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Wednesday, 14 October 2026

(10.00 am)

CLERK: Good morning.

This is an OPEN hearing of the Independent Inquiry into matters relating to Afghanistan. Please ensure that all mobile phones and other personal electronic devices are either switched off or in silent mode.

Please may I also draw your attention to the fact that the Chair of the Inquiry, the Right Honourable Lord Justice Haddon-Cave, has made a general restriction order for Inquiry hearings, which applies to the conduct of those who are attending and/or viewing this hearing. The relevant parts of that order are contained within the specific restriction order made in respect of these hearings, which is displayed on the Inquiry website and on the door of this court, but I will summarise its purpose.

The first part of the general restriction order for Inquiry hearings prohibits any person from making an audio or video recording of Inquiry proceedings without the express permission of the Chair.

Furthermore, no person may take a photograph in any room in which Inquiry proceedings are taking place and at a time the Inquiry is sitting without the express permission of the Chair.

1 The second part of the general restriction order
2 for inquiry hearings which applies to this hearing
3 arises as the live stream of these inquiry proceedings
4 via YouTube will purposely be subject to a ten-minute
5 delay. Where those who have supplied evidence to the
6 Inquiry have applied to restrict information from
7 publication outside of the Inquiry, in some instances
8 the Chair has made restriction orders, the effect of
9 which is to protect that information.

10 The Chair has also made a restriction order
11 prohibiting the use, publication or dissemination of
12 certain information that is contained within the
13 evidence and documents associated to these hearings.
14 That restriction order is displayed on the door of the
15 hearing room and copies are available on request. Where
16 material is restricted, it is redacted and, where
17 appropriate, a gist of the evidence is provided.

18 In the event that something is said during the
19 course of this hearing which may breach a restriction
20 order made by the Chair, the evidence may be halted and
21 the hearing room may be cleared for CLOSED legal
22 submissions as to whether any restriction order has been
23 breached and the live stream YouTube recording will
24 temporarily be stopped for this period.

25 Counsel to the Inquiry or the Solicitor to the

1 Inquiry must be informed of any request to make an
2 application for a restriction order. If an application
3 is made for a restriction order in relation to anything
4 that has been said or done in the Inquiry hearing room
5 in the preceding ten minutes, anything that was said or
6 done during that period is subject to a restriction
7 order prohibiting its disclosure, repetition or
8 duplication until the Chair has finally determined the
9 application.

10 For the avoidance of doubt, where material or
11 identities in documents shown on screen or subsequently
12 published have been redacted with or without an
13 overwritten gist the redacted material is restricted and
14 it is a breach of the restriction order to disclose what
15 is thought to have been redacted.

16 All of the above orders are subject to a penal
17 notice. This means that any breach of any element of
18 the restriction orders may be certified to the High
19 Court or the Court of Session who will have the power to
20 fine or imprison anyone found to have been in breach of
21 the order.

22 SIR CHARLES HADDON-CAVE: Major, good morning.

23 Thank you very much indeed for coming to give
24 evidence to me and the Inquiry team. Thank you for your
25 very detailed witness statements, which I've read very

1 carefully. This isn't in any sense a memory test, so
2 counsel will help take you to those bits of your
3 evidence which are particularly pertinent. All right?

4 We have got plenty of time today, and we will be
5 taking a break mid-morning, so thank you for coming
6 along.

7 Could the Major be sworn, please. Thank you very
8 much.

9 **MAJOR TINA STITSON (sworn)**

10 **Examined by Counsel to the Inquiry**

11 SIR CHARLES HADDON-CAVE: Mr Martin.

12 MR MARTIN: May it please you, sir.

13 Major Stitson, could you give us your full name,
14 please.

15 A. It's Tina Angela Stitson.

16 Q. Thank you, Major. You should have in front of you, in
17 fact I can see that you do, a red bundle. Can you just
18 open that up and we will turn to the index, please. We
19 can see at tab 1 a witness statement described as a
20 witness statement of Tina Stitson and if we just turn
21 behind tab 1 just to look at that briefly, is that a
22 witness statement that was prepared by you on
23 30 June 2025?

24 A. Yes, it is.

25 Q. And if we look at tab 2, please, it is described in the

1 index as an addendum witness statement, we can see a
2 further witness statement dated 13 August 2026; is that
3 correct?

4 A. Yes.

5 Q. And was that prepared by you as well?

6 A. Yes, it was.

7 Q. Both of those witness statements contain declarations of
8 truth. So they have been signed by you as being true;
9 is that correct?

10 A. Yes.

11 Q. In both witness statements, you produce exhibits; is
12 that correct?

13 A. Yes.

14 Q. In respect of your evidence to this Inquiry, do you wish
15 for those statements and those exhibits to stand as part
16 of your evidence to the Inquiry?

17 A. Yes, I do.

18 Q. Thank you very much. All right. We're going to focus,
19 please, on the evidence that's in your first witness
20 statement just to assist you and the first thing I want
21 to deal with is your experience. That's going to be the
22 first topic, all right. We're going to move through
23 some others just so you know where we're going, all
24 right. Those are as follows: so, firstly, your
25 experience; secondly, your recruitment to Operation

1 Northmoor; thirdly, your role as officer commanding
2 Operation Northmoor; also some questions will be asked
3 about resourcing, in particular in respect of personnel;
4 and then also some questions on the structure of
5 Operation Northmoor as you understood it and your role
6 within it, all right. So that's the structure that
7 we're going to try and follow.

8 As the Chair has indicated, you've provided two
9 very detailed witness statements. We're not going to
10 cover everything in it but please do say at any stage if
11 there's something you wish to add.

12 So dealing then first with your experience,
13 please, you served in the military for 20 years from
14 January 2003 to January 2023; is that right?

15 A. Yes, that's correct.

16 Q. During your time with the military was the RMP the only
17 cap badge with whom you served?

18 A. Yes, it was.

19 Q. So RMP throughout that period?

20 A. Afraid so, yes.

21 Q. You deployed on operations to Iraq; is that correct?

22 A. Yes, I did.

23 Q. Three separate occasions?

24 A. Yes.

25 Q. So TELIC 3, 5 and 10?

1 A. That's correct.

2 Q. You also in 2018 -- so after your time with
3 Operation Northmoor -- deployed as a United Nations
4 peacekeeper to Cyprus?

5 A. That's correct, yes.

6 Q. Thank you. And during that time you were the Force
7 Provost Marshal, the senior military police officer in
8 command of the multinational military police unit there.

9 A. Yes, that's correct.

10 Q. Thank you. You have served in Germany.

11 A. Yes.

12 Q. You have had appointments at the company, regiment,
13 brigade and divisional levels?

14 A. Yes, that's correct, yes.

15 Q. You have also been the -- you have also worked with the
16 32 Sections Special Investigation Branch; is that right?

17 A. Yes, I did.

18 Q. You were the officer commanding there?

19 A. Yes. I did an attachment with them as part of the
20 training to become a member of the SIB and then I was
21 fortunate enough to then gain command of 32 Section SIB.

22 Q. Thank you.

23 SIR CHARLES HADDON-CAVE: Could I ask you to keep your voice
24 up a little bit so everybody can hear at the back?

25 A. Yes, sorry.

1 SIR CHARLES HADDON-CAVE: All right.

2 MR MARTIN: Thank you.

3 In respect of the training that you undertook --

4 it's at your paragraph 4 -- you completed the Military

5 Police Officer Course, or MPOC.

6 A. Yes.

7 Q. The Level 3 Investigation Course.

8 A. Yes.

9 Q. The Case File Management Course?

10 A. Yes.

11 Q. And also the Senior Investigating Officer Course, the

12 SIO course?

13 A. That's correct, yes.

14 Q. Can you just assist us, please. In respect of the SIO

15 course, when did you complete that?

16 A. I honestly can't remember the dates that I completed it.

17 It was done in Ryton with the Home Office police forces.

18 Q. So it was done in writing (sic)?

19 A. Yes.

20 Q. Thank you.

21 A. Ryton.

22 Q. I'm so sorry, I in heard "in writing".

23 A. Ryton.

24 Q. So there we go, the importance of keeping our voices up

25 if only for me, if not anyone else, I wouldn't want to

1 get your evidence wrong?

2 SIR CHARLES HADDON-CAVE: Yes, I was a little surprised with

3 "in writing".

4 MR MARTIN: All right, thank you. In Ryton. Thank you for

5 that clarification.

6 In terms of whether that course was undertaken

7 pre or post Operation Northmoor, your time with

8 Operation Northmoor, which we will come to, can you

9 assist us with that?

10 A. I believe it was pre-Northmoor.

11 Q. All right, thank you. Now in terms of investigations

12 that you had undertaken by the time that you came to

13 Operation Northmoor and that was from May '16 that you

14 joined Northmoor, obviously you were aware that you were

15 joining a little before that?

16 A. Yes.

17 Q. You served there for about two years; is that right?

18 A. Yes, that's correct.

19 Q. So May '16 until April '18.

20 So, looking at that period prior to May '16, in

21 respect of your investigative experience, and it's no

22 criticism of you, but when you joined

23 Operation Northmoor did you have any investigative

24 experience in relation to homicide offences?

25 A. No, I didn't.

1 Q. In respect of your experience of the Royal Military
2 Police, are those offences that the RMP are called upon
3 to investigate often?

4 A. If the investigations are for, say, unlawful killings
5 overseas then yes, it tended to be the RMP Special
6 Investigation Branch that would deal with those forms of
7 cases. Actual homicide cases, it would depend where it
8 took place. So if it took place, say, for example, in
9 the United Kingdom, then Home Office police would take
10 jurisdiction on that, they would have primacy, but they
11 would gain assistance from the Military Police as and
12 where required or requested.

13 Overseas it was different because obviously we
14 were the policing body that dealt with the things that
15 were overseas.

16 Q. Thank you.

17 But in terms of how often such allegations came to
18 you, they didn't come to you because you had no
19 experience of it?

20 A. No.

21 Q. But do you have a sense of how often that was coming to
22 the RMP while they were abroad?

23 A. For those that were on deployments, sadly, they would
24 have more than we would normally deal with. If it was,
25 say, for example, in a station in Germany, not very

1 often at all.

2 Q. Thank you.

3 All right. I want to turn to, then, how it was
4 that you came to be part of Operation Northmoor. Can we
5 look, please, at paragraph 5 of your witness statement.
6 It's page 3 for you. It's page for the EPE, the
7 electronically presented evidence, so it should also
8 come up on your screen.

9 Thank you.

10 So:

11 "It was in late 2015 that I was assigned as the
12 Officer in Command ('OC') of Op Northmoor and I was
13 informed that I was due to take up my position in
14 May 2016 upon completion of my assignment ..."

15 Then if we look at paragraph 6, please:

16 "Applications for postings are done by way of
17 a Posting Preference Proforma ('PPP') which is submitted
18 to the Command Board who are a panel that sit each year
19 and determine what officers will be assigned to command
20 the various companies within the RMP."

21 So, just pausing there, that's a command board at
22 a regimental level; is that right?

23 A. No, it would have been held up in Glasgow. So it would
24 have been held across all of the RMP. So it's not just
25 at the regimental level, it would have been for the

1 cap badge.

2 Q. I see. Thank you.

3 The application was done by PPP. In respect of
4 what is done there by the command board, they determine
5 the officers and where they will go and which companies
6 they will command; is that right?

7 A. Yes.

8 Q. Thank you.

9 In respect of your PPP, just dealing with that,
10 you deal with that at paragraph 7, so can we just,
11 please, look at that. It's the next page, thank you.

12 You say this:

13 "When I submitted my PPP to the Command Board in
14 2015, I did not include Op Northmoor as one of my
15 posting preferences and so I was surprised to have been
16 awarded this posting. I do not even recall it being
17 a possible option for selection on the Command List.
18 None of my cohort seemed to know much about it either."

19 So, in respect of your PPP and your completion of
20 it, didn't put Op Northmoor down?

21 A. That's correct.

22 Q. Not even sure it was an option?

23 A. I wasn't aware of it.

24 Q. All right.

25 When you say "[not] aware of it", you weren't

1 aware of it at all as an operation within the RMP?

2 A. No.

3 Q. Does it follow from when you say "none of my cohort

4 seemed to know much about it", that that seemed to be

5 the picture across at least those you knew?

6 A. Yes, that's correct.

7 Q. Did anyone have much knowledge of it at all?

8 A. There would have been knowledge of it obviously from

9 those that were involved or those with -- where I would

10 have expected to be within the SIB. However, as I was

11 within 3 (UK) Division, I was not within the mainstream

12 RMP roles at that point.

13 Q. I see.

14 A. So I had been slightly detached for two years.

15 Q. I see. Having been told that it was Op Northmoor, you

16 say this:

17 "I made enquiries with my desk officer (the point

18 of contact for such assignments) to obtain more

19 information and establish why I had been given this

20 appointment."

21 So, at that stage, you take the step of speaking

22 with your desk officer?

23 A. That's correct, yes.

24 Q. Just briefly, so that we understand, a desk officer

25 performs what function?

1 A. I suppose it would be best described as a career
2 manager. So he will look at the different profiles of
3 each individuals, where they would be best suited to be
4 utilised throughout their career, if they were looking
5 for promotions what they needed to do in order to gain
6 that -- where they were best suited for providing
7 a service to the force, would be the best way of putting
8 it.

9 Q. Thank you. Is it right that you contacted your desk
10 officer effectively because you had some queries about
11 why you had been appointed?

12 A. That's correct. And it was also to try to gain an
13 understanding of what Operation Northmoor actually was.

14 Q. So you say, moving on in your statement:
15 "Prior to this point, I understood that the role
16 had only been held by Late Entry Officers
17 i.e. individuals with over 20 years' policing experience
18 who had worked their through all of the ranks before
19 obtaining commission into the officer ranks."
20 Were you aware of that before you made the enquiry
21 with your desk officer or after you made the enquiry or
22 can you not recall?

23 A. I can't recall if it was before or after, is the honest
24 answer.

25 Q. So you can't say whether that was the concern that you

1 went to the desk officer with at that time to say --

2 A. No.

3 Q. All right.

4 In terms of speaking to the desk officer to make

5 the sort of enquiry that you were doing, is that

6 something that's done readily?

7 A. When command boards come out, it isn't unusual for those

8 that have come off of the command board to touch base

9 with the desk officer, just to gain further details of

10 if it -- the timings that they are to be assigned, if it

11 needs to change, if there's any other issues that they

12 need to be aware of at the time.

13 Q. So might that particularly be the case if it's not one

14 of your preferences that you've been afforded?

15 A. Absolutely.

16 Q. And where you don't know anything, in effect, about that

17 role that you have been given?

18 A. Yes.

19 Q. That's what you wanted to clarify?

20 A. Yes.

21 Q. "What is this" --

22 A. "What exactly is this and why am I doing it?" Yes.

23 Q. You made those enquiries, and we can see in your witness

24 statement what you say about that:

25 "Upon making my enquiries I was told that I met

1 the criteria and I recall I commented that I had been
2 selected from a cast of one as I knew that (a) I was not
3 the top performing officer in my cohort (b) many others
4 on this command board had undertaken deployment to
5 Afghanistan and therefore were discounted due to
6 conflicts of interest and (c) they did not have an SIB
7 Suitably Qualified and Experienced Person (SIB 'SQEP')
8 of the requisite rank available at the time so were
9 using the Command Board as the mechanism to get the role
10 filled."

11 All right. I'm just going to deal with those in
12 turn and what you mean by that and why it is you formed
13 the view that you were a cast of one, okay?

14 A. Okay.

15 Q. So, not the top performing officer in your cohort, what
16 do you mean by that exactly?

17 A. When they sit on the command board, every individual is
18 given a grade by the various members of the board. So
19 it's like a points system.

20 Q. Yes.

21 A. Those obviously that score the highest points, because
22 all the points are collated from the different board
23 members, those then with the highest points, obviously,
24 would be the top scoring ones, they are the higher
25 performing officers. They tend to be placed in

1 particularly challenging roles. They have that
2 capability and capacity to fulfil those forms of roles.
3 So I knew that from some of the cohort that I was with
4 there were stronger performing officers than myself who
5 were going forward onto that command board who were also
6 seeking commands, as I was.

7 Q. And that they were -- would be going elsewhere
8 effectively?

9 A. They were assigned other commands, yes, they were.

10 Q. Your interpretation of that is -- well, first it might
11 relate to the preferences that they expressed, of
12 course?

13 A. Yes.

14 Q. But they might be needed on particularly challenging or
15 complex areas?

16 A. Correct.

17 Q. Does it follow from that that there may have been, and
18 I accept there may be a degree of speculation, but an
19 assessment that Op Northmoor was not particularly
20 challenging?

21 A. No, I think it was understood it was going to be
22 incredibly challenging, but even if those top
23 performers, if they weren't SIB or had no experience of
24 SIB at all, then that probably would have discounted
25 them from taking on that role.

1 Q. So it was your experience with SIB that formed one of
2 the reasons why you were appointed, you conclude?

3 A. Yes, I know that some of the other officers that I was
4 on the command board with were not SIB-qualified, but
5 they were very, very good officers within their own
6 right and would have scored higher than myself.

7 Q. Thank you.

8 Then the other factor that you mention, at (b), is
9 the fact that many others on the command board had
10 undertaken deployment to Afghanistan and, therefore,
11 were discounted due to conflicts of interest?

12 A. Correct.

13 Q. And that's because the RMP, as part of its duties in
14 Afghanistan, was involved, for example, in the detention
15 of persons there?

16 A. They would have been aware of them, yes.

17 Q. Thank you.

18 So, which leads us to "cast of one", your
19 conclusion on that. Why are you the cast of one?

20 A. Because I was possibly the only one within the cohort
21 that sat on the command board that had SIB experience
22 and hadn't deployed to Afghanistan.

23 Q. Thank you.

24 When you contacted the desk officer, did you,
25 however gently, push back slightly on your appointment

1 at that stage?

2 A. I raised an eyebrow. I didn't push back on it massively
3 because I didn't know enough about it in order to push
4 back particularly hard. I needed to have an
5 understanding of what exactly was going to be required
6 of me and requested of me before I would do anything
7 like that.

8 Q. Thank you. Just understanding what that raised eyebrow
9 might have looked like, what do you mean by that
10 exactly?

11 A. Once I was made aware of what Op Northmoor was, I was
12 surprised that it hadn't been allocated to a late entry
13 officer, so an SIB officer who's literally worked their
14 way through the ranks, over 20 years of experience, and
15 has dealt with these types of enquiries and all of the
16 nuances and the experience they bring when dealing with
17 that and -- it's the much more rounded piece that they
18 bring.

19 Q. So it was clear to you, was it, and do tell me if I am
20 wrong, but it was clear to you at the point at which you
21 were appointed, having made those preliminary enquiries,
22 and understanding -- having a basic understanding right
23 at the beginning of what Op Northmoor was, that previous
24 experience of investigation was important?

25 A. I believed it was, because there will be pitfalls that

1 they would have been aware of that they had gained
2 through their experience, especially after over
3 20 years, that I wouldn't have. And having not dealt
4 with any homicide enquiries or anything like that, it
5 was unhelpful, I think, for me.

6 Q. Thank you. And it appears clear to you from the outset?

7 A. Yes.

8 Q. Let's look, please, at the roles that you were recruited
9 for. I am going to ask for an appointments graphic to
10 go on the screen, please.

11 You may not have seen this before, but it just
12 sets out the various appointments across
13 Operation Northmoor at different times.

14 All right. So we can see, from the left-hand
15 side, starts at the top, I can say that, so we have the
16 "Provost Marshall (Army)".

17 Please, it's quite small, so -- thank you very
18 much.

19 That may be of some assistance. I am going to ask
20 that perhaps the witness can have a hard copy. Thank
21 you very much. Sorry, everyone else's eyes will have to
22 suffer.

23 A. Thank you.

24 Q. So we can see on the left-hand side, working our way
25 down: Provost Marshal; we then have Deputy Provost

1 Marshal (Investigations)/Assistant Head Tech; Assistant
2 Head Op Northmoor; Assistant Head Policy; Gold
3 Commander; Silver Commander.

4 Please. And if we could just come off that --
5 thank you.

6 Then if we scan our eyes across from
7 Silver Commander, working from left to right, we can
8 see -- and noting the start time at the top, March '14,
9 and the end time, March '19, so we see Major Gary Ward,
10 Major Moira Penman, Captain Stephen Robbins and
11 Major Tina Stitson.

12 Then if we can just move on slightly to the right,
13 just to complete the picture in respect of the Silvers,
14 we see Major Matthew Cox.

15 What we can also see on this graphic is that you
16 were also the officer commanding of Northmoor.

17 So five up, I think, from the bottom,
18 "OC Northmoor", picked out in orange, and we can see
19 some of the same names: Penman, Robbins and then you.
20 And you can see there's a dotted line between the two,
21 and the reason there's a dotted line is just to notify
22 the fact that these two roles played at that same time.

23 So there were two roles that you were appointed
24 to; is that correct?

25 A. Yes.

1 Q. Thank you.

2 I'm just going to ask for that graphic to come
3 down.

4 So, in due course I am going to ask you about both
5 of those roles in turn, but before we do that you
6 arrived at Operation Northmoor in May 2016; is that
7 correct?

8 A. Yes, that is.

9 Q. By that time the operation had moved to St Mawgan?

10 A. That's correct, yes.

11 Q. That had happened, in fact, in January. This was to be
12 the headquarters of the operation?

13 A. Yes, it was.

14 Q. Thank you.

15 Now, by this stage in your career, can I ask, had
16 you commanded -- had you been the officer commanding of
17 any RMP company at that point?

18 A. No, I hadn't.

19 Q. Can you assist us, please, with what the roles and
20 responsibilities of an OC might be, typically.

21 A. Essentially the officer commanding of the general police
22 duties, RMP company, was responsible for the -- what we
23 refer to as the G1 of the company, so that was all the
24 personnel issues, resourcing, report writing, welfare,
25 career guidance and assistance. They were also links in

1 for higher formations as well. They were the ones that
2 provided orders for the tactical delivery of policing on
3 the ground.

4 SIR CHARLES HADDON-CAVE: By "higher formations", you mean?

5 A. We could have been -- for example, RMP companies tended
6 to be operating in -- their areas of responsibility
7 would cover a certain brigades area, or we would deal
8 with certain brigade units, or we would feed into the
9 regiment. So each company, obviously, is under the
10 command of a regiment as well, so the normal regimental
11 military structures. The -- they would literally be
12 involved in the deployments.

13 So it's what you would normally get a commander to
14 be. So a manager, essentially, of people.

15 MR MARTIN: Thank you, that's helpful.

16 You made reference there to a GPD division.

17 A. Yes.

18 Q. What about an SIB division?

19 A. At the rank of major, that would have been -- it's
20 a much smaller company, but -- it is very similar, but
21 they had a much more investigative slant as well, so
22 they would be overseeing a lot more of the
23 investigations. And if there were difficulties within
24 the investigations that needed to be raised higher to
25 get guidance on, then they would actually be doing

1 things like that as well.

2 Q. But at that stage that's not something you had
3 experience of?

4 A. No.

5 Q. Thank you.

6 If we can just look at paragraph 12 of your
7 witness statement -- it's your page 6, our page 7 -- you
8 make reference there to some of the responsibilities you
9 just touched upon by way of the "G1-G9 spectrum as part
10 of my role"?

11 A. Yes.

12 Q. So, just understanding that, and it's one of the things
13 I think you've made reference to, G1 relates to
14 personnel in particular?

15 A. Essentially, yes. So medical, discipline, everything
16 would fall under that, career management.

17 Q. Thank you.

18 Others that may be of relevance as we move
19 through: G2, intelligence and security?

20 A. Yes.

21 Q. G6, communications and IT?

22 A. Correct.

23 Q. Sorry, it's not meant to be a memory test.

24 G7, training?

25 A. Yes.

1 Q. And G8, resource management?

2 A. Yes.

3 Q. We look please, briefly, at the company structure. It's

4 the behind our tab 19, page 3, please -- or let's start

5 at page 2. We will have that on screen.

6 "Northmoor Company ORBAT"

7 And if we go over the page, page 3, we can see,

8 just to position ourselves on this particular diagram:

9 "Total Strength ..."

10 That we see in the box on the right-hand corner,

11 at that point it's:

12 "104 [so] (5 + 99)"

13 That doesn't reflect the status of the company

14 when you joined, does it?

15 A. No.

16 Q. No. All right. So just with an eye on the structure

17 rather than the figures, so we have the headquarters,

18 and what would your role be in "HQ", in that blue box?

19 A. The HQ would have been, I suppose, the -- it's hard to

20 describe.

21 It's what commands everything that falls from it.

22 So it would have had the officer commanding in there,

23 the second in command. Within Northmoor Company ORBAT

24 we had a clerk. We had the quartermaster for the

25 company so that would have covered all the facilities

1 and equipment and things like that. That would have
2 been the headquarters.

3 Q. But in terms of where you sat?

4 A. I would have sat in the headquarters.

5 Q. Thank you.

6 We can see "Silver" is picked out in a dotted box.
7 We will come back to Silver in due course. Then we can
8 see the team structure. So: "Team 1", "Team 2",
9 "Team 3". That was the structure that was in place when
10 you arrived; is that correct?

11 A. Yes, that is.

12 Q. So Team 1 dealing with the unlawful killing allegations?

13 A. Yes.

14 Q. Team 2 dealing with the other allegations of abuse?

15 A. Correct.

16 Q. And then Team 3 effectively providing the backroom --
17 I mean no disservice to it by that -- but the major
18 incident room --

19 A. The support to the investigation.

20 Q. That's a much better way of putting it. Thank you very
21 much.

22 When you came to Operation Northmoor in May of
23 2016, was it a fully formed company?

24 A. No.

25 Q. Why do you say that, please?

1 A. They had recently relocated. There were gaps in
2 personnel who had not yet arrived. There were --
3 Q. Just pausing there briefly. Recently relocated. So we
4 know that Op Northmoor arrives, first arrives, at
5 St Mawgan in January of that year.
6 A. Yes.
7 Q. So a few months beforehand. People were still arriving?
8 A. Yes.
9 Q. All right. Can you just give us a bit more detail on
10 that, please.
11 A. People were still being identified to get us up to the
12 main strength. Within the military you can't just pick
13 somebody and then two weeks later they bunk down
14 somewhere else and they carry on. As they are
15 identified they need to make sure that all the
16 background things, I suppose, are in place, like there's
17 enough accommodation for them and housing, and they need
18 to make sure that their reports and everything that they
19 have been doing in their previous assignment is handed
20 over to their successors. Reports would need to be
21 written, investigations, their training. So it can take
22 up to 30 days from being told you are moving on
23 assignment to you then actually arriving. Sometimes it
24 can be longer.
25 Q. Thank you. So people were arriving. Was there,

1 alongside that, as you understood it, an uplift to the
2 number of personnel who were being brought on board?
3 The investigation was getting bigger?
4 A. Yes.
5 Q. All right. So help us, please, what was the -- when you
6 first arrived, how many people were there within the
7 company?
8 A. I think possibly about 40. We were still getting
9 tranches coming in as people were finishing off their
10 assignments and moving down to RAF St Mawgan.
11 Q. Thank you.
12 While you were there, what did that figure reach?
13 A. I believe we topped out in the end at about 112 on the
14 books, but that 112 also included personnel that I never
15 actually saw in my two years of being there.
16 Q. Just help us with that. Let me try to assist. So that
17 figure you have of 110, is that the figure that you
18 understood you were due to, your words, top out at?
19 SIR CHARLES HADDON-CAVE: 112.
20 A. 112.
21 MR MARTIN: I'm so sorry, it's because I have written down
22 110 in order to do 110 minus 30 more easily, which
23 I still didn't do.
24 So, 112. All right, 112.
25 So you thought it would top out at 112?

