations before the IRT were appointed to advise on Op Northmoor in November 2016.

Data, digital and media evidence

112. As mentioned above, our main advice in relation to obtaining the data and any digital and media evidence was by consent rather than seizure. Based on our experience of civilian police force powers, we could not see how the RMP could justifiably seize the data from UKSF without consent without the appropriate foundation of actionable intelligence or evidence. *See* **RMP-221-0000740-A**, paras. 3.5, 9.2.

113. My reasoning was as follows:

a. I had severe doubts that the sought material could be legitimately obtained via a legal route. We had no evidence or credible graded intelligence. Consequently I was reluctant to pursue that route.

b. As I said above, I was also reassured that this aspect was being pursued by a higher pay grade to Lt Col Harvey. My understanding was that this was Brigadier Neal.

c. It was essential that product was intact. I was confident that the matter was proceeding at a higher level amicably. Once you start the legal process of seizing without consent, this might trigger 'housekeeping' by the custodians of that material, possibly leading to the destruction and/or alteration of that material. Obtaining the material amicably encourages cooperation between the parties.

114. As mentioned above, before Op Northmoor could collect the data and any digital and media evidence, they first had to resolve the issue of not having IT to view the data. Without it, they could not really ask for such sensitive data. In the meantime, our advice was to go to HMS Collingwood to view the data. *See* **RMP-221-0000746-A**, paras. 3.5, 3.6.

115. I also recall that there was also missing video from overhead air coverage during DDOs. I understood the US had that video footage but they would not share it with Op Northmoor.

Forensic analysis of images

116. The IRT consistently advised that there was no point of seeking expert forensic advice if you could not provenance the photographs, i.e. if you could not

establish where, when or by whom the photo was taken, as it would not amount to admissible evidence in court. As we explained in our IRT Report dated 12 April 2019:

a. *"No probative value or context can be established by opinion alone.*

b. *There is simply no evidence or intelligence to append such an opinion to.*

c. *Nothing of value would emerge that would assist the reconstruction of each scene*." *See* **RMP-221-0000755-A**, para. 10.1

117. In respect of enquiries carried out in respect of forensic analysis of images in relation to potential dropped weapons, I remember they had photos of dropped weapons and they tried to see if the same weapon was popping up in different crime scenes. However, ultimately they could not identify duplicates of the same dropped weapon. Even if they had, they could not provenance any of the photos.

118. In respect of forensic analysis of images taken on DDOs (including of EKIA), I recall one meeting where they had approximately 30 or so photographs of bodies pinned to the wall. I remember coming in and the whole team, including Major Matt Cox, was excited, thinking they had finally 'got them'. They were disappointed in Cliff and my reaction and advice that as you could not prove who had taken the photograph, it did not amount to evidence. I remember Cliff and I explained how such an image could play out in a court scenario: the judge or barrister would ask how the SIO could know if the Taliban, the Afghan families or UKSF had taken the photo and therefore what you were looking at. Without being able to answer, the photo would be instantly dismissed.

119. After that meeting, I remember thinking that you would have thought the RMP would be used to seeing graphic photos and would have been more analytical when reviewing the photographs. I also remember thinking that this showed a lack of understanding of what constituted admissible evidence.

[redacted] *and* [redacted] *as suspects*

120. The IRT advised that [redacted] and [redacted] could not be categorised as suspects. I still agree with the advice we provided at the time, namely that:

> "*The suspect designations in connection with* [redacted] *and* [redacted] *are premature, without foundation and at this current time profoundly unhelpful to the progression of Operation Northmoor*". *See* **RMP-221-0000740-A**, paras. 4.3, 9.3

121. I recall that Captain Wright had categorised them as suspects based on ancillary information. Even if you could justify designating them as suspects, a suspect designation restricted the manner in which you can approach that individual, for example by attempting to initially obtain duty statements from them. Given the investigation's lack of actionable intelligence or evidence, it was better to be able to go and directly talk to them. That way you could hopefully identify some actionable intelligence which you could work with to progress the investigation.

Covert surveillance strategy

122. The IRT advised that Op Northmoor could not justifiably apply to pursue covert tactics under RIPA. *See* **RMP-221-0000740-A**, paras. 4.2-4.4, 9.5. I still agree with the advice we provided at the time.

123. As mentioned above, I remember before we met with the SIO for Team 1, then Captain Wright, for the initial presentation in January 2017, there was such a build-up of what they had discovered. But then, when Cliff and I were listening we were very disappointed. There was no evidence of any crime from what we were shown by Team 1.

