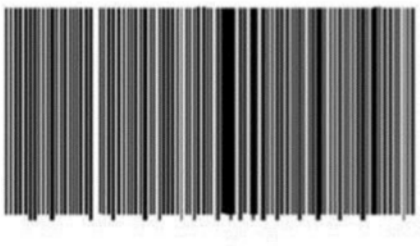
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



RMP-221-0006735-A

Ref (to be inserted by Inquiry)

Witness name: Mark DEMPSTER

Statement Number: 1

Dated: 23 May 2025

Exhibits: [3]

INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

WITNESS STATEMENT OF MARK DEMPSTER

DATED 23 MAY 2025

A. INTRODUCTION

1. I, Mark DEMPSTER, am making this statement in response to this Inquiry's Twenty-Fourth Secret Rule Nine Request (issued on 18 November 2024).

2. In providing this statement I have sought to answer the questions set-out in the Request according to my current recollection of matters that fall within my knowledge from the material time. Where this is not the case I have referred to documents that I have had the benefit of reviewing in preparing this statement, before commenting on their contents where relevant. With that in mind, I have answered the questions that I am able to by reference to either my direct recollection of events or my current views having refreshed my memory.

3. I attach to this statement a list of those documents that I have reviewed in preparing my evidence on 5, 27 February 2025, 27 March 2025 and 14 May 2025. I also exhibit and reference specific documents where relevant below.

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4. I make this statement in relation to my tenure as Deputy Senior Investigating Officer ("DSIO") within Operation Northmoor ("Op NM") between May 2016 and March 2017.

5. I am presently employed by details of current employment role

B. TRAINING, EXPERIENCE AND JOINING OP NM

6. I served in the Army between June 1996 and June 2020. After successfully completing basic and Phase 2 police training, I served in the Royal Military Police ("RMP") for my entire Army career and made the move to what became the Special Investigation Branch ("SIB") in 2003. The Branch was renamed the Special Investigation Branch Regiment towards the end of my Army career.

7. During my Army career I served in the UK, Northern Ireland, Germany, Cyprus, Canada, Afghanistan and Iraq in various investigation and intelligence roles and deployed to numerous countries including Kenya, Sierra Leone, USA, Belize and Brunei on specific investigations and operations.

8. I was first made aware of Op NM in early 2016. Immediately prior I had been assigned to RMP duties in Canada for circa 18 months, but whilst still in Canada I received an early Assignment Order to Op NM. This was facilitated and I then returned to the UK.

9. In terms of other investigations, to the best of my recollection I was not involved in Op CESTRO, Op PAVO or Op SHIVERWOOD. I may have been involved in Op TELEMETER but cannot specifically recall this at present.

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10. That said I consider the substance of my previous experience meant I was suitably qualified to undertake the role of DSIO in Op NM. For example:

    10.1. I was assigned to numerous investigations into over 71 deaths as a Staff Sergeant alongside other Senior NCOs and Warrant Officers – led by a Captain - in Afghanistan in 2009.
    10.2. During a second tour to Afghanistan in 2012 I was involved in three investigations into operational deaths.
    10.3. I previously investigated an alleged murder in Kenya. I was a WO2 and that investigation was led by a Major but I cannot now recall when this was.
    10.4. I also worked on the Marine A "*alleged murder*" investigation as a WO2. I cannot recall the exact date of this, but it would have been between 2011-2013.

11. In addition, prior to Op NM:

    11.1. I had undertaken Forensic CSI training (circa 2004).
    11.2. I was Course Director for a Serious Crime Investigators' Course ("SCIC"; circa 2011-2012).
    11.3. I was then afforded temporary promotion to Warrant Officer in order to lead the Advanced Training Squadron ("ATS") alongside Major Morag SHEATHER. That encompassed further and advanced training being given to tri-service police (circa 2011-2012).

12. There was no recruitment process or selection process upon joining Op NM. But in an Army setting this is normal. It is a question of assessing an individual's experience, role and rank after which they will be placed according to need. This is determined by the Chain of Command and the Army Personnel Centre ("APC").

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To the best of my knowledge, unless there is a particular need for a specialist, there is rarely a standalone selection process.

(a) The DSIO role and Op NM's Terms of Reference

13. I had not formally acted as a DSIO until being assigned to Op NM; neither did I undertake any specific DSIO training in advance of beginning my tenure. However, given my previous investigative experience and training I was of the view that it was an appropriate assignment and in Capt. Jason WRIGHT I also knew I had a strong Senior Investigating Officer ("SIO") to work with and learn from. In my view there is also the reality that each investigation presents new and different challenges, especially one of Op NM's scale. In that sense there is always new learning to be gained in the course of an investigation and developments occur over time that often require a unique response. In any event the Chain of Command's decision to assign me was an order.