1 A. Yes.

2 Q. Is that what the paperwork suggested?

3 A. Yes.

4 Q. Right. You have said some people perhaps you didn't in
5 fact see there?

6 A. No. Some people had been assigned to the unit and were
7 due to arrive on assignment. Unfortunately then, for
8 various reasons, were then unable to take up that role,
9 but in the interim still had to remain on the books
10 whilst they found a more appropriate area within the
11 military to move them out and move them on to.

12 Q. Was this an issue that persisted during your time there?

13 A. Initially it was quite prevalent. However, it was
14 addressed when it was explained exactly what Northmoor
15 was and what is entailed, and then it very quickly got
16 resolved.

17 Q. So was it still an issue at the point at which you
18 topped out at 110? Was there a minority, a percentage
19 that were there on the books but might not have been
20 there in reality?

21 A. No, they had -- by the time everybody had fully landed
22 and arrived, it was sorted.

23 Q. Thank you. So when we get to that -- just to be clear,
24 just so that I'm clear, when we get to the headcount of
25 110, that is in fact 110 people at St Mawgan?

1 A. No, we were dislocated -- we were dislocated as well.
2 Not all of our individuals were located down there. We
3 were spread over various sites.

4 Q. Thank you.

5 So you describe, and I can take you to it if you
6 want, that Operation Northmoor was a "bespoke hybrid
7 company consisting of GPD and SIB, and this had not been
8 attempted before on such a scale".

9 A. That's correct.

10 Q. Just assist us with that. What do you mean by that?

11 A. The SIB and the GPD are -- whilst they are both RMP,
12 they are very distinct entities within their own right.
13 I suppose the best way to describe it would be like
14 a citrus fruit: you have an orange and you have a lemon.
15 They are both citrus fruits but they have very different
16 tastes and different flavours and they are utilised in
17 different ways. And that would have been the GPD and
18 the SIB: whilst they are all police officers, the
19 skill sets and the types of individuals that would be
20 within those two distinct branches, it was very
21 distinct.

22 Q. All right. So doing different types of work; is that
23 fair?

24 A. That's correct.

25 Q. Different cultures?

1 A. Yes.

2 Q. If you could encapsulate the difference in cultures in
3 a few sentences, what would you say?

4 A. I would say the SIB were the investigators, very focused
5 on the policing elements and enforcing of law. The
6 general police duties were more akin to your uniformed
7 police officers going out on patrol and enforcing
8 discipline on the lower levels.

9 Q. Thank you.

10 So, coming back to the original question about the
11 bespoke hybrid company and the fact that that had not
12 been attempted before on such a scale, what problems,
13 what challenges, perhaps is a fairer word, did that
14 present to you in your role?

15 A. It was just the different ways of thinking and the
16 different practices that each of the two entities had
17 used previously.

18 Within the general police duties, the major -- or
19 the majority of the general police duties are of
20 corporal rank, so NCOs and above, whereas within SIB it
21 is senior NCO. So it was, I suppose, the different
22 levels of responsibility. A sergeant in the SIB
23 wouldn't have had anybody else that he was responsible
24 for, whereas within a general police duties company,
25 a sergeant would have had eight people. He would have

1 been a section commander.

2 Q. Did it seem to you, when you arrived in May '16, that

3 Operation Northmoor was at full operating capability?

4 A. When I arrived?

5 Q. Yes.

6 A. It was most definitely not.

7 Q. Why do you say that, please?

8 A. It did not have all of the resource, it did not have all

9 of the infrastructure in terms of IT. It was still

10 being built.

11 Q. Did you have any understanding of why or how

12 Operation Northmoor had got to the position in May '16,

13 when you had arrived, having been declared in

14 March of 2014, how you'd got to that stage without it,

15 in your words, still being built?

16 A. No, I was surprised.

17 Q. Did you express that surprise to anyone?

18 A. Yes.

19 Q. Who?

20 A. I again reached out to the desk officer, and I also

21 spoke briefly with Gold on it.

22 Q. Let's deal with those in turn then.

23 If we look at your paragraph 17, it's halfway

24 through the paragraph -- it's our page 10, please --

25 it's your page 9, and do feel free to read the whole

1 paragraph. I don't want you to think that I am taking
2 any particular bit of it out of context but there is
3 a bit I want to ask you about.

4 You said:

5 "I also found that assumptions had been made
6 within the wider RMP community that the necessary ..."

7 Sorry, this is on page 10. If you look about --
8 it may help you to follow it on the screen in fact.

9 A. Yes, it's different here.

10 Q. Thank you:

11 "I also found that assumptions had been made
12 within the wider RMP community that the necessary
13 support systems for Op Northmoor were already in place
14 and that the Company was more established than it
15 actually was. During the first few months of my tenure,
16 I reached out to my desk officer again, with regards to
17 my appointment as I felt that I was given a poisoned
18 chalice and was to be scapegoated as it was not possible
19 to fill the role of SILVER and build a Company with the
20 limited resources that I had."

21 Does that reflect your view now?

22 A. Yes.

23 Q. I am going to break that down a little if I might.

24 We're going to come to the roles and responsibilities of
25 Silver, okay, in due course, but in terms of the

1 assumptions made that the necessary support systems were
2 in place, what support systems are you referring to that
3 did not appear to be in place?

4 A. It would have been everything from the most basic of
5 things, such as accommodation for the personnel that
6 were arriving. The medical system was not adequate for
7 such an uplift in the number of personnel that were now
8 surging onto that station. There was one doctor
9 complete for the entire station.

10 The reporting systems for people who were being
11 assigned and making sure that if they were due for
12 promotion and things like that, again, it was all
13 just -- we were literally building from the foundations
14 all the way through to make sure that the company was
15 still running.

16 Q. So when you arrived, in your view, the foundations of
17 Operation Northmoor were still not in place?

18 A. Correct. I didn't even have a clerk at that point.
19 There was one assigned who would help out on almost like
20 a part-time basis.

21 Q. So, in terms of the foundations that weren't in place,
22 who, in your view, would have been responsible for
23 having those foundations in place by that point?

24 A. That should have been, in my opinion, dealt with much
25 higher than myself. Whether that was held within the

1 headquarters of PM (Army) due to nature of what this
2 was. I was also under the administrative control of the
3 Special Operations Regiment at the time, rather than
4 being under control of, for example, say, the Special
5 Investigation Branch regiment. So it was quite
6 difficult to get anything done. I didn't have the
7 ability to lean into a regiment for all the things that
8 a company normally would.

9 Q. When you say that assumptions had been made within the
10 wider RMP community, that those structures were in
11 place, who are you referring to as making those
12 assumptions?

13 A. I believe it was probably the regiments as, they were
14 identifying personnel who could then be put forward to
15 be assigned to Operation Northmoor.

16 Q. They were putting them forward on the basis that
17 everything would be in order when they got there?

18 A. Yes.

19 Q. We can see that you contact your desk officer again.
20 And how we got to that position, you said there was
21 a conversation with Gold and there was a conversation
22 with your desk officer. So, that conversation with your
23 desk officer, why did you feel the need to speak to the
24 desk officer?

25 A. Because what I had been led to believe I was being asked

1 to do was beyond the capability and capacity of a single
2 person, at that stage.

3 Q. You were, looking at your witness statement and on the
4 basis of the evidence you have given, you were building
5 the company?

6 A. Yes.

7 Q. Is that a full-time job?

8 A. Yes.

9 Q. When you say that you felt that the position that you
10 had been given within Operation Northmoor was a poisoned
11 chalice, what did you mean by that?

12 A. It was: we know this is bad, but you are going to have
13 to suck it up and deal with it. You need to make this
14 happen. It is that important.

15 And I did understand that, but it was also
16 a feeling of responsibility on myself that if this was
17 to fail, then that would have been my fault.

18 Q. Is that why you make reference to being scapegoated?

19 A. Yes. The headquarters as well that I was operating with
20 at that time was also not the size that you would find
21 in a normal RMP company for that strength. So, again,
22 roles and responsibilities that might have gone to
23 others, they just didn't exist, and yet we still had to
24 fulfil those roles and responsibilities.

25 Q. In terms of being scapegoated for failure, what do you

1 mean by failure? Failure of what?

2 A. If it were to collapse, if the investigations were not

3 able to progress at all.

4 Q. In your opinion, when you came to Operation Northmoor,

5 was there any real risk of that?

6 A. I think the investigators themselves would not have

7 allowed that to happen.

8 Q. Why?

9 A. Very, very dedicated. And what they put up with,

10 particularly in those first few months, was simply

11 outstanding.

12 Q. Do you mean the conditions at St Mawgan?

13 A. Yes.

14 Q. So dedicated investigators, doing their best?

15 A. Yes.

16 Q. But in respect of the shortcomings, the shortcomings, do

17 they lie with the investigators or elsewhere, at that

18 stage?

19 A. At that stage, I believe they were elsewhere.

20 Q. Are you able to say where those responsibilities lay?

21 A. I think it needed to be looked at at the higher levels,

22 so through Gold, through the regimental systems, through

23 HQ PM (Army).

24 Q. You have said that, in effect, you were being told: this

25 is important, get it done.

1 A. Yes.

2 Q. In your mind, was there something of a disconnect
3 between being told that on the one hand, and then not
4 having any of the foundations in place?

5 A. I think there were assumptions that it was, because they
6 were producing things that it was getting done and that
7 all was well. It's almost like the duck swimming on the
8 lake: you don't see how much they are paddling
9 underneath. So, as far as they were concerned, all was
10 well, without realising the amount of effort that was
11 going into it just to get what they saw out the door.

12 Q. So you communicated your disquiet to the desk officer?

13 A. Yes.

14 Q. What's the response from the desk officer?

15 A. Surprise.

16 Q. At which aspects?

17 A. He himself had been led to believe that
18 Operation Northmoor was further along and much more
19 established than it was in reality on the ground, and
20 was quite surprised at that fact as well.

21 Q. You said there was another conversation with Gold,
22 Lieutenant-Colonel McAllister at that point, when you
23 arrived?

24 A. Yes.

25 Q. So the conversation that you had with him in relation to

1 how you found Operation Northmoor as you arrived, tell
2 us about that, please.

3 A. He was very understanding and also said that there were
4 teething problems due to the relocation and -- accepted
5 that there were teething problems, which was
6 understandable, and that I was to do my best to try to
7 iron things out and keep the progress going that the
8 investigators were putting forward themselves.

9 Q. So, coming back to full operating capability, a long way
10 away; is that fair?

11 A. I think it was probably up to, potentially, 12 months
12 away.

13 Q. Would it surprise you to know that it was declared FOC,
14 full operating capability, at Operation Northmoor in
15 August 2016?

16 A. I think they would have declared it to be that based on
17 the number of personnel that had then arrived in
18 RAF St Mawgan. So that would have been that
19 declaration, because they were all there and in role, so
20 therefore it is at full operational capacity.

21 Q. So that's a declaration in form. In substance, was
22 there full operational capability?

23 A. In substance I would say it wasn't, because we were
24 still training people and making sure all of the systems
25 and the infrastructure that was required was actually in

1 place.

2 Q. Thank you.

3 Two of the responsibilities I want to ask you
4 about. First is personnel and then a little bit on
5 other resources, okay? But I just want to focus on
6 personnel first.

7 If we look, please, at your paragraph 12, which is
8 at the bottom of page 8 -- 7, in fact, thank you,
9 paragraph 12.

10 So we've looked at a little bit of this, but if we
11 go over the page to page 8, please, you say this:

12 "It became very apparent to me that it was not
13 possible to fully take on the role of SILVER, and
14 therefore make the policy decisions involved with the
15 complex, classified and highly sensitive investigation,
16 as well as establish a hybrid Company of up to
17 125 personnel from the position that I had taken it over
18 in. In order to make sure that the investigation could
19 progress, I decided that I needed to prioritise the
20 people as the investigation would almost definitely fail
21 without them. The process of relocating personnel, then
22 ensuring they were up to speed with the investigation,
23 that they had the requisite SQEP and clearance to
24 conduct their roles, and that the unit could deploy
25 personnel overseas if required, were the most pressing

1 issues that needed to be addressed."

2 So this is the issue of personnel.

3 So, SQEP means, in effect, people who have the

4 probability training?

5 A. Correct.

6 Q. And people who also have the proper experience?

7 A. Yes.

8 Q. Now, in terms of the influx of people that you have

9 already described -- my word, "influx", but a number of

10 people that joined during your time with

11 Operation Northmoor -- within the team structure, are

12 those people joining all of the teams? Is Team 1 more

13 settled and they're joining Team 2 and Team 3? How do

14 you recall the picture, please?

15 A. I believe most of Team 1 were already there and

16 established and continuing on with theirs. It was more

17 the enablers that were moving in.

18 Q. So is that Team 3 in particular?

19 A. Team 3. Some elements of Team 2, but I believe the

20 majority of those were also in place.

21 Q. So those were being pulled in both from SIB and from

22 GPD; is that right?

23 A. Yes, that's correct.

24 Q. Can we look, please, at your paragraph 14. It's about

25 halfway through that paragraph, where you say this:

1 "I did not consider that the level of skill and
2 experience of all personnel on Op Northmoor was always
3 adequate to fulfil the specified roles as we were
4 continuously training the investigators whilst I was in
5 role. They all had basic investigatory skills but some
6 needed more specialist training such as the ...
7 ('CLEM'). However, after a period of on-boarding and
8 additional training, personnel better understanding the
9 investigation, why they were doing it and what their
10 role was ..."

11 And you say that this:

12 "... in turn alleviated some of the mental health
13 and stress issues that were being experienced."

14 I am going to come to that in a second, those
15 health issues, but were there issues with SQEP personnel
16 when you arrived?

17 A. With some of them, yes.

18 Q. And in terms of a percentage -- to the extent that you
19 are able, I appreciate it's a difficult exercise -- do
20 you recall it being a prominent issue or was it just an
21 occasional issue?

22 A. It was continuous as we were going through. Especially
23 with the way the military reassigns people in and out as
24 well: if you had somebody who was SQEP but then they
25 were due to leave on assignment, they would be replaced

1 with somebody who might not necessarily be SQEP, so you
2 would then have to bring them up to it again. So it was
3 continuous.

4 Q. Thank you.

5 And just as a slight sidebar, that two-year
6 effectively rotating out period, was it two or
7 three years, generally speaking?

8 A. It depended on who they were and why they were being
9 assigned. So if -- most of the assignments would have
10 been for three years, but some of them would have only
11 been two, if they were reassigned on promotion or
12 anything like that.

13 Q. But generally two or three --

14 A. Between two or three years --

15 Q. -- is that typical within the forces more generally?

16 A. Yes.

17 Q. Thank you.

18 Does it seem to you, within the context of an
19 investigation of this size, length, complexity, that
20 that rotation out assists an investigation?

21 A. I think it's a double-edged sword.

22 Q. Explain.

23 A. Because whilst you could be losing that experience and
24 that knowledge, sometimes you can become stagnated and
25 too focused on certain areas and very stovepiped in the

1 way of thinking. So, by rotating people through, you
2 could then end up with a fresh set of eyes on something,
3 with a slightly different interpretation or
4 understanding, which may progress the investigation in
5 other ways that might not have occurred previously. So
6 that's why it's double edged.

7 Q. Thank you. But in terms of the specifics of
8 Operation Northmoor, just concentrating a little more on
9 that, this was an investigation that had a number of
10 complexities, in particular in relation to the material
11 that needed to be viewed --

12 A. Yes.

13 Q. -- and considered and the clearances that people needed?

14 A. Yes.

15 Q. So did that add a layer of complexity?

16 A. A rather large one, yes.

17 Q. Of course we're not going to go into it in detail but
18 did it take time for clearances to come through and so
19 on?

20 A. Yes, it did.

21 Q. And in respect of the material that investigators were
22 able to view, some might not have had the clearance that
23 they needed to view some of that material?

24 A. Correct.

25 Q. And so needed that training and that would have fed

1 through?

2 A. They would also have not been allowed to even view that
3 material or touch it or anything like that until those
4 clearances were obtained.

5 Q. So if, for example, there was a task that needed
6 doing --

7 A. It had to go to somebody else.

8 Q. It would have to go to somebody else. Thank you very
9 much.

10 Looking, please, at the recruits that were sent
11 through -- those who came through -- "recruits" is
12 probably the wrong word, forgive me, but who came to
13 Operation Northmoor. Paragraph 13, please, our page 8.

14 So it follows, in fact, from what we have just
15 looked at in terms of paragraph 12, fairly obviously, 13
16 follows 12, it says:

17 "This was particularly evident to me when
18 I discovered that less than 50% of the personnel
19 assigned to Op Northmoor were considered to be medically
20 fit for the role."

21 A. Correct.

22 Q. Are you talking about those who were the new people
23 arriving or the people who were already there or --

24 A. It was a mixture of both but, yes, there was
25 a significant number of downgraded personnel.

1 Q. You make reference to this being a disproportionate
2 number of personnel with significant injuries that
3 required rehabilitation or treatment. What effect did
4 that have, as far as you could see, on
5 Operation Northmoor more broadly?

6 A. It was difficult. For example, if you had an individual
7 that required physiotherapy, due to the nature of where
8 we had to travel to get to that appointment, it was over
9 an hour's drive away. They would then have an
10 appointment and it would take at least an hour's drive
11 back. If they were doing physiotherapy where they were
12 unable to drive themselves, we would lose another person
13 to then drive them down. So effectively you could lose
14 an investigator or potentially two for half a day to
15 a full day.

16 Q. Did you ever gain an understanding of how it was that it
17 was some 50 per cent? That figure seems high. You tell
18 us if it's high or not.

19 A. No, that was an accurate figure. It was, I believe, one
20 of the assumptions, because this was seen as
21 a long-term, complex investigation that if people were
22 injured they would have time to recover, and this type
23 of investigation would provide that. Unlike the SIB
24 companies and the GPD companies that were going on
25 deployments and were rotating through various

1 deployments in different theatres, it wasn't necessarily
2 as easy for them, if they had a significant injury, to
3 take the time to recover from that whilst still being
4 able to fulfil their functions. Whereas if you were in,
5 for example, the major incident room as one of the
6 inputters of information onto a system, then it wasn't
7 as physically demanding, so therefore they had the
8 requisite time they needed to be able to build their
9 bodies whilst still providing that assistance to
10 investigations.

11 Q. So does it follow from what you have just told us that
12 one of the factors taken into consideration in terms of
13 the personnel that came to Operation Northmoor, to
14 upscale it, to have more people there, more bodies,
15 doing the work, one of the considerations appeared to be
16 medical status?

17 A. I think it was an assumption made by the regiments that
18 they would be able to do that. However, I then
19 addressed this when it was made clear to them the
20 difficulties that we had. They had an assumption that
21 it was much closer located. When they realised no, this
22 is not the case, this is the impact it's going to have,
23 the number of downgraded personnel that were then being
24 assigned in significantly dropped.

25 Q. Thank you. Just following that up, please, if we look

1 at your paragraph 20 which is page 12, your page 11, you
2 say this:

3 "I attempted to stem the influx of personnel that
4 were unsuitable for Op Northmoor by inviting all the
5 Regimental Sergeant Majors ('RSM') from each of the RMP,
6 regiments to visit Op Northmoor. At the end of the
7 visit I received apologies from the RSMs (W01 'Geordie'
8 Williams was particularly vocal) who said that there
9 were certain individuals that would not have been put
10 forward for assignment had it been known what situation
11 was."

12 So is that what you were just describing?

13 A. Yes.

14 Q. Just to unpack that slightly, personnel that were
15 unsuitable, is that limited to the question of medical
16 status or was there other unsuitability that you were
17 concerned about?

18 A. There was other unsuitability as well. The
19 RAF St Mawgan is very isolated due to its location
20 geographically, and some individuals may not have been
21 able to thrive in such an environment, particularly if
22 they had other responsibilities on them that would make
23 it more difficult for them. Perhaps they were looking
24 after family members or anything like that. So
25 literally being four or five hours away was not going to

1 be suitable for them.

2 Q. Thank you.

3 When you say that W01 Williams was particularly
4 vocal, can you just assist us with vocal about what,
5 please?

6 A. He actually spoke to me and said that he hadn't realised
7 what was there, how the individuals were dealing with
8 what they were dealing with. So he said there were
9 certain personnel that ordinarily, had he been aware of
10 that from the outset, he probably would not have put
11 their names forward.

12 Q. Mental health: that appears to have been another
13 concern, perhaps related to some of the concerns that
14 we've just looked at.

15 Can we turn, please, to your paragraph 57.

16 You can find this on page 31, apologies.

17 You say this:

18 "As stated above there was a disproportionate
19 number of unit members that were initially not the best
20 fit for, they assigned roles, which was a challenge
21 particularly in the initial stages. I believe that
22 almost 15% of the overall Company strength were
23 receiving medical intervention for mental health issues
24 which, in my view, was disproportionate to the size of
25 the Unit."

1 You then go on to talk about the logistics of them
2 seeking assistance.

3 If we then turn back to paragraph 14, page 9, just
4 picking up on this theme you say this:

5 "In my view there was initially a significant
6 mental health issue amongst a number of personnel due to
7 a variety of reasons which needed to be addressed.
8 I did not consider that the level of skill and
9 experience of all personnel on Op Northmoor was
10 always adequate to fulfil the specified roles as we were
11 continuously training the investigators whilst I was in
12 role."

13 It's a paragraph we've seen before, but within the
14 context of mental health, we can see -- or mental health
15 considerations -- you say this:

16 "However, after a period of on-boarding and
17 additional training, personnel were better understanding
18 the investigation, why they were doing it, and what
19 their role was, which in turn alleviated some of their
20 mental health and stress issues that were being
21 experienced."

22 I just want to ask you about that in particular.
23 Does it follow from the fact that -- the fact that the
24 on-boarding and additional training that you were
25 providing to the people who were arriving, that that was

1 alleviating some of the concerns, some of the pressures
2 that people felt?

3 A. To a small extent, yes.

4 Q. Yes, I don't want to overstate it, but does it follow
5 from that that some of the concerns, some of the issues
6 that people had, perhaps the pressures they were
7 feeling, appeared to relate to their understanding,
8 firstly, of the investigation?

9 A. Yes.

10 Q. To why they were doing it?

11 A. Yes.

12 Q. What their role was?

13 A. Yes.

14 Q. So people were arriving with, it appears, not much of an
15 idea of what they were -- what Op Northmoor was about
16 and what they were --

17 A. What they were stepping into. But that would have been
18 understandable, due to the classification and the fact
19 that it had been predominantly -- the complexity of it,
20 it would have been predominantly dealt with through the
21 SIB.

22 Q. Was there, to your mind, any feeling that any of those
23 with these concerns felt, even if only initially, that
24 perhaps they were a little out of their depth with an
25 investigation of this size and complexity?

1 A. Yes. And the importance of that investigation. They
2 understood how important it was and the implications of
3 if we got it wrong.

4 Q. In respect of the responsibility for SQEP and ensuring
5 that personnel who were suitable for Op Northmoor were
6 sent there, whose responsibility was that?

7 A. That would have been handled by the desk officers that
8 were up in Glasgow. They were responsible for assigning
9 personnel.

10 Q. Did you report back any of the concerns you had about
11 broader SQEP?

12 A. This was why I had brought the RSMs down into
13 RAF St Mawgan, so they could understand what type of
14 person we were looking for, what type of SQEP they would
15 need to have in order to be able to step into such
16 a role. And whilst we can train some things, there are
17 others that cannot be, which was why it was -- some
18 people would not have been suited for working on that
19 type of investigation.

20 Q. Can I ask then, please, about another part of your
21 statement. It's paragraph 118, page 50, where you make
22 reference to what appears to be potentially another
23 source of pressure upon the team. Those are my words
24 and do feel free to disagree.

25 So it says this:

1 "I was not involved in some of the key decisions
2 made regarding, the conduct of the investigation. The
3 'lifed' term to conduct the investigation was also a
4 considerable constraint as it placed significant
5 pressure upon investigators."

6 Pausing there, when I -- just discussing
7 pressures, that's what I mean.

8 "I believe that the investigation was constrained
9 in terms of timeframe, therefore wider context in
10 understanding were limited, however that constraint was
11 required in order to establish boundaries so that
12 a practical and effective investigation could be
13 conducted."

14 I just want to understand what you mean by that,
15 please. So when you refer to a "lifed" term, what are
16 you discussed there? What are you talking about?

17 A. The investigation, we knew, was not going to be able to
18 roll on for years and years and years with no end in
19 sight. That was not going to be possible. And it
20 was: we need to get this done, we need to get it done
21 efficiently and effectively. Having that -- stood up
22 a company for this investigation on its own does have
23 a considerable drain and puts pressure on the wider RMP
24 and the support that they also then provide to the force
25 when it is going on deployments.

1 So, factors like that have to be considered, and
2 it was that the case of Northmoor had surged up to this
3 size and, as it progressed, would it still need to
4 remain at the size it did? Probably not, particularly
5 if the Team 2 investigations were being cleared through.
6 So then it may well be able to draw down again to
7 a smaller, more specialist team.

8 Q. Thank you.

9 A. So when I say "lifed", it was lifed in terms of -- at
10 the size and scale that it was being conducted when
11 I was there.

12 Q. So with that caveat, lifed size and scale, how long did
13 you understand? What was the term that you were looking
14 at in respect of the investigation being carried at that
15 size and scale, at that surge capacity?

16 A. I think it was probably only going to be at that surge
17 capacity until the end of my tenure, and they would be
18 looking to draw down after that, which would explain why
19 there was no other major that was then appointed in to
20 replace myself.