124. The SIO appeared to think he knew what had happened but this was on the basis of no graded intelligence or evidence. Despite this he was proposing to apply covert tactics.

125. Cliff and I immediately advised Captain Wright that there was no basis for covert tactics. We told him that he needed a proper foundation of intelligence and evidence. Without that you could not apply for RIPA authorisations, as any sensible judge would throw such an application out. He was disappointed and so we told him to go back and review his material and find us something that could amount to a justification for a covert strategy. Cliff was an Authorising Officer under RIPA with many years' experience. We said that he would take a look at what Captain Wright brought us and make a decision. But ultimately there was nothing more he could show us and so there was no basis for a covert investigation.

126. I remember that Cliff and I discussed after the meeting how concerned we were at how convinced the SIO was that he had sufficient justification. It showed

a lack of understanding of what amounted to intelligence and evidence of a crime.

127. As Cliff and I concluded in our January 2017 Report, "*Lengthy discussion took place in an effort to identify any actionable intelligence. This scrutiny appropriately categorised the available information as; judgement/statistics, third party disclosure, speculation, rumour and chit chat at various levels. This information is untested, untried and without provenance. It remains at this current time of a poor quality and cannot support the contention that criminal offences have taken place*." *See* **RMP-221-0000740-A**, para. 4.3.

128. I note that Mr. Alan Pughsley, while he agreed with our overall advice not to pursue a covert strategy, he did not agree with our assessment that there was a "*lack of intelligence*". *See* **Expert Evidence of Alan Pughsley, Transcript, Day 16, 28 January 2025**, p. 45 line 8.

129. As far as we were concerned, the matters he raised were not actionable or substantive at the time, for example, he notes there was "evidence of concerns" but "*there isn't any direct evidence*". He also notes that "*whilst there is not a witness statement at this time from anybody Leigh Day represents, I think the indication at this time is they are prepared to make a witness statement to the MoD through solicitors, and that must have, I believe, some credibility*." However, neither of these constitute actionable or substantive intelligence. Rather, these are possible lines of enquiry that might lead to actionable or substantive intelligence. *See* **Expert Evidence of Alan Pughsley, Transcript, Day 16, 28 January 2025**, p. 45 line 8, p. 46 lines 1-16.

130. I also note that Mr Pughsley appears to believe that for our advice on whether Captain Wright could pursue a covert strategy we were considering only whether a "*crime must have been committed*", not that a "*crime needs to be prevented and detected*". *See* **Expert Evidence of Alan Pughsley, Transcript, Day 16, 28 January 2025**, p. 44, lines 12-18. However, this was not the case at the time and we agree that those are the RIPA requirements. Either way, the assessment and outcome of our advice was still the same due to the lack of actionable or substantive intelligence. Consequently, I still agree with the IRT advice we gave at the time.

131. In addition, to be able to justify RIPA authorisation, not only do you have to show that there is intelligence or evidence of a serious crime, but also that your proposed tactics are proportionate and necessary to justify interfering with an individual's ECHR rights. In this case, it would have been neither proportionate nor necessary.

No evidence that a crime had been committed

132. To clarify, the IRT had not "*formed the view that there was no evidence that a crime had been committed*" when they initially commenced work on Op Northmoor. When we commenced our work on Op Northmoor, we were open-minded about where the intelligence and evidence might allow us to go. As detailed in our January 2017 IRT Report, we did not think there was sufficient evidence of a crime "*at the current time*" due to an "*absence of a detailed complaint and associated witness statements and an over reliance on the Leigh Day claim*". *See* **RMP-221-0000740-A**, para. 4.1.

133. Further to this, we also noted that:

> "*At this time it was readily apparent that there is no evidence in relation to any individual who took part in the raid of Operation Tyburn or indeed any other alleged connected incidents.*
>
> *Lengthy discussion took place in an effort to identify any actionable intelligence. This scrutiny appropriately categorised the available information as; judgement/statistics, third party disclosure, speculation, rumour and chit chat at various levels. This information is untested, untried and without provenance. It remains at this current time of a poor quality and cannot support the contention that criminal offences have taken place*." *See* **RMP-221-0000740-A**, paras. 4.2-4.4.

134. I still agree with that advice based on the information we had at the time.

Allegations as a linked series and wider pattern of EJKs committed by UKSF

135. The IRT was open-minded throughout the investigation to the possibility that the deaths in the different DDOs were part of a linked series. I still agree with that approach.

136. However, as we were unable to prove the deaths in the individual DDOs were unlawful, or identify overlaps between the cases that amounted to intelligence or evidence of a crime, it was not possible to link them.