14. The role of an RMP DSIO is to my understanding similar to the same role within the civilian police. In essence it encompassed both tactical strategy and management of personnel, in support of Jason WRIGHT in relation to Team 1 matters. I knew my core purpose was to use my policing experience to help and work alongside him as the SIO but the SIO leads and is more responsible for the actions and strategy that direct an investigation. For example, it was for him to identify lines of enquiry in discussion with me and priorities such as witnesses, suspects and the need to preserve certain evidence. It was for me to then assist him in fulfilling those aims alongside the wider Op NM team.

15. As to Jason WRIGHT's suitability for the SIO role – I had known him for circa 20 years by this point. I knew of his knowledge, experience and competence and had absolute faith he would conduct the investigation to the required standard.

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16. Whilst I cannot now directly recall a meeting with Jason WRIGHT during which he set-out his expectations from me a DSIO when I joined Op NM, I do recall that I was aware of what was required of me. He would have explained the investigative strategy and Terms of Reference ("ToRs") to me and his expectations within that. It was also clear to me that the investigative direction from him as SIO was one that had already had input from then GOLD, Lt Col John MCALLISTER.

17. N73 [redacted] was my predecessor as DSIO. I do not now directly recall it but we would have had a handover and at the time I believe the handover was sufficient. The handover would have included a brief on all the investigative matters and any information or issues pertaining to the team. I had previously worked as part of the same unit as N73 [redacted] prior to Op NM, as part of the Serious Crime Team in Bulford. I had no concerns about him during this time and I considered him to be a professional investigator. This remained the case upon being made aware that I was to succeed him as DSIO.

18. It is also worth making clear that I knew of both Jason WRIGHT and N73 [redacted] prior to Op NM given we had worked on other investigations previously. In addition, there were about 200 people in the SIB at the time. This small environment meant that we had an ongoing working relationship even between different investigations. My view is that this allowed us to quickly integrate and get up to speed with a new investigation or a pre-existing one that we had not previously worked on.

19. Whilst the structure of the investigation and the ToRs were not matters that I determined, it is worth noting the scale of Op NM and the difference between that scope and pre-existing RMP investigations. Generally speaking criminal activity was investigated by smaller RMP teams and there was no need to have a DSIO

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within that structure. In my experience, it would ordinarily be a Captain and a Warrant Officer leading the investigations.

20. I did not have any direct input into the formulation of Op NM's ToRs or overall strategy. But I recall that during my circa 10-month tenure little change was made to the overall investigative direction – subject to what I set-out in more detail below in relation to February 2017.

C. RECORD KEEPING

21. In terms of record keeping, my practice focused upon the completion of my workbooks. In addition, due to the presence of the Major Incident Room ("MIR") record keeping was the same as within civilian police training and we made use of the HOLMES system to record and ingest emails alongside other relevant documents. My involvement in terms of engaging with HOLMES would have been providing material for inclusion or adding investigative actions from me or the SIO. Otherwise I did not receive any training concerning HOLMES - nor would I expect to - given I was not a member of the HOLMES team (for example, the team led by Staff Sergeant Adam RIDLEY).

D. TEAM STRUCTURE AND RESOURCES

(a) Structure

22. As to structure, Teams 1, 2 and 3 worked in silos but of course there was cross-over and mutual interest as elements of each may have had value across the wider Op NM investigation. By that I mean there may have been an issue arising out of the detainee investigations that involved persons of interest that were relevant to Team 1 enquiries. Practically, we all worked on the same floor plate

as one overall team. In my view this structure was adequate in light of the RMP's capacity and resources at the time.

(b) Resources

23. Clearly, Jason WRIGHT and I would always have liked more resource. But in many ways due to certain difficulties during my tenure as detailed below – such as progressing arrests or witness contact, accessing UKSF's servers and getting in-theatre - I wonder how much difference additional resource would have made at times. That is, the issues in theatre concerning access to witnesses or DDO compounds, the management of suspects that were still in service and UKSF's delays in server access were matters that would have persisted even if we had greater resources.

