

Thursday, 15 October 2026

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(9.58 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 hearing room, 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.

16 Where material is restricted, it is redacted and,
17 where appropriate, a gist of the evidence is provided.
18 In the event that something is said during the course of
19 this hearing which may breach a restriction order made
20 by the Chair, the evidence may be halted and the hearing
21 room may be cleared for CLOSED legal submissions as to
22 whether any restriction order has been breached, and the
23 live-stream YouTube recording will temporarily be
24 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 restriction order in relation to anything
4 said or done in the Inquiry hearing room in the
5 preceding ten minutes, anything that was said or done
6 during that period is subject to a restriction order
7 prohibiting its disclosure, repetition or duplication
8 until the Chair has finally determined the application.

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

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

21 SIR CHARLES HADDON-CAVE: Warrant officer, good morning.
22 Can I begin by apologising for having to move your
23 evidence from Monday to today, and you must have been
24 waiting patiently for most of Monday.

25 Thank you very much indeed for coming to give

1 evidence to me and the Inquiry. Thank you for your very
2 detailed witness statement, which I have read very
3 carefully. This isn't in any sense a memory test, so
4 counsel will help take you to those bits of your
5 evidence which are particularly pertinent. We've got
6 plenty of time today. All right?

7 THE WITNESS: Thank you, sir.

8 SIR CHARLES HADDON-CAVE: Could the witness be sworn,
9 please. Thank you.

10 **MS PHILIPPA McLEAN-INGLIS (sworn)**

11 SIR CHARLES HADDON-CAVE: Thank you.

12 Mr Martin.

13 **Examined by Counsel to the INQUIRY**

14 MR MARTIN: May it please you, sir.

15 Warrant Officer McLean-Inglis, can you give your
16 full name, please.

17 A. It's Philippa McLean-Inglis.

18 Q. Can I ask you to open the red bundle that's in front of
19 you, please, and look behind tab 1.

20 Behind tab 1 you should have a witness statement
21 that you prepared dated 8 May 2025; is that right?

22 A. That's correct.

23 Q. That witness statement runs to some 43 pages.

24 A. Yes.

25 Q. It's 170 paragraphs and there are six exhibits that you

1 produce within it. At the end of that statement is
2 a declaration of truth in which you say the contents
3 contained within that statement are true. Is that
4 correct?

5 A. That's correct.

6 Q. Would it assist you or do you wish, as part of your
7 evidence, for your witness statement and those exhibits
8 to stand as part of your evidence?

9 A. Yes, I do.

10 Q. Thank you very much.

11 Now, within that red folder, as well as exhibits
12 and your witness statements, are also other documents;
13 is that correct?

14 A. That's correct.

15 Q. You have had an opportunity, have you, to consider those
16 documents ahead of your evidence?

17 A. I have.

18 Q. Thank you.

19 In respect of the topics that we're going to run
20 through during the course of your evidence, briefly
21 something about your experience, your duration, the time
22 spent with Operation Northmoor and your role on
23 Op Northmoor, particularly with reference to from
24 May 2016, when you were based at HMS Collingwood running
25 the operations in respect of the IFDHC, the Interim

1 Forensic Data Handling Capability. All right?

2 We are also then going to look at parts of your
3 witness statement which deal with -- this is my phrase,
4 but a change of direction in respect of the
5 investigation from 2016 or thereabouts. Okay?

6 A. Yes.

7 Q. Thank you.

8 So, in respect of your experience, please, if we
9 look at paragraph 3 of your witness statement, you
10 joined the Army in July 2000 as a direct entrant into
11 the Royal Military Police; is that correct?

12 A. That's correct.

13 Q. You worked with the 101st Provost Company, yes?

14 A. Yes, that's correct.

15 Q. Thank you very much. You give some other details there.
16 I'm not going to take much time on those.

17 Let's go over, please, to paragraph 4, next page.
18 Thank you.

19 In 2008 you transferred to the Special
20 Investigation Branch of the RMP; is that right?

21 A. That's correct.

22 Q. So you had had around eight years of experience with the
23 RMP more broadly before transferring to the SIB?

24 A. Yes.

25 Q. Is it correct that the SIB deals with the more complex

1 investigations?

2 A. Yes, that's right.

3 Q. You served in the 74th Section SIB and a number
4 of other -- in a number of the other capacities, and
5 then went to Operation Northmoor; is that right?

6 A. That's right.

7 Q. Thank you.

8 You are, in fact, still with the Royal Military
9 Police?

10 A. I am, yes.

11 Q. Thank you.

12 In respect, please, of deployments, did you deploy
13 in fact to Afghanistan in 2010 as part of
14 Operation Herrick?

15 A. I did.

16 Q. That was a tour that was undertaken with the
17 62 Section SIB?

18 A. That's right.

19 Q. In respect of your training, if we look briefly at
20 paragraph 6.

21 We can find that on your page 4 for the EPE
22 page 5. 16, please, sorry. Thank you.

23 So you -- my fault, I'm sure.

24 "I undertook the following relevant training prior
25 to commencing my role:

1 "a. Level 3 Investigators Course (L3IC) - 2007
2 (SIB Course)

3 "b. Advanced Interviewer Course
4 (Victim/Suspect) ..."

5 And with "Date not known" there.

6 At 17 you set out something of your experience in
7 respect of investigations, and I just want to ask you
8 a little bit about that.

9 So, as an SIB investigator in 2008 to 2011 in
10 Germany, you:

11 "... investigated all serious crime, including
12 Alleged Murder/Manslaughter, Alleged Attempted Murder."

13 And then in 2010, as part of Operation Herrick,
14 which we've just made reference to, your deployment,
15 you:

16 "... investigated Detainee Abuse Allegations,
17 Alleged Murder, [and] KIA."

18 So killed in action?

19 A. That's right.

20 Q. So is it right that at the point at which you were
21 appointed to or joined Operation Northmoor, you did have
22 some investigatory experience in respect of homicides?

23 A. I did a little bit, yes.

24 Q. When you say a little bit, can you just assist us with
25 that.

1 A. So obviously in the SIB our role in the UK and overseas
2 is very different. Jurisdiction-wise we have more
3 jurisdiction abroad than we do in the UK, with the Home
4 Office police force. So, for example, when we were in
5 Germany, we did have a couple of instances of murder
6 that got knocked down to manslaughter, and we had
7 attempted murder. They are very few but I did deal --
8 have some dealings with a few cases.

9 Q. So in Germany, in respect of homicide investigations, it
10 began as a murder investigation, and that's on two
11 occasions, is it, that you can recall? You said
12 "a couple", you meant around that number?

13 A. One or two. It was very few, yes.

14 Q. So very few, thank you.

15 So you were part of those investigations?

16 A. Yes.

17 Q. And in Afghanistan there's also a reference there to an
18 allegation of murder. Can you assist us with that?

19 A. The tour was very busy. We had quite a lot of KIAs, so
20 we were dealing with a lot of, obviously, our personnel
21 who got killed on the ground. We also obviously dealt
22 with, like, serious incident reviews, where potential
23 complaints had come forward regarding the killing of
24 local nationals, which we would then deal with as well.
25 I can't give you an amount of how many. I just know

1 that we dealt with the range that I've put in my
2 statement.

3 Q. Thank you.

4 In respect of your commencement on
5 Operation Northmoor, did you feel when you first joined,
6 and when the seriousness of the allegations in respect
7 of Op Northmoor -- and I am focusing here, in
8 particular, on Team 1, unlawful killings, those
9 allegations, did you feel sufficiently experienced at
10 that early stage to be part of the investigation?

11 A. Yes. Yes, I think that I had, with my experience in
12 Germany and on Op Herrick, I feel like I'd got enough
13 experience that would help me with this investigation.

14 Q. So you were one of the very first investigators to be
15 brought on board; is that correct?

16 A. That's correct.

17 Q. So in April 2014, so Operation Northmoor only stood up
18 a few days before that in fact?

19 A. Yes.

20 Q. Do you know if your experience was a factor in being
21 brought on board to Operation Northmoor?

22 A. I don't know. I just got told that I was moving into
23 the Op Northmoor team.

24 Q. When you were first moved to the team, given that there
25 was a large scale and degree of seriousness in respect

1 of the different allegations that had been made, running
2 all the way up to unlawful killing, was your focus on
3 those more serious allegations at that stage or were
4 you, at this early period, taking a view on all of the
5 allegations?

6 A. All of it, to start off with, because we were only -- we
7 started off as just one team, so we were looking at the
8 spectrum of all tranches of the allegations and, again,
9 we were trying to identify who was involved, because
10 obviously we needed to know if they were involved in
11 British forces or not, because some of the allegations
12 did involve other national forces that had done
13 operations.

14 Q. So that was the first phase, was it, was the undertaking
15 of an exercise to see if the persons making the
16 allegations had been detained by UK forces?

17 A. Yes, that's correct.

18 Q. Your team size around this time, about eight people; is
19 that right?

20 A. I think so, yes.

21 Q. In respect of your experience of homicide, and you did
22 have some, as we've heard, as against others in the
23 team, that small team, are you able to comment on that?
24 Did others have a similar level of experience, less,
25 more?

1 A. There was a few of us that did and there was a few that
2 didn't. Some had come in that were quite new into the
3 SIB. Myself and above, I think we had all had
4 experience in Germany and with Afghanistan tours.

5 Q. So you were in as staff sergeant; is that correct?

6 A. Yes, that's correct.

7 Q. And above you, using the cipher of course, the DSIO N73?

8 A. Yes.

9 Q. Then above that the SIO, who was Captain Jason Wright?

10 A. That's right.

11 Q. So when you say those above you, are you referring to
12 N73 and Captain Jason Wright?

13 A. Yes, and there was another person I think that's also --

14 Q. In between those levels?

15 A. Yes.

16 Q. Thank you.

17 So, in respect of the first task that you
18 undertook in that early stage, you had duties in
19 identifying, requesting, retrieving and analysing data
20 held by various stakeholders; is that right?

21 A. That's right.

22 Q. So DJEP, for example, or the historic branch of the
23 army?

24 A. Yes, that's correct.

25 Q. And others, of course.

1 A. Yes.

2 Q. There came a time when the structure changed, the
3 structure of Operation Northmoor, and it was split into
4 three teams. Do you recall?

5 A. That's right, yes.

6 Q. Do you understand the reasons for the change in the
7 structure or did you understand them?

8 A. Yes, it was just the -- I think once we realised how big
9 the tranches were and how many complaints we had, it
10 wasn't enough. Team 1 wouldn't have been able to cope
11 with everything. We needed to make sure that we had
12 certain teams that were dealing with certain elements,
13 and obviously we still needed to identify people, so we
14 had a third team that were working at another location
15 who were trying to help us find the detainee files as
16 well.

17 Q. As we have already heard: Team 1, unlawful killing;
18 Team 2, looking at the broader abuse allegations; and
19 Team 3 providing support, in effect, to Teams 1 and 2 by
20 way of a major incident room and disclosure activities
21 and that sort of thing?

22 A. Yes.

23 Q. Thank you.

24 You were moved onto, or stayed, depending on how
25 you look at it, as part of Team 1?

1 A. That's right.

2 Q. In respect of the experience of those on Team 1, in
3 investigations of serious, complex matters, what was
4 that experience like, as against the other teams? Was
5 Team 1, for example, prioritised in terms of the
6 experience of the SIB investigators, for example?

7 A. I don't think so. I think the majority of us stayed on
8 Team 1 because we had the knowledge of the allegations.
9 One or two then jumped to other teams, and then it was
10 expanded from there, but the majority of the people
11 started stayed on Team 1.

12 Q. Thank you. So there came a time when it became clear
13 that the team -- that Operation Northmoor needed to
14 grow, personnel stayed, generally speaking, with Team 1
15 if you had been there before, and then the growth of
16 personnel related to Teams 2 and 3. So the backroom
17 staff, if I -- it's probably an unfair description in
18 respect of Team 3, but then, in respect of Team 2,
19 looking at those broader volume abuse allegations?

20 A. Yes.

21 Q. When you were on Team 1, did your duties, your
22 investigative duties, continue to be, in effect,
23 liaising with stakeholders in respect of data held by
24 government departments, the military and others?

25 A. It did, yes.

1 Q. Was that really the focus of your work stream at that
2 stage?

3 A. Yes. Yeah, definitely.

4 Q. Does it follow from that that a major line of enquiry
5 from early on in Operation Northmoor was to obtain data?

6 A. Definitely, yes.

7 Q. Can you just explain, just very broadly, the importance
8 of data to Operation Northmoor at an early stage.

9 A. Okay. So we needed to identify -- obviously we'd got
10 the allegations. We needed to identify how those
11 allegations came to be. So we needed to identify all
12 the documents relating to any of those operations that
13 had taken place and to what the complaints were being
14 made. So we needed to find every potential place where
15 that data could be held.

16 Q. And was it held in numerous different places?

17 A. It could have been. We weren't sure where it could have
18 been held. We knew that we were meant to store it in
19 certain places, but, because of the nature of who it
20 involved, we knew that maybe it was stored on one
21 location, but obviously it could have been held within
22 DJEP, historic branch. But to be sure we needed to make
23 sure that we checked all those locations.

24 Q. So, within the sort of initial analysis of we need to go
25 and consider the data, to ascertain whether these people

1 are detainees, and then, following on from that, any
2 other lines of enquiry, you need to work out what the
3 different pots of data might be, where they might sit?

4 A. Yes.

5 Q. Just to help us, please, what was the size and scale of
6 the data? What became clear, if anything, as you
7 embarked upon that line of enquiry?

8 A. It was massive. I can't even give you -- I'm not
9 technically minded, I can't tell you in bytes how big,
10 but it was a lot -- a lot -- of information.

11 Q. So we will use your word: massive. So massive amounts
12 of data?

13 A. Yes.

14 Q. Helping us with this, how early on in
15 Operation Northmoor was it apparent that there was
16 massive amounts of data that at least needed to be
17 considered as part of the investigation?

18 A. I can't -- I can't be sure.

19 Q. All right. We appreciate that you are looking back
20 a long time now.

21 A. Yes.

22 Q. Your early efforts related to data; is that right?

23 A. Yes.

24 Q. Obviously you continued, as we'll move through, to look
25 at data. So, just trying our best, and I appreciate it

1 may be difficult, at that very beginning point was there
2 any sense that the data could be held in a number of
3 different repositories?