137. However, I am aware that Mr Alan Pughsley believes that the eleven DDOs should have been linked. Our approach, and Op Northmoor's approach, was to attempt to gather as much information by, first, our repeated requests to obtain duty witness statements from the participants in the each of the DDOs and

second, provenancing photographs and obtaining their meta-data. That material may have provided a foundation by which an intelligence analyst could have examined all of the gathered material in an effort to determine an overlap in traits, personalities, tactics and participating squadrons between the DDOs. In the absence of product from duty statements and photographs, there was insufficient material to definitively link incidents and no useful purpose would have been achieved by doing so.

138. Similarly, while we were open-minded to the possibility that there could be a wider pattern of EJKs committed by UKSF, as we were unable to prove even one EJK, we could not identify a wider pattern across the UKSF.

Prioritisation of Operation Tyburn and Objectives 1 *and* 2

139. It was originally N1466 who had identified similarities between 11 DDOs. After further examination of these 11 events, it was ultimately decided to prioritise Objective 1, 2 and Operation Tyburn.

140. At the beginning of our involvement in Op Northmoor, we were asked to look at DDOs during the ToR time period, but there was no evidence and so no way to focus the investigation. We therefore decided to do a 'dip test', i.e. select particular DDOs to investigate. In addition to Operation Tyburn, these were Objectives 1 and 2 because these DDOs contained the most information. If fruitful evidence came from that dip test, we would then expand the focus of the investigation to further DDOs. It is still my view that this approach was legitimate and made sense. In the end, as we did not find anything fruitful in the 'dip-test', we did not expand the investigation.

141. I recall that the investigation focused on:

a. Operation Tyburn as we had an actual witness for that who we could speak to, and attempt to corroborate their witness evidence; and

b. Objectives 2 and 1 as I believe the IRT had sat down with the SIO Major Matt Cox and established which squadrons had the highest EKIAs than those before or after and therefore that these DDOs might be able to provide some intelligence we could work with. From reviewing the IRT Report dated 22 November 2017, I also recall that Major Matt Cox wanted to focus on these Objectives because still images had been recovered which he deemed interesting. *See* **RMP-221-0000746-A**, para. 3.10.

142. The remaining eight DDOs were not 'low priority' but were just less viable for a fruitful investigation. We continued to recommend further progression in relation to the eight DDOs even while we continued to prioritise Operation Tyburn, Objective 2 and Objective 1. *See* **RMP-221-0000746-A,** para. 3.10; **RMP-221-0000751-A,** para. 2.4, 2.5.

143. I do not think there was a negative impact of prioritising these three DDOs over the remaining eight DDOs.

UKSF Cover-up

144. The IRT were open to the possibility that all of the 11 DDOs included potential cover-ups of EJKs. This consideration was baked into the overall purpose of the investigation. However, as above, as we could not prove the underlying EJKs, we could also not prove whether there was a cover-up.

Command Responsibility

145. The IRT did consider investigating offences relating to Command Responsibility. This consideration was baked into the overall purpose of the investigation. However, as above, as we could not prove the underlying EJKs, we could also not prove whether there was an offence relating to Command Responsibility for that EJK.

Systemic Issues

146. We did not provide any advice for Team 1 in relation to systemic issues. We only advised on this for Team 2's work investigating allegations of detainee abuse. *See* **RMP-221-0000741-A,** paras. 3.1, 3.2, 5.2; **RMP-221-0000746-A,** paras. 2.5, 2.6.

147. As stated above, I am unable to comment on the drafting of the Op Northmoor ToR, or the revised Op Northmoor ToRs. I also do not recall what the role of the Systemic Issues Working Group was.

J. Operation Cestro and Other Investigations

148. The IRT did not provide advice on Operation Cestro, Operation Pavo, Operation Shiverwood, an allegation by IIA828, and Telemeter 2 and so I cannot comment further.

149. For Team 2's investigation into the detainee abuse allegations, we directed them to consider the Leggatt Test. My understanding of the Leggatt Test is outlined in the IRT Report dated 2 December 2016, where we summarise paragraph 289 of Mr Justice Leggatt's judgment in *Al-SAADOON and others vs the Secretary of State for Defence* (2016):

> "*In essence the judgement proposes as a general rule to decline to investigate allegations unless it is supported by a witness statement which is: (1) Signed by the complainant (2) Gives the complainants own recollection of the relevant events (3) Identifies any other relevant witnesses known to the complainant and the gist of the evidence which the witness may be able to give. (4) Explain what if any steps have been taken or attempts made since the incident to bring it to the attention of the British Authorities. The judgement acknowledges that communication through intermediaries and solicitors in England gives ample scope for mistranslation and misunderstanding and acknowledges the need to manage in a proportionate way with a need to set priorities and target resources. It should only devote its investigative resources to allegations which meet defined minimum standards of evidential support*." *See* **RMP-221-0000741-A**, para. 4.1.