24. I do not now recall being directly involved in requests for additional resource. But I do recall that the Forensic Data Handling Capability ("FDHC") was crucial to being able to ingest and interrogate any UKSF data that could have been forensically copied. But the system was not installed during my time as DSIO. Jim PRIDDIN was the technical lead for this project and he was very clear that the FDHC was required in order to safely house both the volume and classification of data that would need to be ingested from UKSF's servers. I remember that some of the issues revolved around the lack of availability of suitably qualified experienced personnel - (SQEP") - with the technical know-how required to install the system. For example, upon review of my workbooks, it is clear that into November 2016 concerns were still being expressed in relation to a lack of adequate 3C resource/Cyber Specialist support (**RMP-221-0005785-A; PDF p. Page 87)**. Their support was key in terms of forensically recovering the data and ingesting or managing it for the purposes of interrogating it once stored. However their expertise - whilst valuable - was limited in terms of scale.

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25. As recorded in my workbooks this delay persisted into December 2016-January 2017, given it was thought that the FDHC would not be online until March 2018 (**RMP-221-0005786-A)**. I do not know why this was the case but I can recall seeing the hardware on the floorplate in St Mawgan as of January 2017. Given I was not a cyber-specialist I did not have the technical understanding as to any or reason(s) for the delay in installing the FDHC other than the lack of SWEP.

26. That said there were many moving parts in relation to ensuring UKSF's data was first preserved so that a forensic copy could be obtained before being ingested by us in order to interrogate that data. The delays and issues in relation to securing the data from UKSF in the first instance - to an extent - rendered the lack of a functional FDHC as being immaterial. My point being that even if that system had become operational, during my tenure as DSIO at least, there was never a point at which we had a forensic copy of *all* of the potentially relevant data that could have been ingested onto a functioning FDHC (given I know that Op NM did manage to recover *some* relevant data from what I am now reminded was the SFHQ(A) server, data which was held by Op NM at Collingwood).

27. I also see upon review of my workbooks that there is another example of work being done in relation to IT infrastructure and/or software around this time in terms of the 'ITS10' reference (**RMP-221-0005786-A; PDF p.11).** I cannot now recall specifically but I suspect this relates another stream of work being done in relation to data recovery and interrogation.

28. The main other point to make concerning resourcing is that I would have liked more SIB investigators, and especially additional SIB investigators with greater experience. That additional resource would have added quality and quantity in terms of investigative capacity and allowed us to progress matters (in terms of lines of enquiry) more expeditiously. That said given the delays – as addressed

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in more detail below – once more there was little practical impact resulting from this issue given the other factors causing delay.

(c) External Groups

29. As to the external advisory groups as a resource, I did not have much – if any – direct contact with external advisers such the NCA or GMP's MERT. To the best of my recollection, these two are the external agencies with which Jason WRIGHT had the most interactions and he predominantly managed those relationships. That said I do recall this only ever being a positive advisory influence and relationship. Jason, and therefore Team 1 overall, felt reassured to have this guidance and advice when needed.

30. As to the Independent Review Team/Independent Advisory Group, I can recall them being involved in general terms but cannot directly remember being involved with them.

31. In terms of the Operational Offending Team - I have no recollection of the OOT.

32. I do I recall interacting with the Service Prosecuting Authority ("SPA") given I routinely engaged with them to seek legal advice concerning Op NM but I do not currently directly recall the details of that advice. I do recollect that advice would be sought via a FORM 3 request.

33. Insofar as DJEP and/or Peter RYAN are concerned, I am aware of the name Peter RYAN but cannot recall any direct involvement with DJEP (or at least that I was myself involved in any interactions).

34. I do not recall working with the Systemic Issues Working Group ("SIWG").

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E. OP NM PERSONNEL, LEADERSHIP CHANGES AND MEETINGS

(a) PM(A), GOLD, SILVER and the SIO

35. Brigadier Bill WARREN was PM(A) when I first joined Op NM. I had prior experience of training him during the SCIC course for which I was Course Director (as referenced above). To the best of my recollection he was a full Colonel at that time. I had no concerns about him at that stage and do not recall any during Op NM.

36. Dave NEAL was also PM(A) during my time as DSIO (taking over circa July/August 2016). I recall being of the view that given he joined late in the lifetime of Op NM, he was playing catch up a lot of the time. I would have expected a new PM(A) to be more involved in building a relationship with the team from the outset, especially given he was not there from the beginning. My view is not that this amounted to a lack of ability to fulfil the role, but more that the way in which he approached the tasked showed a lack of people skills and/or leadership skills. Continuity of personnel in such a position would have been preferable.

37. I had little direct contact with GOLD or SILVER during my tenure as DSIO. That fell more within Jason WRIGHT's role. In terms of the two GOLD Commanders that straddled my tenure as DSIO, I knew both John MCALLISTER and John HARVEY previously. I knew them quite well professionally and I do not recall having any particular concerns about either individual. I was not made privy to the rationale behind the change in GOLD from MCALLISTER to HARVEY. But in hindsight, continuity in that position to ensure someone with an in-depth knowledge of the investigation continues would always be preferable.