4 A. Yes.

5 Q. Once you obtained some of that data, was that the point
6 at which it became apparent that it was massive or was
7 it a gradual process in which it became clear to you
8 over time?

9 A. I think once we approached certain departments and we --
10 they'd say: well, we've got this many millions,
11 trillions of documents relating to Afghanistan, for
12 example.

13 Q. Yes.

14 A. And that's what -- they'd tell us how much they had.

15 Q. Yes.

16 A. In that kind of context.

17 Q. Yes.

18 A. And then it would be for us to try to find what we
19 needed.

20 Q. All right.

21 When you used the word "trillions", is that --

22 A. Because there probably was that many documents,
23 altogether. Because if you think, Afghanistan went on
24 for a number of years, and everybody had to put their
25 paperwork.

1 Q. Yes.

2 A. Their operational record-keeping had to go back to main
3 building. So it could have been --

4 Q. And, of course, documents might end up being duplicated
5 across various databases and need to be de-duplicated,
6 and that ultimate figure may not be the number of
7 documents in fact created, but when stored it could be
8 in various different places?

9 A. Yes.

10 Q. At what point did it come to you that you needed some
11 sort of tool to look at this massive amount of data?

12 A. Pretty much as soon as we found out that there was going
13 to be data, we needed something that would be able to
14 search. Obviously I went to a number of locations and
15 looked at data, in their locations, and got an example
16 of how much information there was there and how we would
17 be searching.

18 Q. How you would be searching at the actual physical
19 location?

20 A. Yeah -- well, yes, or trying to find things, but gave us
21 a bit of an example as to how much there was there. So
22 I obviously had gone to SF location, I had gone to main
23 building, and I had had to sit there with a computer and
24 do searches and trying to find out how much information
25 they had.

1 Q. So that was part of your role, was it, effectively
2 triaging datasets to see how big it was?

3 A. Yes.

4 Q. All right. As a result of that enquiry that you
5 undertook, did you form a view as to the necessity or
6 otherwise as to a mechanism to effectively store and
7 review and analyse the data?

8 A. Something would be needed. Obviously that wasn't at my
9 level to consider. We had obviously asked Service
10 Police Crime -- the cyber crime team and their manager,
11 who was responsible for finding a mechanism for doing
12 that, and obviously I had got a chain of command that
13 were deciding how we were going to do that as well.

14 Q. Yes, I'm not suggesting it was your decision at all, but
15 you had carried out that exercise, as you have helpfully
16 told us. So you had seen the size of the data. It had
17 become apparent that it was massive.

18 A. Yes.

19 Q. That had been referred up the chain. It was with, you
20 understood, SPCB?

21 A. Yes.

22 Q. And special police -- Service Police Crime Bureau,
23 forgive me.

24 So, apparent to you. Did it seem, from what you
25 understood, that it was also apparent to those higher up

1 that there was a need for a facility?

2 A. Yes.

3 Q. Was that expressed to you or did you become aware of

4 that early or later on in your time with the

5 investigation? I'm asking, really, how quickly, more

6 broadly, did the RMP realise: we need something to deal

7 with this?

8 A. I can't say. We knew that we needed to recover data,

9 and then we were more interested in getting that data

10 and then we'd figure out how we would then search that

11 data. But obviously the initial was making sure that

12 we'd got that data as soon as possible, to secure it.

13 Q. Thank you.

14 What was the FDHC, please? I'm not asking for

15 a technical analysis, I'm asking for your understanding

16 of what it was for.

17 A. So it was a computer system that would allow us to

18 put -- store the data from all the storage locations

19 into one place and be able to search that facility for

20 documents that might be relevant to the investigation.

21 Q. So, in terms of your understanding, and I appreciate

22 it's difficult because it never came into existence,

23 but, in terms of your understanding, it was to pull the

24 data together, store it in one place, keep it secure

25 because, of course, in terms of the data that was being

1 obtained, some of that was information that needed to be
2 held at certain security classification, and then it
3 would allow a review across that platform of all of the
4 data rather than individual silos; is that right?

5 A. That's correct, yes.

6 Q. Did that seem to you to be a helpful tool?

7 A. Very much.

8 Q. Hypothetically at least?

9 A. Yes.

10 Q. What was your understanding as to whether, although this
11 was to be created as part of Operation Northmoor, as
12 we'll see, did you understand whether it was
13 a capability that was to be used going forward within
14 the RMP more broadly, as something helpful for their
15 investigations?

16 A. Yes, I think the idea was that -- because we were
17 setting up this big MIR within St Mawgan.

18 Q. The major incident room?

19 A. Yeah -- that it could then be used for future
20 investigations, then we've got the capability going
21 forward.

22 Q. So, effectively, a deficit in the capability had been
23 identified?

24 A. Yes. Our MIR that we had in place in Bulford was quite
25 small, and it was already running a number of different

1 investigations, and the capability that this would have
2 provided would have been taken forward on other
3 investigations.

4 Q. Right. Because in fact Op Northmoor would establish its
5 own MIR in St Mawgan in due course?

6 A. Yes.

7 Q. One of the criticisms you make in your witness statement
8 is the FDHC ought to have been set up more quickly; is
9 that correct?

10 A. That's correct.

11 Q. Although you accept, to be fair to you, you don't know
12 the reasons for the delay?

13 A. I don't.

14 Q. Can we just look at a document together, please. It's
15 tab 12 of the bundle. Do you have that?

16 A. I do.

17 Q. Thank you very much.

18 All right, this is a documents that's prepared by
19 Major Hacker. Was he with the SPCB?

20 A. No, I think he was in PM (Army).

21 Q. Thank you.

22 We can see in fact, if we turn to page 12 of
23 tab 12, signed off as Major Hacker for PM(A).

24 All right, back to page 2, please.

25 This isn't a document, it appears, that was cc'd

1 to you or anything like that when it was prepared.

2 A. No.

3 Q. So is it right you have only seen this as part of the
4 bundle that's been prepared for the purposes of your
5 evidence?

6 A. That's correct.

7 Q. So we will all have that well in mind.

8 It is dated 8 January 2016, "S01 IS G6 - Army HQ",
9 and it says -- it's entitled:

10 "Business case for bespoke forensic recovery and
11 exploitation solution -- Op NORTHMOOR."

12 It makes references to a couple of other
13 documents: the Armed Forces Act at A, and then also
14 at B.

15 Just look at the introduction briefly. It says as
16 follows:

17 "There is a requirement for the provision of an
18 independent, stand alone scientific system used to
19 process and review forensic electronic/digital evidence
20 as part of an enduring Major Incident Unit (MIU) for the
21 Service Police (SP) to be able to meet its statutory
22 obligations ... to undertake European Convention of
23 Human Rights (ECHR) compliant [of a certain
24 classification] complex investigations comprising of
25 a Major Incident Room (MIR), digital forensic capability

1 and a review suite for use by the RMP within the UK."

2 Do say if you disagree, but does that reflect

3 broadly what you have just told us?

4 A. That's correct.

5 Q. That was your understanding of why it was required?

6 A. Yes.

7 Q. Thank you.

8 If we look to the bottom -- sorry, we will look

9 about halfway through, it's about seven lines

10 down, begins "This will"? In fact I don't think I can

11 shortcut it, I'm afraid. We'll start at "This

12 requirement", so we'll carry on reading:

13 "This requirement is not only required for the

14 legislative reasons at Ref A but also because there is

15 no digital forensic recovery solution within the UK or

16 Europe which could complete the task required."

17 Just pausing there, there didn't appear to be

18 anything available that could do what needed to be done?

19 A. Yes.

20 Q. Was that your understanding at the time?

21 A. Yes.

22 Q. "This will involve the exploitation of many different

23 types of digital media including hard disk drives, CD,

24 DVD, CD ROM, USB, paper documents requiring scanning,

25 which will be forensically ingested into the system and

1 reviewed for investigative relevance and then produced
2 in evidential format. This is a large scale operation
3 initially encompassing approximately [number given]
4 digital storage devices and a yet to be determined
5 number of paper exhibits. This capability will provide
6 RMP and potentially the wider [service police] with an
7 enduring digital forensic capability to investigate
8 complex criminal investigations or other major incidents
9 involving the military, whether operationally related or
10 during peace time activities."

11 That reference there to an enduring capability,
12 again, is that what you understood it was to be provided
13 for?

14 A. That's right.

15 Q. "This is necessary to support and progress a large
16 number of current criminal investigations and to support
17 the MOD in the current legal challenge of
18 Public Inquiries (PIs), Judicial Reviews (JRs) and
19 Personal Injury claims. The requirement is for the RMP
20 to be equipped with a bespoke independent, stand alone
21 scientific forensic system to:

22 "a. Ensure the forensic evidential integrity of
23 all relevant data ..."

24 Does that meet with your understanding at the
25 time?

1 A. It does, yes.

2 Q. When I am suggesting "at the time", we can see that this
3 document is dated from 8 January 2016, but to your
4 recollection, although we can see it's committed in
5 writing here, had this analysis, whether written down or
6 not, effectively been done at an earlier stage?

7 A. There had been lots of discussions about how we would
8 get to this point.

9 Q. "b. Enable the forensic import of all forms of data
10 (including deleted, fragmented, corrupted, and encrypted
11 files ..."

12 Over the page, please. We've got:

13 "c. Enable forensic storage (incl backup) using
14 12 PB of storage with 6 PB of usable storage data up to
15 and including [a certain classification] ..."

16 1 petabyte being 1 million gigabytes.

17 Then this, at d:

18 "d. Enable a team of 85 forensic analysts and
19 investigators (with surge capacity up to 120 personnel)
20 to:

21 "(1) Conduct simultaneous detailed complex keyword
22 searches across an entire data set.

23 "(2) Identify duplicate documents.

24 "(3) Preview documents and mark them as to their
25 relevance for later review by a Senior Investigating

1 Officer (SI0)

2 "(4) Produce electronic evidence from the

3 forensically recovered data in accordance with ACP0

4 guidelines."

5 In respect of the capability itself, what the FDHC

6 could do, does this assist you in any way with your

7 recollection of what it was supposed to do or assist

8 you?

9 A. Yes. It made my life a lot easier with what I did at

10 HMS Collingwood.

11 Q. It did or it would have?

12 A. It would have done, yes.

13 Q. Was your understanding that you would be able to commit

14 a very large number of resources, human resources, to

15 undertaking the searches on the FDHC?

16 A. It seems quite large. I wouldn't have said that we'd

17 found that many people.

18 Q. I'm not saying you would. How many did you have at the

19 interim unit? If I tell you your witness statement

20 says five --

21 A. Yes.

22 Q. -- does that help?

23 A. I think it was five. It ranged between three and five.

24 Q. And in respect of at the Interim FDHC, the IFDHC, which

25 I am going to say incorrectly at some point I promise,

1 those five, were they able to do, as this suggests,
2 conduct simultaneous detailed complex keyword searches?
3 So could you do five people running it at a time?

4 A. Yes, we could all search, but you would be searching one
5 search term, and it would be on one silo at a time,
6 because they could only load one silo at a time for us
7 to search.

8 Q. Just let me understand that. If there were five people
9 working on it, you would all be running the same search
10 term?

11 A. No, we could all take a separate search term.

12 Q. So you could do five at a time?

13 A. Yes.

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

15 Were you able to do what you would consider to be
16 complex keyword searches?

17 A. You could, but it would be very difficult to find
18 what -- you would have to be specific with what you were
19 looking for.

20 Q. All right. Well, look, we're going to come on to it
21 more fully in due course, but would it -- would the
22 facility, as it's set out here in black and white, if
23 that had been stood up, would that have assisted you in
24 your task?

25 A. It would have been -- it would have made it a lot

1 shorter.

2 Q. We're going to carry on through the document, please.

3 Paragraph -- forgive me, I will make sure I've got the
4 right one.

5 Yes, paragraph 29, so we're going to move forward
6 to page 9.

7 This is the -- one of the options that's put
8 forward within this paper. I'm not going to take you
9 through the whole paper because it's very long and,
10 spoiler alert, this is the preferred.

11 So:

12 "Option 4 -- Procurement of a Standalone Dedicated
13 Computer Forensic LAN. The Service Police Crime Bureau
14 (SPCB) has significant experience having successfully
15 implemented a number of similar systems for high level
16 and complex investigations. This cumulative knowledge,
17 experience and recent market research in this technical
18 area of expertise has led to this preferred option."

19 So we can see at this time, when this document is
20 being prepared, it is the preferred option.

21 Then if we move over the page to paragraph 30
22 there we see confirmed:

23 "Recommended Option. Option 4 -- Procurement of
24 a dedicated computer forensic LAN is the recommended
25 option at a cost of approx £7.5m (exclusive of VAT) for

1 the reasons identified at paragraph 27a."

2 Then if we move to paragraph 43, which is page 12,
3 please, which is the summary:

4 "The importance of this project cannot be
5 overstated. The ability of the RMP to undertake
6 investigations effectively, independently and to
7 relevant national and international standards is
8 fundamental to the credibility and competence of the
9 [Service Justice System]. Given the historical nature
10 of all the allegations, it is absolutely essential for
11 the MOD to have a dedicated capability to forensically
12 recover and search a significant volume of data in order
13 to prove or disprove each allegation. This can only be
14 achieved through the use of a dedicated computer
15 forensic LAN which can hold a significant quantity of
16 [required] data."

17 In your position as an investigator, as the person
18 who was dealing with the analysis of the data on the
19 ground, who had gone and scoped it and seen the size of
20 it, do you agree or not with the suggestion that the
21 importance of the project could not be overstated?

22 A. Yes, that's correct.

23 Q. We're going to look at another document now, over the
24 tab, please, to tab 13.

25 We're going to look at page 3, please.

1 Again, not one of your documents. Can you
2 confirm?

3 A. Yes.

4 Q. A document that you've been able to review for the
5 purposes of your evidence?

6 A. That's right.

7 Q. So:

8 "24 [January 2017]
9 "[Provost Marshal (Army)]
10 "[Assistant Head] - Northmoor ..."
11 And others.
12 "Timeline - Northmoor Forensic Data Handling
13 Capability System (FDHC)."

14 So I just want to look at this document having in
15 mind how early it had been identified by you, and by
16 others, that this was an important resource.
17 "Important" possibly understating it.

18 Can we look then, please, at paragraph 1:
19 "Issue. To review requirements for the FDHC in
20 support of Op NORTHMOOR."

21 And then:
22 "2. Recommendation. PM(A) is invited to note the
23 activities to deliver FDHC."

24 And then:
25 "a. Work to Date. Work to date completed which

1 is set out in the table at Annex A."