150. For Team 2, I still agree it should have been applied to their work. It helped make their investigation much more proportionate and focused, and helped close down lines of enquiry down where needed.

151. Similarly, for Team 1, it was correct to apply the principles of the Leggatt Test to encourage Team 1 to seek to corroborate the witness statement received from Leigh Day regarding Operation Tyburn. Further, it encouraged Team 1 to seek witness statements for the other DDOs. It also ensured that the investigation was proportionate and focused.

K. Ending the investigation

152. The final IRT Report was submitted on 12 April 2019. *See* **RMP-221-0000755-A.** I understand this was months before the investigation ended and so I am unable to provide further detail on the rationale for ending the investigation or any outstanding lines of enquiry at the time of closure.

153. The IRT did not provide advice on ending the investigation, nor was it discussed with us. We merely suggested in our IRT Report that Op Northmoor should consider a "suitable" exit strategy.

154. At the time of our final report, there was a complete absence of intelligence and evidence. In my mind, at that time it was a logical step, particularly as it seemed there was little or no prospect of garnering anything new. In our final report, we noted what lines of enquiry were or were not still outstanding. Ultimately, there were four potential action items we noted in our final report:

a. "N7054 *has also provided intelligence and a subsequent statement which outlines an event which merits further investigation*." *See* **RMP-221-0000755-A**, para. 2.2.

b. "*The Server Viewing Platform from HMS Collingwood was transferred to NORTH MOOR in September 2018. Efforts to retrieve relevant material are ongoing*." *See* **RMP-221-0000755-A**, para. 3.1.

c. "*At the present time,* Name Given/Name Given *and* Name Given *who were present on both* Obj 1 *and* Obj 2 *have yet to be interviewed. The interview of* Name Given *who participated in Objective* 2 *alone is still outstanding*." *See* **RMP-221-0000755-A**, para. 8.2.

d. We advised that RMP should consider sending requests for duty statements to eight remaining DDOs, but also noted that we "*recognise that the requesting of duty statements is currently outside the operational investigatory practice of the SIB. Consequently at this point in time there appears to be no merit in pursuing this line of approach*." *See* **RMP-221-0000755-A**, para. 9.1.

155. I am unable to comment on whether those outstanding lines of enquiry or action items were resolved.

156. As I say above, ultimately there is a big difference between thinking you know what happened and what you can actually prove using intelligence and evidence.

L. Other Parties

157. I was not involved with, and so cannot comment on any briefing / meeting / liaising with individuals from UKSF, MoD civil servants, senior members of the Armed Forces, Government Ministers or MPs.

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

M. Overall Impression

159. I do consider that Op Northmoor was properly conducted, comprehensive and effective. It focused on the most viable lines of enquiry. While it ultimately did not produce intelligence or evidence of EJKs, not all investigations achieve what they set out to do.

160. While I understand that some may say that Op Northmoor was not progressed expeditiously, you need to consider the context Op Northmoor were operating in

which meant they had a lack of access to normal evidential opportunities. Everything I could see they were able to control was progressed expeditiously.

161. Given that the public these days expects independence, it is right to ask the question whether the RMP was the right organisation to conduct this investigation and look at alternatives other than the RMP. In my view, as detailed above, the RMP was the right organisations. I do not think a civilian police force would have had any more success than the RMP and would not have had the capacity or experience to operate in a military context. For the same reason, I do not think a wider role in the investigation ought to have been given to civilian police.

162. Instead, perhaps you could create a bespoke, constructed team for an investigation as large and complex as this was. It could be made up of a mix of service and civilian police officers. But given the unique structure of the Army, you still need someone from the Army who can direct and instruct to know how most effectively to work through its culture and structure.

163. Another alternative might be introducing to the UK a judicial-led investigation akin to what I believe exists in parts of Europe. They have judicial-led investigations that cut through red tape.

164. From what I could see, given its resourcing, Op Northmoor appeared appropriately supported by others, such as MoD or senior echelons of the Army and military.

Statement of truth

I believe the contents of this statement to be true.

Signature [redacted]

Ref (to be inserted by Inquiry)

Signed: Philip G Jones

Dated: 5th August, 2025

Signature [redacted]