21 SIR CHARLES HADDON-CAVE: By the end of your tenure, you
22 mean?

23 A. By 2018, when I --

24 Q. April 2018 is when you left. Did you know that you were
25 a two-year appointment effectively?

1 A. I knew that I was a two-year appointment. I think that
2 they had expected to be able to start drawing down by
3 that time.

4 Q. When did you -- or when were you made aware that there
5 was a lifed term to this part of the investigation, this
6 stage, this phase?

7 A. Quite early on. It was -- that's why the pressure was
8 there to build it quickly and establish it, because we
9 needed to make sure that it was up and running and that
10 we were then able to process the work that needed to be
11 done in that time whilst we had that surge capability
12 available.

13 Q. Thank you. Just to try to get a little more specificity
14 if we can.

15 A. Mm-hm.

16 Q. So we know that you arrive in May '16, but you are aware
17 of it beforehand --

18 A. No, I was aware of it after I had taken on the role.

19 Q. Sorry, thank you. Just trying to get -- not aware of
20 this specifically --

21 A. Yes.

22 Q. -- the fact that you are coming to Operation Northmoor.
23 But you have answered my next question. So it is
24 after you are appointed that you become aware of the
25 lifed term, we're calling it?

1 A. That it was going to be a surge up and -- up for those
2 numbers, yes --

3 Q. And again --

4 A. -- before going down.

5 Q. I know it's a long time ago but, just doing your best,
6 how long after your appointment in May '16, please?

7 A. I would have said within the first few months.

8 Q. How was it communicated to you, please?

9 A. I believe it was when I had the meeting or one of the
10 first meetings that I had with Gold as he was explaining
11 Northmoor is not going to be a permanent company. It is
12 for this reason, it is for this investigation, and then,
13 once the investigation is complete, it will fold.

14 Q. Which Gold?

15 A. Colonel McAllister.

16 Q. So Colonel McAllister's term as Gold came to an end only
17 a few months after you had been appointed?

18 A. Yes.

19 Q. He had expressed to you, had he, the fact that there
20 would be this surge; is that right?

21 A. He didn't use that phrase.

22 Q. Sorry, that's my word but there would be --

23 A. That Northmoor was to be built up as a company and then
24 it will -- as the investigations progress, it will draw
25 down as required.

1 Q. Thank you.

2 Had he made you aware of any indication he had
3 been given as to Op Northmoor contracting, getting much
4 smaller, or the desire for that?

5 A. No. I don't believe it was happening whilst he was
6 Gold.

7 Q. You weren't aware, for example, of any suggestion that
8 Op Northmoor might be drawn down to, say, 25 personnel?

9 A. Could you say the question again, please.

10 Q. Yes. Were you aware of any suggestion being made that
11 Op Northmoor be drawn down to around 25 personnel in the
12 summer of 2016?

13 A. Not in the summer of 2016, no.

14 Q. When you arrived in the summer of the 2016, did it seem
15 to you with the scale of the work that Op Northmoor was
16 conducting that a drawdown, a contraction, to 25 across
17 the piece was in any way possible?

18 A. At that stage, no. In future, yes, but at that stage,
19 due to the volume of work that was being gone through
20 and the complexities, no.

21 Q. When we say in the future, or when you say in the
22 future, is that a reference -- and do tell me again if
23 I'm wrong -- is that a reference to a desire through the
24 surge to address, in particular, the Team 2 allegations,
25 the large number of Team 2 abuse allegations?

1 A. I think it was -- the surge was partly for the Team 2,
2 but also to make sure that everything, that the
3 investigation had got to the point where you needed
4 everything to be uploaded, the volume of material. So
5 the MIR had to be fully operational and you needed the
6 surge capacity to establish that. Maintenance of it
7 afterwards would have been -- you can draw down
8 afterwards but, to build it in the first place, you
9 needed that surge capability.

10 Q. Yes, because, as you said, it hadn't been built yet?

11 A. No.

12 MR MARTIN: I can see the time, sir. I don't know if you
13 are minded to take a morning break?

14 SIR CHARLES HADDON-CAVE: Indeed, Mr Martin. If that is
15 convenient, shall we break for quarter of an hour?

16 MR MARTIN: Yes, please. Thank you.

17 SIR CHARLES HADDON-CAVE: We will break now, please,
18 until 11.35, and I remind all witnesses please don't
19 discuss your evidence with anybody in the break.

20 All right, time for some coffee, I think.

21 11.35, please, thank you.

22 **(11.21 am)**

23 **(A short break)**

24 **(11.38 am)**

25 SIR CHARLES HADDON-CAVE: Mr Martin.

1 Q. Major Stitson, I want to move on very briefly to another
2 question of resources. So we have looked at personnel
3 as a resource. I am going to look now at the FDHC.
4 That's the Forensic Data Handling Capability.

5 In your witness statement can we look, please,
6 together, at paragraph 64. You can find that at your
7 page 32, or 33 for those in the room.

8 Paragraph 64, thank you.

9 So it says:

10 "The FDHC was purchased prior to my arrival after
11 a need for such a system had already been identified by
12 elements of the [Provost Marshal (Army) headquarters].
13 I believe that Major Phil Hacker led on this and was an
14 integral part in securing this as a new capability for
15 Defence."

16 And then:

17 "Details of the type of system and other
18 jurisdiction [it was] believed to have ..."

19 At 65, please:

20 "I understood the FDHC to be a repository to hold
21 all of the information and data that Op Northmoor
22 obtained. For instance, looking at potentially storing
23 the data from approximately [a number given] hard drives
24 from PJHQ related to Torchlight and Varsity data. Data
25 would be input into the FDHC and that would be how the

1 material would be accessed going forward."

2 Just pausing there for a moment, so FDHC purchased

3 prior to your arrival --

4 A. Correct.

5 Q. In fact, you may not have seen this, but it was around

6 March 2016 that it was in fact signed off on. Were you

7 aware of the cost of the FDHC at the time?

8 A. No, not the exact cost.

9 Q. Did you know it was expensive?

10 A. Very.

11 Q. 7.5 million, does that ring a bell?

12 A. I knew it was in the millions. I didn't know exactly

13 how much.

14 Q. In respect of that capability, so it's a capability that

15 appears to be bespoke for Op Northmoor in the first

16 instance, did you understand that the FDHC would, at the

17 conclusion of Operation Northmoor, also be utilised by

18 the wider armed forces or army or RMP?

19 A. I believed, yes, it would continue on after that point,

20 was the intention.

21 Q. Thank you. So it wasn't only a capability that was

22 being established for Operation Northmoor but to assist

23 the RMP in its investigations going forward?

24 A. I believe so, yes.

25 Q. Now, it was signed off on before you came, all right, so

1 I don't need to ask you about that.

2 But was your understanding that, as a facility, it

3 had been assessed as effectively essential for the role

4 that Operation Northmoor was to carry out?

5 A. I believe it was one of what I would have considered

6 a critical asset to allow the investigation to continue

7 and be as effective as we wished it to be.

8 Q. Thank you. Just help us with what you mean by critical

9 asset?

10 A. It would allow us to search across multiple systems and

11 to obtain evidence across the multiple systems that we

12 had been gathering evidence from. It would all be in

13 one place. So we would be able, then, to pull the data

14 from one point rather than having to go through multiple

15 different chains trying to get hold of the data.

16 Q. It was a data-heavy investigation, wasn't it?

17 A. Yes, it was.

18 Q. And data was being pulled from a number of different

19 databases?

20 A. Yes.

21 Q. It was very significant in size, the amount of data that

22 had been obtained, although -- and I'm not going to ask

23 you about this -- not all the data that the RMP sought

24 was in fact obtained?

25 A. Correct.

1 Q. Most notably, perhaps, the server ITS1, which is what we
2 referred to it as in this Inquiry.

3 A. Yes.

4 Q. So the FDHC, it did in fact arrive in St Mawgan, is that
5 right?

6 A. It physically arrived in St Mawgan, yes.

7 Q. Did it arrive during your tenure there?

8 A. Yes, it did.

9 Q. In boxes?

10 A. Correct.

11 Q. And those boxes were taken to the secure facility where
12 the investigation was undertaken?

13 A. Correct. And they were stored there.

14 Q. And?

15 A. And they were stored there.

16 Q. And anything else?

17 A. No, they were not installed during my tenure.

18 Q. So they were taken into that facility, stored, and as
19 far as you are aware that's all that happened?

20 A. By the time I left they were still in the boxes there.

21 Q. All right. So, doing your best as to when the equipment
22 arrived, with reference to when you arrived, can you
23 help us with when that would have been?

24 A. It had probably been there I think at least between
25 6 and 12 months before I then left.

1 Q. So 6 to 12 months in the box?

2 A. Yes.

3 Q. Thank you.

4 New topic, please: command structure. Can you
5 turn to tab 18 of the bundle. Page 3, please.

6 So, "Operation Northmoor Command Structure". It
7 may assist you, if you want, to take it out, that's
8 absolute fine, just to have it the right way up.

9 So:

10 "Operation Northmoor Command Structure Until
11 Mid 2017."

12 This is -- as you will see, it's an addendum to
13 the witness statement of Kristian Paul Rotchell, now
14 Brigadier Rotchell, that has been provided to the
15 Inquiry to set out the structure of Operation Northmoor.

16 Looking on the left-hand side, we can see in the
17 dotted box the dates given there: March '14 to July '14.
18 So that's a very early stage in the investigation,
19 having started in March. Gold, Silver, Bronze, with
20 names given.

21 But then if we move, please to the bigger piece,
22 we can see the structure as set out.

23 You have had an opportunity to familiarise
24 yourself with this document; is that right?

25 A. Yes.

1 Q. Thank you very much.

2 So does this reflect the structure, the

3 Operation Northmoor command structure, in that period

4 until mid-'17?

5 A. From my perspective?

6 Q. Yes.

7 A. Yes.

8 Q. Thank you.

9 So we have the Provost Marshal (Army) at the top.

10 We can see, if we just move down, we have Gold, so we

11 have McAllister picked out there until September '16, so

12 overlapping with the beginning of your tenure, and then

13 Harvey from October '16. So it is Lieutenant-Colonel

14 Harvey who is primarily your Gold Commander; is that

15 right?

16 A. Correct.

17 Q. Then underneath we have the Silvers picked out, although

18 in fact your name does not appear there.

19 A. Correct.

20 Q. We can see a dotted line off to the right, just to

21 assist with where we do find your name, which is

22 "[Officer Commanding] Northmoor (Admin)", '16 to '18

23 your tenure.

24 Then underneath the Silvers, the teams, so 1, 2

25 and 3, with the names of the SIO given.

1 We also have the "[Assistant Head] Northmoor" in
2 the top right-hand corner. Can you just help us with
3 that, please, and your understanding of that role that
4 Colonel Morris was to play?

5 A. He would provide more of the strategic direction for
6 Operation Northmoor, and he was an interface for us to
7 stop people reaching directly into the company and the
8 investigators, which, prior to that I believe, had been
9 occurring.

10 Q. Did he have any role, to your mind, in the issue of
11 resourcing?

12 A. I think he assisted in making sure that at the higher
13 levels it was being addressed appropriately.

14 Q. Just help us with "higher levels". What do you mean?
15 Do you mean higher levels within the diagram that we see
16 here or above that?

17 A. I think within the diagram that we see here.

18 Q. All right, thank you.

19 SIR CHARLES HADDON-CAVE: When you say he -- stopping people
20 reaching directly into the company, which had been
21 happening before, can you help us with what you meant --

22 A. It was things like when the media would come asking
23 directly for lines to take, or if any of some of the
24 legal teams would request information or statistics,
25 they would come directly into the company. And he was

1 there to make sure that it was appropriate what was
2 being asked for and what was being released and that it
3 would not impact on the investigation.

4 SIR CHARLES HADDON-CAVE: Thank you.

5 MR MARTIN: If we just go over the page, please, and look at
6 the second diagram, we can see "Operation Northmoor
7 Command Structure After Mid 2017".

8 So PM(A) at the top again, down to Gold,
9 Mr Harvey, we see the dotted line down to AH Northmoor,
10 and we see from AH Northmoor down to you, as
11 OC Northmoor. And then we can see that there is the
12 Silver, who is Cox in this. And then underneath that,
13 Officer in Charge of Investigation, which is initially
14 Captain Wright and then Major Cox. Then we also see the
15 IC Investigation Support.

16 Just to be clear, this second diagram, does that
17 reflect the position after a new Silver Commander came
18 in and effectively relieved you from Silver Commander
19 responsibilities?

20 A. Yes, that reflects when Major Cox came in.

21 Q. Thank you. That's very helpful.

22 The Gold, Silver, Bronze structure, so it's
23 a structure that's perhaps familiar to Home Office
24 police. Was it a structure that was familiar to you
25 when you arrived at Operation Northmoor?

1 A. It was one that I was aware of due to being on the
2 SIO course, and it was something that was only ever
3 employed on highly complex investigations such as this.
4 Q. So you were aware of it?
5 A. Yes.
6 Q. Had you had any experience of it?
7 A. No.
8 Q. Insofar as you are aware of this, was it typical for
9 a Gold, Silver, Bronze structure to be employed across
10 RMP investigations?
11 A. No, we tended to use the military structure, and --
12 I suppose it was just phrased slightly differently.
13 Q. Because you had a pre-existing --
14 A. Yes, we already had a pre-existing --
15 Q. -- hierarchy?
16 A. Yes.
17 Q. Thank you.
18 Had you understood that this Gold, Silver,
19 Bronze -- I am going to call it GSB -- that this had
20 been deployed on any other investigations?
21 A. Not that I have had involvement in, no.
22 Q. In respect of the roles that Gold, Silver and Bronze
23 were to play, were you familiar, when you came into your
24 position in May '16, were you familiar with what those
25 roles entailed?

1 A. I was, which was why I had raised as -- if I was meant
2 to be the officer commanding of a company as well as
3 Silver, that is two very distinct roles, and they are --
4 you need two people to fill them.

5 Q. How quickly did you raise that, please?

6 A. It was one of the things that I had raised with
7 Colonel McAllister. And then, when the -- when
8 Operation Northmoor becomes co-ordinated under the
9 Special Investigation Branch Regiment it had also been
10 raised with the colonel of that regiment.

11 Q. Thank you.

12 So you raised your concerns, to be fair to you, it
13 seems, quite early?

14 A. Yes.

15 Q. Thank you.

16 A. I thought it was very obvious.

17 Q. What was obvious?

18 A. That it needed two distinct roles.

19 Q. Thank you.

20 There is a further document to be shown. It's not
21 in your bundle, but I'm just going to ask for it to go
22 on screen, please.

23 It's under tab 27. I think that's what it's known
24 as. It's not your tab 27.

25 Apologies that this wasn't with you before,

1 Major Stitson, but we will work our way through it, and
2 slowly, I want to give you an opportunity to look at it.
3 So we go to the next page, please.
4 All right, so just looking at this document, we
5 can see dated 10 September '14. So, some time before
6 you joined obviously.
7 Deputy Provost Marshal (Investigations),
8 Commanding Officer SIB Regiment RMP.
9 Others are copied in.
10 "Op Northmoor - Command and Control."
11 There are references to other attachments which
12 are dated 17 March '14 and 25 March '14, so this is
13 around the time -- those references are to the time that
14 Op Northmoor is stood up in the first instance?
15 A. Mm-hm.
16 Q. All right.
17 "Issue
18 "1. The command and control of Op NORTHMOOR.
19 "Direction.
20 "2. DPM(Inv) and CO SIB Regt RMP are to note:
21 "a. Reference A remains extant; and
22 "b. The new command control arrangements."
23 And that is what I am going to look at with you.
24 "Timing
25 "3. Immediate.

1 "Background

2 "4. Reference A outlines the 3 current strands of

3 investigation activity in respect to the allegations the

4 abuse of UK held, or formerly held, detainees ..."

5 And so on.

6 "Reference B gave initial direction on command and

7 control but having reflected on the investigation

8 progress, this direction requires updating to reflect

9 the operational realities.

10 "5. Command Structure. I have decided that in

11 order to maintain effective command and control of this

12 incident the Strategic, Operational and Tactical

13 structure will be amended to reflect the investigation

14 needs. The specific appointments are:

15 "a. Strategic (GOLD) ..."

16 And we have Lieutenant-Colonel McAllister there.

17 "b. Operational ..."

18 Also known as the "OIOC", or officer in overall

19 charge, or "Silver", Major Ward.

20 And then:

21 "c. Tactical (Bronze/POD SIO) - Allocated by

22 [the Silver]."

23 If we go over the page, please:

24 "Roles and Functions."

25 Paragraph 6. And gives:

1 "The specific roles for each within the Command
2 Structure ...

3 "Strategic [so Gold] - I direct this officer
4 combines all RMP resources towards managing and
5 resolving the investigation in a prompt and effective
6 way. He is to create a Strategic Management Group to
7 meet at regular intervals and actively ensure that all
8 courses of action are being undertaken."

9 And sets out a number of points there. I'm not
10 going to pick up on all of them. I am going to look
11 down at (b), which is Operational, the OIOC or Silver,
12 all right?

13 So that's the role that you had been asked to play
14 when you were recruited into Operation Northmoor.

15 "... The OIOC must be located where he can
16 maintain effective command and control and is
17 responsible for:

18 "i. Developing and co-ordinating the operational
19 plan in order to meet the strategic intent.

20 "ii. Determining, the way resources are used to
21 achieve the strategic intent within the range of
22 approved tactical options.

23 "iii. Ensuring that all personnel are properly
24 briefed and debriefed.

25 "iv. Maintaining a policy file in accordance with

1 the Major Incident Manual.

2 "v. Acts as the link between persons allocated to
3 Op NORTHMOOR and their assigned unit commander.

4 "vi. Reviews, updates and communicates changes to
5 the operational plan to the strategic commander and
6 investigators.

7 "vii. Ensures the tactics employed by SIOs meet
8 the strategic intention and the operational plan."

9 We can see, if we just go over the page, just to
10 see, signed off by the PM(A).

11 So, at that point, and this is when -- if we just
12 go back to tab 18, page 3, please -- that is when this
13 first structure effectively comes into being, all right?

14 A. Mm-hm.

15 Q. Apologies, it's a long way to get there.

16 But those roles and functions as they were set out
17 by the PM(A) and as reflected in this diagram, you have
18 said that you had some familiarity, in that you had done
19 the SIO course, so you know what Gold, Silver and Bronze
20 was. These roles and functions, do those reflect how
21 you understood the responsibilities were to be allocated
22 between Gold, Silver and Bronze?

23 A. Yes.

24 Q. So, from your understanding of what was required of
25 a Silver at B, the operational level, does that appear,

1 to your mind, to be what you were being asked to do?

2 A. Roughly, yes.

3 Q. Thank you.

4 Did you feel that that was a role you could, in

5 fact, carry out?

6 A. If it was the only role I was meant to be filling, yes.

7 Q. Now, it's clearly an important role; do you agree?

8 A. Absolutely.

9 Q. Sufficiently important for that entire structure to be

10 put in place in the first instance, it seems.

11 Now, you, as you just indicated, you didn't think

12 it was possible to combine those responsibilities with

13 your other responsibilities. Is that a fair summary?

14 A. Yes.

15 Q. Can we look, please, at your paragraph 18, at page 10.

16 This does touch on some of the themes that we've already

17 looked at:

18 "In my view, if the Company had already been

19 established and was at Full Operational Capability ...

20 then it would have been possible to be SILVER and OC

21 at the same time but the situation that I had inherited

22 was approximately 12 months away from that point."

23 Yes?

24 A. Correct.

25 Q. So this is the full-time job that you were referring to

1 in establishing the company?

2 A. Yes.

3 Q. Because the foundations, you said, just weren't there?

4 A. Correct.

5 Q. What about in respect of -- just putting to one side, if

6 we might, briefly, the question of your bandwidth, the

7 hours in the day that you actually would have had to

8 fulfil the role of Silver -- in respect of experience,

9 you have already noted that your predecessors did appear

10 to have considerable experience?

11 A. Correct.

12 Q. On investigations, yes?

13 A. Yes.

14 Q. And you have said already, and we've looked at this,

15 that they were -- that it was perhaps suited to late

16 entry officers, those who had deployed on operations?

17 A. Correct.

18 Q. Can you look at paragraph 21, please, page 12.

19 So, to be fair to you, this is shortly after your

20 arrival at Operation Northmoor, so you:

21 "... received initial briefs from the

22 investigation teams. I then travelled to Andover to

23 visit the HQ Provost Marshal (Army) office for further

24 briefs. At this stage I had a very rudimentary

25 understanding of the investigation itself ..."

1 Which is perhaps understandable.

2 "... and lacked the knowledge and experience to
3 make informed decisions as SILVER."

4 I just want to understand that part of it, and it
5 really is no criticism of you, Major Stitson. Did you
6 feel that you had, when you inherited that role, as
7 Silver rather than as OC, the required experience to do
8 justice to that role?

9 A. No.

10 Q. Do you why you were put in that position?

11 A. No.

12 Q. Again, with respect to you, anyone who had looked at
13 your career hitherto would have seen, on an assessment,
14 that perhaps you didn't have that experience. Do you
15 agree?

16 A. I agree, yes.

17 Q. In fact, you felt sufficiently inexperienced that you've
18 had the conversations that you are already alluded to?

19 A. Correct.

20 Q. Is this, within this paragraph, and I will read it out,
21 the conversation that you refer to with Gold? So:

22 "... I felt that this was what was being demanded
23 of me by the investigation teams [i.e. making informed
24 decisions] and by Lt Col McAllister who was filling the
25 role of GOLD at the time. Lt Col McAllister, seemed to

1 understand the challenges that I was facing ..."

2 So that's the OC demands, yes?

3 A. Yes.

4 Q. "... but he was also clear that I was to get on with
5 being both OC and SILVER."

6 So he made clear to you, did he, that,
7 notwithstanding the issues that you had raised, and your
8 knowledge of yourself, that perhaps you were not
9 experienced enough to be doing this, you needed to get
10 on with it?

11 A. Yes.

12 Q. To the extent that you were able to, and clearly there's
13 a hierarchy, did you push back on that at all?

14 A. Other than raising my concerns with him, that he was
15 also -- it needs to progress, this must happen, we can't
16 just drop it.

17 Q. You say at the bottom of this paragraph, four lines up,
18 on the right-hand side:
19 "From our first meeting I was left with the
20 impression that GOLD had been shouldering more than
21 expected with regards to investigative responsibilities
22 and understandably he now wanted to hand those off."

23 A. Yes.

24 Q. So when you say "left with the impression", can you just
25 assist us with what gave you that impression?

1 A. I believe he had also been covering certain aspects of
2 Silver at that time. His understanding of the
3 investigation and the complexities surrounding it and
4 some of the issues were what I would have expected
5 Silver to know, not necessarily -- and been dealing
6 with, not necessarily the strategic level, which he
7 would have been as Gold. So I think he was shouldering
8 some of the Silver responsibilities as well, due to an
9 absence of a Silver for some time.

10 Q. Thank you.

11 SIR CHARLES HADDON-CAVE: Do you know why your three
12 predecessors didn't last very long?

13 A. No.

14 MR MARTIN: But what you have said is it seemed to you that
15 they had left the role as soon as they were able?

16 A. Yes.

17 Q. What is it that gives you that impression, please?

18 A. The -- having spoken briefly with my predecessor, it was
19 a handing off a hot potato: "Good luck, carry on, and
20 best of luck."

21 Q. Was that Major Penman?

22 A. Yes.

23 Q. Good luck, as just good wishes or good luck as in you
24 will need it?

25 A. Good luck, you are going to need it.

1 Q. We've looked that issue of Suitably Qualified and
2 Experienced Person, of SQEP. For that role of Silver,
3 were you SQEP?

4 A. For the role of Silver, at that time I would have said
5 I was not.

6 Q. But as you have said, you were given that role, yes?

7 A. Correct.

8 Q. You didn't know why?

9 A. No.

10 Q. And you were told to get on with it?

11 A. Yes.

12 Q. Is it a position that you, in your view, should ever
13 have been put in?

14 A. I think it is a position that has to be filled, and if
15 I was the most suitable candidate at that time that
16 could be used then I should have been put in there,
17 which I was. There would have been reasons why others
18 would have been discounted.

19 Q. So it was the best that could be done in the
20 circumstances?

21 A. Yes.

22 Q. Just reflecting on that for a moment, does that mean
23 that perhaps the pool that was available in terms of
24 SIB SQEP was not deep enough?

25 A. I think it would have also been -- because there are

1 limited numbers of SIB investigators anyway, I think it
2 was difficult because they were also fulfilling roles
3 that were essential elsewhere.

4 Q. Thank you.

5 Can we look at your paragraph 19. I just want to
6 look at the effect, to the extent that we can understand
7 of your being appointed to the Silver role.

8 So you say, at 19:

9 "In order to ensure that the investigation
10 continued to progress, I decided to rely more heavily
11 than would be normal on the teams, SIOs and Deputy
12 SIOs."

13 A. Yes.

14 Q. Then you say:

15 "Once the company was more established, my plan
16 was that I would be in a position to take on more of the
17 Silver aspects."

18 A. Yes.

19 Q. Did that ever come about? Just looking at the
20 chronology, we know that Major Cox comes along to play
21 a Silver role and you remain as OC?

22 A. Yes.

23 Q. That happens around February '17, I think, from
24 recollection?

25 A. Yes.

1 Q. He may have been trailed before, but --

2 A. Yes, I would say he was in slightly before then,

3 but yes, he was actually full on -- full-time Silver

4 from --

5 Q. Winter '16/17?

6 A. Yes.

7 Q. So, in the months preceding that, so when you arrived in

8 early summer through to the winter, did there come

9 a point when you actually took on the Silver

10 responsibilities any more or did that have to wait in

11 effect until Cox arrived?

12 A. It was not done at the level or the capacity that

13 I think it warranted for that investigation. So it was

14 almost like as much effort as I could put towards it was

15 put towards it but it was not at the level I think that

16 investigation required.

17 Q. Thank you. You did establish Silver meetings; is that

18 right?

19 A. Yes, I did.

20 Q. Were those put in place before you?

21 A. No.

22 Q. Do you know why?

23 A. I don't know. My predecessor did not actually give me

24 a handover, so I don't know.

25 Q. In respect of the extent to which you understood your

1 predecessor's roles, had they been playing what might be
2 considered a Silver role? They obviously had the Silver
3 role and the OC role, as you did. Do you know if they
4 were performing the Silver role alongside the OC role,
5 or was it more, like you, really the OC role?

6 A. I genuinely have no idea. As I said, I did not get
7 a handover so I don't know what had been done
8 previously.

9 Q. Did you tell anyone or make it clear that your decision
10 was that you were going to rely more on your SIO and
11 DSIOs?