2 It says this:

3 "Of note and for a variety of process and
4 responsibility reasons across the Defence IS ..."

5 Do you know what "IS" is here?

6 A. Information systems.

7 Q. Thank you very much.

8 "... [information systems] and commercial
9 Community for the approvals and scrutiny process has been
10 protracted and difficult."

11 And then in bold:

12 "This Project is novel and contentious."

13 Then just to note:

14 "b. Work to Complete."

15 First line:

16 "There is still significant work to do. This is
17 all achievable ..."

18 And in bold at the bottom of that paragraph, so
19 (b):

20 "Therefore, unless timelines slip again, the FDHC
21 should be FOC [so, full operation capability] by
22 Mar 18."

23 Then at 4, just at the bottom of the page, just by
24 way of background and summary:

25 "The FDHC is a £7.5m [information systems] project

1 which has been authorised at Cabinet Office level."

2 We are going to then look, please, at annex 1,
3 which you can find -- annex A, forgive me, at page 5.

4 So this sets out the work completed on the FDHC
5 from 2013 through to April 2016, although in fact we'll
6 see it runs to June '16. This annex is being prepared
7 for a document that is dated January '17. So there may
8 be some gaps in it.

9 We're just going to work our way through it just
10 to understand some of the context here. So:

11 "The table below details the timeline of work
12 completed so far, decisions taken and outputs
13 delivered."

14 We can see the way in which this is set out has
15 a number of entries: the date, the decision, the work
16 completed and the output.

17 Now, I'm not going to take you to all of these,
18 but at 1 we can see in 2013:

19 "Decision:

20 "To investigate Human Rights allegations."

21 Just pausing there, the first time that
22 allegations had been made in respect of detainee abuse
23 came in 2013. That's when it first crossed the RMP's
24 desk; is that right?

25 A. Yes, that's correct.

1 Q. "Work Completed:
2 "Initial scope of requirements for FDHC.
3 "Output:
4 "Initial technical requirement & costing
5 produced."
6 So in 2013 consideration was being given to the
7 FDHC?
8 A. I can't comment, sorry.
9 Q. But that's what the document appears to show?
10 A. Yes.
11 Q. So when we are considering whether it was, to your mind,
12 something from early doors that you considered to be
13 necessary, it does appear that that's a view that's
14 shared at higher levels very early on?
15 A. Yes.
16 Q. We can see at 2:
17 "[November 2014]
18 "Decision to increase funding for developed scope
19 of FDHC.
20 "Funds sought from Army [top level budget] for
21 FDHC. Business Case not completed at this stage.
22 "£9m (incl VAT) provisionally secured."
23 So we've moved from 2013 all the way to the
24 back end of 2014, it seems, from the face of this.
25 At 3:

1 "[January 2015]
2 "DIO ..."
3 Can you help us with that, please? Defence
4 Infrastructure Organisation?
5 A. That's right, yes.
6 Q. Thank you.
7 "... confirm RAF St Mawgan as [location]."
8 Yes?
9 A. Yes.
10 Q. So:
11 "[Location] initially scoped for FDHC.
12 "Floorplate [location] confirmed."
13 So we've moving forward again, and it's only at
14 this point that St Mawgan is identified?
15 A. Yes.
16 Q. Do you recall there being a delay in the identification
17 of a suitable location for the FDHC?
18 A. Yes. We went through -- I think we went through
19 multiple locations to try to find something that would
20 be suitable for what we needed and for what we were
21 going to be storing.
22 Q. Thank you.
23 In fact, in terms of Operation Northmoor finding
24 a home and a headquarters, the storage of data was an
25 important consideration in where it could be; is that

1 right?

2 A. That's correct, yeah. The main consideration really.

3 Q. The main consideration?

4 A. Yes.

5 Q. Because of the sort of data that was being obtained?

6 A. Yes.

7 Q. So the FDHC on one view, at this stage, so important

8 that it determines the location?

9 A. Yes.

10 Q. At 4, perhaps relevant to you because we're going to

11 move on to the interim solution:

12 "[April] 15

13 "Requirement for interim solution.

14 "Hardware procured internally and software.

15 "Requirement determined. Location confirmed."

16 And we're going to hear how the interim solution

17 was based at HMS Collingwood in due course.

18 Then at 5:

19 "[June] 15

20 "Initial Business Case is scoped.

21 "First draft of business case for FDHC is

22 completed.

23 "Business case for FDHC presented to Dinfo

24 Information Systems Decision Board at Army HQ. Various

25 iterations follow."

1 So these aren't decision being made with you --

2 A. No.

3 Q. -- I appreciate that, but we can see, on the face of the

4 chronology that's being presented, that it's identified

5 as being needed in 2013, and it's only June '15 that the

6 first business case is being drafted?

7 A. Yes.

8 Q. Does that strike you, from your position as an

9 investigator, with the importance of the data review

10 being known to you at that stage, that this is good

11 progress?

12 A. I can see why it -- would think it was not. Obviously

13 sometimes in the military things are a little bit

14 complicated and -- getting stuff across the line, but,

15 yeah, it does seem to be quite a long time since the

16 initial.

17 Q. Because it's not a case of -- I mean, this isn't getting

18 things over the line, this is the initial business case.

19 A. Yes.

20 Q. It never got over the line, did it?

21 A. No.

22 Q. We can see at 5:

23 "13 [October] 15

24 "To submit Cabinet Office Papers for the FDHC.

25 "[Role Given] stated FDHC need to be approved by

1 Cabinet Office.

2 "Further draft of Business case made. Cabinet
3 Office Papers drafted."

4 Then if we skip forward from 5, 13 October '15,
5 to 9, we can see, on 10 February 2016, there:

6 "[Minister for the Cabinet Office] approval of
7 FDHC procurement."

8 So it's at this point that it appears to be
9 crossing the minister's desk.

10 "Cabinet Office Officials submit to Minister [for
11 the Cabinet Office] for formal approval of Business
12 Case.

13 "Minister [who at that time was Matt Hancock]
14 feels costs are too high, requests information on plan
15 to minimise costs, and 'meat on the ..."

16 Over the page:

17 "... rationale'."

18 So it's got to the position where it could get
19 sign-off, it's not signed off at this stage.

20 At 10 we see the next stage:

21 "23 [February] 16"

22 The decision is itemised as:

23 "To gain [the Secretary of State's] support.

24 "S01 Policy contacts [Chief of Staff Secretary of
25 State] (after consultation with DJEP) requesting support

1 to brief [the Minister for the Cabinet Office] on
2 rationale for [Operation] NORTHMOOR."

3 Then we have:

4 "PUS [the permanent secretary] takes up issue
5 personally."

6 We run through until, please, number 16.
7 We're now at 30 March '16, where:
8 "CTO approves FDHC Project."
9 I think that is Chief Technology Officer.
10 "Cabinet Office approval for FDHC.
11 "Dinfo Army HQ informed."
12 And then at 17:
13 "Chief Accountant Army [top level budget] Approves
14 finance ..."

15 So 31 March '16 is when we get the approval.
16 We can then see at 18:
17 "11 [April] 16
18 "Interim FDHC solution stood up."
19 Now, that is the solution that you were to work
20 on; is that right?

21 A. That's right.

22 SIR CHARLES HADDON-CAVE: What was the interim FDHC
23 solution, in simple terms?

24 A. It was a server that they could load the copies of the
25 information onto, which would give us a capability to

1 search terms on it, to try to identify documents in the
2 meantime until the main FDHC got stood up.

3 SIR CHARLES HADDON-CAVE: Did it have the same capability
4 and capacity as the --

5 A. No, it was on a much smaller scale. It could only hold
6 so much information at one time, to the point there was
7 one server that -- one server that we had that could
8 only load one bit at a time, and then we would have to
9 search that and then we would have to take off and load
10 the next one on.

11 SIR CHARLES HADDON-CAVE: Thank you.

12 A. Thank you.

13 MR MARTIN: So, just having considered this chronology, and
14 with what you've said about the difficulty sometimes in
15 procurement and running things up the chain of command
16 and so on, to your mind, as an investigator on the
17 ground concerned with the question of data and data
18 analysis, did the pace of progressing the delivery of
19 the FDHC match the urgency with which the facility was
20 required?

21 A. No.

22 Q. Can we look, please, at your witness statement, page 20,
23 paragraph 69.

24 Just in the light of what we've looked at, I just
25 want you to consider this passage of your witness

1 statement, where you say:

2 "I considered the responsibility for IT resourcing

3 lay with GOLD."

4 Which was Lieutenant-Colonel McAllister to begin

5 with and then Harvey?

6 A. Yes.

7 Q. "It would have been passed up to him. I do not feel

8 that those who held responsibility for IT resourcing

9 fulfilled their obligations as the server

10 capability ..."

11 And that's a reference to the FDHC, isn't it?

12 A. That's right.

13 Q. "... was never completed. I am not sure if this was

14 because of financial constraints or other resource

15 reasons."

16 So, just considering that paragraph and now having

17 seen what you've seen, to the extent that there was some

18 responsibility with Gold, it is clear, isn't it, that

19 establishing the FDHC required sign-off at a much higher

20 level?

21 A. It did, yes.

22 Q. The FDHC itself was delivered to St Mawgan, wasn't it?

23 A. I believe so, yes.

24 Q. You were based elsewhere, so you never saw it in boxes?

25 A. No.

1 Q. All right.

2 At your paragraph 72, you say:

3 "In relation to the proposed FDHC, I do not know
4 why it was not established during the course of the
5 investigation. The future to establish the proposed
6 FDHC greatly impacted the [Operation Northmoor]
7 investigation."

8 So just in brief -- or it doesn't have to be
9 brief, you can take as long as you want, but why?

10 A. The interim allowed me to search a search term manually,
11 and I would have to go through every single document to
12 find that information and to see if it was relevant.
13 I was at Collingwood for two years still going through
14 data, and the idea was that the FDHC would have reduced
15 that and allowed us to progress the investigation a lot
16 quicker than how we were progressing.

17 Q. Was the interim solution, to your mind, fit for purpose?

18 A. Not compared to what we should have had, but it was
19 a solution. It allowed us to do what we needed to do,
20 what we could do at the time, until the main system was
21 built.

22 Q. Did it allow you to do what you needed to do
23 efficiently?

24 A. No.

25 Q. It may be a different way of asking the same question,

1 but what about doing it quickly?

2 A. It wasn't a quick process at all.

3 Q. But it was a solution?

4 A. Yes.

5 Q. We will come on to it very briefly, but before that

6 solution there was no capability at all?

7 A. No.

8 Q. I just want to ask you a little bit about that, because

9 we can see it's only in fact until April 2016, and we

10 know that you moved to HMS Collingwood to begin your

11 work on the interim solution in May 2016.

12 A. That's correct.

13 Q. But by that point we have had a significant passage of

14 time within the investigation itself; is that correct?

15 A. Yes.

16 Q. And data was important all that time, wasn't it?

17 A. That's right.

18 Q. So in respect, in particular, of data that might be held

19 relating to or with UKSF, all right, Special Forces, can

20 we look at your paragraph 122, please, page 34.

21 It says:

22 "Before we obtained a copy of the server ..."

23 And just pausing there, that server is the server

24 that you were able to look at from the interim solution

25 in due course?

1 A. That's correct.

2 Q. Okay. So, just having that in mind, that will be the
3 next stage that we will move to.

4 "Before we obtained a copy of the server, [HQ DSF]
5 gave access to limited information from material on
6 their server based on the Obj we were interested in. We
7 would give [HQ DSF] certain search terms and dates. We
8 would then attend [HQ DSF], and [they] would allow us to
9 see material that had been returned from the search
10 terms we provided. I cannot confirm that ... we viewed
11 all relevant information or material because we were
12 essentially dependent on [HQ DSF] allow us to view there
13 material. Those of us who had the [Appropriate
14 Clearance] attended -- I was one of the individuals."

15 So just pausing there, so you give SF the search
16 terms based on the objective?

17 A. Yes.

18 Q. So it is clear, is it, from those search terms what
19 objective you are concerned with?

20 A. Yes.

21 Q. When you say "objective", are you referring, in
22 particular, to the targets of deliberate detention
23 operations DDOs?

24 A. We are, yes.

25 Q. So a necessary consequence of this, and it's no

1 criticism of you, is that you are telling them the parts
2 the things that you are interested in as part of the
3 criminal investigation?

4 A. That's right.

5 Q. Not only are you telling them, by way of the search
6 terms, the objectives, but it's more granular than that,
7 because presumably your search terms are more targeted
8 than simply an objective name, for example?

9 A. Yes.

10 Q. I want to be very clear, I'm not asking for any names,
11 but would it have included things like names?

12 A. No. We'd have looked for nominal roles as opposed to
13 trying to identify people we wanted to know who was on
14 an operation.

15 Q. Thank you.

16 SIR CHARLES HADDON-CAVE: When you say "nominal roles", are
17 you talking about nominals numbers or --

18 A. Each operation would have had a list of who went on that
19 operation and that's what we were trying to identify:
20 who was present on the operation at the time.

21 MR MARTIN: But it wouldn't have taken much detective work
22 at the other end to see who you were interested in?

23 A. Of course.

24 Q. So once that process of sending them the search terms,
25 showing them what you are interested in as

1 a consequence, what was the next step of that process
2 prior to the interim solution?

3 A. We needed to recover the actual server.

4 Q. Just before we look at the recovery of the server, in
5 the process that was undertaken before that server was
6 copied, after you had sent the search terms, how did you
7 get the product of that material?

8 A. So we'd attend their location.

9 Q. Yes.

10 A. We would be put into a back room and be given a computer
11 and a workbook, and we were allowed to look at the
12 material that they provided.

13 Q. So it's the material that they provide?

14 A. Yes.

15 Q. It's what they tell you this product of the search?

16 A. Yes.

17 Q. All right. Was there any way of you objectively knowing
18 whether that was in fact the full product of the search?

19 A. No.

20 Q. Was there any way of verifying that at all?

21 A. No.

22 Q. So you were reliant on them?

23 A. Definitely.

24 Q. Did you have any concern about that?

25 A. Yes. It had been spoken about as to what the concerns

1 would be as to obviously identifying -- they were
2 obviously aware that an investigation was ongoing, but
3 we wanted the material or the information from that
4 material sooner rather than later and it was seen to be
5 the best outcome was to go and try to identify what
6 happened and who was involved at an early stage, and
7 this was the only way we could do it at that time.