38. One thing that does spring to mind is the fact that upon becoming GOLD, HARVEY was predominantly based in Andover (Army HQ). However, by the time

I joined the majority of Op NM personnel were already based at St Mawgan in Cornwall. Anyone that became GOLD would have been SO1 Investigations – a Lt. Col. – meaning they would be geographically assigned to PM(A) in Andover, which means they would always have been physically distant from the Op NM investigation team in Cornwall. Practically, this meant that a lot of conversations with GOLD and the investigative teams would have to be conducted remotely or via email. Had they been physically present there would have been more opportunities for face-to-face discussions, which often reduces the risk of context or detail being misunderstood. However, this was not something for me to determine nor question at the time. Decision making concerning the nature of the GOLD role and any associated transitions were a matter for the Chain of Command.

39. In terms of GOLD's presence in Cornwall and my preference for the Op NM teams to be working from the same location, this is not something I raised expressly at the time. But it is important to make clear that – within the RMP's command structure and where I sat within that as DSIO – this sort of operational decision is not one I would expect to have had any input in.

40. I did not have many interactions with Tina STITSON (SILVER) in relation to Op NM. That said, as a Warrant Officer I would have had regular interactions with her as part of the overall running of the RMP Unit. But I do recall feeling that Tina STITSON struggled to fulfil both the SILVER and the Officer in Command role, and know that she eventually stepped back from her role as SILVER. That is the only concern I recall having about anyone in the SILVER role. SILVER is an investigative role whereas Officer in Command leads the unit.

41. I do not directly recall that Matt COX was assigned during my tenure to work with Zoe DUCE in Team 1 and 2, but I remember him being present in Cornwall and

working with Zoe DUCE. I am of course aware that he succeeded Jason WRIGHT as SIO and I do not recall having any concerns about him.

42. In terms of overall investigative direction - this was provided via the Chain of Command. That is, from GOLD with input from PM(A). Jason WRIGHT, as SIO, would then relay the overarching strategies to me as we progressed lines of enquiry.

43. I cannot recall if I was given prior warning as to Jason WRIGHT's departure, or what rationale was given for the same. We both left Op NM around the same time in 2017. But in my view the level detail required when you conduct an investigation such as OP NM – especially when you are involved from start to finish – means that the preference ought to be continuity in order to retain the same SIO from start to finish. Neither can I recall if there were planned handovers as between Jason and his successor, Matt COX.

(b) GOLD group meetings

44. I had limited involvement with GOLD group meetings. As I recall Jason WRIGHT tended to attend the majority of these meetings. He would then have relayed any resultant relevant actions to me and the wider team.

(c) SILVER group meetings

45. The same applies to SILVER group meetings. I have limited recollection of them and so take the view that – to the extent that I was present – my involvement in them must have been limited.

46. I should add that I would have attended welfare meetings every month or so, and when people were on sick leave I would update Tina STITSON. I would also meet

with Tina STITSON in relation to general management issues. These were documented (likely though email).

(d) Other Op NM personnel

47. As to other individuals expressly mentioned in this Rule Nine Request that I have not already referred to above:

47.1. As to Colonel MORRIS, I had little to no direction contact with him. But I do not recall having any concerns about him.

47.2. Colonel Scott MEREDITH: I had no interactions with him.

47.3. Moira PENMAN: I was on attachment in 2002. She was the then Warrant Officer in Aldershot and I spent some of my attachment working with her, but I did not work with her in relation to Op NM or any other investigation (aside from in Aldershot). That said I do not recall having any concerns.

47.4. Major Tina STITSON: Details of current employment. [redacted] I had a good working relationship with her but in my opinion she was not an experienced SIB investigator concerning serious crime at the time she was involved in Op NM.

47.5. Major WARD: I worked with him briefly in Bulford but otherwise had limited engagement with him and have no concerns about him.

47.6. Miles TOOK: I do not recall who this is.

47.7. Captain P KNIGHT: whilst I knew of him during Op NM I did not work directly with him.

47.8. Captain Joshua STRIBLING: he worked as part of Teams 2 and 3 alongside Zoe DUCE. He was a new Captain at the time who I felt had huge potential and lots of talent.

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47.9. WO1 Deborah HAYES: I worked with HAYES in 2011-2012 in Southwick Park whilst I led the ATS. Whilst I consider her a personal friend - professionally I have no concerns about her.