12 A. I did speak with my SOIs and DSIOs about that. They
13 were all SIB, very competent, very experienced, and
14 I did inform them I would be reliant on their knowledge
15 and their insights and I will make informed decisions
16 from what they were telling me.

17 Q. What about up the chain? Were they made aware of your
18 decision to rely more heavily on the SIO and DSIO than
19 might ordinarily be the case?

20 A. Council McAllister was aware due to the SQEP, and he had
21 also stated, because I did have strong SIOs, they would
22 make sure that things were done correctly.

23 Q. Thank you.

24 Was concern expressed to you at any stage about
25 your appointment as Silver by others?

1 A. Yes.

2 Q. Who?

3 A. The SIO from Team 1.

4 Q. Captain Wright?

5 A. Captain Wright, yes.

6 Q. Anyone else?

7 A. No. He was the one that spoke to me about it. I don't

8 know if others had spoken to him and then he came with

9 a --

10 Q. Yes.

11 A. -- cohered response from everybody but he is the one who

12 spoke to me about it.

13 Q. What did he say, to the best of your recollection?

14 A. He stipulated that he thought being the OC as well as

15 Silver, particularly with the relocation and myself not

16 having the SQEP, was very difficult, and he was not sure

17 that I would be able to fulfil those roles.

18 Q. So, in other words, he had the same concerns as you?

19 A. Yes, he did.

20 Q. Can we turn, please, to tab 10, page 2.

21 Just with reference to what you have just given

22 evidence about.

23 So this is a policy file report. It's a type-up

24 of a policy file report. It's from, as you will see at

25 the bottom, Captain Jason Wright, SIO Team 1.

1 It's dated 17 May 2016, 11:34. Policy text is:
2 "Decision Appointment of Silver."
3 And this relates to, it appears, your appointment.
4 So:
5 "Maj Tina STITSON has assumed the role of Silver.

6 Provided her with full brief of the matters under the
7 remit of [Team] 1, inclusive of the most sensitive
8 issues."
9 Is that right?
10 A. Yes.
11 Q. "Neither her or I have been briefed by Gold on the
12 precise role that she will play in the investigation;
13 whether he will fulfil the role of D1 OC and
14 [Company Command] or if she will have a purely
15 a non-investigative function."
16 So it appears from what we have written here that,
17 at that stage, Captain Wright is saying he is slightly
18 unclear as to your role.
19 A. Yes.
20 Q. He also appears to be saying that you were slightly
21 unclear as to your role.
22 A. Yes. Which was to take primacy, Silver or OC?
23 Q. So is it right that upon appointment at this stage,
24 17 May, you weren't quite clear what the balance of your
25 responsibilities was meant to be?

1 A. No, I was still being made aware of the situation on the
2 ground in terms of the company establishment, and I was
3 also trying to understand the complexities of an
4 investigation that had been two years into it, and how
5 it had started, where we had got to, and where they were
6 hoping to get to.

7 Q. Thank you.

8 "At present, I (and she will) assume that she will
9 oversee and direct the investigation. She is qualified
10 as an SIO [as we've discussed] (attended the same
11 [training] as me) and is likely to direct the overall
12 investigation in to not only [Team] 1 matters but also
13 those of [Team] 2 and the activity of [Team] 3. I have
14 raised concerns with Gold and [Detective Superintendent]
15 WILLIAMSON that this is an enormous task for one person
16 and whilst Maj STITSON is qualified, she lacks the
17 operational investigative background. I will support
18 her wholeheartedly as will my team as it is well
19 recognised that the previous incumbents have both left
20 work through sickness (stress). Arguably, the pressure
21 is greater now other than it was at the material times
22 both previous DIOCs departed."

23 Did feel like a stressful environment?

24 A. Oh, yes.

25 Q. I have no doubt being a member of the RMP can be

1 stressful from time to time in any walk. Why was it
2 particularly stressful, if it was?

3 A. I think it's for all the reasons that have already been
4 previously stated. It was a bespoke company. We were
5 dealing with things that had not been dealt with before.
6 We were trying to progress things. We had learnt
7 lessons from previous investigations, such the IHAT,
8 that were trying to be implemented, so that we weren't
9 starting from scratch again. But it was a very big ask
10 and I think that was -- everybody was very aware of
11 that. And the scrutiny that everybody was being put
12 under was not the norm.

13 Q. And it seems, at least from what Captain Wright has
14 written, and he can be asked about it in due course,
15 that the pressure was such that people were in fact
16 going off sick?

17 A. Yes.

18 Q. What is also clear, it appears on the face of the note,
19 is that Captain Wright has said that he was going to
20 work wholeheartedly with you and work together with you.
21 Was that the approach you took or tried to take?

22 A. Yes.

23 Q. What was your view of Captain Wright as an SIO, please.

24 A. Extremely competent. Very, very good at his role.

25 Q. We're going to come to that topic in a moment. Can we

1 just turn to tab 21 and again just to explore the fact
2 that others -- it was apparent to others, as it was
3 apparent to you at the time, that you perhaps did not
4 have the experience that was needed for Silver.

5 A. Yes.

6 Q. So -- sorry, let's just position ourselves in this
7 document first. So if we look at page -- sorry, tab 21,
8 page 3.

9 So this is a "Specialist Investigations Command
10 PIP 4 Report", from Detective Superintendent
11 Paul Williamson of the NCA; is that correct?

12 A. Yes.

13 Q. Well, as you can see, it says National Crime Agency at
14 the top, so perhaps I didn't need to say.

15 So he had been providing guidance and assistance
16 throughout investigation, had he?

17 A. That is my understanding, yes.

18 Q. Pre-dates your time with the investigation?

19 A. Yes. Yes.

20 Q. Were these reports that you saw?

21 A. No.

22 Q. No. Do you know why not?

23 A. No.

24 Q. All right.

25 Have you been able to read through this report as

1 part of refreshing your memory, if that's the right word
2 for this document --

3 A. It did not refresh my memory. I've read the report,
4 now.

5 Q. Do you think it might have been helpful to see these
6 reports while you were undertaking your investigation?

7 A. Yes.

8 Q. Thank you.

9 All right. So, in terms of who did see it, if we
10 just go back to page 2, you can see that this email,
11 10 November 2016, Major Harvey to Colonel Morris:

12 "Col,

13 "The latest NCA report ..."

14 So that's what's enclosed here.

15 Can we turn then, please, to page 7, and we're
16 just going to look in the middle of the page:

17 "Issue: Both the PIP 4 and Greater Manchester
18 Police Major Crime Review Team have highlighted the
19 risks of (i) lack of continuity and sense of the
20 investigation command responsibility at SILVER Command
21 level and (ii) lack of suitably skilled, knowledgeable
22 and experienced SIOs to lead teams. Major STITSON has
23 attended the SIO course but is not an experienced
24 accredited investigator at PIP Levels 3 or 4.

25 "Requirement: (i) Appointment of suitably skilled,

1 knowledgeable and experienced Silver (Investigations) to
2 complement Major STITSON as SILVER (G1-9). It is the
3 opinion of the NCA PIP 4 that the role of Silver
4 Commander (Investigations) is commensurate with Major.

5 "Timing: Immediate."

6 We'll have a look at "Background", but not all of
7 it:

8 "The appointment of a new GOLD commander
9 represents an opportunity to ensure that these issues
10 are addressed with the Provost Marshal (Army) (PM(A)).
11 The purpose of appointing a SILVER commander was to
12 ensure development and implementation of the tactical
13 investigation plan recognising that they would be
14 leading a team of SIOs requiring the need to de conflict
15 and prioritise the allocation of investigations and
16 resources."

17 It goes on, there are some concerns raised about
18 the fact that some of the SIOs may not be suitably
19 qualified.

20 The "Recommendation" is just what I want to turn
21 to:

22 "(i) Appointment of [a] suitably skilled,
23 knowledgeable and experienced Silver Commander."

24 Then this:

25 "Captain WRIGHT has been deployed on

1 Operation NORTHMOOR from inception. He has demonstrated
2 resolve, dedication and ability to perform this role.
3 Captain WRIGHT would offer continuity that is vital to
4 the success of the operation; (ii) appointment of
5 quality trained and experienced SIOs ..."

6 So you had, I think, a high opinion, it's fair to
7 say, of Captain Wright?

8 A. Yes.

9 Q. He had been there from the outset?

10 A. Yes.

11 Q. He had extensive -- he had good experience of
12 investigations?

13 A. Yes.

14 Q. Plainly the NCA appear to think highly of him?

15 A. Yes.

16 Q. From what we have read. I appreciate you hadn't read it
17 at the time.

18 A. Having read it, yes.

19 Q. But what is being suggested here is, as you wanted in
20 fact, someone to come in and take at the Silver role who
21 had the requisite experience?

22 A. Yes.

23 Q. And it appears from the recommendation that the
24 recommendation is: well, Captain Wright is -- my
25 words -- the obvious candidate to perform the Silver

1 role?

2 A. From this, yes, I would agree.

3 Q. Did you agree that that was a role that he might be able

4 to play?

5 A. I saw no reason for him not to be able to do it.

6 Q. We know that Major Cox comes in as Silver in the winter,

7 we'll just call it the winter of '16/'17, and the Silver

8 role is fulfilled.

9 We also know that Captain Wright -- it comes to

10 pass eventually in the summer of '17, but was on notice

11 before then, that effectively his services were no

12 longer required with Op Northmoor and he was to be

13 rotated off; is that right?

14 A. Yes.

15 Q. What did you make of the decision that -- made for

16 Captain Wright to be moved on?

17 A. It was mixed feelings with regards to that one.

18 Q. Just help us with that.

19 A. I could understand rotating him off for his own career

20 progression.

21 Q. Yes.

22 A. However, I also fully acknowledged it meant that we

23 would lose the knowledge that he had gained of that

24 investigation. So the corporate knowledge of that

25 investigation was going to then be lost before the

1 investigation had concluded.

2 Q. Thank you.

3 In respect of Team 1, who on Team 1 would you say

4 held the greatest corporate knowledge in respect of the

5 investigation?

6 A. Captain Wright.

7 Q. Who within the RMP generally held the greatest corporate

8 knowledge of the investigation on Team 1?

9 A. Captain Wright.

10 Q. When you say that there is an argument to be made, in

11 effect, that of course the rotation will assist his

12 career and career development, that is one of the

13 reasons that these two or three-year appointments --

14 people move to them?

15 A. Yes.

16 Q. That's the sort of battle rhythm, if I can call it that?

17 A. Yes.

18 Q. He didn't want to go, did he?

19 A. No.

20 Q. Did he make that clear?

21 A. Yes, he wanted to see it to its conclusion.

22 Q. Did he make it clear to you?

23 A. Yes.

24 Q. Was he upset by that decision?

25 A. To move him off? Yes.

1 Q. Do you know who made the decision?

2 A. No.

3 Q. Can we look, please, at paragraph 33 of your witness
4 statement. It's the bottom of page 17.

5 "Upon my arrival the structure was just the Teams
6 and then GOLD whereas it should be the Teams reporting
7 to SILVER who then reports to GOLD. This was ultimately
8 put in place in investigative terms and stayed in place
9 during my time on Op Northmoor."

10 And then you go on to say you considered the
11 alternatives.

12 So is that you saying that there wasn't really
13 a Silver command at that stage?

14 A. When I arrived? Correct.

15 Q. So Silver was a gap?

16 A. Yes.

17 Q. Thank you.

18 Look at paragraph 39, please.

19 Sorry, can we move -- yes 39c. So it is over the
20 page, at page 21. Apologies.

21 You were asked the question to give your
22 assessment of persons who played different roles, and
23 we're looking at Gold here, and John McAllister,
24 Lieutenant-Colonel John McAllister.

25 You say this -- it's about five lines down,

1 halfway through:

2 "Lt Col McAllister was expected to have very clear

3 oversight of everything, at all levels, due to the

4 absence of or limited SILVER support which, in my view,

5 was a very unfair expectation."

6 A. Yes.

7 Q. So does that mean a consequence of the gap at Silver

8 upon your arrival was that he was having to take on too

9 much?

10 A. Yes.

11 Q. It was not the only role he had, was it, as Gold?

12 A. No.

13 Q. He had other responsibilities?

14 A. Yes.

15 Q. Were those significant, in your view, his other

16 responsibilities?

17 A. Yes.

18 Q. But when you took over, you have said that you tried to

19 do some of the Silver roles, to the extent that you

20 could, but were you able to provide the support up to

21 Gold that you would have hoped to in that role?

22 A. No.

23 Q. That was because of bandwidth, yes?

24 A. Yes.

25 Q. And experience?

1 A. Yes.

2 Q. Do you think the absence of a meaningful Silver
3 Commander was detrimental to the effectiveness of
4 Operation Northmoor?

5 A. I think it probably slowed progress on it.

6 Q. Was that a concern?

7 A. Yes.

8 Q. Was it one that you raised?

9 A. Yes, which was why I had asked for there to be another
10 Silver appointed, so that it could then have a dedicated
11 Silver that will provide the necessary support to both
12 Gold and the SIOs.

13 Q. Thank you.

14 Just before we leave the topic of your appointment
15 as Silver, can you just -- reflecting on it now, was it
16 appropriate to put you in post as Silver?

17 A. No.

18 Q. Is there anything in your mind that you could have done
19 differently at that stage as Silver?

20 A. I could have literally decided to focus on the
21 investigation and leave the OC demands to the second in
22 command, Captain Moorcroft.

23 I think the difficulty with that was, again, that
24 was a lot being asked of somebody who wasn't SQEP, that
25 we were asking him to do, to build a company without the

1 guidance of those who are a bit more experienced or who
2 have the knowledge of how to build things from scratch.

3 Q. So, in effect, you picked a priority?

4 A. Yes, I did. I thought it was the least risky, because
5 of the SIO cohort.

6 Q. When you say because of the SIO cohort, is that because
7 you considered them to be good at their job?

8 A. Yes.

9 Q. All right, thank you very much.

10 We're going to move on to a new topic, which is
11 the support of the wider armed forces. You address this
12 in your witness statement, paragraph 113, please, which
13 you can find at page 48.

14 113, please. Page before. Thank you.

15 "At the time I felt that Op Northmoor was a deeply
16 unpopular investigation with those that observed it from
17 a distance, and that they perceived that the RMP were
18 actively trying to discredit UKSF."

19 Pausing there, when you say those observing it
20 from a distance, who do you mean, please?

21 A. I would suggest at that point it was military personnel.

22 Q. Within the RMP?

23 A. And outside of the RMP.

24 Q. So both?

25 A. Yes.

1 Q. When you say unpopular within the RMP, are you referring
2 to any particular person?

3 A. No.

4 Q. So that's just your sense of it?

5 A. Yes.

6 Q. We will look at some specifics in terms of incidence of
7 the wider armed forces in due course.

8 Just reading on:

9 "Although I had encountered, on rare occasions,
10 discreet low-level hostility before as an RMP officer,
11 which I imagine most police officers encounter, this was
12 on a very different level."

13 Just help us with "a very different level".

14 A. There was open hostility towards personnel, or
15 I experienced, with regards to the investigation. They
16 were not happy with what we were doing.

17 Q. Again, the "they"?

18 A. The wider military saw it, I believe, probably as more
19 of a witch hunt, rather than having the understanding
20 that the RMP investigation, we are impartial
21 investigators. We go based on evidence that is given to
22 us, and it is not for prosecution or defence; we work
23 for both. We are investigators of the entire piece.
24 I think that subtle difference is lost on many so,
25 therefore, they saw it as we are out to get individuals.

1 Q. Your perception of that I just want to test very gently,
2 if I might. Were there particular incidents that you
3 are referring to when you say this feeling or view or
4 perception that you had?

5 A. Yes, I was approached directly at a dinner night and --

6 Q. We can deal with that incident. Were there any other
7 incidents just before I move on to that specifically,
8 because we will look at that?

9 A. The station commander, interestingly, while we were down
10 there.

11 Q. At St Mawgan?

12 A. At St Mawgan. The first station commander that was
13 there wanted to know everything about the investigation
14 and I don't think took too kindly to being told
15 "terribly sorry, that is none of your business".

16 Q. As far as you are aware, is that just general interest
17 in what was going on on this station?

18 A. I think part of it was but, due to other logi units that
19 were on the station and wanting to make sure that ...

20 Q. Yes, all right. I am going to pause you there.

21 A. Thank you.

22 Q. All right.

23 The specific instance that you have given --
24 again, this is in your witness statement, 113:
25 "For instance, I attended a TELIC 10 reunion..."

1 So that's Iraq, your tour of Iraq; is that right?

2 A. That's correct, yes.

3 Q. "... dinner a few months after taking over command, and

4 the Head of Army Media Cell made a point of approaching

5 me to make pointed comments about the investigation."

6 Just help us with that, please. Do you recall who

7 the head of the army media cell was?

8 A. I cannot remember his name, no.

9 Q. He, him?

10 A. He, yes.

11 Q. When you say "made a point of approaching me", how do

12 you know that?

13 A. Because at the time, the media had been making enquiries

14 into Operation Northmoor, and it was in the news at the

15 time, and I know that the media cell wanted more

16 information that they could give so that there would be

17 lines to take. And when he found out who I was and what

18 my role was, he, yes, literally made a point of coming

19 directly up to me and was like "Yes, we're not happy

20 with you and what you lot are doing."

21 Q. Just positioning this briefly in terms of the timeline

22 before I come back to the specific incident, because

23 with reference to what you have just said, it may be of

24 some assistance. If we turn to tab 43, it's the very

25 final tab in the bundle, page 2, please. This is

1 a letter dated 3 October 2016 and it's a message from
2 the Chief of the General Staff. Do you see that?

3 A. Yes.

4 Q. "Message to the chain of command on the Iraq Historical
5 Abuse Team (IHAT) and Northmoor investigations."

6 You have been able to refresh your memory from the
7 bundle. Do you recall that you were tasked with putting
8 together statistics and information in order that it
9 might be referred up the chain for the purposes of this
10 letter being prepared?

11 A. Yes.

12 Q. Thank you.

13 We're looking at October 16. So the reunion --
14 you've said the reunion dinner was a few months after
15 you were appointed.

16 A. Yes.

17 Q. So, possibly similar timing?

18 A. Yes.

19 Q. All right. Doing our best?

20 A. Mm-hm.

21 Q. It says as follows:

22 "You will have seen extensive reporting last week
23 on the on-going investigations into historic allegations
24 from the campaigns in Iraq and Afghanistan known as IHAT
25 and NORTHMOOR respectively, I am writing to the chain of

1 command because I sense there is a need to provide
2 reassurance and clarity. I expect this letter to be
3 disseminated to everyone.

4 "You know that our Leadership Code rightly
5 requires our Army to be held to the highest standards.
6 The trust that underpins our war fighting philosophy of
7 Mission Command is a two way process that is guaranteed
8 by every soldier, whether leader or led, living by our
9 values and standards and setting an appropriate example.
10 It is right therefore that on occasions that there are
11 credible allegations of unacceptable behaviour, they
12 should be investigated."

13 As far as you were concerned, was
14 Operation Northmoor an investigation in respect of
15 Team 1 into unacceptable behaviour?

16 A. Yes.

17 Q. Do you think that adequately describes allegations of
18 unlawful killing?

19 A. No.

20 Q. It goes on:

21 "However, a significant number of claims made
22 against our soldiers have not been credible. The Prime
23 Minister has said that 'every effort must be made' to
24 stop British troops being hounded by unfounded claims.
25 And the Government is working to put an end to the abuse

1 of our legal system by individuals and unscrupulous law
2 firms who have sought falsely to impugn our armed
3 forces. This will provide protection against vexatious
4 allegations and will assure our operational
5 effectiveness.

6 "In the meantime I want to make it absolutely
7 clear that the chain of command is to be as supportive
8 as possible to those who are under investigation, and of
9 those who are being invited to speak to investigators as
10 potential witnesses. Our soldiers must know what their
11 rights are and the support that is available to them.
12 I have therefore issued direction that the chain of
13 command is to be reminded of what is available to those
14 undergoing investigation and those invited to speak to
15 the investigators.

16 "We also need to consider the impact on
17 individuals who have to cope with the pressure of being
18 investigated as well as being required to recount
19 traumatic events during interview. There is a unique
20 vulnerability of those called on to deploy on combat
21 operations. The decision to interview someone is not
22 therefore 'cost free' and should be the subject of
23 a risk assessment that balances the value of the
24 potential information with the likelihood of causing
25 trauma and long term distress to the individual. And

1 the corresponding impact of the moral component of the
2 Army's [and there is a Post-It over this but I can
3 assure you it says] fighting power.

4 "Furthermore I have written to the Director
5 Judicial Engagement Policy [DJEP] in the Ministry of
6 Defence to ask him to assure me that the IHAT and
7 NORTHMOOR investigations will review their practices to
8 ensure they are clear, unambiguous and treat soldiers
9 with respect in the light of concerns that have been
10 reported in the press and elsewhere.

11 "And finally be in no doubt that in my mind
12 everyone is innocent until proven guilty -- and should
13 be treated as such."

14 So you in fact assisted in compiling some of the
15 information that was intended, at least, to feed into
16 that letter; is that right?

17 A. Yes.

18 Q. Do you recall that letter being sent out?

19 A. Yes.

20 Q. With reference to the feeling that you might have had
21 that Operation Northmoor was not necessarily being
22 supported, did this letter feed into that consideration
23 in any way at all?

24 A. I'm slightly surprised at the tone of this letter.

25 Q. To your reading, what is the tone?

1 A. It is almost implying that we need to make sure that we
2 have considered the whole piece and not just the
3 investigation and, yes, that is a very important
4 consideration. It's also something that I thought he
5 would have realised that is absolutely on our minds as
6 well. We are not there to cause harm but we are there
7 to get to the truth and if people need to be brought to
8 account, then that is what must happen.

9 So, yes, I was a little bit surprised by parts of
10 the letter.

11 Q. At the time?

12 A. Yes.

13 Q. Did it feel as though it was supportive of
14 Operation Northmoor?

15 A. It felt it was supportive of the overall force.

16 Q. And of Operation Northmoor?

17 A. It saw us as a necessity.

18 Q. We moved on to the letter because you were about to tell
19 us about -- and it is at is paragraph 113 again,
20 please -- about an encounter at a TELIC reunion dinner.
21 You had said you had been approached by the head of the
22 army media cell who made pointed comments and you had
23 made reference to the lines to take and so on, all
24 right. So it was within that context that we're
25 visiting that letter.

1 What were the pointed comments?

2 A. It was literally "What are you doing? Why are you doing
3 this?" which surprised me. I thought it would have been
4 obvious.

5 Q. In the spirit of genuine enquiry?

6 A. It was very pointed towards Northmoor. Why are you
7 investigating our people? If they've been doing what
8 they should have been doing on operations, why are you
9 doing this? Why are you investigating? And wanting to
10 know more about what exactly we were investigating.

11 Q. Before you could respond, you say:

12 "... a fellow RMP officer, who was of more senior
13 rank and who had recently retired, stepped in, which
14 resulted in the media officer walking away and ignoring
15 us both for the remainder of the understanding.

16 I recall that this made others uncomfortable. However,
17 there were senior officers that also attended the dinner
18 with whom I had served at various times in my career who
19 made a point of pulling me to one side to speak to me.

20 It was very clear that they fully supported the
21 investigation and wanted me to find the truth. It
22 became much easier to ignore any hostility that arose
23 knowing that there was support from others who were
24 operating in the highest echelons."

25 Then you go on at paragraph 114, please.

1 "General Patrick Sanders was also at the reunion
2 dinner and he was supportive of me. The fact that
3 General Sanders felt the need to take me to one side and
4 reassure me that I should keep going gave me the
5 impression that the general attitude towards
6 Op Northmoor was unpopular in some circles. It made me
7 wonder what effect this was having on my investigators
8 but as previously stated there was also respect for the
9 investigation and what it was trying to achieve."

10 So --

11 SIR CHARLES HADDON-CAVE: Can I ask, how did you feel when
12 General Sir Patrick Sanders came up to you and said
13 that?

14 A. I was surprised. I'd served with him previously and
15 when -- obviously the dinner was he was talking with
16 lots of other colleagues and some of the higher ranking
17 officers, so as I was literally getting ready to leave,
18 he pulled me to one side and was "keep going". I think
19 he had probably seen some of what had occurred earlier
20 in the evening and had decided to address it directly
21 with me as well and say "Keep going, it is right but
22 I also accept it is very hard."

23 SIR CHARLES HADDON-CAVE: Thank you.

24 MR MARTIN: Major Stitson, I don't have any more questions
25 for you.

1 But, sir, do you have any questions?

2 **Questioned by the CHAIR**

3 SIR CHARLES HADDON-CAVE: I do.

4 Major, you have given a great deal of evidence
5 about what happened and what you experienced. Looking
6 back at all of this, or some of it, are there some
7 lessons that we can take from it for the future?

8 A. I think because it was such a complex, broad and the
9 severity of what we were dealing with, the investigation
10 and the volume of it, it does need some form of
11 continuity. But it also, I think, requires almost like
12 an outside perspective as well. Being in the military,
13 sometimes we take things for granted and we do things in
14 certain ways and it's making sure that we are also held
15 accountable to those that are not within the military.

16 So I think it -- having, for example, the GMP
17 providing that investigative guidance was incredibly
18 helpful, but it also made sure that we were balanced as
19 well in what we were looking at and also making sure
20 that we were accountable for what we do.

21 So I think in future if we were able to have an
22 almost like I would want to call them a trusted friend
23 almost who can provide that advice in that formal
24 capacity, but does sit there for the duration of the
25 investigation because the military will always, I think,

1 have to really want people through for various reasons.
2 That would provide stability as well for such inquiries
3 going forward.

4 SIR CHARLES HADDON-CAVE: Thank you.

5 Major Stitson, can I thank you very much indeed
6 for coming to give evidence. Thank you for the very
7 clear way in which you have answered all counsel's
8 questions.

9 We will now break. You are free to go.

10 I will ask counsel about what they would like to
11 do next.

12 MR MARTIN: It seems sensible to us, sir, that we break now
13 for an early lunch and come back in one hour's time.

14 SIR CHARLES HADDON-CAVE: Indeed. Let's do that. It's time
15 for some lunch.

16 We will break now, please, and adjourn until 1.45.

17 All right? Thank you very much.

18 **(12.45 pm)**

19 **(Luncheon Adjournment)**

20 **(1.43 pm)**

21 CLERK: Good afternoon.

22 This is an OPEN hearing of the Independent Inquiry
23 into matters relating to Afghanistan. Please ensure
24 that all mobile phones and other personal electronic
25 devices are either switched off or in silent mode.