8 Q. So it was a least worst option?

9 A. Yes.

10 Q. Because you needed some data, some information?

11 A. Yes.

12 Q. And you were getting some, weren't you?

13 A. Yes.

14 Q. And you were getting some information that allowed the
15 investigation to pursue further lines of enquiry; is
16 that correct?

17 A. That's correct.

18 Q. So it wouldn't be correct to say that the information
19 you were getting back from UKSF contained nothing of
20 value to the investigation; do you agree?

21 A. I agree, yeah.

22 Q. But what you could see was determined by them?

23 A. Yes.

24 Q. Can we move then, please, to the point at which the
25 server -- there is a copy of a server recovered. There

1 are lots of servers across the piece in
2 Operation Northmoor, from various different locations,
3 involving various different departments and so on. The
4 one that was recovered was the theatre server; is that
5 correct?

6 A. I believe so, yes.

7 Q. From Afghanistan. So that was the server that there was
8 a copy taken of; is that correct?

9 A. Yes.

10 Q. So, in terms of how the process would have worked once
11 you had that copy, can we look, please, at paragraph 11
12 of your witness statement, which we can in find at
13 page 4.

14 We have touched on this a little in respect of the
15 capabilities of the interim solution. So:

16 "Around May 2016, I moved from Newquay ..."

17 So that's St Mawgan, yes?

18 A. Yes.

19 Q. So, just pausing there, slight sidebar, does that mean
20 you went to St Mawgan in January 2016?

21 A. February. Mid-February I arrived in St Mawgan.

22 Q. So you had a few months there?

23 A. Yes.

24 Q. Thank you.

25 So:

1 "... I moved from Newquay to HMS Collingwood to
2 work on the temporary [or interim] Forensic Data
3 Handling Capability (FDHC). I was in charge of a small
4 team responsible for the interrogation of material at
5 the FDHC."

6 When you make reference to the FDHC there, do you
7 mean the Interim?

8 A. I do, yes.

9 Q. Thank you.

10 "This team initially had two members (including
11 myself). The maximum number of people in the team was
12 five."

13 So initially there's three people who were able to
14 carry out searches?

15 A. Yes.

16 Q. "Moving location to HMS Collingwood meant that even
17 though I was still a member of Team 1, I was no longer
18 aware of the day-to-day happenings on the investigation.
19 I was still briefed and made aware of significant
20 developments on the investigation, but my focus was now
21 on leading my small team at HMS Collingwood."

22 So that was your team that you were running as
23 a senior staffed officer at that point in order
24 to assist Team 1?

25 A. Yes, that's correct.

1 Q. The searches that you were undertaking on the material
2 you had, that interim solution, was that in respect of
3 Team 1 or was it also for Teams 2 --

4 A. Just Team 1.

5 Q. Just Team 1?

6 A. Yes.

7 Q. Can we look at paragraph 39, please, which is on
8 page 10:

9 "In relation to my role at HMS Collingwood, I was
10 essentially leading a team running search terms against
11 the copy of the [HQ DSF] server. I had been involved in
12 this work during our time at Bulford. I believe I was
13 given the responsibility of heading this team at
14 HMS Collingwood because I had the experience of doing
15 this work at Bulford. The FDHC at HMS Collingwood was
16 only supposed to be a temporary measure until the
17 facilities were set up in RAF St Mawgan."

18 Just pausing there, were you ever given
19 a timescale for the FDHC itself to be stood up?

20 A. No.

21 Q. Were you given updates?

22 A. I was aware that it kept getting moved to the right.

23 Q. Did you communicate up the chain the need for the FDHC
24 at any stage, to the best of your recollection?

25 A. I would have passed what I was finding and the

1 difficulties and I would have passed that up through the
2 Team 1 chain of command.

3 Q. So the difficulties in terms of the interim solution
4 would have been made known to N73?

5 A. Yes.

6 Q. And also made known to Captain Wright?

7 A. Yes.

8 Q. Were those frequent conversations you were having or
9 occasional?

10 A. Probably weekly. If not, every other week.

11 Q. To say: we are having difficulties?

12 A. Or just to let them know what was going on, what we were
13 searching for, what -- if we found anything. Obviously
14 I would be updating as -- if we found something that
15 might have been relevant.

16 Q. So are you saying that it may have been implicitly
17 obvious to them that it was slow progress, but rather
18 than you expressly saying "There is slow progress"?

19 A. I would have told them that it was slow. I would have
20 explained to them -- I think I did a document that
21 showed what I had to do, and broke down what information
22 we had and how we would have to search it, and
23 I provided them with that information, so they could see
24 what we were doing and how difficult it was.

25 Q. Thank you.

1 We will read on. Bottom of the page:

2 "We were in such a small room at HMS Collingwood
3 that we could only have a group of 5. That was not
4 suitable for what we were trying to achieve. I went
5 with a small team to HMS Collingwood in 2016."

6 And then this:

7 "By the time I left Op [Northmoor] in 2018 [which
8 is I think May 2018] we had still not looked through all
9 of the data on the copy of the [HQ DSF] server we were
10 interrogating. We did not get to complete the job we
11 were assigned to do at HMS Collingwood because we did
12 not have sufficient staffing or the required facilities.
13 The position was that we would have sufficient
14 facilities at RAF St Mawgan when the permanent FDHC was
15 completed -- but this never happened."

16 Just unpacking that a little. First I want to
17 deal with the interim solution itself. We will come on
18 in due course to the extent of the analysis and review
19 of the data that you actually did have as opposed to the
20 data you didn't have.

21 A. Okay.

22 Q. So five was in fact the maximum number of people who
23 could operate because of size constraints?

24 A. Yes.

25 Q. In principle, was the interim solution able to have more

1 than five people operating search terms at a time? Do
2 you know?

3 A. I don't know.

4 Q. When you say it "was not suitable for what we were
5 trying to achieve", why do you say that, please?

6 A. The Interim was -- made it really protracted. It really
7 slowed down what should have been an easier process.

8 Q. Was your understanding that if the solution had been
9 stood up, the full solution, that the process would have
10 been more straightforward?

11 A. Yes.

12 Q. Would it have been quicker?

13 A. Yes.

14 Q. In respect of the investigations that you were carrying
15 out at HMS Collingwood, what effect did the physical
16 distance from the Team 1 team in Newquay have on your
17 work?

18 A. They didn't know what the system was or how it operated.
19 So I'm trying to explain to them what a system does,
20 what they've never been to the location to see, either
21 the facilities that we were working in, how it looked on
22 a screen and how we were searching. So they weren't
23 aware of the difficulties that we were under because
24 they didn't come and see for themselves.

25 Q. You couldn't just pull them aside and say "Look at

1 this"?

2 A. They were four hours down the road.

3 Q. Quite.

4 A. So the travelling up and down when the majority of the

5 personnel were in St Mawgan.

6 Q. So was it ideal being four hours down the road?

7 A. Not at all.

8 Q. Do you think it would have been helpful to have been

9 stationed in the same place?

10 A. Yes.

11 Q. Was that a widely shared view, do you think, or not?

12 A. Again, because of the nature of the material that we

13 were viewing, you could only go to certain locations,

14 and that's why HMS Collingwood was identified: it's

15 because that was a suitable location for that material.

16 Q. That was suitable?

17 A. Yes.

18 Q. St Mawgan was meant to be suitable --

19 A. Yes.

20 Q. -- once the FDHC was created?

21 A. Yes. I don't think there was anywhere in between, for

22 example, where we could have potentially gone.

23 Q. So it was necessity?

24 A. Yes.

25 Q. Until the FDHC?

1 A. Yes.

2 Q. In terms of the process itself, you manually inputted
3 search terms; is that correct?

4 A. Yes.

5 Q. Who decided upon the search terms?

6 A. Team 1. We'd have -- from the DDOs that we were looking
7 at, we'd identify search terms for certain documents.
8 We know that certain documents are called certain names,
9 so we'd look for those. We'd also look for keywords.
10 Maybe for some of the material that I found previously
11 there might be a word in that which was unique, so it
12 would make it easier. Rather than putting in "DDO",
13 you'd get a million hits. You would want something
14 specific that could maybe limit what you were finding.
15 So we'd find search terms that would help narrow what we
16 were looking for.

17 Q. Thank you.

18 Was a record kept of all the search terms, as far
19 as you are aware?

20 A. Yes.

21 Q. Was that presumably on a schedule somewhere or something
22 similar?

23 A. It's -- I think it was stapled in one of -- the back of
24 my workbooks.

25 Q. Thank you.

1 If you found something of interest as a result of
2 a search term, a hit, were you able to show it to the
3 wider Team 1 team?

4 A. No.

5 Q. Why not, please?

6 A. There was no way of printing from the Interim, so we
7 would be able to bookmark it so it could be found later.
8 We'd then make a note of what we'd found. I would then
9 get the title and the information from that document,
10 send it back to Team 1 in Newquay, who would then have
11 to approach SF to look for the document.

12 Q. Right. Just to understand that, you are able to see
13 documents?

14 A. Yes.

15 Q. On the Interim solution. Can you do much more than see
16 them?

17 A. No.

18 Q. So if you see something of interest, you communicate
19 back with the main Team 1 team?

20 A. Yes.

21 Q. You give them information about that document so that
22 they can send that information to UKSF, so UKSF can dig
23 out that information and give it to them?

24 A. If that's what they wanted. I don't suppose they did
25 that with everything. If it was, maybe, quite

1 sensitive. But say, for example, it was a document
2 relating to the DDO that we hadn't got a physical copy
3 of, they could then go to SF and ask them for that
4 document.

5 Q. Did that strike you as a particularly efficient process?

6 A. No, not at all.

7 Q. Once again, within the investigative chain, are UKSF
8 themselves?

9 A. Yes.

10 Q. Did that concern you?

11 A. Yes.

12 Q. Why?

13 A. Because obviously really they were just keeping an eye
14 on what we were doing. They were obviously fully aware
15 of what we were looking at and what documents we'd
16 found, and then they could make their own opinion as to
17 why we were interested in that certain document, if it
18 wasn't obvious.

19 Q. When did it come clear to you that the FDHC proper was
20 never going to materialise?

21 A. I didn't know that when I left.

22 Q. You were never told?

23 A. I didn't know that it was never going to be stood up.
24 When I -- when the Interim, when it was boxed up and
25 moved back to Newquay, I was still under the impression

1 that the FDHC was still going to be stood up.

2 Q. Right. And we will come to this in due course, but

3 there came a time, didn't there, where the Interim

4 solution had to be moved back to St Mawgan?

5 A. Yes.

6 Q. Because effectively someone else needed to take over the

7 room?

8 A. Yes.

9 Q. So you were booted out --

10 A. Yeah.

11 Q. -- and off you went back to St Mawgan -- or off the

12 equipment went to St Mawgan.

13 A. Yes.

14 Q. You didn't go back to St Mawgan?

15 A. No.

16 Q. That was the end, I think, in fact, of your time?

17 A. Yes.

18 Q. We will come to that in a little more detail in due

19 course.

20 Can we look, please, behind tab 15.

21 Again, this isn't one of your documents. It's

22 a policy file report prepared by Captain Wright, so

23 senior investigating officer on Team 1.

24 23 February 2017.

25 "SI0 Team 1 secret policy decision ...

1 "Decision: FDHC

2 "Attended meeting chaired by PM(A) in which the

3 FDHC was discussed. Based on the accepted

4 recommendations by the IRT ..."

5 That's the independent review team.

6 "... and advice provided by [Name Given] PM(A)

7 directed that all future work on the implementation of

8 FDHC be stopped.

9 "REASON: ..."

10 As given by Captain Wright:

11 "This is PM(A)'s decision. For me, there remains

12 a requirement for this system in particular to analyse

13 in a forensic manner, the data I intend to recover from

14 [ITS1] and other data repositories. I have articulated

15 the requirement in detail to Gold. I await his

16 direction."

17 Were you aware of a decision from the PM(A) that

18 FDHC was, in effect, to -- at least the full solution,

19 to be abandoned at this stage?

20 A. No.

21 Q. We can see -- if what's recorded here is accurate, with

22 that caveat, of course -- that it's a decision made at

23 PM(A) level, so it's made above SIO --

24 A. Yeah.

25 Q. -- above Silver, above Gold. PM(A), and it follows, in

1 fact, from advice from the IRT.

2 Can we have a look, please, at tab 18, just to

3 follow this through.

4 Page over, please. Thank you very much.

5 So 6 March '17. So on a little bit onwards in

6 time:

7 "[Assistant head] Op NORTHMOOR

8 "See Distribution

9 "Op Northmoor policy note -- 01/17 .."

10 So January '17.

11 "... Op Northmoor strategic direction."

12 Again, I make clear this isn't a document you in

13 fact saw at the time, was it?

14 A. That's correct.

15 Q. It's just to understand the entry we've just seen from

16 your SIO as to the reasons why the FDHC has been stopped

17 by the PM(A).

18 It says as follows at 1:

19 "Since the inception of Op NORTHMOOR in Mar 14,

20 the investigation in respect of alleged unlawful killing

21 has explored all avenues available to it without

22 disclosing to potential suspects that an investigation

23 is being undertaken, a stock take of where the

24 investigation is at is summarised as follows ..."

25 Just a briefly:

1 "... explored all avenues available to it without
2 disclosing to potential suspects that an investigation
3 is being undertaken ..."

4 How does that sit with you sending the search
5 terms to UKSF?

6 A. This is why I was saying there was certain things that
7 we probably wouldn't. So we wouldn't go and ask
8 a specific -- acquire a specific individual if we that
9 it would raise concerns.

10 Q. I see. So, within the context of the information you
11 were sending for those search terms to be run, there had
12 been a judgment made that you didn't want to send
13 anything that might tip the wink?

14 A. Yes.

15 Q. All right, thank you very much.

16 Then if we look at the entries here, look at the
17 bottom entry, (f), so this is the stock take:

18 "Data. Relevant electronically stored information
19 (RESI) has been secured, that is the data from theatre."

20 So that's in reference to the copy of the data of
21 that server.

22 "There is believed to be RESI held by [HQ DSF] but
23 access to and the method of recovery of this data is
24 being determined."

25 Then if we look at 3:

1 "The IRT recommendations have been accepted by
2 PM(A) and the investigation strategy must align
3 accordingly; therefore, the priority and focus is as
4 follows ..."