1 Please may I also draw your attention to the fact
2 that the Chair of the Inquiry, the Right Honourable Lord
3 Justice Haddon-Cave, has made a general restriction
4 order for Inquiry hearings which applies to the conduct
5 of those who are attending and/or viewing this hearing.
6 The relevant parts of that order are contained within
7 the specific restriction order made in respect of these
8 hearings, which is displayed on the Inquiry website and
9 on the door of this hearing room, but I will summarise
10 its purpose.

11 The first part of the general restriction order
12 for Inquiry hearings prohibits any person from making an
13 audio or video recording of Inquiry proceedings without
14 the express permission of the Chair.

15 Furthermore, no person may take a photograph in
16 any room in which Inquiry proceedings are taking place
17 and at a time the Inquiry is sitting, without the
18 express permission of the Chair.

19 The second part of the general restriction order
20 for Inquiry hearings which applies to this hearing
21 arises at the live-stream of these Inquiry proceedings
22 via YouTube will purposely be subject to a ten-minute
23 delay.

24 Where those who have supplied evidence to the
25 Inquiry have applied to restrict information from

1 publication outside of the Inquiry, in some instances
2 the Chair has made restriction orders the effect of
3 which is to protect that information.

4 The Chair has also made a restriction order
5 prohibiting the use, publication or dissemination of
6 certain information that is contained within the
7 evidence and documents associated to these hearings.
8 That restriction order is displayed on the door of the
9 hearing room and copies are available on request.

10 Where material is restricted, it is redacted and,
11 where appropriate, a gist of the evidence is provided.
12 In the event that something is said during the course of
13 this hearing which may breach a restriction order made
14 by the Chair, the evidence may be halted and the hearing
15 room may be cleared for CLOSED legal submissions as to
16 whether any restriction order has been breached, and the
17 live-stream YouTube recording will temporarily be
18 stopped for this period.

19 Counsel to the Inquiry or the Solicitor to the
20 Inquiry must be informed of any request to make an
21 application for a restriction order. If an application
22 is made for a restriction order in relation to anything
23 that has been said or done in the Inquiry room in the
24 preceding ten minutes, anything that was said or done
25 during that period is subject to a restriction order

1 prohibiting its disclosure, repetition or duplication
2 until the Chair has finally determined the application.

3 For the avoidance of doubt, where material or
4 identities in documents shown on screen or subsequently
5 published have been redacted, with or without an
6 overwritten gist, the redacted material is restricted
7 and it is a breach of the restriction order to disclose
8 what is thought to have been redacted.

9 All of the above orders are subject to a penal
10 notice. This means that any breach of any element of
11 the restriction orders may be certified to the High
12 Court or the Court of Session, who will have the power
13 to fine or imprison anyone found to have been in breach
14 of the order.

15 SIR CHARLES HADDON-CAVE: Mr Bottomley, thank you very much
16 indeed for coming to give evidence to me and the Inquiry
17 today. Thank you very much for your detailed witness
18 statement, which I have read carefully.

19 This isn't in any sense a memory test, so counsel
20 will help you take you to those bits of your evidence
21 which are particularly pertinent, and we can take
22 a break later. We have got plenty of time. All right?

23 THE WITNESS: Yes. Thank you, sir.

24 SIR CHARLES HADDON-CAVE: Can the witness be sworn, please.
25 Thank you.

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MR MARTIN BOTTOMLEY (sworn)

Examined by Counsel to the Inquiry

SIR CHARLES HADDON-CAVE: Thank you.

Mr Polnay.

MR POLNAY: Can you state your full name, please.

A. Martin James Bottomley.

Q. Mr Bottomley, I think it's right you acted as an adviser or a reviewer to Operation Northmoor; is that right?

A. That's correct, yes.

Q. As result of that, I think it's right you were sent a Rule 9 request for evidence by this Inquiry; is that correct?

A. Yes.

Q. We know you produced in response to that request a witness statement running, I think, to a fair few pages, 40-odd pages, dated 28 July 2025; is that right?

A. Yes, that's correct.

Q. As the Chair has just set out, in your oral evidence to the Inquiry I'm going to be asking you some questions about just some of the matters that you've set out in there, where we hope you can assist by providing a little more detail or explanation. Do you understand?

A. I do, thank you.

Q. And what will happen is your entire witness statement, appropriately edited and redacted if necessary, will be

1 published on the Inquiry website.

2 A. Yes.

3 Q. Together with the many exhibits that you refer to in one
4 way or another at one point in your witness statement.

5 A. Yes.

6 Q. Finally, just for transparency's sake, before you gave
7 evidence, I think it's right you were provided with
8 a headline list of topics that you might be asked about
9 and some of the specific documents that you would be
10 referred to; is that right?

11 A. That's correct, yes.

12 Q. The idea being so when you are looking at a document
13 that I ask you to, that's not the first time that you've
14 seen that in ten years or so?

15 A. Yes.

16 Q. Thank you very much.

17 I'm going to start, please, because it is perhaps
18 relevant to some of the issues we're going to be looking
19 at, just to take you through a very quick summary of
20 your CV.

21 A. Yes.

22 Q. Now, I think you set out you in fact joined the police,
23 Greater Manchester Police, back in July 1978; is that
24 right?

25 A. That's correct, yes.

1 Q. And from 1978 to 1999, so just for the first 21 years of
2 your career, I think that was spent mostly in uniform;
3 is that right?

4 A. That's correct, yes.

5 Q. You did do some spells in CID?

6 A. Yes.

7 Q. But it was really in 1999 that you moved full square to
8 the detective -- to being a detective; is that right?

9 A. That's correct, yes.

10 Q. I'm not going to go through, by any means, all of the
11 posts you had and the roles that you held, but you were
12 enrolled on the Senior Investigating Officer Programme;
13 is that right?

14 A. That's correct, yes.

15 Q. And you became something called PIP 3; is that right?

16 A. That's correct.

17 Q. PIP 3 qualified. We will come back to what that means
18 and its implications later.

19 So did that mean, as a PIP 3 accredited and SIO in
20 the major crime team, did you lead on murder
21 investigations?

22 A. Yes.

23 Q. I think in 2003 you were promoted to detective
24 superintendent, and you became the founding member of
25 the GMP Major Incident Team?

1 A. That's correct.

2 Q. And that was to investigate murder and other critical
3 incidents?

4 A. Yes.

5 Q. Later, did you attend a week-long course, a national
6 course, in relation to the management of linked serious
7 crime?

8 A. Yes.

9 Q. Would I be right that at least one of the purposes of
10 that course is to enable attendees to take up the role
11 of something we've heard of, OIOC (officer in overall
12 command) of a linked series of crimes and
13 investigations?

14 A. That's correct, yes.

15 Q. And then in 2005 you became the head of the Major
16 Incident Team?

17 A. Yes.

18 Q. With responsibility for, I think, around 200 detectives
19 and all of the murders in Greater Manchester?

20 A. That's correct, yes.

21 Q. So I'm not asking for an exact figure but, over the
22 course of your career as a serving police officer, we
23 will come on to later in a minute, how many murder
24 investigations would you say you were involved with?

25 A. I've not kept a tally but an approximate figure would be

1 about 50 or so, I would imagine.

2 Q. Right. And in terms of those 50 or so, how many of

3 those would you have been either SIO or some other

4 investigative function?

5 A. In the early days, in 1999, I might have been deputy SIO

6 to a superintendent, but certainly, from early 2000,

7 I would have been the main senior investigating officer.

8 Q. Right. I keep flagging these things to come back to,

9 but we will come back to what the role of an SIO is and

10 the specific responsibilities.

11 2007, I think you took up a role called the Force

12 Review Officer; is that right?

13 A. That's correct, yes.

14 Q. I think you explain that, as well doing your SIO role,

15 senior investigating officer, you would also review

16 something called undetected murders and some serious and

17 organised crime operations, as well as undercover

18 policing deployments; is that right?

19 A. That's correct. In terms of the senior investigating

20 officer deployments, that would be the initial phases,

21 whilst I was on call. And then 24 hours/48 hours later,

22 I would hand over to the another senior investigating

23 officer, because obviously I couldn't review my own

24 work.

25 Q. Thank you.

1 Then I don't want to spend too long going through
2 your CV, you -- in 2008 I think you retired as a serving
3 police officer, is that with a warrant card?

4 A. Yes.

5 Q. But you rejoined as police staff; is that right?

6 A. That's correct, yes.

7 Q. That may be thought to be a relatively common route for
8 some who have served their time in the police, but in
9 fact you continued as the Force Review Officer, albeit
10 as a civilian rather than holding a warrant card; is
11 that right?

12 A. Yes.

13 Q. You also qualified, I think, as PIP 4, which is the
14 highest level, in 2012. And just to deal with another
15 aspect of your work, I think it's right you are the
16 co-author of the NPCC (the National Police Chiefs'
17 Council) Major Crime Investigation Manual?

18 A. A section of it.

19 Q. And since 2005 you've been a member of the NPCC Homicide
20 Working Group, with particular responsibility for major
21 crime reviews?

22 A. Yes.

23 Q. And I think you also appear on Home Office -- various
24 Home Office advisory boards; is that right?

25 A. That's correct, yes.

1 Q. Finally, one particular part of your experience.
2 I think Operation Northmoor was not the first time you
3 had a review involvement with a military investigation;
4 is that right?
5 A. That's correct, yes.
6 Q. And is it right that in 2008 GMP were asked, and
7 therefore they asked you, to review the RMP's
8 investigation into allegations against army personnel
9 which surfaced following the incident that became known
10 as the Battle of Danny Boy?
11 A. That's correct, yes.
12 Q. And, sir, for completeness, you will be aware that was
13 a battle that took place on 14 May 2004 in Iraq that was
14 notable, at least for one reason: it involved an assault
15 with fixed bayonets, which is relatively rare. It also
16 led to a significant amount of litigation before the
17 courts arising out of and in part relating to
18 investigations.
19 With that long run-up to your background, can we
20 turn please to Op Northmoor and, in particular, the time
21 that you spent on Op Northmoor.
22 A. Yes.
23 Q. You should have underneath your folders the appointments
24 graphic. Would you mind just turning to that.
25 You appear, I think, in bright purple towards the

1 bottom end.

2 A. Yes.

3 Q. Which is sort of the advisers and reviewers section.

4 And we can see you are there starting -- I think we will

5 see it's around April 2014?

6 A. Yes.

7 Q. Running to around March 2017; is that right?

8 A. That's correct, yes.

9 Q. So --

10 A. February 2017.

11 Q. Thank you very much.

12 In terms of the people, just the key people we can

13 see from this that were involved contemporaneously to

14 you, at the top, the Provost Marshal (Army) for most of

15 your time Brigadier Warren, the late Brigadier Warren;

16 is that right?

17 A. That's correct.

18 Q. You did overlap with Brigadier David Neal; is that

19 right?

20 A. Yes.

21 Q. We can see there's the Colonel Robert Morris, who held

22 various roles; is that right?

23 A. Yes.

24 Q. And then in terms of the Gold Commander, we can see for

25 virtually all of your time that was Lieutenant-Colonel

1 John McAllister?

2 A. Yes.

3 Q. Switching over, I think just at the end, to

4 Lieutenant-Colonel Harvey?

5 A. That's correct, yes.

6 Q. And then to highlight one in particular, the SIO,

7 I think of Team 1, for all of the period that you were

8 there, is Captain Jason Wright?

9 A. That's correct.

10 Q. Can I turn briefly, please, to, in fact, the termination

11 of your appointment.

12 If you wouldn't mind just flicking in the bundles

13 to tab 10, which I think is a letter that was written to

14 the Assistant Chief Constable.

15 Have you got that open there, Mr Bottomley?

16 A. Yes.

17 Q. So I think you have explained that your work finished in

18 February 2017; is that right?

19 A. Yes.

20 Q. This letter, for whatever reason, and it may be a matter

21 we come back to a bit later, however, didn't arrive

22 until 23 January 2018.

23 A. That's correct.

24 Q. Can I just ask you, and it's effectively a thank-you

25 letter, isn't it, really --

1 A. Yes.

2 Q. -- to Assistant Chief Constable?

3 I just want to ask you, though, just about the
4 second paragraph that we've got there, and we can see
5 the author of this. It's Colonel Morris. It says:

6 "I am in no doubt that without the assistance
7 provided by Martin [that's you] and others from the GMP
8 Review Team, specifically in the early days, in
9 assessing the credibility and transparency of
10 Op NORTHMOOR and ensuring that it was demonstrably
11 independent of Ministry of Defence influence that we
12 would not now be in the position we are now."

13 Now, in terms of what you saw your role as, and in
14 terms of the function that you used, how much of that
15 was relating to demonstrable independence of Ministry of
16 Defence influence?

17 A. Well, my -- you introduced me as an adviser and a review
18 officer, and the main thrust of my role was as a review
19 officer. So I would come in usually after events and
20 after decisions had been made and then advise. But by
21 that time it would normally be a *fait accompli* in
22 whatever event or decision had been made, and therefore
23 I could only give my advice, make some recommendations,
24 and they would, in most cases, be recorded -- well, in
25 every case we would record them send them to the RMP,

1 and then expect them to be responded to, either a yea or
2 nay, and rationale for doing that.

3 Q. So, if I may, I take two points from that. Tell me if
4 I've got it wrong.

5 First of all, as a review officer, you are
6 necessarily looking backwards as to what has already
7 happened?

8 A. Yes.

9 Q. Second, that you are giving advice?

10 A. Yes.

11 Q. Which is, of course, up to people to decide whether to
12 accept or not.

13 But if I may, coming back to the last part,
14 demonstrable independence from the MOD influence, did
15 you see that as part of your role?

16 A. I did see it as part of my role, yes. But if you are
17 asking me was there influence by the MOD -- are you
18 implying that as a question?

19 Q. No. Just asking how you saw your role in what you did.

20 A. Yes.

21 Q. Can we then turn, please, to the specific terms of
22 reference, because that's obviously the key document
23 that sets out what you needed to do.

24 And that's at tab 4, please, of your bundle.

25 Have you got that there?

1 This is the letter from Brigadier Warren to
2 Assistant Chief Constable Heywood.

3 This, as we can see, they are writing to GMP
4 requesting major incident review support, and it may be
5 they knew that you or at least GMP had been involved in
6 carrying out a review before.

7 So, just to really turn to what is set out in this
8 letter, and the letter says -- it's the third paragraph:

9 "There has ... been a great deal of legal activity
10 and external scrutiny of the [RMP], predominantly in the
11 Civil Courts, in relation to our independence and
12 effectiveness when we have investigated offences
13 allegedly committed against civilians by service
14 personnel in Operational Areas. To mitigate this
15 I suggested to Treasury Solicitors and Counsel for MOD
16 that we provide external assurance of the investigation
17 by seeking an external review from commencement."

18 Then it goes on to say this was provided with
19 a degree of transparency and oversight.

20 Again, were you aware that that was, if you like,
21 the ask or the basis of the request?

22 A. Yes, I was. And that is a fundamental role of a review
23 officer, I would suggest, to be independent and
24 objective.

25 Q. Thank you very much.

1 If we turn, please, to tab 7, we see the final
2 terms of reference that were agreed, and that's in --
3 I think I said -- tab 7, page 4.

4 It goes on quite bit. At a paragraph 4, at the
5 bottom, you have "Major Case Review". Have you got that
6 page? I am going quickly through the bundle. It should
7 be tab 7, page 4. Have you got that?

8 A. Yes.

9 Q. At paragraph 4 it sets out, I think, military might call
10 the commander's intent, or at least what their idea was
11 that you would be doing, and I'm just picking that up.
12 It's PM(A):

13 "[The] Provost Marshal has decided that RMP will
14 continue with the investigations and to assure both
15 credibility and transparency, external assessment of the
16 investigative process should be a fundamental part of
17 the enquiry ..."

18 Then it goes on:

19 "... PM(A) has requested that a current UK
20 Civilian Police Major Enquiry Review Team be requested
21 to assess whether the investigation is both credible,
22 transparent and demonstrably independent of Ministry of
23 Defence influence. While this will not necessarily
24 prevent a future legal challenge to the RMP
25 investigation, it will mitigate risk and demonstrate to

1 any potential judicial fora that careful consideration
2 has been given to any concerns about a perception of
3 a lack of impartiality."

4 Did you understand that was why they wanted you?

5 A. Yes.

6 Q. If we look at the "Role of the Review Team", which is on
7 the next page, and I think you may have had some input
8 into this, it sets out you are to:

9 "... assess whether [it] ...

10 "Conforms to nationally approved standards

11 "Is thorough

12 "Is being conducted with integrity and objectivity

13 "Has not overlooked any investigative

14 Opportunities

15 "Ensures dissemination of effective practice and

16 organisational learning."

17 Was there any disconnect or did you feel there's

18 any disconnect between, if you like, their intent of why

19 they wanted you or why it says there they wanted you and

20 what you were actually doing?

21 A. Certainly in the early stages, no.

22 Q. In the later stages?

23 A. Possibly.

24 Q. One of the things that you are required to do, I think,

25 as part of the investigation was to have regard to

1 nationally approved standards; is that right?

2 A. That's correct, yes.

3 Q. And one of these was the "murder manual"; is that right?

4 A. Yes.

5 Q. The murder manual, it's a national document; is that

6 right?

7 A. Yes.

8 Q. Sets out best practice for homicide investigation?

9 A. Yes, it's a kind of a handbook for senior investigating

10 officers and the way investigations of that nature

11 should be run.

12 Q. One thing I am just going to ask, and you can turn to it

13 if you want, but can I just ask tab 63 is put up on the

14 screen. It's in the second folder.

15 This is just one page from it. You may be happy

16 looking at it on the screen.

17 A. I am.

18 Q. This is what the murder manual says about what the point

19 of major crime investigations is.

20 And if we look at big 4.2 on the screen, we can

21 see it maps -- it's absolutely not a criticism -- very

22 closely over to what the terms of reference are; is that

23 right?

24 A. That's absolutely correct, yes.

25 Q. Because is one of the reasons for that, that is

1 nationally considered best practice?

2 A. Yes.

3 Q. There's just one part of this, the murder manual, I want
4 to ask you about, and it's just a term that is going to
5 crop up. Do you see the paragraph that starts:
6 "Reviews should be considered for both undetected
7 and detected crimes."
8 A. Yes.

9 Q. Just explain the difference, please, to an undetected
10 and a detected crime?

11 A. Well, clearly a detected crime is one that's been
12 detected, whereby a suspect or suspects have been
13 arrested, charged and presumably, but not in all cases,
14 convicted of a serious offence.

15 However, there may have been instances where, for
16 instance, a family member the victim might not have been
17 happy with the police response, and therefore -- or the
18 media relations or whatever aspect of the investigation,
19 and therefore a review of that aspect of the detected
20 investigation might produce some organisational learning
21 which could be disseminated to either wider police
22 force, the individual SIO, or even to the national
23 Homicide Working Group to disseminate learning across
24 the country.

25 Q. Okay. So, in terms of Op Northmoor, this was certainly

1 what you would class as an undetected?

2 A. Absolutely, yes.

3 Q. Thank you.

4 As we see, the murder manual notes:

5 "In the case of undetected crimes, the review can

6 reassure the SIO and the organisation that the lines of

7 enquiry were appropriate. Equally, the process may

8 reveal aspects of the investigation which should be

9 pursued or modified."

10 Did you consider that part of your role as the

11 reviewer?

12 A. Absolutely, yes.

13 Q. Thank you very much.

14 Just before we leave the terms of reference, can

15 we just work backwards, just very slightly, to an

16 earlier draft of the terms of reference, which you will

17 find at tab 6 of the bundle.

18 If we have a look at 6.2 -- have you got that

19 there?

20 A. Yes.

21 Q. I hope you have it in colour -- I'm sorry, I don't mean

22 paragraph 2, it's my fault, I mean page 6.2.

23 So if there's anyone who is -- I think this will

24 be familiar, this is you being corrected using track

25 changes; is that right?

1 A. Mm-hm.

2 Q. Were you the person who made the changes to this or was
3 that someone else? Do you remember?

4 A. It would have been me.

5 Q. Now, it may only be a minor point, but do you see in
6 paragraph 4 they wanted -- or the first draft of it said
7 "external", which -- I think these were drafted by
8 RMP -- wanted "external assurance"?

9 A. Yes.

10 Q. But I think your suggestion was "assessment"?

11 A. Yes.

12 Q. Can you explain the significance, if any, between those?

13 A. Well, it might be semantics but in my view if someone
14 wants assurance of something, you want -- they are
15 expecting a report or a verbal -- a written report or
16 a verbal report to be given, which puts a positive
17 message across in that what they are doing is being
18 effective or whatever, whereas an assessment is much
19 more neutral and will determine or attempt to determine
20 the effectiveness, integrity, objectivity of the
21 situation, report and investigation, whatever that might
22 be.

23 Q. So it's not a -- just for you to sign off and say it's
24 all right, it's to assess, which suggests a potential
25 range of assessment?

1 A. Exactly.

2 Q. In fairness, just for completeness, I am not going to
3 ask you to go back to it and find it, it appears all of
4 your track changes were accepted?

5 A. Yes.

6 Q. Thank you very much.

7 So you are appointed, on these terms of reference,
8 to be the reviewer. How many people were involved from
9 you from your side?

10 A. Well, Mr Russ Jackson, the Chief Superintendent, and he
11 took an organisational oversight of the review we were
12 doing. But working for me, directly for me, I had four
13 office -- well, four members of staff.

14 Q. This is really just for completeness for the record,
15 I think you mention this in your witness statement, you
16 have got Detective Chief Superintendent Russ Jackson?

17 A. Yes.

18 Q. He was, I think, the Head of Crime, is that right?

19 A. That's correct, yes.

20 Q. So a fair bit of experience, perhaps?

21 A. Yes, definitely.

22 Q. Then there's Detective Inspector Debbie
23 Conlon Houldershaw; is that right?

24 A. Yes.

25 Q. Detective Inspector Mr Mark Crowley?

1 A. He had been a detective inspector and he was now
2 a member of police staff.

3 Q. Mr Robert Ashton?

4 A. Similarly he had been a detective inspector, now a
5 member of police staff.

6 Q. And Mr David Pinder?

7 A. He had been a detective sergeant, with many years'
8 experience also.

9 Q. Right. So there's -- that's six of you, if I can count
10 that far at least?

11 A. Yes.

12 Q. So could you just give us an idea how much time did you
13 personally spend on Op Northmoor over the tenure that
14 we've looked at?

15 A. Well, in the first view months of the enquiry I would
16 have spent at least two or three days a week.

17 Q. Two or three days every week?

18 A. Yes. But that would be just for the first few months,
19 say from June to September-ish, but my team would have
20 been working -- when I say my team, the four people you
21 have mentioned -- not Mr Jackson -- would have been
22 working almost full time on review of the investigation.
23 But I would be holding regular oral briefings every day
24 and sometimes minuted meetings. And those are reflected
25 in the policy log of events, which we may come on to.

1 Q. So you are there -- you are obviously the -- you are the
2 reviewer?

3 A. Yes.

4 Q. But you have this team who is working pretty much full
5 time?

6 A. The first few months, yes.

7 Q. You said June to September, roughly?

8 A. Yes.

9 Q. And then when it was a bit more business as usual, if
10 Northmoor could ever be described as business as usual,
11 what was the time commitment then?

12 A. Well, individual members would -- not all four members,
13 but individual members might work on certain aspects of
14 the investigation or the review or -- one or two days
15 a week for the next 12 months-ish.

16 Q. So, whilst not everyone working full time --

17 A. No.

18 Q. -- nonetheless a significant manpower commitment?

19 A. Yes. Clearly they had other reviews and
20 responsibilities in Greater Manchester Police as well.

21 Q. Thank you very much.

22 Now, in terms of the method of your review, I'm
23 not going to go into all of this because that would take
24 a very long time, but might be important so people
25 understand exactly what the methodology was of this, and

1 I think you set this out in summary at paragraph 56 of
2 your witness statement.

3 So there's -- if I can sort of draw these
4 together, so, first of all, there's reading written
5 material; is that right?

6 A. Yes.

7 Q. Face-to-face meetings, in particular with the SIO; is
8 that right?

9 A. Yes.

10 Q. You would read policy decision logs and minutes of
11 meetings; is that right?

12 A. Yeah, well -- they were effectively minutes of meetings,
13 but in most cases they were decisions rather than
14 comprehensive minutes of meetings.

15 Q. Certainly going to be asking in a bit of detail about
16 record keeping and minutes, but that's noted.

17 You were able to access HOLMES, which is the
18 Home Office Large Major Enquiry System, remotely on
19 read-only basis; is that right?

20 A. That's correct, yes.

21 Q. So you could actually get access directly into what was
22 recorded on there?

23 A. Yes.

24 Q. Then you would attend Gold meetings; is that right?

25 A. Yes.

1 Q. You would speak to Captain Wright --

2 A. Yes.

3 Q. -- on the telephone? And one of the names,

4 Paul Williamson, he was someone who was, I think,

5 seconded from the NCA; is that right?

6 A. That's correct, yes.

7 Q. He was acting as more of an adviser or mentor to the SIO

8 of Team 1; is that right?

9 A. Yeah, so he effectively took a PIP 4 role, which, again,

10 you might come on to explain a bit more later.

11 Q. Thank you very much.

12 Now, in terms of access to documents, though, lest

13 anyone be misled, I think as you set out at

14 paragraph 57, you did not -- you don't recall being

15 given what's been redacted on here and gisted as "higher

16 material"; is that right?

17 A. That's correct, yes.

18 Q. So you would get stuff that's described as having

19 a limited classification, but you don't recall any

20 higher classification material being supplied for you;

21 is that right?

22 A. It wasn't.

23 Q. Wasn't. However, I think you note again, just for

24 completeness, that Mr Williamson was privy, you believe,

25 to some of that higher material?

1 A. I certainly gained that impression in conversations with
2 Mr Williamson and then Mr Wright, yes -- Captain Wright.

3 Q. Thank you.

4 Now, if you didn't have access to all of the
5 documentation, including the higher documentation, how
6 are you able to ensure that, for example, investigative
7 opportunities weren't overlooked?

8 A. I suppose I wasn't able to assure that in full, but in
9 conversation with Captain Wright and Mr Williamson
10 I would have been informed about the most significant
11 investigative lines of enquiry. Without seeing the
12 background material, I wouldn't be in full possession of
13 every single fact. I would be relying on Captain Wright
14 and Mr Williamson.

15 Q. Would you agree that, perhaps with hindsight, not every
16 review is necessarily going to have access to, for
17 example, all of the very most sensitive material, but
18 not having access to that higher material might have
19 been -- imposed a constraint on your work?

20 A. It could have, but I didn't get that impression,
21 certainly in the first 12 to 18 months of the
22 investigation.

23 Q. Finally, on this point, in terms of time spent and what
24 you were looking at, we know that Operation Northmoor
25 was split into three teams.

1 A. Yes.

2 Q. Team 1 was investigating extrajudicial killings.

3 A. Yes.

4 Q. That's obviously the focus of this Inquiry.

5 A. Yes.

6 Q. Team 2 were investigating, I'm going to put it in the
7 umbrella term of, detainee mistreatment allegations.
8 What was the proportion of your time spent reviewing
9 Team 1 and Team 2 matters? What was the divide between
10 it?

11 A. It was probably at least 90 per cent Team 1, 10 per cent
12 Team 2.

13 Q. Right. So the overwhelming majority was on Team 1?

14 A. Absolutely.

15 SIR CHARLES HADDON-CAVE: Why was that?

16 A. Because they were the more serious of the allegations.
17 And we had come across this alleged ill-treatment of
18 detainees in the previous review. I had discussed --
19 and I know there was the IHAT review team investigation,
20 and our advice was: until you get fully up and running,
21 with the full complement of staff, you need to
22 concentrate on Team 1, the investigation, because that's
23 the most serious, and that's the potential for most
24 evidence which might lead to an outcome which is
25 transparent, and would avoid where we are now, to be

1 honest.

2 SIR CHARLES HADDON-CAVE: Thank you.

3 MR POLNAY: In terms of the Team 1 enquiries, would it be

4 fair to say this was an exceptionally complicated

5 investigation?

6 A. I'll take away -- and call it difficult.

7 Q. Difficult, yes.

8 A. I don't think it was complicated. It was difficult.

9 Q. Just to go over, if I may, some of the very obvious

10 factors. The allegations were that the extrajudicial

11 killings took place abroad?

12 A. Yes.

13 Q. There was, therefore, no or, limited access to the crime

14 scene.

15 A. No. No contemporaneous access.

16 Q. By the time RMP knew about it, the golden hour had

17 passed by. Years.

18 A. Yes.

19 Q. It involved -- the allegations involved UK Special

20 Forces?

21 A. Yes.

22 Q. And there were obviously implications and complications

23 arising out of national security factors?

24 A. Yes.

25 Q. In terms of the challenges posed by Operation Northmoor,

1 in your experience, would that have been a challenging
2 and difficult investigation, say, for the GMP major team
3 that you used to head?

4 A. GMP wouldn't have been able to take on this
5 investigation, because of those factors you have just
6 outlined.

7 Q. I want to ask you, please, about some of the individuals
8 that you worked with on Operation Northmoor, or that you
9 were reviewing, and you spent lots of time with.

10 And, first of all, I think you deal with these at
11 paragraph 90 of your witness statement, one of the
12 things you set out in your witness statement is you
13 didn't question in any depth their experience,
14 qualification or training for their role. And again,
15 with hindsight, do you think that's something you might
16 have done?

17 A. Yes. In fact I say I should have done. If that had
18 been a GMP review of a murder investigation, I would
19 have known the individuals involved, and in a written
20 review report I would have commented on the expertise or
21 skills or qualifications of a particular individual.
22 And might have had some influence prior to a senior
23 investigating officer being appointed.

24 But of course in this instance everything was
25 a *fait accompli*.

1 Q. And in fairness, you go on in that paragraph that we've
2 got on the screen, at paragraph 90, to say you:
3 "... did ... advise that the success of
4 Operation Northmoor would depend on having sufficient
5 skilled investigators to meet the challenges of the
6 investigation."
7 A. Yes.
8 Q. Again, just to deal with two of them, Captain Wright was
9 the senior investigating officer on Team 1; is that
10 right?
11 A. Yes.
12 Q. So he was the head of the investigation into these
13 killings. And you said that you recalled, at
14 paragraph 91, that Captain Wright had attended an SIO
15 development course, but you said you were:
16 "... not aware of his lack of experience in the
17 role that he had been assigned, namely leading
18 a 'Category A+' investigation ..."
19 Just to break that down a bit, murders are
20 categorised, aren't they -- obviously every murder is
21 incredibly serious, but -- from C, which is effectively
22 you've worked out pretty much immediately who has done
23 it and generally what is going on, to A+, which is
24 beyond, really -- it's an exceptional category.
25 A. Absolutely.

1 Q. Only a handful of those would take place in the UK, for
2 example, every year?

3 A. Yes.

4 Q. Now, as you set out, he had a lack of experience in
5 leading a Cat A+ investigation. Were you aware that
6 this was, in fact, the first time at all that
7 Captain Wright had been an SIO?

8 A. No. I knew he had been on the SIO course and was
9 accredited as a senior investigating officer, but
10 I didn't know this was his first experience of this kind
11 of investigation.

12 Q. Now, if you had been aware that an SIO's first outing in
13 that role was for a Cat A+ investigation, what would
14 have been your view as to the appropriateness of that or
15 otherwise?

16 A. I would have advised the Chief Superintendent or Provost
17 Marshal or Assistant Chief Constable Crime that that was
18 not the most appropriate appointment.

19 Q. Could I perhaps take it a step further? If when you
20 were the head of the major crime team at GMP and if you
21 had a Cat A+ murder come in, you would want to appoint
22 an extremely experienced SIO?

23 A. You would appoint the most experienced, yes.

24 Q. The most experienced?

25 A. Yes.

1 Q. And Major Ward is a person you deal with at paragraph 92
2 of your witness statement. Just to fill in, Major Ward,
3 because he is not a name mentioned so much so far, he
4 was the Silver towards the start of this, and we know
5 that then that moved on to Major Moira Penman, and then
6 Captain Robbins, then Major Stitson. A bit of a high
7 turnover of Silver. And you said that you were aware
8 that Major Ward had previously never acted as an OIOC in
9 an investigation, and he had only had involvement in
10 Category C investigations?

11 A. Yes, but I only knew that because he volunteered it to
12 me during a general conversation.

13 Q. So, I mean, on the face of that, it appears when you
14 started, two of the pretty key roles, the SIO and the
15 Silver, would it be fair to say they were lacking the
16 necessary experience by a fair margin?

17 A. Yes.

18 Q. As you said at paragraph 90, in your view, the success
19 of Op Northmoor would depend on having sufficiently
20 skilled investigators?

21 A. Yes.

22 Q. You explained as a reviewer you are looking back on an
23 investigation. Are you surprised that you weren't aware
24 of the lack of experience of two of those key
25 individuals?

1 A. Yes. But as I said, within Greater Manchester Police
2 I would have known, and I suppose I should have --
3 expected that I would have been informed about the
4 experience of these individuals.

5 Having said that, in relation to Captain Wright,
6 I can give an opinion as to how I found his
7 investigative skills, if you wish, at this point.

8 Q. Please do that.

9 A. I found him very competent, tenacious and dedicated to
10 the task he had. And I think he performed as well he
11 could, with the resources he had.

12 Q. Whilst we're on that topic, it sounds like you had
13 a positive assessment of Captain Wright, and that --
14 would it be fair to say he performed well or even very
15 well for someone who had never been an SIO before?

16 A. I would, yes. Because -- just because someone isn't
17 highly experienced doesn't mean they can't make the
18 right decisions in an investigation. And of course he
19 was supported by Paul Williamson, who was a very
20 experienced investigator.

21 And knowing, or having an impression of that
22 dynamic between them, I think that there was more of
23 a coming and going, to-ing and fro-ing, in terms of
24 Paul Williamson giving Captain Wright a lot of advice.
25 So he was well supported, is what I am saying.

1 Q. Well supported by Paul Williamson from the NCA?

2 A. Yes.

3 Q. Again, this may be a convenient time just to have a look
4 back at our table we've got.

5 We can see that Paul Williamson, who we'll hear
6 from on a later occasion, his tenure finished around the
7 same time as yours.

8 A. Yes.

9 Q. And it doesn't appear there was anyone in that precise
10 role came in to replace him, and we can see
11 Captain Wright's role as SIO finished, it would appear,
12 a few months after that?

13 A. Yes.

14 Q. So, as a reviewer, you are providing advice; is that
15 right?

16 A. I'm providing recommendations and advice, after the
17 event in most cases.

18 Q. And when you are normally conducting a review -- when
19 I say "normally", if you are doing it, for example, when
20 you are in GMP -- you would be providing the review to
21 your peers. Is that fair?

22 A. Yes.

23 Q. You've done their job.

24 A. Yes.

25 Q. You've been there. Would it be fair to say, though,

1 with Op Northmoor there was a lot more of an experience
2 gradient between you and your team and the RMP?

3 A. In terms of my team having much more experience?

4 Q. You had a lot more experience?

5 A. Oh, absolutely, yes. Yes.

6 Q. Again, whilst I appreciate your recommendations are just
7 that, recommendations -- I don't think anyone is saying
8 that you were directing -- or anyone else, for that
9 matter, was directing the investigation, that was for
10 the RMP -- is it fair to say that -- well, did you
11 consider if there was an impact of that experience
12 gradient?

13 A. I didn't consider it at the time, no.

14 Q. Because would be fair to say that an experienced SIO
15 receiving your review recommendations might say, "Okay,
16 fine, I take that on board, but actually that's not
17 quite right here", but it might be a bit harder for
18 someone who didn't have that experience, because they
19 were the ones with the situational knowledge?

20 A. I think that's fair. In general, in my role as a review
21 officer, most recommendations were taken on board and
22 where there was any kind of disagreement with what I was
23 recommending I was quite happy with that, as long as the
24 rationale for that was explained and recorded and
25 audited.

1 Q. Thank you.

2 I am going to move on now, please, to the

3 leadership and the leadership structure of

4 Operation Northmoor. And at paragraph 89 of your

5 witness statement you say -- you conclude that:

6 "Whilst some roles and responsibilities were

7 clearly defined in theory, in practice [you] believe

8 that the potential for blurring of roles, in part

9 through the strict military rank structure, hindered the

10 progression of the investigation."

11 Okay? It's that that I want to turn to now, if

12 I may.

13 So, first of all, roles. The SIO, the senior

14 investigating officer, has a particular definition; is

15 that right?

16 A. Yes.

17 Q. And I'm going to give you the one from the murder manual

18 rather than give you a test on that. It's the officer

19 in charge of an investigation as described in the

20 Criminal Procedure and Investigations Act 1996?

21 A. Mm-hm.

22 Q. They are:

23 "... responsible for developing and implementing

24 the investigative strategy, managing the resources

25 allocated to the investigation, and being accountable to

1 the chief officers of the conduct of an investigation."

2 A. Yes.

3 Q. Does that seem about right to you?

4 A. Absolutely, yes.

5 Q. Just in a couple of sentences, taking a step back from

6 this, can you just explain, give a flavour, what really

7 is the SIO's job in a homicide?

8 A. To develop an investigative strategy, to take on board

9 the Gold strategy, bearing in mind any community impact.

10 In some cases, the SIO might be responsible for media

11 relations, but if it's a very high-profile

12 investigation, not necessarily. That might be delegated

13 to another Silver Commander officer. But, really, to

14 direct the resources allocated to them to develop lines

15 of enquiry, opportunities to take the investigation

16 forward, and hopefully to bring it to a successful

17 conclusion with either proving or disproving the initial

18 hypothesis that somebody had been murdered or not.

19 Q. Comparisons with civilian policing are only going to

20 take us so far, I imagine, but typically speaking, or

21 say from your experience in GMP, what would be the rank

22 of a senior investigating officer in terms of

23 a homicide?

24 A. Well, it's changed over time. So in the late '90s/early

25 2000s, it would definitely have been a superintendent.

1 Following discussions at the Homicide Working Group,
2 which I was a member of, as you already quoted, it
3 became apparent that some detective chief inspectors and
4 even detective inspectors, certainly in major
5 conurbations, could become more experienced in
6 investigating homicide and there could equally be
7 designated senior investigating officers, depending on,
8 as you've said, the categorisation of the homicide.

9 So in a domestic homicide where a man kills wife
10 or partner it could easily be a detective inspector.

11 Where there's an undetected murder I would expect
12 it to be at least a detective chief inspector, even
13 now -- well, it is even now in Greater Manchester
14 Police.

15 Q. Thank you.

16 You have explained about the SIO. Can we just go
17 on a sort of a slightly different topic of Gold, Silver
18 and Bronze. Now, in a typical murder, if there's ever
19 such a thing, you are always going to have a senior
20 investigating officer; is that right?

21 A. Yes.

22 Q. For a homicide in the UK. How about a Gold, Silver and
23 Bronze?

24 A. Certainly with a murder in Greater Manchester Police
25 there will always have been a Gold Commander. In

1 a serious investigation it would have been an assistant
2 chief constable. In a more localised or lesser category
3 it might have been a district chief superintendent. And
4 that person would be responsible for resourcing,
5 finance, liaison with other agencies. So, on a local
6 level, that might be with the mayor. On a higher --
7 sorry, with the local MPs. On a higher level, where the
8 assistant chief constable was the Gold Commander, it
9 would typically be with the mayor, if there was a mayor
10 in that city.

11 Q. So, in terms of -- let's take a homicide and the example
12 you have given, explain what the SIO would do. What
13 about Gold?

14 A. The Gold --

15 Q. So you said resourcing, finance, other agencies?

16 A. And community impact and public reassurance I will add
17 to that as well. So the Gold would be responsible for
18 all those strands. And at the outset of any
19 investigation typically in a Home Office police force
20 there would be a Gold meeting the day after a homicide
21 had occurred.

22 So, for instance, if a young boy had been killed
23 in a fight or supposed gang war-type thing, type
24 scenario, that would have a significant community
25 impact, and that would certainly be chaired by a Gold

1 Commander of the rank of Assistant Chief Constable.

2 Q. In police terms, I think the Gold is known as the

3 strategic commander; is that --

4 A. Yes.

5 Q. Is Silver responsible for tactical?

6 A. Co-ordinating tactical considerations, yes.

7 Q. Bronze operation?

8 A. Yes. But, I mean, you can have -- as I explained, as

9 I mentioned before, you can have -- you could have two

10 Silvers. So --

11 Q. And multiple Bronzes in different circumstances.

12 A. Yeah.

13 Q. That's understood.

14 I just want to highlight, just because we will see

15 this in some of the documentation, I think when the

16 military use that structure, they describe things

17 differently. I just want to flag it now so it's not

18 ignored. They've Gold as strategic, Silver as

19 operational, Bronze as tactical. But the descriptions

20 may not matter, it is the roles that are important.

21 Can I ask you, please, about the interaction

22 between Gold, whoever that may be, and the SIO in the

23 specific context of a homicide. First of all, who

24 decides who the SIO is?

25 A. When I was in GMP, as I said, at a major crime scene --

1 Major Investigation Team, that would be me. So the
2 detective superintendent in charge of the major
3 incident --

4 Q. The whole of the major incident --

5 A. Yes.

6 Q. And in terms of -- can I just give you a couple of
7 example decisions which may need to be taken in an
8 investigation.

9 Let's say the decision to arrest someone, is that
10 a decision that's likely to be for Gold or for the SIO?

11 A. SIO.

12 Q. And you shake your head with Gold. Can you just explain
13 why -- that's obviously obvious to you, but if you
14 wouldn't mind explaining why that's so obviously the
15 SIO's decision and not Gold?

16 A. So I've spoken about how we investigated murders and
17 critical incidents. So let's hypothetically suggest an
18 MP had committed a misdemeanour or a crime, and an SIO
19 was appointed. It will be highly unusual for an SIO to
20 be allowed to make that decision on his or her own.
21 That would be a decision for the Gold command to take
22 responsibility and risk for.

23 Q. What about the decision whether to designate someone as
24 suspect or not in an investigation? Is that a decision
25 for Gold?

1 A. SIO.

2 Q. SIO. The decision to interview a witness?

3 A. SIO.

4 Q. To decide who should interview a witness?

5 A. SIO.

6 Q. How about to declare or consider declaration of a linked
7 series?

8 A. That would probably be Gold. In fact it would,
9 because -- I know -- I've seen documentation which talks
10 about linked theories in this scenario, but in --
11 certainly in police circles, a linked series wouldn't
12 necessarily fit with this, because -- I know we're going
13 to get on to it at some point -- we've got -- if we have
14 suspects in this investigation, we know which sub-unit
15 they are from. Whereas, if, say, there's a gang warfare
16 going on in Greater Manchester, you might have
17 tit-for-tat shootings, kneecappings, attempted murders,
18 petrol bombs, et cetera. And different SIOs might be
19 investigating those incidents across the whole of
20 Greater Manchester or London or wherever, and even into
21 other forces.

22 So then, if there were certain links, either
23 methodology or forensic links, or -- you might -- Gold
24 command might decide to appoint an officer in overall
25 command to bring the investigations together in some

1 way, so that all the SIOs could be co-ordinated under an
2 umbrella of an OIOC.

3 Q. I quite appreciate the term "linked series" has a very
4 particular meaning in police terms and what you do.
5 Just going half a step back to a decision to declare
6 someone a suspect or interview, where you said, "Well,
7 that's SIO", again, could you just explain, giving that
8 as an example, why is that a decision for the SIO rather
9 than Gold?

10 A. Well, the SIO will be intimately involved and aware of
11 all the evidence or reasonable suspicion that might lead
12 to someone being declared a suspect.

13 Now, the fact that someone is declared a suspect
14 doesn't mean you have to arrest them. So that might --
15 what that would -- if -- in a high-profile investigation
16 such as this, or in a -- or on the other scenarios
17 I have outlined, where there's political sensibilities,
18 let's say, any further decisions would probably be
19 ratified by Gold command.

20 Q. Absolutely I'm not talking the minute ratification of
21 decisions or anything like that, I'm talking about the
22 actual decisions.

23 Would it be fair to describe it as it's the right
24 person making the right decision?

25 A. Yes. And that person would probably -- well, should

1 record it in his or her policy book: I am making this
2 decision for these reasons.

3 And they would outline the rationale for that
4 decision.

5 Q. Because the SIO is going to be there dealing with a lot
6 more first-hand, with the actual investigators who may
7 be speaking to people, reviewing all the material, and
8 the whole -- one of the points, would it be fair to say,
9 with having Gold as the strategic commander, is that
10 they are at a distance?

11 A. Yes.

12 Q. So, with that, can we turn, please, to the
13 implementation of GSB, the Gold, Silver, Bronze
14 structure in Operation Northmoor and how that in fact
15 worked out.

16 So, paragraph 118, you said that Gold group
17 meetings were held as and when deemed necessary by the
18 Gold Commander; is that right?

19 A. Yes.

20 Q. Have you got that? It is page 118. They were
21 irregular?

22 A. Yes.

23 Q. Were they all minuted?

24 A. No.

25 Q. Was that good practice?

1 A. No.

2 Q. Just to give an idea of that, I think you should have an
3 document which is a schedule, a table, of the Gold
4 minutes. Is that in front of you there?

5 A. No.

6 Q. I think we can have one passed over to you. I'm sorry
7 about that.

8 A. It's up on the screen now.

9 Q. Are you happy with the screen?

10 A. Yes.

11 Q. There you go, you've got some paper as well now.

12 Again, it might just -- or might not, I've just
13 got my appointment schedule there as well, just really
14 almost as a bit of a timeline.

15 So you became appointed, we know, I think, in
16 April 2014; is that right?

17 A. Yes.

18 Q. Just dealing with the left-hand side, just to be clear,
19 because I don't want to overstate this document, this
20 sets out all of the Gold meetings, records of, that the
21 Inquiry legal team has been able to obtain documents of
22 from the RMP. Okay?

23 So I suppose there's always a possibility there's
24 a document that they have not found or given to us or
25 anything. But this is a list of all of those we can

1 find.

2 So we have July '14, two in August 2014,

3 November 2014, two then. And then from November 2014
4 there's no minuted recorded meeting that we can until
5 8 September 2015.

6 Now, first of all, does that -- because this is
7 what the documents that we've been disclosed say -- does
8 that accord with your recollection?

9 A. It does, yes.

10 Q. Would it be fair to say for a Category A+ investigation
11 that had been declared a critical incident, that is
12 a very long time between Gold group meetings?

13 A. Yes, it would be unacceptable.

14 Q. Again, what would you expect for the frequency?

15 A. In an investigation such as this, in general terms at
16 least monthly.

17 Q. At least monthly?

18 A. Yes. In the early days, very regular. Perhaps -- you
19 know, in a murder investigation, it might be even every
20 day, every other day. Sometimes there might be two in
21 one day. But that's when it's high -- a fast-paced,
22 high-moving investigation, which clearly this wasn't in
23 the early days.

24 Q. So we've then got -- after the one in September, we've
25 got one in October, one in November. Maybe there's

1 a Christmas break.

2 Then we've got January 2016. Then it appears
3 there's another six months; is that right?

4 A. Yes.

5 Q. Then nothing from -- until, then, December '16, is that
6 right? So, only -- well, a meeting every six months in
7 2016.

8 A. That's what this is telling me, yes.

9 Q. Again, just to be clear, those are the documents that
10 we've been provided with. Does that accord with your
11 recollection, though?

12 A. Well, it does, because I would have been provided with
13 the minutes or a record of decisions, as they're more
14 commonly seen to be, after every Gold meeting.

15 Q. Then we've got the meeting of 23 February 2017. And
16 I think in fairness that's the last Gold meeting that
17 you attended; is that right?

18 A. Yes.

19 Q. For that we can see we've only got briefing notes but
20 not minutes.

21 A. Yes.

22 Q. And then it appears there's then a gap until
23 September 2017. We don't know the date.

24 Then December 2017. Then 6 June 2018. And then
25 another six months.

1 What does that say to you about the strategic
2 leadership of Operation Northmoor?

3 A. It tells me that there wasn't any audited strategic
4 leadership.

5 Q. Is it important that there's an audit?

6 A. Absolutely.

7 Q. It may be entirely obvious, but can you explain why.

8 A. Well, I mean, we're here today because of circumstances.
9 And in any investigation there might very well be
10 a review, not conducted by me but a judicial review,
11 a coroner's inquest, and in order for any investigation
12 to be objective and transparent, conducted with
13 integrity, there has to be recorded decisions,
14 rationales, minutes of meetings. I mean, it's
15 self-evident.

16 Q. In fairness, could I ask you to turn, please, to tab 14
17 of the bundle and turn to page 3 of tab 14. Because
18 this is your report; is that right?

19 A. Yes.

20 Q. This is dated -- I will save you flicking to the back --
21 15 August 2014.

22 I think this was the first report -- the first
23 full written report that you did after being appointed
24 the review officer.

25 And if you turn please to paragraph 2.4, which is

1 on page 6. I think you highlight, don't you, that:
2 "The absence of any formal or structured minutes
3 for the meeting ... is somewhat surprising ..."
4 A. Yes.
5 Q. And you set out: given it is quite an important meeting
6 where a new command structure was. Is that right?
7 A. Yes.
8 Q. And over the page we've got your recommendation:
9 "That the [GMP] produce ..."
10 A. RMP.
11 Q. I'm sorry.
12 "That the RMP produce and register the minutes for
13 all Operation Northmoor ... meetings ..."
14 And you said here you would like, please, to be
15 sighted on what's gone on beyond those meetings that had
16 taken place; is that right?
17 A. That's correct, yes.
18 Q. Now, in terms of what followed from that, were those
19 actions put into place?
20 A. Well, from the schedule you've provided me, clearly not.
21 Q. If we could just go back, please, to the schedule that
22 we had up before, just dates, I think we can see that
23 following your -- so the report, again -- just to help
24 dates-wise again, because the dates do help a little
25 bit.

1 A. Mm-hm.

2 Q. That's 15 August, your report. We can then see, there's
3 the meeting, we've got minutes for the 18th, is that
4 right, of August 2014?

5 A. Yes.

6 Q. And then there's another one, 29th. And then, if I may
7 put it this way, enthusiasm perhaps seem to say to have
8 waned a bit for formally recording any minutes, if there
9 were meetings.

10 A. Yes.

11 Q. Are you able to, from your experience working, then
12 offer an opinion as to why that might have been the
13 case?

14 A. I can only suggest that there was a lack of strategic
15 leadership.

16 Q. One of the other things you recommend was of documenting
17 of the command structure, and we can see the document
18 that was produced in response to that recommendation of
19 yours at tab 20, please, in the bundle.

20 A. Yes.

21 Q. We can see there it's got the strategic, operational and
22 tactical of the Gold, Silver, Bronze, I think as we have
23 explained, the more military way they have got.

24 This is the command and control arrangements.

25 Then over the page at page 2 it sets out, at

1 a reasonably high level, the functions of each of those
2 roles.

3 A. Yes.

4 Q. Did you agree, insofar as it was for you to agree -- or
5 did you think this fulfilled your recommendation?

6 A. I can't recall what I thought at the time and I would
7 need a moment or two to read it now to give that answer.

8 Q. Perhaps we will come back to that a bit later.

9 Turning to 2016, which is right towards the end of
10 your tenure, could we just turn to tab 24, because we've
11 got an email from you here.

12 If you could start at page 4. This is your --
13 I think for various reasons it's been labelled as the
14 "Dear John" email in various indices. And if we see in
15 the middle of there, it's an email from you and it's to
16 John McAllister; is that right?

17 A. Yes.

18 Q. It's the bottom half of the page that I am interested
19 in.

20 A. Yes.

21 Q. You set out there that you have:
22 "[Following] the last Gold meeting myself and Russ
23 attended ..."

24 And Russ is Russ Jackson I think?

25 A. Yes.

1 Q. "... [you] have asked a member of [the] team to prepare
2 the attached briefing paper ... to consider."

3 Now, we're not going to go through that briefing
4 paper here, which is a very long paper of a lot of
5 detail of a number of the actions.

6 You note at the bottom paragraph that:

7 "[You] recognise that Northmoor [was] a very
8 unusual, resource intensive ... and ... operating in an
9 incredibly difficult environment."

10 A. Yes.

11 Q. And "considerable obstacles to overcome", which we're
12 going to look at in a little bit of detail, and you note
13 the investigation is extremely complex.

14 Yet, as you go on over the page:

15 "... [you] consider our independent views need to
16 be shared with you formally."

17 We will come to the detail of what you set out.
18 Why did you feel the need to write this particular
19 email?

20 A. Because as I've alluded to with auditing and minuting,
21 I thought it was necessary to put GMP in my perspective
22 in writing so that the review could be seen to be
23 transparent and setting out in no uncertain terms our
24 concerns.

25 Q. We will come on to the concerns in just a moment, which

1 you set out below.

2 How did you -- I hope it's not an unfair question

3 given how long ago it was -- how did you think this

4 email was going to land?

5 A. Well, I had always got on very well with

6 John McAllister, so I knew he would take it in the

7 spirit it was intended, which was to assist, help,

8 advise.