5 The second of those, at (b):

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

9 So that's a summary, to be fair, of the IRT
10 recommendations, and what's high priority.

11 From your position, we can see, if we go back,
12 please, to tab 15, just to look at the entry from Wright
13 again, just to have that, Captain Wright on the one
14 hand -- so I will let you turn that up, it is on the
15 screen if you need it.

16 Captain Wright, on the one hand, appears to be
17 saying there remains a requirement for the FDHC as at
18 this stage.

19 The PM(A) has made a decision that it isn't, and
20 has said that that was based on IRT recommendations.

21 The IRT, in turn, seem to still be emphasising as
22 a high priority the importance of data.

23 As the person dealing with the data on the ground,
24 at this point in time -- so early 2017 -- in respect of
25 Team 1 investigations, did the FDHC remain critical to

1 the work that you were doing?

2 A. Yes.

3 Q. Are you able to understand the decision being made at

4 this stage to abandon the FDHC?

5 A. No, not Team 1. As per Captain Wright we still wanted

6 this facility.

7 Q. It might be suggested that the need for the full FDHC

8 might have fallen away somewhat because the volume of

9 Team 2 investigations, following a surge in personnel,

10 a sort of main effort based -- focusing on Team 2, that

11 that had been cleared somewhat or was expected at least

12 to be cleared. Do you agree with that view?

13 A. Sorry, can you say that again?

14 Q. Yes, of course it was a very long question. It's not

15 your fault.

16 Now, Team 2 was dealing with broader abuse

17 allegations.

18 A. Yes.

19 Q. There were a large number of those allegations, by way

20 of volume.

21 A. Yes.

22 Q. To your understanding --

23 A. Yes.

24 Q. There were more by way of the actual allegations than

25 there were in respect of Team 1; do you agree?

1 A. Yes.

2 Q. The surge in numbers -- my word, "surge", but, as you
3 have described earlier, it was an influx of people onto
4 Team 2 and Team 3 and part of that, it might be thought,
5 was to try to clear as much as possible through Team 2,
6 all right?

7 A. Yes.

8 Q. Now, there came a time when the number of Team 2 cases
9 workload reduced quite significantly?

10 A. Yes.

11 Q. Or was at least expected to. From your perspective as
12 an investigator on Team 1, would that provide
13 a justification for not having the FDHC or did you still
14 need it?

15 A. We still needed it. The information that we were
16 looking at was different to what Team 2 would have been
17 looking at.

18 Q. As far as you were concerned, in terms of volume of
19 Team 1 data, not only of the data you had but of the
20 data you hoped to get, whether by seizure or by
21 consent --

22 A. Yes.

23 Q. -- was that a significant amount of data?

24 A. Yes.

25 Q. Your word earlier was "massive". Did it still remain

1 massive?

2 A. Yes.

3 MR MARTIN: That is, in fact, a convenient moment, sir, if

4 we're going have a mid-morning break.

5 SIR CHARLES HADDON-CAVE: Thank you very much, Mr Martin.

6 We will break now, please, for -- is 15 minutes

7 all right?

8 MR MARTIN: Yes, please.

9 SIR CHARLES HADDON-CAVE: 15 minutes.

10 I tell all witnesses, please don't discuss your

11 evidence in the meanwhile with anybody.

12 A. Thank you.

13 SIR CHARLES HADDON-CAVE: Time for a cup of coffee, I think.

14 Thank you very much.

15 **(11.22 am)**

16 **(A short break).**

17 **(11.39 am)**

18 SIR CHARLES HADDON-CAVE: Mr Martin.

19 MR MARTIN: Thank you, sir.

20 The next topic I want to turn to is the

21 comprehensiveness of the data analysis undertaken. All

22 right? So of the data that you had, what was looked at.

23 So you had a lot of data but you did not in fact

24 have all the data that you wanted from UK Special

25 Forces, did you? From the Special Forces?

1 A. We don't believe so, no.

2 Q. Well, you never obtained the ITS1 server, for example,
3 did you?

4 A. No.

5 Q. If we look at your paragraph 132, page 36, please.

6 "In relation to ITS 1, the reason this server was
7 important to the investigation is that it should have
8 contained all information on all ops. [ITS1] were
9 Special Forces systems. I believe one was the Afghan
10 server, and the other was the server in the UK. In my
11 view, the appropriate course of action in relation to
12 obtaining this server is that it should have been seized
13 straight away. I do not know why this server was not
14 seized during the policing powers of
15 [Operation Northmoor]. I believe this is because of
16 ongoing operations, and the point was made that by
17 taking the server we were potentially placing military
18 personnel at risk in Afghanistan."

19 So, just dealing with that latter point first, you
20 expressed the view that you consider that the
21 appropriate course of action ought to have been seizure
22 of the servers?

23 A. That's correct.

24 Q. Do you accept that others a little higher up the chain
25 than you might have been better sighted on whether that

1 was an appropriate course of action?

2 A. Yes.

3 Q. In respect of the server itself, you said one was

4 the Afghan server and the other was the server in the

5 UK. It's right that you did obtain a server from

6 Afghanistan in respect of UKSF; is that right?

7 A. Yes, we -- we got a copy of a server, yes.

8 Q. Thank you very much. You are quite right. A copy of

9 the server and that's what we've been referring to in

10 terms of the Interim solution.

11 A. Yes.

12 Q. All right.

13 At 33 you say this:

14 "I am directly unaware of any alleged deletion of

15 material from the server. However, I recall that we

16 travelling to [Location Given] and took a statement from

17 a [N2198]. I recall him saying that he went out to

18 Afghanistan to either move servers or reduce the amount

19 that was on the server."

20 Just pausing there, is that a reference to

21 UKSF servers?

22 A. Yes.

23 Q. "As part of his statement, he mentioned to us that

24 everyone's computers were going to get copied and put

25 onto a server, and they were being told to delete the

1 information on the computer that they did not want and
2 only relevant information would be uploaded on to the
3 server. This would have been in [N2198's] witness
4 statement, which I do not have access to."

5 So there was a witness statement taken from
6 nominal N2198 during the course of the Operation
7 Northmoor investigation?

8 A. Yes.

9 Q. So if we want to see what's in it, we can look at that?

10 A. Yes.

11 Q. Thank you. But this is your recollection of it?

12 A. *(Nodded)*

13 Q. If we go back, please, just to remind ourselves at
14 paragraph 39, page 11, so the second half of that
15 paragraph, and we have read this before and I said I'd
16 come back to it and I am.

17 "By the time I left [Operation Northmoor] in 2018
18 we had still not looked through all of the data on the
19 copy of the [HQ DSF] server we were interrogating. We
20 did not get to complete the job we were assigned to do
21 at HMS Collingwood because we did not have sufficient
22 staffing or the required facilities."

23 And so on. We've read through it before.

24 But I just want to understand by the time you
25 left, so May 2018, quite late on in the investigation as

1 we know the timeline of the investigation, what had
2 happened what had been done up to that point.

3 So do you have any sense of how much more data
4 needed to be looked at when you left?

5 A. From just that one copy of that server?

6 Q. Well, let's start with that, and then we'll consider
7 others.

8 A. We had -- I believe there was either four or five silos,
9 and I think we were still on the second silo of the
10 information to look through. But obviously this was
11 just on search terms. This wasn't a looking through
12 everything. So --

13 Q. So, to understand that, four silos, so four silos of
14 information?

15 A. Yes.

16 Q. Those silos comprised data that's been generated by
17 search terms being run already; is that what you are
18 saying?

19 A. No, this is how it's been downloaded. This copy of the
20 server contained four different silos that had different
21 information on it, but we could only upload one silo at
22 a time, and we were still on the second silo when
23 I left.

24 SIR CHARLES HADDON-CAVE: And that had taken you how long?

25 A. Two years, sir.

1 MR MARTIN: Do you have a sense of whether those silos were
2 equal sizes or similar sizes?

3 A. I don't think they were. I think there was one that was
4 considerably smaller but potentially didn't have the
5 information that we were looking for.

6 Q. In terms of your sense of how far through you felt you
7 were, were you halfway?

8 A. Not even halfway.

9 Q. A quarter of the way?

10 A. Again, this is looking at specific search terms, not
11 looking at all the material.

12 Q. So in fact it's difficult to quantify in that sense?

13 A. Yes.

14 Q. But what you can say four silos, and those certainly had
15 not been looked at?

16 A. Yes.

17 Q. How many had been looked at, as a reminder?

18 A. We were still on the second one.

19 Q. So one and a fraction?

20 A. Yes.

21 SIR CHARLES HADDON-CAVE: I think I noticed you saying
22 earlier, just now, four or five servers.

23 A. Yes, I can't recall exactly. There was definitely four.
24 I have a feeling there might have been a fifth silo.

25 MR MARTIN: Right.

1 Well, we're going to look at a document which may
2 refresh your memory.

3 So let's turn, please, to, tab 20, page 2.

4 Thank you.

5 31 May 2018. So May '18 is when you stop your
6 role, your role with Operation Northmoor stops, and we
7 know that the interim facility is moved to St Mawgan,
8 your time is done.

9 A. Yes.

10 Q. All right. So, broadly speaking, this ought to reflect
11 the status of the data at that time.

12 So:

13 "[Assistant Head Northmoor]

14 "GOLD [Command]

15 "[Commanding officer] SIB Regt RMP

16 "Internal Update Briefing Note on The Progress Of
17 The IRT Recommendations And Actions May 2018."

18 Makes references to A and B IRT report and IRT
19 assurance, and, C, an internal update briefing note for
20 the IRT on the progress of their recommendations.

21 If we look, please, at recommendation 21 -- we can
22 find this on page 4, towards the bottom of the page.

23 Sorry it's not recommendation 21, it's
24 recommendation 2. It's paragraph 21.

25 "Recommendation 2. High Priority, efforts to

1 recover data sets proceed by consent and not seizure, in
2 an effort to identify relevant material."

3 And that reflects what we've seen earlier.

4 "22. Response - The extensive work carried out at
5 HMS Collingwood has led to an understanding [of aerial
6 video data. Frequently it is assessed at the time of an
7 SF operation]. The product is not routinely retained
8 unless specific reasons exist to do. Recently a large
9 quantity of video data has been located. The SIO and
10 IRT believe there would be considerable merit if the
11 focus of the searches of this data should be prioritised
12 towards N50 [so that's Bang] [Operation] and the
13 existing scoping of [Objectives] [2] and [1]. The
14 anticipated timescales should be 6 months, which would
15 bring any resulting product into consideration of the
16 proposed risk assessment in summer 2018 which is
17 discussed later in this report."

18 Just pausing there, the SIO and IRT, we're at
19 September '17 now, so we've moved to Major Cox as the
20 SIO of Team 1; is that right?

21 A. Yes.

22 Q. Thank you. Then there's this update. So:

23 "[SFHQA] server from HMS Collingwood ..."

24 So that's the server you were working from; is
25 that right?

1 A. Yes.

2 Q. "... now sits at RAF St Mawgan, but cannot be used until
3 after 4 Jun when accreditation will be discussed. It is
4 assessed we are currently just over 50% through the data
5 on the server (there are 4 separate servers which make
6 up the [SFHQA] dataset server ... Currently, only [one
7 server] has been uploaded to the Forensic Toolkit (FTK)
8 database being utilised. Due to the available space on
9 the system at this time, the other three servers haven't
10 yet been uploaded for analysis."

11 Does that assist you in your recollection of the
12 status of the data investigation by the time you left?

13 A. I thought we'd looked at a second silo but maybe we
14 hadn't. Maybe we were still on the first one.

15 Q. All right.

16 So that relates to the material that you had
17 obtained and siloed. It looks like it might be one, not
18 one and a bit?

19 A. Yes.

20 Q. We will move on to the next paragraph, please.

21 "The material from [ITS2] ..."

22 So that's another server, ITS2, for our purposes.

23 "... was placed onto HDs ..."

24 Is that hard drives, do you think?

25 A. Yes.

1 Q. Thank you.

2 "... and is at MOD Main ..."

3 So, main building.

4 "... awaiting transportation to [Northmoor] for

5 analysis. An MOU [memorandum of understanding] has been

6 signed and confirmed transport means to RAF St Mawgan.

7 It has not been searched yet."

8 So we can add another server that hasn't been

9 looked at yet; is that correct?

10 A. From reading that, yes.

11 Q. It may be that that's a server you weren't aware of at

12 that time --

13 A. Yes.

14 Q. -- but it does appear to, on its face, suggest there is

15 another server?

16 A. Yes.

17 Q. "Material continues to be requested from the [ITS1]

18 server and this is being co-ordinated through

19 [Name Given] ..."

20 And that is an information coherence officer

21 within HQ DSF.

22 "... by consent.

23 "The DAS system ..."

24 And that's the digital archive system; is that

25 correct?

1 A. I believe so.

2 Q. Struggling to recall at this point?

3 A. Yes.

4 Q. Take it from me.

5 "The DAS system continues to be searched for

6 relevant material. Issues with [clarification] of

7 material still exists which is delaying the process of

8 recovering documents for [Target List] etc ..."

9 So, that's -- we've got material being requested

10 from ITS1, which isn't, in fact, ever -- the server

11 itself or a copy of the server is never obtained by

12 Operation Northmoor. So we've got that server still

13 being looked at, by the looks of things?

14 A. Yes.

15 Q. And we've also got the DAS system also being looked at

16 in terms of its data repository that needs to be

17 investigated?

18 A. Yes.

19 SIR CHARLES HADDON-CAVE: I think it says:

20 "Issues with classification of material still

21 exists ..."

22 MR MARTIN: Thank you.

23 All right. So those -- yes: issues with

24 classification of material apparently delaying the

25 process of recovering the documents.

1 If we move down, please, to not the next
2 paragraph, the paragraph afterwards:
3 "Some FMV footage ..."
4 Full motion video?
5 A. Yes.
6 Q. "... has been recovered by consent from [location given]
7 (American Air Force base) in 2017 prior to the
8 destruction of material. It has not been viewed to date
9 to confirm whether the FMV footage relates to our DDOs
10 as currently there is no viewing platform for the
11 outdated system."
12 So it hasn't been looked at.
13 A. We went out to the location and did searches for
14 time-frames. We couldn't find -- we were given limited
15 time because of the location and what was going on.
16 Q. Thank you.
17 A. We did a quick search, didn't find what we were looking
18 for specifically, so, with the help of two experts that
19 came out with us from the UK, we seized that and locked
20 it down, so that it could be returned to the UK, so that
21 we could have it safe for when we could get to look at
22 it.
23 Q. Just to be clear, when you say seized, you took copies
24 of it; is that right?
25 A. No, we took the original.