9 Q. Because, in fairness, it's really not a criticism. In

10 the paragraphs we've turned to before, you do put some

11 time into acknowledging some of the challenges and the

12 difficulties --

13 A. Absolutely.

14 Q. -- as it were, heading straight into your points.

15 Can we have a look at your points, though, that

16 you do make, where -- these are really in bullet point

17 form --

18 A. Yes.

19 Q. -- rather than any detail, but it might be thought these

20 are themes that do run through a fair amount of the

21 evidence that we're going to hear.

22 So, first of all, and I've numbered them, and we

23 will look at them.

24 Number 1:

25 "The role of Gold and the inherent risks in this
 role

1 collapsing into an OIOC or SIO decision making role."
2 We'll deal with that in more detail, but, in
3 a sentence, what do you mean when you say that?
4 A. At this point, the roles are very confusing, and who was
5 directing who, and where direction was coming from.
6 To me, there was no clarity in those roles at that
7 time.
8 Q. When you say Gold collapsing into an SIO decision-making
9 role, did you have in mind -- it's the very type of
10 thinking we were talking about before --
11 A. Yeah.
12 Q. -- that Gold is making decisions that were really for
13 the SIO?
14 A. Yes. Colonel McAllister directed Captain Wright on at
15 least two occasions, I think, that he could either do or
16 not do certain things.
17 Q. As to that direction, are you saying you weren't sure
18 that was appropriate or correct or the right structure?
19 A. My view at the time was that it wasn't necessarily
20 correct. But the most important thing is there is no
21 reason or rationale given for making that direction.
22 Q. So we've got Gold making decisions that are for the SIO.
23 My summary of point 1.
24 A. Yes.
25 Q. Point 2:

1 "Continuity of staff, particularly at Gold and
2 OIOC level."

3 And we turn back to the diagram. I'm not sure we
4 need that much help from you to see what you may be
5 getting at.

6 So OIOC, if that is Silver, by the time you have
7 written this I think there would have been four Silver
8 commanders; is that right?

9 A. Yes.

10 Q. 3:

11 "The critical role of the Team 1 SIO, (enduring
12 continuity and appropriately experienced) leading
13 a Cat A+ murder with huge national security implications
14 and organisational risk."

15 Can you explain what you meant by that as
16 a concern?

17 A. Well, I have already explained that Captain Wright
18 wasn't experienced as we know but I did think he was
19 very competent. But I felt that because of decisions or
20 directions that were being made, that made -- forced him
21 to do or not to do something, left him in a very
22 vulnerable position, in that he wasn't of a high enough
23 rank and experienced enough to take this investigation
24 forward at that point in time, because the military rank
25 structure wouldn't allow him to do that.

1 Q. He wasn't able to operate effectively?

2 A. Yes.

3 Q. Thank you.

4 Point 4:

5 "Support to Team 1 SIO (PIP 4 and/or bespoke
6 review).

7 Now, you have Mr Williamson in place, who is
8 PIP 4, and -- what's the concern there?

9 A. I think at that point our roles were becoming -- well,
10 not our roles. Paul Williamson's role was drifting into
11 that of a review officer. And we, as a review team, or
12 me personally, wasn't being involved in reviewing
13 strategic decisions or SIO decisions. Which was fine.
14 But there was drift in terms of Paul Williamson's role.
15 And I wasn't sure at that time what my role was and what
16 was expected of me and GMP and my team.

17 Q. Okay. 5:

18 Regularity and structured agenda of fully minuted
19 Gold Meetings."

20 Well, I think we have been there and that's pretty
21 clear.

22 Point 6 is:

23 "Clearly defined terms of reference for each
24 senior role and each strand of the overall Operation."

25 Does that fall into part of your, sort of,

1 leadership and management, who is taking what decision?

2 A. Yes.

3 Q. 7, which I only want to note now because there will be

4 a few separate questions about it:

5 "Decision making of Team 1 SIO in relation to

6 declaration of suspect status and rationale for allowing

7 'suspect' [and that's in quotation marks] to remain

8 operational, apparently without full appreciation of

9 attendant risk in not notifying appropriate higher

10 authorities."

11 So we will do that in a little bit more detail but

12 is the point you are making there a suspect remaining

13 operational as in still serving?

14 A. Yes, and potentially a risk.

15 Q. Potentially a risk to others?

16 A. Yes.

17 Q. And then point 8 you raise this:

18 "Potential for independent panel to assess risk

19 attached to minor complaints (and disposal thereof)."

20 Is that a Team 2 matter?

21 A. Yes.

22 Q. So I will just note that and move on. Then finally you

23 put:

24 "HOLMES set up -- trained but inexperienced staff;

25 not co-located with SIOs."

1 A. Yes.

2 MR POLNAY: Thank you very much.

3 Sir, I wonder if now might be a convenient time to
4 take a short break?

5 SIR CHARLES HADDON-CAVE: Indeed. How long would you like?

6 MR POLNAY: I think ten minutes would be suitable, thank
7 you.

8 SIR CHARLES HADDON-CAVE: Let's take a short break, time for
9 a cup of tea. Ten minutes, please. Thank you.

10 **(3.07 pm)**

11 **(A short break)**

12 **(3.22 pm)**

13 SIR CHARLES HADDON-CAVE: Mr Polnay.

14 MR POLNAY: I am going to pick up, please, with the topic of
15 the leadership and structure of the investigation, and
16 you were explaining a little bit before we broke about
17 there were decisions that were for the SIO, perhaps,
18 that Gold was taking. Can you focus on Gold now for
19 a minute and some of the points that you raised.

20 We know from right at the start that the Gold was
21 the Provost Marshal (Army).

22 A. Yes.

23 Q. Which was the late Brigadier Warren.

24 A. Yes.

25 Q. However, he appointed Lieutenant-Colonel

1 John McAllister; is that right?

2 A. That's correct, yes.

3 Q. Now, just going right to the start, where the PM(A)

4 appointed himself as Gold, what is your view of that as

5 a decision?

6 A. I think that was appropriate. I think the only other

7 alternative would be for the -- his deputy to be Gold,

8 because in my view only those two people will have the

9 necessary clout, if you like, or seniority, to fulfil

10 their role, which was to provide resources, finance,

11 liaise with other agencies, et cetera. And I don't

12 think Colonel McAllister was in a position to be able to

13 do that.

14 Q. Right. So if I can just pull -- just look in a bit of

15 detail at that, you set out before that one of the

16 functions, would you agree, one of the key functions of

17 Gold is about resourcing?

18 A. Absolutely, yes.

19 Q. Which is why there has to be a relatively senior

20 officer; is that right?

21 A. Yes.

22 Q. This was a Cat A+ investigation?

23 A. Mm-hm.

24 Q. Just in terms of the ranks, the Provost Marshal (Army)

25 was a brigadier; is that right?

1 A. That's my understanding, yes.

2 Q. That's a one-star rank. He was effectively the head; is
3 that right?

4 A. Yes.

5 Q. I suppose the nearest equivalent would be a chief
6 constable?

7 A. Yes.

8 Q. His deputy, likely to be a rank lower, which would be
9 a colonel.

10 A. Yes.

11 Q. And we know the Gold Commander who was appointed was
12 Lieutenant-Colonel McAllister.

13 A. Yes.

14 Q. So, going back to exactly the particular issues with
15 that, you said about clout, can you give us a bit more
16 of an explanation?

17 A. Influence. In terms of being able to marshal resources,
18 finance, liaison with other agencies. And, where he
19 wasn't able to do that himself personally, influence
20 higher up the chain of command in the Army or the
21 Ministry of Defence to provide the necessary resources
22 to fulfil his role. And there was no way
23 Colonel McAllister could do that, in my view.

24 Q. I will come back to your view on it in a moment, if
25 I may --

1 A. Lieutenant-Colonel McAllister, sorry.

2 Q. No, no, absolutely. And just to -- and, in fairness, we
3 are going to be hearing from Lieutenant-Colonel
4 McAllister in two weeks. It may be he doesn't disagree
5 with you, as we will come to in a moment.

6 SIR CHARLES HADDON-CAVE: Could I bring some influence to
7 bear on the air-con? Could that be turned down, please.
8 Everybody is freezing I think.

9 Thank you. Sorry.

10 MR POLNAY: I appreciate that Gold direction.

11 SIR CHARLES HADDON-CAVE: Gold. For the moment, yes.

12 Thank you.

13 MR POLNAY: As merely the investigating officer, could I ask
14 you to turn to tab 13 in the bundle, which is an
15 email sent on 13 February 2015.

16 This is an email from Bill Warren. I'm not saying
17 this is an email that you would have seen at the time,
18 though it may have been. Just to make clear, it's the
19 late Brigadier Bill Warren, so obviously we have just
20 not been able to ask him about that, so that's
21 a limitation we've got to bear in mind.

22 Just so we can have a look who this is sent to,
23 this is sent to the -- I think the deputy commander of
24 the secretary, a Civil Service grade, copied to a number
25 of individuals, including -- I only mention it because

1 his name is going to come up later -- DJEP, which is the
2 Department of Judicial Engagement Policy, I think,
3 Mr Peter Ryan?

4 A. Yes.

5 Q. The DJEP Public Inquiries Head, Jonathan Duke-Evans, who
6 is a senior Civil Service grade 1, and the Army ACGS,
7 I think that is Assistant Chief of the General Staff
8 Private Office Military Adviser. So just so we see the
9 distribution list there.

10 It says:

11 "Daren

12 "You asked me for a short Note, that sets out the
13 kernel of the Op NORTHMOOR issue that the Army should
14 take note of ..."

15 In the middle of that paragraph he notes that the
16 RMP's the lead:

17 "... and its investigations will undoubtedly be
18 subject to challenge in both the criminal and civil
19 courts; testing the promptness, independence and
20 effectiveness of any investigation, and whether systemic
21 issues have been identified and addressed."

22 We've seen this sort of letter before.

23 Then if we just go over the page, it goes on to
24 say the:

25 "... RMP will [need] to group 160 ... personnel

1 and will need to enhance both its estate and technical
2 infrastructure to manage the amount of potentially
3 evidential material ..."

4 And here we go.

5 "The staff work to initiate this has been put in
6 train, but permission for [the Provost Marshal (Army)]
7 to 'authorise elsewhere' 160 personnel from 1 [Military
8 Police Brigade] has not been forthcoming and PM(A) has
9 yet to persuade the DIO [the Defence Infrastructure
10 Organisation] of the imperative to provide a timely
11 estate solution. In sum [said Brigadier Warren]: if
12 Op NORTHMOOR is not provided for, there is a significant
13 risk to Defence and the Army's reputation, and the
14 Army's ability to be seen to investigate allegations of
15 unlawful killing and other significant matters resulting
16 from operational deployments; a requirement in
17 international law. And, in the absence of any other
18 Force being in a position to investigate, I suspect
19 there will be pressure for a Public Inquiry or the
20 potential for the International Criminal Court to exert
21 jurisdiction."

22 Now, from that email -- again, as I say, we can't
23 ask Brigadier Warren precisely what he meant by it, but
24 one view is that he was struggling, even as the Provost
25 Marshal (Army), to get support for personnel and for

1 facilities.

2 Was that something that you were aware of?

3 A. Yes. And this is exactly the kind of strategic

4 leadership I would have expected from Brigadier Warren.

5 And making the point that I can't imagine

6 Lieutenant-Colonel McAllister ever sending such an email

7 to that circulation list.

8 Q. Sir, just taking a step back, and I hope this isn't --

9 and you will tell me if this is not a fair way of

10 presenting it -- you gave an example before of where

11 Gold was doing something with the SIO maybe should be

12 doing. Is this an example of the PM(A) doing something

13 that Gold should have been doing? Or in a position to

14 do?

15 A. In a position to do, yes, absolutely. I mean, in a

16 civilian environment, this is the Chief Constable

17 writing to the Home Secretary, isn't it, saying, "We

18 can't manage, give us some resources".

19 Q. Again, just to be clear, we wouldn't want anyone to

20 think in the civilian policing world there's never

21 resourcing issues or facilities or personnel. It's an

22 issue, isn't it, perhaps generally?

23 A. It is, yes.

24 Q. We will come back to the precise issues that we've got

25 here.

1 So might it be fair to say that's at least some
2 illustration that McAllister, whilst had the label Gold
3 Commander, didn't have the clout to necessarily perform
4 that role or every aspect of that role?

5 A. I can't imagine that he would have had in the role he
6 was expected to perform, no.

7 Q. In fairness, and it's really just for completeness, so
8 I've got a chance for you to comment on it, could I ask
9 you to just turn, please, to Lieutenant-Colonel
10 McAllister's witness statement. In fairness, he is not
11 going to give evidence until a fortnight, and obviously
12 he will have his chance to explain what he means by
13 this, but it's at tab 61, so that means it's in the
14 second bundle.

15 If you wouldn't mind turning, please, to page 17
16 of 109 of his witness statement.

17 Have you got it?

18 A. Yes.

19 Q. Again, this is really just one paragraph in what is
20 obviously a very long witness statement.

21 Lieutenant-Colonel McAllister says:

22 "Prior to this, I had never been a Gold Commander
23 or been actively involved in an investigation where
24 a Gold Command was required. This was on my mind when
25 I sought support from the NCA and GMP MRT. In

1 hindsight, I feel the term Gold Comd, although used
2 extensively throughout the papers that I have read, was
3 not what I was actually doing. I believe that this
4 became clearer as the operation developed. I do not
5 believe that I fulfilled the Gold role as is known in
6 civilian policing. I feel the term was used
7 inappropriately and for presentational purposes. The
8 role of Gold Comd is defined in the College of Policing
9 Authorised Professional Practice (APP). I had none of
10 the training, no autonomy, no power to commit resources
11 either personnel or financial without deference to RMP,
12 HQ Army and/or MOD. I had none of the structures which
13 are expected of such a high-profile and serious
14 incident was conducted by a Home Department police
15 force."

16 Do you agree with that?

17 A. I agree with the whole paragraph. I can't comment on
18 whether it was done for presentational purposes, but
19 apart from that, yes, absolutely.

20 Q. Now, the Gold Commander is the strategic head of the
21 operation?

22 A. Yes.

23 Q. And if that is, in fact, correct, because you are saying
24 it is, that's a very serious issue, isn't it?

25 A. Absolutely.

1 Q. If the Gold Commander can't operate.

2 And appreciate in this no-one can doubt the
3 responsibility to appoint and to run is that of the RMP,
4 not yours, and in fairness we see you did raise this
5 issue in your email we were looking at just before we
6 had the break. So this obviously was apparent to you at
7 the time?

8 A. Yes.

9 Q. Again, on reflection, might this have lent -- might this
10 have benefited from -- I'm not saying using bold in the
11 email or anything like that, but do you think it needed
12 to be raised more forcefully earlier?

13 A. It was certainly raised earlier than it was in July.
14 I can't recall how formally it was raised but it was
15 certainly raised prior to that.

16 Q. Thank you.

17 Now, turning back to your terms of reference for
18 the appointment, one of the things that you were -- you,
19 in fact, gave evidence about -- and this is back, if you
20 want to have a look at it, at tab 7, page 4 -- was the
21 intent in your appointment, which was to, final words:

22 "... assess [not assure] that the investigation
23 was credible, transparent and demonstrably independent
24 of Ministry of Defence influence."

25 And I think earlier on you said: well, I think

1 that was the case at the start. But then you were less
2 categoric, if I can put it that way.

3 A. That's correct.

4 Q. As things went on. Can you explain what you mean by
5 that or in what way?

6 A. Well, crystallised in my mind in the Gold meeting of
7 17 February 2016.

8 Q. Sorry, the Gold meeting of 23 February 2017, do you
9 mean?

10 A. The final Gold meeting that I attended.

11 Q. 23 February 2017.

12 A. Yes.

13 Q. Fine. So that's a Gold meeting that you were present
14 at; is that right?

15 A. I was present at the second part of the Gold meeting.

16 Q. So what might be helpful, because that is -- I was going
17 to do that a bit later, but let's deal with that now,
18 because you have brought it up.

19 So I think we need, first of all, to have a look
20 at the agenda for that meeting, which is at tab 39.
21 It's the last document in bundle 1.

22 Now, one way of looking at the appointment
23 schedule graphic, which we've looked at before, might
24 indicate that there's -- that Northmoor -- it's sort of
25 a game of two halves, at the point of switchover of the

1 Provost Marshal (Army), and the leadership of it, with
2 a large number of changeovers of post right around the
3 middle, including the PM(A), Gold and the senior
4 investigating officer and many others, and this meeting
5 takes place almost right in the middle; is that right?
6 A. Yes.
7 Q. And also where we have changeover of advisers as well.
8 A. Yes.
9 Q. Now, so this is the agenda for the last Gold meeting you
10 attended. And as you will appreciate from the schedule
11 we had earlier, this is the only, I think, official
12 documentation in terms of records of this meeting that
13 we've been provided with. Okay?
14 A. Yes.
15 Q. So whilst we have this from the RMP, we do not have any
16 minutes.
17 A. Yes.
18 Q. So we can see the Gold group agenda. What we don't have
19 is the attendance list from this. Do you remember who
20 was there?
21 A. To a certain extent, yes. I've probably got an email of
22 the invitees at least.
23 Q. Okay. Well, that may be something we can check. It's
24 just because, obviously, without the minutes we don't
25 have sort of in a form you might have just to see who

1 was there.

2 Right. So we see at 11.00 there is something

3 called a pre-meeting --

4 A. Yes.

5 Q. -- requested by Mr Peter Ryan of DJEP.

6 A. Yes.

7 Q. So this is the Gold command meeting. So far as you were

8 concerned, who was Peter Ryan?

9 A. I wasn't sure -- I didn't know what his role was at the

10 time, but I knew he was from the Ministry of Defence or

11 a branch of the Ministry of Defence.

12 Q. Did you think it was -- this is the first time that he

13 attended a Gold meeting that you remember?

14 A. As far as I can recollect, yes.

15 Q. We can see this meeting that took place before is said

16 to have Mr Peter Ryan. And then what's not clear, it

17 then says "DJEP (Polycom)". Now, I think Polycom is --

18 I think it's a telephone dial-in or some sort of

19 conferencing.

20 Was Peter Ryan dialling into that or was he

21 actually there? Or we could read it as it's

22 Mr Peter Ryan, then there's an official from DJEP on

23 Polycom. Do you remember?

24 A. My impression -- I can't say with any certainty. My

25 impression -- I'm sorry, I can't answer that because

1 I can't honestly remember.

2 Q. No, no problem at all.

3 So we've got there Mr Ryan, who is of DJEP,
4 whether there's DJEP separately or not. We then have
5 DSP, who I think is going to be the Director of Service
6 Prosecutions.

7 A. Yes.

8 Q. PM(A), Provost Marshal (Army). Then got Sir Jon Murphy,
9 who is Chair of, I think, the independent advisory group
10 that had been appointed. And Mr Mark Ellison QC.

11 A. Yes.

12 Q. Who is also a member of that group.

13 Were you provided any detailed agenda as to what
14 happened in that pre-meeting?

15 A. Not at all, no.

16 Q. And we see from that, the lead for the pre-meeting was
17 DJEP, is how it's put, Department of Judicial Engagement
18 Policy. That may be a reference to Mr Ryan.

19 A. That's my understanding, yes.

20 Q. So, do you remember -- well, so then we've got the
21 actual meeting. And what -- we can see the agenda,
22 where -- that part is -- the lead is the Provost Marshal
23 (Army). What was your view as to what was going on
24 there?

25 A. At that pre-meet?

1 Q. Well, in the actual meeting. What did you notice? What
2 was it like?

3 A. In the 11.30 meeting?

4 Q. Yes.

5 A. Decisions had been taken that my services and those of
6 Paul Williamson were to be dispensed with, and
7 Captain Wright would shortly be removed from the
8 investigation as the SIO.

9 Q. The way I think you put it in your witness statement --
10 tell me if this does justice to it or not:

11 "With regard to the meeting of 23 February 2017,
12 it was apparent that all strategic decisions had been
13 taken in an advance of the open meeting and I do not
14 recall there being having been any opportunity for
15 discussion or debate."

16 A. That's correct, yes.

17 Q. Is that fair?

18 A. Absolutely, yes.

19 Q. So the impression you got, and in fairness, of course,
20 you weren't there, so you can't know exactly what was
21 discussed, at that meeting the only military police
22 officer present, it would appear, was the PM(A), in the
23 pre-meet?

24 A. In the pre-meet, yes.

25 Q. Which would be -- at the time I think that is

1 Brigadier David Neal.

2 A. It was, yes.

3 Q. So the SIO not present?

4 A. No.

5 Q. The Gold not present?

6 A. No.

7 Q. So no-one actually in command or an investigator?

8 A. No. Was my impression. Captain Wright definitely

9 wasn't there, because I was talking to him and

10 Paul Williamson whilst that meeting was going on.

11 Q. Indeed. And in fact we can see that meeting was meant

12 to start at 11.00, the pre-meet, and then the main

13 meeting is meant to start at 11.30.

14 A. Yes.

15 Q. Now, if you wouldn't mind turning, please, to tab 9 of

16 the bundle.

17 If I may say, as an experienced detective, you

18 kept -- is this, in slightly older language, a daybook?

19 A. Yes. This -- this is actually a casebook, an

20 investigation officer's book. There are entries,

21 separate entries, in a daybook, which we will have as

22 well.

23 Q. I appreciate that. This is something you use for notes,

24 in fairness, of what was going on?

25 A. Yes.

1 Q. So, and I think it may be as a result of you, and
2 possibly Mr Williamson as well, we actually have some
3 notes as to what may have been said or went on in that
4 meeting, in the absence of any minutes.

5 A. Yes.

6 Q. So if you wouldn't mind turning -- can I say, we've only
7 got a few pages from this book, and I may need your help
8 with some of the handwriting in there.

9 A. I might as well actually.

10 Q. Okay, well, hopefully we will get there between us.

11 So if you go to the penultimate page, 14, so this
12 is, I think, one of the two contemporaneous records we
13 may have of what actually happened at this meeting.

14 So we can see it's got 11 -- tell me if I am
15 reading your handwriting:

16 "11.00 RAF Northolt."

17 A. Yes.

18 Q. That's you arriving.

19 Then we've got:

20 "12.15 Gold [meeting] Op Northmoor."

21 A. Yes.

22 Q. That may not be the biggest point in the world.

23 If the pre-meet started when it was meant to, that
24 pre-meet lasted, it would seem, for an hour and
25 15 minutes.

1 A. Yes, it did.

2 Q. It did?

3 A. It did.

4 Q. So effectively you and, what, the others are sitting

5 outside?

6 A. Yes, we were sitting outside the room where the

7 subsequent meeting was held.

8 Q. And then you are called in --

9 A. Yes.

10 Q. -- if you like, for the meeting, and we've got:

11 "Team 1 update."

12 A. Update, yes.

13 Q. "Op Tyburn [something] 11 ..."

14 A. "... incident ..."

15 Q. "... (total) ..."

16 A. Yes.

17 Q. "26 weapon recovered."

18 A. Yes.

19 Q. What does that say?

20 A. "43 kills."

21 Q. "43 kills."

22 Is that maybe a point about, sort of, weapons

23 versus numbers?

24 A. Yes.

25 Q. Then we've got -- I can see part of this here:

1 "Captain Wright ..."

2 A. Do you want me to read it?

3 Q. Yes, go on, that's going to be easier, isn't it?

4 A. "Capt Wright intends to go to Afghanistan to [interview]

5 Bang -- N50 N1144 ..."

6 And then the name is ...

7 Q. Saifullah.

8 A. "... Saifullah."

9 Q. Then, sorry, the next -- what is the entries in the

10 margin which say, like, X?

11 A. That means -- it says "+" actually, not "X".

12 Q. Okay.

13 A. "RA" means raise action. So an investigative action to

14 be followed.

15 Q. So this is -- where you put that in the side, this is --

16 A. This is what's going to -- this is the intention of the

17 next move, if you like, yes.

18 Q. Okay.

19 Then next one we've got there:

20 "[Raise action] ..."

21 Why don't you read it out.

22 A. "... Relevant ... data needs recovering."

23 Q. Then the one below that?

24 A. "[Interview] All who took part in Tyburn."

25 Q. Okay.

1 A. And then -- sorry, yeah:
2 "Philip James/Clifford Evans -- Review Report."
3 Q. Okay.
4 Then we've got "Team 2 update", which I'm not
5 going to ask you about.
6 Then we've got "Hussein update" and then if we go
7 over the page --
8 A. Yes.
9 Q. -- can you read out, please, the -- it's the top.
10 A. Yes.
11 "All recs [recommendations] of Review Team ..."
12 That's not my review team, the new review team.
13 "... accepted ([including] un-designating
14 suspects)."
15 Q. Now, do as best you can answering questions about
16 a meeting that took place some time ago, was there lots
17 of discussion about the pluses and minuses of -- pros
18 and cons of adopting that course of action or --
19 A. None whatsoever.
20 Q. None whatsoever?
21 A. No.
22 Q. Were the courses of action, in your view, significant?
23 A. Absolutely, yes.
24 Q. Was that one of the matters that it seemed to you that
25 effectively had been decided before?

1 A. Absolutely, yes.

2 Q. Okay. So, in terms of the report from Cliff Evans and
3 Philip Jones (sic), first of all, were they present in
4 the meeting?

5 A. No.

6 Q. So, in terms of their report, would you mind turning
7 that up, please. That's at tab 65. It's the second
8 bundle.

9 Had you seen this report?

10 A. No.

11 Q. You'd not seen it?

12 A. No, I had seen the terms of reference, I think, but
13 that's it.

14 Q. So, some of the matters that are recommended, and I will
15 be asking them in fairness in due course for what they
16 have to say about it, at paragraph 3.5 is there's no
17 basis to -- no appropriate foundation to have enabled
18 seizure of an IT system. That's recommendation 2 at
19 page 5.

20 And recommendation 3 -- it's probably easiest
21 actually to deal with it all -- the recommendations at
22 page 8, 65-8, rather than go through it individually.

23 A. Yes.

24 Q. So the one they agree with you, planned witness -- the
25 original course, the planned witness statements should

1 be progressed.

2 A. Yes.

3 Q. Efforts to recover data sets should now proceed by

4 consent, not seizure. And the categorisation of suspect

5 status which has been currently applied should be

6 removed.

7 Just in relation to those three, have I understood

8 you correctly, you didn't even know that had been

9 recommended before the meeting?

10 A. No.

11 Q. So were you surprised when this first came up?

12 A. I was certainly surprised by recommendations 2 and 3.

13 I was surprised that they had done a review in about --

14 is it eight days is took them to come up with this, from

15 briefing to preparation of report? On an investigation

16 that's been going on for over three years.

17 Q. You had been -- you explained how much you were working

18 at the start, and then in the media, and then later on

19 in the investigation, and the number of members of your

20 team that were working, it would seem, putting more of

21 their working time into it, were you asked about those

22 recommendations?