1 Q. You look the original?

2 A. Yes.

3 Q. But with consent?

4 A. With consent, yes.

5 Q. Yes, thank you. Rather than taking it under your powers
6 as police?

7 A. Yes.

8 Q. Thank you.

9 If we look then, please, at your paragraph 123,
10 which is page 34, I think that deals with this issue:
11 "It was identified (I do not recall how) that
12 video footage may have been held [in a US] Base. In
13 September 2016, Sgt Cook and I went out to recover the
14 server with two technicians and a cyber-expert from
15 SPCB."

16 So is that what you are referring to?

17 A. Yes.

18 Q. "I believe we only had two days to access the facility
19 where we would view the material. We viewed certain
20 dates as provided by Chain of Command
21 (Capt Wright/[Warrant Officer] Dempster), to see if
22 footage existed for those dates."

23 Were those dates that related to the DDOs that
24 were under investigation?

25 A. Yes.

1 Q. So those were the dates that you were tasked with
2 investigating --

3 A. Yes.

4 Q. -- at that location?

5 "[You] did not find anything ... The original FMV
6 server was recovered back to HMS Collingwood, although
7 it was never viewed as we needed special equipment.
8 I do not recall what special equipment this was. This
9 was still the position at the point I left
10 [Operation Northmoor]."

11 So you had recovered that server from that
12 location?

13 A. Yes.

14 Q. But you had already run searches?

15 A. Yes.

16 Q. Why did you recover the server if you had already run
17 the searches? Or was there further investigation that
18 you felt you ought to do in respect of that server?

19 A. Yes, but because it couldn't be -- it wasn't a very easy
20 to search system, so we couldn't be sure that what we'd
21 searched was the correct time.

22 Q. Was it a system that you were particularly familiar with
23 or others were familiar with?

24 A. No.

25 Q. Again, I am not asking for details --

1 A. The two technicians probably had a better understanding,
2 hence why they came with us.

3 Q. Thank you.

4 So if we look at your paragraph 125, which is just
5 over the page, please, you say this:
6 "The difficulties in obtaining relevant media
7 evidence ..."

8 So does that include FMV?

9 A. Yes.

10 Q. "... was locating it, recovery and viewing of material.
11 We had the difficulties obtaining the original server,
12 and it took us a significant amount of time to obtain
13 there copy. It also took us a significant amount of
14 time to identify that potential footage was held out in
15 [the US] base ..."

16 That's the same base that you were referring to
17 earlier?

18 A. Yes.

19 Q. The same event?

20 A. Yes.

21 Q. "... and then it also took a while to identify the
22 technicians that would come out with us."

23 And then:
24 "The setting up of the FDHC at RAF St Mawgan was
25 integral to viewing the material -- this never happened

1 on my time on [Operation Northmoor]."

2 Do you mean the full FDHC or the Interim solution?

3 A. To view the FMV would have needed the FDHC. We wouldn't

4 have been able to view that at Collingwood.

5 Q. Thank you.

6 Are you aware as to whether this footage was ever

7 reviewed or that server was ever reviewed?

8 A. When I was there obviously it sat in a box in our

9 office.

10 Q. The FDHC or the server?

11 A. The server from US.

12 Q. Lots of things in boxes?

13 A. Yes, it was secured in a secure box in our office

14 awaiting a computer system that would allow us to view

15 it, and that never came to fruition -- whilst I was

16 there. I am unaware if it got viewed after I left.

17 Q. Is the full FDHC that would have allowed you the

18 ability -- you or someone else -- to consider the

19 material on that server; is that your understanding?

20 A. Is believe that would have helped. It would have been

21 able to be loaded into that one.

22 Q. In your view, was it an important line of enquiry to

23 assess the material that you had obtained from the

24 US base?

25 A. Yes.

1 Q. Paragraph 14, please, of your witness statement.

2 SIR CHARLES HADDON-CAVE: Just before moving on, do you know

3 what happened to the FMV server? It remained at

4 Collingwood when you left?

5 A. It went back to HMS Collingwood with the Interim

6 solution. They all went back on a secure move back to

7 St Mawgan.

8 SIR CHARLES HADDON-CAVE: When you left it was there. Do

9 you know what happened to it afterwards?

10 A. I don't, sir.

11 SIR CHARLES HADDON-CAVE: Thank you.

12 MR MARTIN: If it hadn't been reviewed before the operation

13 was closed, would that surprise you?

14 A. No.

15 Q. Why not?

16 A. Just it was so slow. Everything was taking a long time,

17 and it doesn't surprise me that it wasn't looked at.

18 Q. Do you think it's something that should have been looked

19 at before the operation was closed?

20 A. Yes.

21 Q. If in fact it wasn't looked at?

22 A. Yes.

23 Q. Just bear with me one moment. *(Pause)*

24 I'm going to move on, please, then, to a new

25 topic, which is the change of direction in respect of

1 Operation Northmoor.

2 Now, those are my words, not yours, but if we can
3 just look together, please, at the appointments diagram,
4 so it's this A3 piece of paper. You have seen a copy of
5 that this morning.

6 If we could have that on screen, that would be
7 very helpful.

8 So, just working our way down the left-hand side
9 of the page, you are described here in fact as
10 "FDHC lead", from the outset. Is that accurate?

11 A. No. I would say the person that was putting the FDHC in
12 place would have been the FDHC lead.

13 Q. Thank you.

14 In fact, in respect of the establishment, as we
15 know, of the Interim solution, that wasn't until,
16 effectively, May 2016, yes?

17 A. Yes.

18 Q. When you went there to start working there.

19 And so before that time, before May '16, you were
20 an investigator?

21 A. Yes.

22 Q. All right. So if we have "Investigator", slash, if we
23 write that in, is that more accurate?

24 A. Yes.

25 Q. Thank you very much.

1 Now, in your witness statement you make reference
2 to, and I'm summarising here, in effect, a change of
3 direction within Operation Northmoor that you became
4 conscious of. Is that a fair summary?

5 A. Yes.

6 Q. Looking at this document, we can see, can't we, that
7 you, as "Investigator/FDHC lead", we can see that you're
8 right there at the beginning and that you go right up
9 until -- we have you as March '18. It's actually
10 a little bit beyond then.

11 During that time, if we work our way down the top
12 of the page, we can see -- so you serve under both
13 Brigadier Warren and Brigadier Neal?

14 A. Yes.

15 Q. In respect of the assistant head, we have Colonel Robert
16 Morris, who continues throughout in some capacity.

17 At Gold we have, broadly speaking, other than
18 a very short period where Brigadier Warren was Gold, we
19 have Lieutenant-Colonel McAllister and
20 Lieutenant-Colonel Harvey. So you served under both of
21 them?

22 A. Yes.

23 Q. We have you serving under a number of Silver commanders,
24 and then we have the SIO as Captain Jason Wright, then
25 Major Matthew Cox, who went on to do the Silver and

1 head -- the SIO of Team 1 at the same time.

2 So you were there while these transitions of

3 personnel were going on; is that right?

4 A. Yes.

5 Q. So, in terms of a period of change of personnel, we

6 have Brigadier Neal arriving in July 2016. Were you

7 aware that Brigadier Neal was coming in before he in

8 fact arrived?

9 A. We would have been, yes.

10 Q. Do you know how long?

11 A. You're normally informed of a change of PM(A) months in

12 advance.

13 Q. Thank you.

14 A. You already know who has been stood up.

15 Q. In respect of Lieutenant-Colonel John Harvey, we can see

16 that at a similar time, broadly speaking, he becomes the

17 Gold Commander?

18 A. Yes.

19 Q. Again, is that something that you will have been made

20 aware of around the time?

21 A. No.

22 Q. Is that because Lieutenant-Colonel McAllister left quite

23 quickly?

24 A. Yes.

25 Q. If we go down to the SIO, we can see Captain Wright, and

1 then again, within those few inches of those other
2 transitions, we can see that he transfers or he changes,
3 and it becomes Major Matthew Cox.

4 And then if we look at the bottom of this graphic,
5 we can see the advisers to the investigation, picked out
6 in blue. So we have the NCA, the GMP, the IAG, and the
7 IRT.

8 So, the NCA in the form of Paul Williamson, the
9 GMP in the form of Martin Bottomley and Russ Jackson and
10 then we can see there's a transfer at a broadly similar
11 time to the IAG, Sir Jon Murphy and Mark Ellison KC, and
12 the IRT in the form of Philip Jones and Clifford Evans.

13 So there appears to be, broadly speaking, a change
14 of a number of personnel in the period of a few months?

15 A. Yes.

16 Q. Is that a fair summary?

17 A. Yes.

18 Q. Maybe a bit longer than a few but, looking at this --
19 well, perhaps it speaks for itself, I don't need you to
20 comment on it.

21 Can we turn to your paragraph 48, please, page 12:

22 "I did not consider the leadership structure to be
23 fit for purpose. There appeared to be too many
24 individuals in charge. It was difficult to know where
25 the ultimate direction was coming from."

1 Just pausing there, do you think any part of that
2 was related to the changes, the number of changes that
3 occurred in a relatively short period over the course of
4 the investigation?

5 A. Yes, but I think it was even before that. There just
6 seemed to be so many levels up that had an interest in
7 what we were doing.

8 Q. Such as?

9 A. Well, obviously they wanted to know everything that was
10 going on.

11 Q. Who's "they", sorry?

12 A. So all the way up to Provost Marshal (Army), whereas
13 normally in an investigation they wouldn't be that
14 involved.

15 Q. So you were saying even earlier. When the investigation
16 started, did you have that level of scrutiny from the
17 chain of command from higher levels above you, as far as
18 you were aware?

19 A. Yes.

20 Q. So there was scrutiny from the outset?

21 A. Yes.

22 Q. Did there come a time when that changed, whether it
23 increased or decreased or --

24 A. Yes, definitely increased. There seemed to be -- I can
25 understand the interest, because of the nature of what

1 was -- of the allegations.

2 Q. Are you able to say when it increased?

3 A. It was once we'd moved to St Mawgan, so between '16 into
4 '17.

5 Q. I just want to ask you about changes in investigative
6 direction. We are still looking at paragraph 48,
7 please. I'll continue reading on:

8 "As a team, we considered the relevant material we
9 were provided with, such as detainee files and other
10 documents which would come to light in the course of the
11 investigation. These documents may provide us with
12 names of relevant individuals or other pieces of
13 relevant information we should use to progress the
14 investigation ... We would then discuss this in our
15 relevant teams ..."

16 So does that mean Team 1 or smaller teams within
17 that team?

18 A. Within Team 1.

19 Q. Thank you.

20 "... and decide what may be appropriate [lines of
21 enquiry]. Ultimately, as Capt Wright was the SIO [the
22 senior investigating officer], he would have the
23 ultimate decision on whether a particular line of
24 enquiry would be progressed. This was logical because
25 Capt Wright was the SIO and in charge of the day-to-day

1 progress of [Operation Northmoor]. However, it was
2 obvious that whatever discussions or decisions we had,
3 there were also further discussions and decisions being
4 made further up the chain of command beyond Capt Wright.
5 At times it felt as if our view on how the investigation
6 should be progressed was not agreed with by those higher
7 up in the chain of command. I cannot comment on the
8 reasoning and decisions taken at that senior level. But
9 the consequence of this was that as a member of the team
10 you were not sure where the ultimate direction for the
11 investigation was coming from."

12 So it's a little bit to unpack in that.

13 So does it follow from that that your view was
14 that, in accordance with the Gold, Silver, Bronze
15 structure, Captain Wright, as the SIO in charge of
16 day-to-day operations, is it your view he should or
17 shouldn't have been directing the lines of enquiry?

18 A. He should have.

19 Q. Why do you say that?

20 A. He had the corporate knowledge of the investigation
21 right from the beginning. He knew what we needed to
22 progress and I'd have at least hoped that those above
23 him would have agreed with what actions he'd said that
24 we would do.

25 Q. When you say that there were times at which it appeared

1 that there was disagreement higher up the chain in
2 effect, can you help us with that? Do you have any
3 particular examples that you are thinking of?
4 I appreciate you are looking back a long time.

5 A. Obviously, to start with, there was obviously the
6 discussions regarding the seizure of the server and
7 whether we should use policing powers or wait for them
8 to give us a copy. Obviously, as police officers, we
9 would just go and seize it, but obviously discussions
10 were had, and then somebody obviously makes the ultimate
11 decision and it was -- yeah.

12 Q. Just pausing there, the investigative team, so the team
13 within Team 1, and the seizure of the servers, was there
14 a consensus view amongst that team or not as to what
15 should be done about the obtaining of ITS1?

16 A. Yes, we wanted to seize it under policing powers.

17 Q. So that was the view of the investigating team proper,
18 if I can call it that?

19 A. Yes.

20 Q. In terms of changes of direction, though, the position
21 appears to have been to try to obtain it by consent
22 throughout the piece, across the piece. Do you agree?

23 A. Yes.

24 Q. So that wasn't a change of direction, was it?

25 A. It was a consideration that we would seize it, which

1 obviously didn't happen.

2 Q. But in terms of any change of direction that might have
3 occurred in the relevant time-frame that we've just
4 identified, that's actually, on one view, consistent
5 with what's gone before, isn't it?

6 A. Yes. Later on, when Major Cox came in, there was
7 a definite change in where we were going. It seemed
8 like the investigation was progressing and then it
9 seemed -- it seemed to change. The atmosphere --
10 everything seemed to change as to what we were then
11 going for. The terms of what we were searching changed.
12 They became very specific, which again, looking at some
13 of the documents that you have now shown, would suggest
14 as to -- we were concentrating on certain operations as
15 opposed to others.

16 Q. So was the investigation broadening or narrowing in
17 scope, in your mind?

18 A. Narrowing.

19 Q. Significantly or not significantly?

20 A. Significantly.

21 Q. Was it explained to you at any point the reasons for
22 that?

23 A. I don't believe so.

24 Q. Did you ever ask?

25 A. No.

1 Q. Did you ever complain?

2 A. No.

3 Q. Just in respect of examples, just to see if I can just
4 gently push you on this to see if we can establish any,
5 you say at paragraph 49:

6 "We would get direction from Capt Wright, and days
7 or weeks later he would change direction. He would tell
8 us if this direction was coming from higher above.