23 A. No.

24 Q. Or your team?

25 A. No.

1 Q. Does that surprise you?

2 A. The fact that I wasn't asked or --

3 Q. Yes.

4 A. Well, the whole thing surprised me, because I wasn't

5 aware that they were coming in to do a review of has

6 nature. I was told I think in October/November that

7 Sir Jon Murphy was coming to do an overarching review in

8 relation to resourcing and training, which I don't know

9 if -- there might be something about resourcing in here.

10 Q. Do you think -- well, if you were coming in to conduct

11 a review where someone else had conducted a review to

12 the extent you had, would you speak to those people?

13 A. Well, absolutely, yes. I would want to know what

14 progress they had made, read their previous reports,

15 speak as to their, you know, current hypotheses and

16 where they thought this investigation was going, just

17 to get an idea of the totality of three years' worth of

18 work.

19 Q. Did you say anything about this in the meeting?

20 A. It was clear that nothing that would be said by myself

21 or Mr Williamson would be heeded in that meeting.

22 Whilst we weren't told to not say anything, we weren't

23 given the opportunity to comment on any of the

24 discussions.

25 Q. Did it appear it had all been stitched up before?

1 A. It had all been decided at the pre-meeting, in my view,
2 yes.

3 Q. In terms of those decisions being taken, and this is to
4 just -- if I may step back to an earlier theme, the
5 decision whether, for example, to get a warrant or use
6 a statutory power to seize a server or to ask for it or
7 to designate someone a suspect or undesignate it, who --
8 was this a matter for the Gold group? Who was --

9 A. I've already explained about the suspect status.

10 Q. Yes.

11 A. So, in these circumstances, it's effectively a homicide
12 investigation. That's the SIO decision. The Gold
13 group, in my view, should not have an input into that.
14 They might have an input into the potential arrest if
15 it's a very high --

16 Q. Sure --

17 A. -- profile person or whatever, but in relation to the --
18 I'm sorry what was the second part?

19 Q. Well, it was first of all about the seizing or --

20 A. Oh, yes, sorry. Yes.

21 So that's an investigative step. That's for the
22 SIO to instigate the process by which the seizure of
23 that evidence can be made.

24 Now, obviously we've talked about national
25 security implications. We've talked about -- well, this

1 talks about consent. They have been trying for over
2 two years to get the consent of the people that held
3 that information. It hadn't been forthcoming even
4 though I recall Paul Williamson had attended a meeting
5 at a secret location, I believe, whereby protocol was --
6 or a memorandum of understanding was initiated whereby
7 a process of the release of that information would take
8 place, but it never happened. Certainly at -- up until
9 that point.

10 Q. If you don't mind if I sort of just drag you back to
11 this meeting. So it appeared to you to be
12 pre-determined?

13 A. Yes.

14 Q. The actual meeting. Despite the fact you had been
15 involved, and your team had, for two years, you weren't
16 consulted?

17 A. That's correct.

18 Q. And in relation to at least those two decisions,
19 arguably, at least, they weren't even appropriate
20 matters to be decided in that forum. They were for the
21 SIO, not for the Gold group?

22 A. Yes. And if there came a point where the Gold Commander
23 decided that those decisions should be contested, as
24 I have explained before, that should have been
25 rationalised somewhere.

1 Q. This is the point you are saying, if -- if the SIO takes
2 a decision, ultimately Gold, I suppose, can overrule and
3 say: I don't agree --

4 A. Absolutely.

5 Q. -- and here's my decision.

6 A. The Chief Constable or the PM(A) can overrule a decision
7 if its so obtuse or --

8 Q. Yes, we're talking about fairly extreme sort of
9 decisions?

10 A. We are, yes. In 48 years I've only known one occasion
11 where that's taken place in my realm of experience.

12 Q. Only one occasion?

13 A. One occasion.

14 Q. And on one view this might be two occasions in one
15 meeting?

16 A. Yes.

17 Q. Right.

18 Again, just to go back to where we started, or
19 where you started, it was about demonstrable
20 independence?

21 A. Yes.

22 Q. And your concerns in relation to this meeting.

23 Now we've gone through the meeting, are you able
24 to explain what you meant about that term in relation to
25 this meeting?

1 A. There was no independent -- well, sorry, I had been
2 brought in as an independent review officer to review
3 the investigation after the event.
4 Decision had been taken. I wasn't allowed to make
5 any comment about those decisions.
6 It was clear that Sir Jon Murphy, who was a very
7 experienced former Chief Constable, had come in and
8 advised, along with Mr Ellison, I think it was, QC.
9 The Brigadier. And they had, I imagine, taken his
10 advice or there might have been some influence exerted
11 by Mr Ryan in terms of the way this should go forward.
12 Q. One of the terms that was used by Brigadier Warren in
13 seeking an outside force to carry out a review was
14 transparency.
15 A. Yes.
16 Q. Do you consider there was transparency demonstrated at
17 that meeting in terms of those key decisions?
18 A. Not at all, no. And I would add to that that at that
19 time I was still the review officer. I understand two
20 others had been brought in, I understand there was an
21 independent advisory group, but my services had not been
22 dispensed with at that time. Neither had
23 Paul Williamson's.
24 MR POLNAY: Thank you for that explanation.
25 That's all got I've to ask you about that meeting,

1 unless there's anything, sir, would like to ask?

2 SIR CHARLES HADDON-CAVE: Can I just ask you, you said you

3 were surprised at this turn of events. What else did

4 you feel about what you were witnessing at times, if you

5 can remember?

6 A. I felt that there was an unseen hand controlling events.

7 SIR CHARLES HADDON-CAVE: Thank you.

8 MR POLNAY: There's just a couple more matters I want to ask

9 you about. I am afraid it is just going slightly out of

10 order because I wanted to follow on when you came to

11 that particular meeting, so just we're winding back

12 slightly in time.

13 A. That's fine.

14 Q. One of those is one of the things that was in fact

15 discussed at the meeting which was the declaration of

16 suspect status --

17 A. Mm-hm.

18 Q. -- which would have been made by the SIO, and also the

19 decision to, or the proposal if I can put it that way,

20 or the plan by the SIO to use covert tactics?

21 A. Mm-hm.

22 Q. Can I just make absolutely clear I'm not asking about

23 any particular tactics or anything of that sort. I'm

24 asking about the decision-making, all right, and your

25 involvement and commentary on that because this is an

1 OPEN session.

2 A. Yes.

3 Q. So could you turn to your witness statement, please, at
4 paragraph 134.

5 A. Yes, just a second.

6 Q. Here you say you didn't give any advice in relation to
7 the declaration of N1141 and N1201 as suspects and you
8 were informed of them after they had been taken, yes?

9 A. Yes.

10 Q. You say:

11 "I did not have access to relevant material and so
12 could not have advised as to whether suspect status was
13 preferable to significant witness status in each case."

14 So just a few questions arising out from that. Is
15 it fair to say that the decision, the investigative
16 decision, to declare someone a suspect is an important
17 one as part of an investigation?

18 A. Absolutely, yes.

19 Q. And in this investigation certainly perhaps a milestone
20 or a marker of progress at a point where decision-making
21 needs to be reassessed?

22 A. In these circumstances, a very significant milestone,
23 yes.

24 Q. I think you have already made clear that your role as a
25 reviewer is you're reviewing what has gone backwards --

1 A. Yes.

2 Q. -- not going forwards. So, on that understanding, one
3 wouldn't expect, at least in the usual course of events,
4 the SIO to go to you and say, "I'm planning on
5 designating these people as suspects"?

6 A. He might have done but he didn't do.

7 Q. I appreciate that. I'm not saying that would be
8 outrageous.

9 A. No.

10 Q. But you say here that you didn't have access to relevant
11 material. Does this tie back to what you said right at
12 the start of your evidence in relation to you had access
13 to material at some classification but not what I think
14 is described as high classification material?

15 A. Yes.

16 Q. Now, I think you accepted that, when we were speaking
17 about it earlier, that might have been a constraint?

18 A. Yes.

19 Q. Applied to this, if I've understood it correctly, that's
20 quite a serious constraint, isn't it?

21 A. Yes, it is, yes.

22 Q. Because that meant that you were not sighted on the
23 reasoning behind a very important decision?

24 A. I wasn't sighted on the written material which lay
25 behind it but I was sighted after the event by

1 Captain Wright and Paul Williamson.

2 Q. Sorry, that's my fault for using imprecise language.

3 You were sighted on that -- were you aware of the

4 rationale and the detailed evidence that led to them

5 making that decision?

6 A. I was sighted on the general evidence relating to it but

7 not specific step-by-step written material.

8 Q. Again, with hindsight, do you think you had sufficient

9 -- you had the level of information you would expect to

10 be provided with as a reviewer or was that not, in fact,

11 that satisfactory?

12 A. In an ideal world, it would have been useful to have

13 access to the written material but, based on what I was

14 told by Captain Wright and Mr Williamson, the bar that

15 needed to be attained, reasonable suspicion that someone

16 has committed an indictable offence, had been reached

17 and therefore they could be declared a suspect.

18 Q. No-one is suggesting for a minute that you were told the

19 wrong test had been applied or anything.

20 A. No, no. I didn't mean to imply that when I said it.

21 Q. All I suppose I am exploring is for such an important

22 decision as this which has got lots of -- it's got huge

23 consequences for the investigation, for wider and --

24 certainly I think you would say the consequences of this

25 declaration, for example, were a matter for Gold -- and

1 you said earlier in your email about whether or not
2 these people, the risk on leaving them operational, the
3 suspects, again, with the benefit of hindsight, might
4 that have been something that you ought to have reviewed
5 as part of your role as review officer in detail to
6 drill down as to "yes, this is absolutely right" or
7 "you're wrong" or "well, have you thought about this or
8 that or the other?"

9 A. Yes, I would. Within the Greater Manchester Police
10 arena, if this kind of arrest was being contemplated or
11 a decision had been made, I would certainly have been
12 given access to the background material relating to it
13 and been given the opportunity, moreover, to give my
14 thoughts on it to the Gold Commander.

15 SIR CHARLES HADDON-CAVE: Could you just expand a bit on the
16 significance of the difference between designation as a
17 suspect as opposed to a significant witness? Those
18 points have been mentioned but can you just summarise.

19 A. If someone witnesses, you know, a robbery, they are a
20 witness. If someone witnesses a violent robbery and
21 potentially may be on the fringes of being a suspect
22 because they are, say, the partner of a man who attacks
23 somebody in the street, they would be a significant
24 witness or even a potential accomplice. So there's a
25 fine line between significant witness and suspect.

1 But if you have the reasonable suspicion that
2 somebody's committed an offence, you can designate them
3 as suspect.

4 SIR CHARLES HADDON-CAVE: What I was really asking is what
5 is the significance of the different status in terms of
6 its impact on the inquiry, investigation and so on.

7 A. The impact on the inquiry is that you would treat them
8 differently, but a significant witness in this scenario
9 might become a suspect at a later stage.

10 SIR CHARLES HADDON-CAVE: Thank you.

11 MR POLNAY: I won't ask this question again in a different
12 way. However, one of the parts of your terms of
13 reference was to see whether an investigation conformed
14 to nationally approved standards and was thorough.

15 A. Mm-hm?

16 Q. It must have been quite -- it must have been reasonably
17 difficult to do that without a detailed understanding of
18 what lay behind that important decision, or is that
19 simply not how review officers do their job?

20 A. We were asked to do bespoke pieces of work, whereas in
21 the previous inquiry in Iraq we were asked to review the
22 whole investigation and we had months and months and
23 months to do it and produced a 200 page document or
24 whatever.

25 In this instance, we were asked to do bespoke

1 pieces of work. So we looked to the HOLMES account,
2 looked at management structures and produced papers and
3 reports in relation to that. We weren't being asked to
4 review the whole of the investigation, which is why
5 in July 2016 I was unsure of what our role was at that
6 time.

7 Q. Hence one of the points that you raise. Okay.

8 So one of the things -- I am putting it a
9 different way, but it really is the last time. So
10 I suppose if they had asked you to say, please, if the
11 chief officer had said, "I would like you, please, to
12 carry out a review in relation to the suspect
13 designation" that might have been something that you
14 would have done if you were asked?

15 A. Yes, absolutely.

16 Q. And that would be something, if asked, would be
17 absolutely within your --

18 A. You know, with hindsight that would have been a proper
19 or a realistic or a measured approach to take bearing in
20 mind the significance of this milestone.

21 Q. Okay. So we've got the declaration of suspects,
22 point 1. The second point I want to ask you about is in
23 relation to a rationale for the proposal to deploy
24 covert tactics. Again, I'm putting it at that high
25 level. I think you asked about that at paragraph 135

1 and you say you were given informal advice -- sorry, you
2 were asked informally by Captain Wright for review.

3 I appreciate we've got parts redacted from this
4 OPEN documentation but I am sure you can at least have a
5 rough idea of what lies behind there, and you said your
6 advice, which was very high level given you didn't have
7 access to the material, was that if you want to go down
8 that route you need to make applications?

9 A. Mm-hm.

10 Q. Again, the decision by Captain Wright to pursue as SIO
11 at least in part a covert strategy, that's also a
12 relatively significant matter; would you agree?

13 A. In a normal investigation, not necessarily in this
14 investigation, absolutely.

15 Q. Do the same points that we were discussing in relation
16 to the suspect designation apply to this? You weren't
17 specifically asked to review whether this was a good
18 idea or not or met standards but you would have done if
19 asked?

20 A. I would have done if asked and, once they told me what
21 their intentions were, I suggested that they go ahead
22 with the application at least and to see if it met the
23 tests for those, that methodology, to be granted by a
24 higher authority.

25 Q. Understood. Again, just over at page 136/137 just to

1 finish the point on covert policing, you make the point
2 at 136, which others may in due course, you can have a
3 covert and an overt strategy running alongside each
4 other. It's not necessarily all one --

5 A. There very often is, yes.

6 Q. -- or the other. They can be, I think you describe,
7 complementary. But then at 137 you make -- and I think
8 it's the same as with the declaration of suspects, that
9 you didn't have access to the written material in
10 relation to that?

11 A. That's right, yes.

12 Q. Again, would that be fair to say a constraint to a
13 point?

14 A. Yes.

15 Q. Then on the third matter, which is at paragraph 140, you
16 didn't offer advice in relation to a decision not to
17 investigate allegations as a linked series?

18 A. No.

19 Q. Now, I appreciate the very particular meaning that
20 linked series can be given, which you touched on before,
21 and I think it may be in this term it's being used in
22 a --

23 A. A different way, I think.

24 Q. -- slightly different way as in events that may have a
25 common features, if I can put it that way, rather than a

1 traditionally sort of linked series. You say you don't
2 recall any advice in relation to that?

3 A. No.

4 Q. Yet we know that was a relatively important matter; is
5 that right?

6 A. Well, clearly it was because, you know, we had one SIO
7 investigating a number of incidents where people had
8 died. But the point I'm making about linked series,
9 it's one SIO. So that SIO is co-ordinating all those
10 incidents in any case, whereas normally a linked series
11 would apply to different SIOs in different areas needing
12 to come together.

13 Q. So drawing those together, I think one of the points
14 that might be asked is you're there as a very
15 experienced, if I may say, review officer with a big
16 team, and I'm not saying these were the only important
17 decisions to make in an investigation -- there were
18 lots, obviously -- but three of the pretty significant
19 ones (suspect designation, covert tactics if I can put
20 it that way, and linked series) it didn't appear you
21 were involved in a significant way in reviewing those
22 decisions?

23 A. No.

24 Q. Do you know why that was?

25 A. I don't know why it was. I just know that we weren't

1 asked to.

2 Q. Again, I'm sorry if this sounds silly because I have not
3 been where you have been. Did you need to wait to be
4 asked?

5 A. Well, the decisions had already been made and I was
6 aware that Paul Williamson, a very experienced
7 investigator, had already given the advice, whatever
8 advice that was, to Captain Wright who made the decision
9 to make those decisions. So I wasn't second-guessing
10 Paul Williamson.

11 Q. No, I appreciate that and, as you have explained, your
12 function, though, is looking backwards rather than
13 forwards?

14 A. Yes.

15 Q. So surely one of those functions is to look back and
16 say, all right, well, that might have been a good
17 decision at the time but maybe it wasn't or you've
18 missed doing it this way or that way. I suppose what
19 I mean is might it not have been a good idea to say,
20 "I think you should ask me to look at these things
21 because they are important"?

22 A. Well, in hindsight it might be but I have to be
23 commissioned to perform a certain task or review and
24 I wasn't commissioned.

25 Now, perhaps if there had been proper -- I'll

1 rephrase that -- better strategic leadership and regular
2 Gold meetings at the appropriate level, that would form
3 part of the discussion, "Shall we ask Mr Bottomley to
4 review these significant decisions?" and, yes, that
5 should have happened.

6 Q. Because from the benefit of the distance and files of
7 documentation, it might seem surprising you have got
8 this review team, really experienced at looking at all
9 of this, yet on three of the more contentious or most
10 contentious and difficult decisions you didn't provide a
11 review?

12 A. No.

13 Q. Now, again, just so I'm clear, the reason you didn't
14 consider is quite simply you weren't commissioned. That
15 didn't fall within your general instructions?

16 A. No, and to put it into context, we were very busy in
17 Greater Manchester anyway. So, you know, I wasn't
18 waiting to be commissioned but as decisions had already
19 been made, and I was aware they had been endorsed or not
20 endorsed, I couldn't see that I would have much
21 influence on those decisions, either for or against
22 them.

23 Q. Okay.

24 A. Because I wasn't embedded at this time as much as we had
25 been in 2014/2015.

1 Q. Thank you.

2 A. Whereas Paul Williamson was.

3 Q. You explain in your witness statement there came a time
4 where it became clear to you that your services were no
5 longer required?

6 A. Yes.

7 Q. And the services of your team, and I think that was
8 after a Gold meeting that we've just looked at in some
9 detail.

10 A. I became aware of it actually during the discussions
11 myself and Captain Wright had with Paul Williamson just
12 before the OPEN Gold meeting, because they were
13 apparently well aware that these moves were afoot, if
14 you like, even if they didn't know decisions had already
15 been made.

16 Q. Were you ever given a reason why?

17 A. No.

18 Q. One of the things -- and I only want to raise it so you
19 have a chance to deal with it -- is in your witness
20 statement you say it's possible that your email of
21 7 July 2016 (that's the one that we went through where
22 you sent to Lieutenant Colonel John McAllister) may have
23 been one the reasons which influenced the events which
24 Brigadier Neal -- which caused taking the course of
25 action that he did. Is there any particular reason or

1 is that just one of the things you have alighted on?

2 A. It's just a possibility but the more I think about it,
3 the more I think that didn't have an influence.

4 Q. You think it didn't have an influence?

5 A. No.

6 Q. Do you have a view now as to what did have an influence?

7 A. I think the critical moment in time was when the new
8 Brigadier was appointed.

9 Q. When the new Brigadier was appointed?

10 A. Yes. Up to that point, anything and everything we had
11 ever reported on or recommended had been accepted
12 with -- almost whole-heartedly but certainly with grace.

13 Q. You are aware that there came a time when
14 Operation Northmoor was wound down -- is that right --
15 during the course, I should say, of the material you
16 have been provided for.

17 A. Yes.

18 Q. Is that right?

19 A. Yes.

20 Q. And I think the way you put it is you were left with the
21 impression that the investigation was closed more
22 swiftly than you would have advised?

23 A. Absolutely, yes.

24 Q. But I suppose, in fairness, once you left you wouldn't
25 have had access to all of the materials; is that right?

1 A. That's correct, yes.

2 Q. One of the things that you observed, and this is
3 actually in relation to the IRT's terms of reference.
4 Would you mind if we just have a very quick look at
5 those, please. This is at tab 8 of the bundle. You
6 will see, as anyone will, it has got "draft" written
7 across it if we go on to the next page, please --
8 page 4, sorry.

9 A. Yes.

10 Q. Just to say we're not -- this is the version we have
11 been provided with by the RMP. It doesn't appear as
12 something which says final as there, so we should just
13 note that.

14 And one of your comments -- did you see this at
15 the time when it was in draft form?

16 A. I think I first saw this at the February Gold meeting.

17 Q. If we turn to the bottom of page 6, or 8-6, we've got
18 there "deliverables" and it says -- have you got
19 paragraph 6 there at the bottom --

20 A. Yes.

21 Q. -- which says:

22 "The IRT must submit a written report by
23 22 December 2016. This report will inform, advise and
24 aim to assure that Operation Northmoor will be fit for
25 purpose and achieve the desired outcome in the future."

1 Now, without picking through this as though it was
2 a piece of legal drafting, I think we see there's the
3 use of the word "assure" again --

4 A. Yes.

5 Q. -- which I think you had changed before to "assess"?

6 A. Mm-hm.

7 Q. And then it then says:

8 "Achieve the desired outcome in the future."

9 I think you made a comment on that in your witness
10 statement as you are left wondering what the desired
11 outcome was intended to be?

12 A. Yes.

13 Q. What do you mean by that?

14 A. Well, the inference and impression I gain from this is
15 that we want the new review team to tell us everything
16 is hunky-dory so that we can close the investigation
17 down.

18 Q. Indeed, as we know it was closed down. Sorry, if you
19 will just give me a moment.

20 Would it surprise you to know that when it was
21 closed down, there wasn't anything that would be
22 classed, at least in police terms, as a closing report?

23 A. Surprising is the least of my -- the words I might use
24 is amazing and not just in a normal murder investigation
25 but, in this case, it's almost beyond belief.

1 SIR CHARLES HADDON-CAVE: Were things hunky-dory from what
2 you knew at that stage, from what you could see?

3 A. Not at all, sir, no.

4 MR POLNAY: One might imagine the desired outcome set out by
5 the authors of the report, and as perhaps presaged by
6 Brigadier Warren in the email we've looked at, was not a
7 public inquiry.

8 A. Absolutely. I mean, that was one of the things I refer
9 to in my witness statement as well, you know, scrutiny
10 at a public inquiry or the International Criminal Court
11 and he, you know, almost predicted what would happen if
12 this investigation wasn't conducted effectively.

13 Q. Almost finishing where we started, you referred,
14 I think, to your experience before and the experience of
15 others into the Battle of Danny Boy?

16 A. Yes, and that subsequently led to a judicial review and
17 then a public inquiry.

18 Q. In terms of your understanding from that work before and
19 how the RMP conducted Operation Northmoor, so far as
20 you're aware, had they learned the lessons from that
21 previous experience?

22 A. I think some lessons had been learnt or had been aspired
23 to be learnt. So in Danny Boy there was no major
24 incident room facility. Clearly there wasn't a proper
25 major incident room facility in Northmoor either, but

1 there was a recognition early on that we needed a major
2 incident room, we needed the data -- the data facility.

3 SIR CHARLES HADDON-CAVE: FDHC.

4 A. This is the one, sorry, sir, yes. You know, the MII
5 eventually came to fruition. The computer system
6 didn't. There were -- I mean, it's evident now that the
7 investigators and some of the staff were not properly
8 trained or experienced.

9 MR POLNAY: Turning to your conclusion, which you set out at
10 paragraph 159 -- it's the final paragraph of your
11 witness statement -- you do believe that
12 Operation Northmoor was properly conducted with
13 integrity and objectivity, at least for the majority of
14 my tenure. Again, I hope this isn't -- it's not
15 intended to be an uncomfortable question, but with your
16 qualification of at least the majority of your tenure,
17 do you have some reservations about whether it was
18 conducted with integrity and objectivity for all of your
19 tenure?

20 A. Yes.

21 Q. You go on to say the investigation wasn't progressed as
22 expeditiously as it might have been and, in your view:
23 "... through an inability or unwillingness at the
24 most senior levels in the army and/or the Ministry of
25 Defence to supply sufficient skilled and experienced

1 personnel, together with the necessary resources and
2 facilities to ensure an expeditious, robust
3 investigation and transparent outcome."

4 Your final sentence:

5 "Ultimately, I formed the impression that
6 Operation Northmoor cannot be considered to have been
7 comprehensive or effective."

8 Does that remain your opinion?

9 A. Yes, it does, yes, but not through the fault of the SIO.

10 Q. Ans as you go on to say, and it's an important
11 qualification part of this:

12 "It was not destined to be effective by virtue of
13 influences and forces outside the control of the SIO,
14 OIOC and Gold Commander."

15 A. Yes.

16 Q. It may have been implicit in the evidence you've given
17 before, but what were those influences and forces -- are
18 you able to identify them -- which meant that
19 Op Northmoor was not destined to be effective?

20 A. Well, there were so many obstacles put in the way of
21 Captain Wright in particular in terms of resourcing,
22 skilled personnel, access to witnesses in Afghanistan,
23 minor issue of Leigh Day not providing material, but
24 then the big question of getting the most important
25 evidence from ITS1.

1 Q. Did those, the forces outside of the control, include,
2 I think as we've touched on, leadership and appropriate
3 decision-making?

4 A. Leadership, appropriate decision-making and -- I don't
5 know how to express it really. A level of
6 responsibility at the highest levels of the army, the
7 Ministry of Defence to provide what the investigation
8 needed in all aspects in terms of accessing resources,
9 witnesses, judicial data material.

10 Q. As you put. For those factors it was, in your view,
11 destined to not be effective?

12 A. Yes.

13 MR POLNAY: Sir, those are the questions I've got for
14 Mr Bottomley. Do you have any more questions?

15 SIR CHARLES HADDON-CAVE: I don't, Mr Polnay. Thank you
16 very much.

17 Mr Bottomley, can I thank you very much indeed for
18 coming to give evidence today. Can I thank you also for
19 the very clear way in which you have answered all
20 Mr Polnay's questions. You are now free to go.

21 A. Thank you.

22 SIR CHARLES HADDON-CAVE: I am very grateful to you,
23 Mr Polnay, and to the teams, you and Mr Martin today,
24 that have prepared for these hearings. Can I thank
25 those who have made the arrangements today, and indeed

1 yesterday, which have been quite comprehensive and
2 complicated to get right. Can I thank everybody who is
3 present for their quiet attention. We will adjourn now
4 until 10.00 tomorrow.

5 MR POLNAY: Sir, as to the time of the adjournment, may
6 I just -- I wonder if we might have just a short time to
7 discuss that amongst some of the legal representatives
8 that are present, and it may be we ask you to sit
9 somewhat later as that might be more convenient for the
10 one witness we have tomorrow. But if I may get back to
11 you in a few moments.

12 SIR CHARLES HADDON-CAVE: Take a rain check on the start for
13 tomorrow. Time for everybody to have a cup of tea.
14 Thank you very much indeed. We will adjourn.

15 **(4.33 pm)**

16 **(Adjourned until 10.00 am the following day)**

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