9 I recall that as soon we got to RAF St Mawgan, I started
10 to notice the differing directions. I do not recall
11 this being the case in Bulford."

12 So what sort of directions are you referring to
13 from Captain Wright that might have been changed or run
14 into a roadblock?

15 A. I think it was how we were progressing the
16 investigation, whether we were identifying people
17 involved and how we were going to go forward with
18 identifying any potential people that might be of
19 importance and then it -- yeah, that's where we'd go, or
20 the policy would say that's where we were going to go
21 and that we'd look at, but then it would be: right,
22 we're not going to do that any more.

23 Q. If we consider, though, just the question of whether
24 a change of direction might have been appropriate or
25 not, by the time that Brigadier Neal, for example, comes

1 in July of 2016, on one view not much progress has in
2 fact been made on the investigation, has it?

3 A. No.

4 Q. There had been no interview of complainants by that
5 stage?

6 A. No.

7 Q. No witness statements from them?

8 A. No.

9 Q. No visits to scenes of DDOs?

10 A. No.

11 Q. No weapons recovered?

12 A. No.

13 Q. No establishment of drop weapons?

14 A. No.

15 Q. No arrests?

16 A. No.

17 Q. No interviews under caution?

18 A. No.

19 Q. Standing back from it, on one view perhaps a change of
20 direction was needed; do you agree?

21 A. Yes.

22 Q. Did you agree with how you perceived the change of
23 direction though?

24 A. I don't think I fully understood what -- why it was
25 happening. And obviously I was being told to do

1 searches at this point. Obviously I'm in
2 HMS Collingwood, so I'm just doing my role there.

3 Q. So, in terms of your perception of what was going on,
4 because you are physically removed from the rest of
5 Team 1, do you have -- are you able to say whether you
6 are well positioned to understand what was going on at
7 St Mawgan at that time?

8 A. No, not at all.

9 Q. Did you feel in any way remote from St Mawgan and what
10 was happening there?

11 A. Yes.

12 SIR CHARLES HADDON-CAVE: Can I just ask, what did you
13 perceive the change of direction to be?

14 A. We felt like they wanted the investigation to stop, and
15 that's what we thought, and we thought it was being
16 drawn down so that it could come to a conclusion.

17 SIR CHARLES HADDON-CAVE: So it wasn't just narrowing it?

18 A. With a view, we thought it was a view of: we're going to
19 narrow it so that it would conclude earlier than --
20 without us having looked at everything and done all the
21 lines of enquiry.

22 SIR CHARLES HADDON-CAVE: Thank you.

23 MR MARTIN: We're going to come to your view on what was
24 happening, and I just want to explore very briefly some
25 examples, or an example.

1 So you say at your paragraph 50a, which is
2 page 13 -- and this is where you have outlined your
3 understanding of the roles of various leadership
4 positions within Operation Northmoor, and you were asked
5 by the Inquiry as part of the Rule 9 request to give
6 your view about various persons. Okay?

7 A. Yes.

8 Q. You say this in respect of the PM(A), so you were
9 discussing Brigadier Robert Warren, and you then say:

10 "He was replaced by Brig Dave Neal who seemed more
11 involved in Op [Northmoor]. Specifically, it appeared
12 that direction came from him, but I did not have much
13 involvement with him. Therefore, I cannot comment on
14 whether he performed his role to an adequate standard."

15 So when you say he was "more involved", obviously
16 we have the PM(A) right at the top of the RMP, do you
17 mean involvement in the investigative direction? Do you
18 mean at that level or higher up?

19 A. I think both. I think he was involved in the
20 investigation.

21 Q. Had you ever -- or, from your understanding of the Gold,
22 Silver, Bronze structure that you were part of, was it
23 your expectation that the PM(A) would be involved in
24 investigative decisions?

25 A. No, I wouldn't have expected him to be.

1 Q. Did that surprise you?

2 A. Yes.

3 Q. Why?

4 A. It felt like people were getting involved where they

5 probably shouldn't. I don't -- we don't know where ...

6 what's the word? We don't know who else was potentially

7 asking questions.

8 Q. I see.

9 A. Obviously, as a -- we're meant to be an independent

10 investigative body.

11 Q. Yes.

12 A. But above -- so we should stop at PM (Army). But we

13 were aware that people above that were obviously

14 interested in what we were doing.

15 Q. Yes.

16 A. So we were very concerned that if he's involved at that

17 level, is he feeding that up? And then who else is

18 getting involved above him?

19 Q. Yes. Because the RMP is part of the army?

20 A. Yes.

21 Q. The PM(A) is a brigadier?

22 A. Yes.

23 Q. And there are levels above him in the broader Army,

24 aren't there?

25 A. Yes.

1 Q. To whom he has to answer?

2 A. Yes.

3 Q. Can you think of any examples of where Brigadier Neal,
4 to your mind, appeared to be involving himself at the
5 investigative level?

6 A. Not that I can recall.

7 Q. So when you say it appeared that direction came from him
8 and that he was involving himself, what brings you to
9 that view if you can't recall the specific examples?

10 A. As Team 1 we have our weekly meetings as to what we were
11 doing, where we were progressing. Obviously that
12 direction was fed up the chain and, again, this is where
13 I'm saying that direction was changed. So, say SIO
14 would make a decision and then I know that he then
15 spoke -- he'd obviously have his meetings with -- up to
16 Gold, and then obviously things would come out and then
17 obviously something would change. Obviously, that was
18 different to what the SIO was originally wanting to do.

19 Q. So your recollection is, of these conversations within
20 Team 1, lines of enquiry that they wanted to pursue,
21 that you wanted to pursue, were being run up the chain
22 and changed?

23 A. Yes.

24 Q. But looking back now, it's difficult for you to recall,
25 is it, what those specific lines of enquiry were?

1 A. Yes.

2 Q. I mean, how strong is your recollection that that is
3 what was happening?

4 A. I remember conversations within our office where we were
5 discussing, and it was a consensus opinion that things
6 were being changed outside of the team within St Mawgan.

7 Q. Thank you. We've seen the involvement of the PM(A)
8 Brigadier Neal in the decision in respect of the FDHC,
9 but that might be considered more of a strategic
10 decision, mightn't it?

11 A. Yes.

12 Q. So was that to your mind necessarily an inappropriate
13 level of involvement from the PM(A), given how high up
14 we've seen the original commissioning of the FDHC
15 appeared to go?

16 A. Yes.

17 Q. It was inappropriate or it wasn't inappropriate?

18 A. I think it was -- I think obviously Captain Wright and
19 also the team wanted it to progress.

20 Q. Yes. But in terms of the level -- the level -- at which
21 that decision was taken, it's not going to be a decision
22 for Captain Wright, or an SIO, whether the FDHC, at
23 £7.5 million, can be stood up, is it?

24 A. No.

25 Q. We've already seen it goes all the way up to the Cabinet

1 Office.

2 A. Yes.

3 Q. Okay, thank you.

4 Can we look at tab 2, please, page 23. In fact,

5 let me just check that that's the right reference.

6 I am, in fact, going to move, please, to tab 3.

7 And I want to just ask you, please, about this

8 particular Silver meeting. All right?

9 27 September 2017:

10 "Minutes of the Northmoor team Silver meeting held

11 at RAF St Mawgan on [Wednesday] 27 [September] 17."

12 We can see present is the Silver, Major Cox:

13 "SILVER [Command]/SIO [Team] 1"

14 And if we just work our way down those who are

15 present, please, do we see, in fact, that you are there

16 via a tel-link, so you are linking in:

17 "SSgt McLean-Inglis ... [Team] 1 (Collingwood)"

18 Is that right?

19 A. That's right.

20 Q. Thank you very much.

21 In fact, I have now found my previous reference,

22 so we are going to come back there, but let's make

23 a note, please, of this 27 September 2017 Silver

24 meeting, all right?

25 We're going to go back to tab 2 and we're going to

1 go, please, to page 13.

2 I had written 23; it was 13. So you would be
3 forgiven for being confused.

4 But this is an email chain.

5 If we could just zoom out slightly, please.

6 Thank you.

7 And in fact it's an email that you have printed
8 out and kept within your workbook; is that right?

9 A. Yes.

10 Q. Thank you.

11 And common with email chains, we have to work our
12 way up from the bottom, but -- and it looks like it may
13 be incomplete because we're missing the bottom of this
14 email. But do we see, at the bottom of the page, from
15 SIB RMP Northmoor Silver Command, so Matthew Cox, dated
16 25 September 2017, and having in mind the Silver meeting
17 two days later. It is for Corporal Cuzner; is that
18 correct?

19 A. Yes.

20 Q. We can see, in fact, if we look at the cc list, you are,
21 I think, the last name on this.

22 A. Yes.

23 Q. So you are cc'd into this email and there are others
24 cc'd in, including DSI0s and the like.

25 It says as follows:

1 "Cpl Cuzner
2 "As discussed:-
3 "URGENT TASKER
4 "You may have already done this but I want another
5 search completed.
6 "You are to search for SIRs ..."
7 Is that shooting incident reports?
8 A. Reviews.
9 Q. Reviews, thank you. I think we have heard of a few
10 different iterations of what an SIR might be, but thank
11 you.
12 "... in relations to the time window Nov 10 -
13 May 11."
14 All right?
15 Then we have the response up the page from
16 Corporal Cuzner, about 20 minutes later:
17 "Sir,
18 "I will write the requests and submit them on the
19 DAS system, and commence searching.
20 "I will split the tasking into several requests
21 for ease of searching and to facilitate swifter recovery
22 as and when the searches are complete."
23 Yes?
24 A. Yes.
25 Q. "[File Ref] - SIR Request.

1 "[File Ref] - Email/Documentation between DSF and
2 S01 LEGAD."

3 And:

4 "[File Ref] - Email/Documentation between OC,
5 [SFHQ(A)] and S01 LEGAD."

6 So this is a request from Major Cox going in to
7 Corporal Cuzner, asking for searches to be done; is that
8 right?

9 A. Yes.

10 Q. Is there anything unusual in the fact that the email
11 comes from directly from Major Cox to Corporal Cuzner?
12 Would it normally be cascaded through a few more levels
13 or is that just typical? Might you cut out a few levels
14 from time to time?

15 A. I can't recall who Corporal Cuzner is --

16 Q. I don't --

17 A. -- so I don't know -- I don't think he worked with me.
18 So say, for example, I may be out of the office, they
19 might have sent it to somebody junior, and it depends on
20 what you were searching. So it could have gone directly
21 to a corporal from a major.

22 Q. So there's nothing necessarily unusual about it?

23 A. No.

24 Q. Thank you. That's helpful.

25 So if we just go over the page, back one page

1 then, and will see the next email in the chain.

2 So we're going to page 12, thank you.

3 "Cpl,

4 "[Acknowledged] ..."

5 And then it says:

6 "Staff MI ..."

7 Is that you?

8 A. Yes.

9 Q. "Please get one of your troops to complete an immediate

10 search as a priority task.

11 "Many thanks

12 "Matt."

13 So that is a request to you for searches to be

14 carried out?

15 A. Yes.

16 Q. We don't see the search terms here, but I just assume

17 there must have been attached to this some search terms

18 to be run?

19 A. Probably not on this system. This --

20 Q. But not at this level?

21 A. This was restricted. They would have been sent via

22 other means if there was something that we needed to

23 search for.

24 Q. But it would have been sent to you?

25 A. Yes.

1 Q. Yes, thank you.

2 Then this, the next email up, please.

3 So this is from Major Cox. It is back to

4 Corporal Cuzner. You remain cc'd on it, and it says:

5 "Staff, Cpl [Cuzner],

6 "Please call me once you read this. PM(A) now has

7 this on his radar!!!!

8 "Silver"

9 This is all in relation to, it appears, the

10 subject "Urgent SIR search".

11 Can I ask you first, why did you print this out --

12 do you recall? -- and put it in your book?

13 A. I don't know.

14 Q. All right.

15 A. Unless it was -- the references that are there,

16 obviously some of them have got the information removed

17 for the purpose of this. So there might have been

18 something there that I needed to run my searches.

19 Q. Thank you. So it's helpful for you to have it as

20 a quick reference?

21 A. Yes.

22 Q. In an email chain about specific searches to be run on

23 a server, does it surprise you that you are being told

24 by Silver that the PM(A) has this on his radar?

25 A. Surprise? No.

1 Q. Is it ordinarily what would happen?

2 A. No.

3 Q. Why are you not surprised that it was happening?

4 A. Because he had quite bit of involvement in what we were
5 doing and how we were progressing and what he wanted to
6 progress.

7 Q. This appears to relate to investigative decisions,
8 doesn't it?

9 A. Yes.

10 Q. So when you were saying earlier, and your evidence was,
11 earlier, that Neal had involvement in the investigative
12 decisions, is this an example or not?

13 A. Yes.

14 Q. So might this be one of the examples that gave rise to
15 the feelings that you have expressed?

16 A. Yes.

17 Q. And your recollection of, generally, what the approach
18 appeared to be?

19 A. Yes.

20 Q. Thank you.

21 Can we go back, please, to tab 3.

22 And we're going to see that a couple of days later
23 we have this Silver meeting. I have already run through
24 the attendees out of order, so I won't do that again.

25 "General", at the top:

1 "Silver [Command] chaired the meeting and welcomed
2 attendees; he then requested updates from all NORTHMOOR
3 Teams and actions that had taken place over this period.
4 "Silver:
5 "Silver explained to those present that Gold had
6 attended a meeting in relation to RODs ..."
7 Can you help with that, please? Record of
8 decision, maybe?
9 A. Yes.
10 Q. "... that have been made based on the IRT
11 recommendations. The RODs have highlighted the main
12 criteria."
13 Then if we -- and my apologies to the presentation
14 team in respect of this. If we go back to tab 2 and
15 page -- just going to make sure I have the right one.
16 The references have not quite followed me, have they.
17 Sorry. So if we go back to page 14, please, on
18 tab 2, we can see that you are making a note, it
19 appears, of the Silver meeting.
20 A. Yes.
21 Q. So that is -- is that standard practice for you when you
22 are at a meeting like this? Would you have been making
23 notes?
24 A. Not necessarily but I like to keep notes so that I know
25 what's been said and if there's specifically any

1 direction for me. I do like -- as you can see, I do
2 like to write everything down that I'm doing.

3 Q. We can see that this follows on from the email that we
4 saw on the 25th. If we look at the top of the page:
5 "[Lance Corporal] Lewis given SIR and each of the
6 other 10 operations to check through on the e-mail
7 silo."
8 Then references to the silo, SIR and 77 files,
9 meeting Silver at 13:30, and then we have the reference
10 in fact to the RODs that we've just looked at in the
11 Silver minute document "meeting Gold reference IRT" and
12 then reference to the SIR with the note "keep looking".
13 Do you see that?

14 A. Yes.

15 Q. Thank you. All right, let's go back please to tab 3,
16 page 2, and just continue on the Silver meeting, please.
17 We have at 3:
18 "SIR ... NORTHMOOR to engage as SIR outstanding.
19 Everything has searched on Op TYBURN but nothing found.
20 TTP review says found information on some of the ops but
21 not N50 [operation]."
22 Then can we look, please, at paragraph 7, towards
23 the bottom of the page:
24 "The Op Northmoor investigation is to step away
25 from the Greater Manchester Police and the NCA in

1 regards to review and oversight. Silver believes that
2 no more support needed at present from either agency."

3 So this is September 2017, and you can take it
4 from me that this is a note that's prepared by
5 Major Cox. We can check that if you want.

6 Can we then go on, please, to over the page,
7 paragraph 10:

8 "Confirmed not using NCA anymore and it has been
9 noted that we have acted correctly. The Independent
10 Review Team would be returning to Northmoor team for a
11 further review in approximately four weeks to a month."

12 Can you just help us with this, please. Were you
13 told why Greater Manchester Police and the NCA were, in
14 effect, leaving Operation Northmoor in their support
15 roles?

16 A. No, not at all.

17 Q. Had you found them to be helpful?

18 A. I had minimal involvement but I did have some. Yes,
19 they were good.

20 Q. Are others better placed to answer that question,
21 though?

22 A. Yes, I only used them for certain actions. I didn't
23 have involvement with Paul Williamson, for example. He
24 wasn't on meetings. I had some other people that I got
25 involved with to do other activity.

1 Q. Thank you. Paul Williamson, in fact, it appears, mainly
2 liaised with Captain Wright; is that correct?

3 A. Yes.

4 Q. So we'll ask those questions in due course.

5 But at that paragraph 10, do you recall what was
6 said here?

7 "It has been noted that we have acted correctly."
8 What does that mean?

9 A. I can't -- I can't say.

10 Q. Well, it appears to be saying we're not using the NCA
11 anymore and that was -- someone has confirmed or
12 something has confirmed that that's the correct
13 decision. Are you able to assist with that at all?

14 A. No.

15 Q. Do you have any sense of who might have been providing
16 reassurance that disposing of the NCA and others as
17 advisers was the correct course?

18 A. I believe that would have been, in this instance, Silver
19 upwards.

20 Q. Did Silver ever tell you why it was that that was being
21 done?

22 A. No.

23 Q. Just that it was and it was correct?

24 A. Yes.

25 Q. Then there's this, paragraph 11:

1 "[Any other business] Confirmed Op Northmoor must
2 end at some point but at this stage only the
3 investigative side discussed. Approximately 2,000
4 emails still being reviewed in regards to the detainee
5 abuse allegations. However, only in the event that new
6 evidence resulted from any of this material would this
7 line of enquiry be reactivated."

8 Bearing in mind this is 27 September 2017, do you
9 recall discussions at any stage about the ending, the
10 closure, of Operation Northmoor?

11 A. No and, looking at that, I think that refers to Team 2
12 activity.

13 Q. Right.

14 A. I would suggest from reading that detainee abuse
15 allegations was where they sat, not -- I think they
16 looked at the broader terms as opposed to what Team 1
17 were looking into. That's how I'd read that.

18 Q. Thank you. But do you have a particular recollection?

19 A. No.

20 Q. I will try and help you with your recollection, please.
21 So if we go back to tab 2, please, page 14, so your
22 notes that you took at the time. So we can see about
23 two-thirds of the way down the page, please:

24 "Step away from GMP, IRT will do the reviews and
25 go to NCA if needed."

1 Now, if we go over the page please, down a little
2 bit:
3 "2018 end of, complete this investigation!!!

4 Maybe investigation should be complete but other actions
5 may still need to be continued."
6 Do you agree that this entry appears to reflect,
7 to some degree at least, the entry on the Silver minute?
8 A. Yes.
9 Q. This is your note.
10 A. Yes.
11 Q. "2018 end of, complete the investigation!!!"
12 Why have you put three exclamation marks on that
13 entry, please?
14 A. I'm probably thinking that I didn't think it was
15 possible that it would end, like, being completed.
16 Q. Does it help you with whether the entry in respect of
17 the minute refers to Team 2 or just the entire
18 investigation?
19 A. I'd say yes, the entire investigation.
20 Q. Were you surprised? Looking at this and the entry that
21 you made, does it seem to you that you were perhaps
22 surprised to hear the date of 2018?
23 A. Yes.
24 Q. Why?
25 A. Because of how much we'd still needed to do, I didn't

1 think 2018 would have been achievable.

2 Q. What about with the fully working FDHC?

3 A. Then at least we would have been able to progress a lot

4 quicker.

5 Q. But as things stood?

6 A. No, wouldn't have -- wouldn't have been able to be

7 completed by 2018.

8 Q. Can I take you then, please, just on a final topic to

9 paragraph 54 of your witness statement. You will find

10 it at page 16.

11 You've mentioned that you -- we just looked at a

12 reference to the potential end of Operation Northmoor.

13 Just on that very briefly, before we move to this, are

14 you able to assist why the date of 2018 doesn't appear

15 in the minute but does appear in your notes?

16 A. I can't comment. I wouldn't have put it if it wasn't

17 said.

18 Q. Thank you. 54(a):

19 "I did have concerns about the following

20 individuals. Brigadier Dave Neal. I believe he wanted

21 the investigation to close. My reason for believing

22 this is because we would agree courses of action as a

23 team and it would travel up the chain of command and

24 receive resistance, such as the need to travel out to

25 Afghanistan and to interview witnesses. As Brigadier

1 Dave Neal was PM(A), the suspicion was that he was not
2 supportive of certain steps we wanted to pursue."

3 Then can we also look, please, at paragraph 46,
4 which is on page 12:

5 "I had concerns prior to and around the point in
6 which Captain Wright left Operation Northmoor and Major
7 Cox joined Operation Northmoor. This was because of the
8 rumours that had started to surface prior to
9 Captain Wright leaving Operation Northmoor that PM(A),
10 Brigadier Dave Neal or individuals higher up wanted the
11 investigation to stop. From the point at which Major
12 Cox commenced his role until the point I left Operation
13 Northmoor, I did feel as though some of the concerns
14 I had prior to him starting."

15 And then the sentence stop there. Do you know
16 what you were intending to say there?

17 "... I did feel as though some the concerns I had
18 prior to him starting. [And you go on to say] Whilst
19 concerns were not borne out I did notice a change in
20 direction after Major Cox joined Operation Northmoor."

21 It may be that we have the sense of what you're
22 saying there anyway. But we will -- just some
23 questions, please, about your sense, your feeling and
24 the rumours that you had heard.

25 Just doing your best about the suggestion or the

1 feeling or your impression, perception that Brigadier
2 Neal or those higher up wanted to close the
3 investigation down, doing your best, when did you start
4 to hear anything about that?

5 A. I can't say for certain. I think, even prior to us
6 going to Newquay, there might have been some discussions
7 as to how the investigation was perceived higher up,
8 whether it was something that we wanted to be
9 investigating on service personnel.

10 Q. So what was the perception, as you understood it, that
11 those higher up may have had?

12 A. That it was a witch hunt.

13 Q. Against?

14 A. Special Forces.

15 Q. Doing your best again, and I appreciate you're going
16 back in some time now, is there anything that you can
17 point to, a conversation, a meeting, or anything like
18 that, in which this sort of -- something about this was
19 said about the desire for those higher up the chain to
20 close down Operation Northmoor?

21 A. Nothing specific. It was more talking within the team.

22 Q. So it was rumour, to the best of your knowledge?

23 A. Yes.

24 Q. And the military rumour mill can turn quite fast, can't
25 it?

1 A. Yes.

2 Q. So in respect of being able to point to anything
3 concrete, we've looked at the examples of the change of
4 direction and so on, but of an actual desire to close
5 things down, is there anything that you can point to
6 that evidences that?

7 A. No.

8 Q. In terms of your feeling, though, or your perception,
9 what is your recollection as to the strength of that
10 feeling at the time?

11 A. Once we moved to Newquay, it did feel like that's what
12 was being said above us. Obviously, we're always aware
13 of the rumours and the way that we're perceived as RMP
14 that we are out to get people and rather than what we're
15 trying to do, to see if there's any foundation to
16 allegations being made in any respect in any case.

17 So, yes, it just felt like -- I think maybe
18 because we hadn't found I'm going to use a word like the
19 "golden dagger", because we hadn't found that bit of
20 evidence that said yes, this had happened, then
21 obviously maybe it didn't happen so we should stop.

22 Q. Right.

23 A. As opposed to looking through everything to make sure
24 that there was nothing there.

25 Q. To what extent did the replacement of Captain Jason

1 Wright as SIO feed into this feeling?

2 A. For us as a team, obviously we'd built this team
3 relationship. We were understanding where we were
4 going, how we were progressing and it seemed right that
5 he stayed and did the role. He had the corporate
6 knowledge of everything. He'd been involved from
7 inception to bring -- sorry.

8 Q. No, no, sorry. You carry on.

9 A. So to bring somebody new in, it felt like why would you
10 take away all that knowledge and replace it with
11 somebody who didn't have it?

12 Q. Was there anyone with greater knowledge than him of the
13 Team 1 matters at that point in time?

14 A. No.

15 Q. Was that apparent or should that have been apparent to
16 anyone looking at Operation Northmoor?

17 A. Yes, it was apparent.

18 Q. In respect of Major Cox, you did say, you have said,
19 that the concerns were not borne out in respect of Major
20 Cox. So to that extent, had there been a suggestion
21 that Major Cox had perhaps been brought in to shut
22 things down?

23 A. That was our rumour, yes, that we thought he had been
24 brought in to shut us down.

25 Q. But once Major Cox arrived, is it right that that's not

1 the impression that you had. Those are the concerns
2 that were not borne out?

3 A. Yes, to an extent.

4 Q. Well, help us with the extent.

5 A. Well, obviously we were aware that it hadn't been shut
6 down, we were still going, but obviously direction had
7 changed and it had been reduced.

8 Q. Finally, then please paragraph 163, it's page 42, same
9 topic:

10 "I was not directly aware of any external
11 pressures being applied by third parties outside the RMP
12 in an effort to influence the outcome or any other
13 aspect of Operation Northmoor. However, as I have
14 stated above, there was a belief that individuals higher
15 up (possibly as high up as Government) were putting
16 pressure for the investigation to end. This belief was
17 fuelled by people being brought on to Operation
18 Northmoor and the perceived change of direction. We
19 knew within the team that there were external
20 conversations taking place outside the RMP with seniors
21 in RMP. We knew that the allegations we were
22 investigating could have had an impact on our national
23 security."

24 So no direct awareness of external pressure; is
25 that correct?

1 A. Yes.

2 Q. And it's something that you've inferred from the
3 surrounding circumstances of Operation Northmoor?

4 A. Yes.

5 Q. In respect of the belief that highers up were putting
6 pressure on the investigation to end, is that a
7 reference to the matters that we have discussed already?

8 A. Yes.

9 Q. People being brought on. So Brigadier Neal: is that one
10 of the people you are referring to?

11 A. Yes, and then potentially higher.

12 Q. Help us with that.

13 A. Whoever he was discussing the matters with above him,
14 which I don't -- I'm not aware of what happened but
15 obviously we do know that it would have been spoken
16 about at higher levels than the RMP.

17 Q. So just separating the two things in respect of
18 personnel, there are obviously people higher than
19 Brigadier Neal but, in respect of those who had been
20 brought on, you said, to Operation Northmoor in your
21 witness statement --

22 A. Yes.

23 Q. -- that may have signalled the change of direction or
24 your belief that there was pressure for the
25 investigation to end, who are the people who were

1 brought on who you considered might signal that?

2 A. So, yes. Like you said, Brigadier Neal and Major Cox.

3 Q. When you say you knew within the team that there were

4 external conversations taking place outside the RMP with

5 seniors in RMP, do you mean that must have been

6 happening because of the nature of the investigation, or

7 are you referring to specific conversations about which

8 you were aware?

9 A. I was aware that conversations were being had outside of

10 the RMP, like, from Gold, from PM (Army) upwards.

11 I don't know who those conversations were with --

12 I wasn't privy to that kind of information -- but we

13 were aware that conversations were being had about our

14 investigation.

15 Q. With upper ranks?

16 A. Yes.

17 Q. How did you know that?

18 A. It would have been discussed.

19 Q. In Team 1?

20 A. Yes.

21 Q. So that is information that would have come into Team 1

22 somehow?

23 A. Yes.

24 Q. Do you know where from?

25 A. It would have probably been through the SIO having

1 a meeting. Again, we'd have different meetings at
2 different levels depending on rank, and I would have
3 presumed that would have come from a meeting that the
4 SIO would have had with Silver, Gold, and then passed
5 down to us.

6 Q. But no first-hand knowledge of it?

7 A. No.

8 MR MARTIN: Thank you. Warrant Officer McLean-Inglis, those
9 are all the questions I have to ask.

10 Sir, do you have any questions?

11 SIR CHARLES HADDON-CAVE: I don't, Mr Martin, thank you, you
12 covered all the ground very comprehensively.

13 Warrant Officer, can I thank you very much indeed
14 for coming to give evidence today. Can I thank you for
15 the very clear way in which you have answered all
16 Mr Martin's questions. You are free to go.

17 A. Thanks, sir.

18 SIR CHARLES HADDON-CAVE: Thank you very much.

19 Mr Martin, thank you very much and your team for
20 all the work that's gone into this hearing and to the
21 team for the arrangements today.

22 We will adjourn now, please, until 10.00 tomorrow
23 morning. There will be a hearing on particular matters
24 at 10.00 and then we will proceed with the next witness.

25 Can I thank everybody for their quiet attention

1 this morning. We've conveniently finished at 12.50, so
2 I think it's time to have some lunch. We will rise,
3 please. 10.00 tomorrow. Thank you.

4 **(12.52 pm)**

5 **(Adjourned until 10.00 am the following day)**

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I N D E X

MS PHILIPPA McLEAN-INGLIS (sworn) 4
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