47.10. WO2 Zoe DUCE: I considered her to be an experienced and effective investigator.

47.11. WO2 Tom CAREY: Details of current employment. I do not directly recall working with him as part of Op NM, but in light of my impression of him since I have no general concerns.

47.12. As to N79: During my time at Southwick Park as an instructor, N79 was an instructor on the CSI course which I oversaw as part of my role leading the ATS. I worked with him very briefly during Op NM but had no concerns about him.

47.13. WO2 Delme WILLIAMS: He was my successor as DSIO but I had very little engagement with him. That said I had no concerns about him during the handover process (see below).

47.14. Captain Danielle SMITH: She was more focused on Teams 2 and 3. I had no concerns about her.

47.15. Captain Stephen ROBBINS: I worked directly with Steve on a number of serious crime investigations prior to Op NM. Whilst I do not recall working with him as part of Op NM, I do not recall having any concerns about him.

(e) Welfare and morale

48. It was clear to me that Op NM needed an appropriate location such as St Mawgan in order to make use of facilities that suited the scale and nature of the investigation (noting that the move occurred circa February 2016 and so prior to my tenure as DSIO). But whilst the majority were happy an understandable minority did not want to be there for various reasons. Many were isolated from

family that were often unable to relocate due to either childcare/school concerns or the need for partners to remain at home due to their own work commitments. Not only that, but practically speaking, working in St Mawgan amounted to working in a windowless building. This itself had an impact upon morale at times (especially in the winter due to shorter daylight hours given we would in effect go into the building when dark in the mornings and leave when dark in the evenings).

49. Where there were welfare concerns or issues relating to morale this would be addressed on a case by case basis. In general I recall that Junior NCOs or Senior NCOs would relay this sort of issue to me and if necessary I would escalate this to Jason WRIGHT if required. But often these sorts of concerns were dealt with by me through offering reassurance, support and options. I cannot directly recall but I remember that one sergeant did not wish to be there anymore due to concerns as to the need to be closer to his family given they could not move with him. This was ongoing in terms of a resolution when I left but this is not uncommon, in that within the dynamic of the military any individual preference as to location or role must necessarily defer to the Chain of Command and the needs of the RMP that stand behind any assignment.

50. I was not aware of any conflicts of interest during my time as DSIO concerning those that were part of Op NM.

F. RELATIONSHIP WITH UKSF

51. As with any civilian police force my recollection is that within the armed forces generally, the RMP as service police were disliked in that we were there to prevent, detect and investigate crimes. This tension - given our role to police - was no different with UKSF personnel. In particular, whilst UKSF personnel remained professional when engaging with the RMP my feeling was that they

wanted to protect their own. In my experience prior to Op NM, this was especially the case when interviewing them within the UK as compared to when they were in-theatre. For example, interviews that were held during an operational tour abroad tended to give rise to a more engaging and open interaction in terms of the nature and scope of answers given. But once being interviewed within the UK, my impression was that UKSF personnel would become more closed and defensive in that domestic setting. My impression was that this was because during an operation they recognised that the RMP had an operational part to play and that there was a need to investigate criminality. In my opinion, this may have also arisen from the fact that they would have been aware that the RMP had sole jurisdiction over them when abroad - subject to any third state law enforcement - whereas when in the UK jurisdiction is more complex due to the presence of civilian police.

52. As to the UKSF disclosure staff, I recall a point of contact and so did have direct dealings with them. I would not go as far as to say that they were difficult but at times I recall forming an impression that they were not being as forthcoming as they could have been in terms of material not being provided or delays in providing materials. Put another way they seemed "*cagey*" when addressing some requests.

G. SPECIFIC LINES OF ENQUIRY

(a) Suspects and witnesses

53. As of 2016 individuals from Special Forces (potentially the relevant SAS unit - SU1) - had been identified as suspects. I do recall that upon joining Op NM Jason WRIGHT made clear to me that his priority was to work towards arresting identified suspects. Whilst I could not initially recall their names, upon review of my workbooks, I see that as of 17 May 2016 two key suspects arising out of SU1's BANG DDO were N1201 and N1141

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(RMP-221-0005784-A; PDF p.5). I then compiled an arrest strategy with that in mind during May-June 2016. I recall that the outcome was supported by Jason WRIGHT and the NCA (as far as I can remember). The purpose of this task was to outline the legal basis and rationale for arresting individuals, and factors such as where they could conceivably be detained and interviewed (in terms of facilities).

54. In practice and into the autumn of 2016 as the SIO and DSIO Jason WRIGHT and I were ready to arrest. We were of the view we had sufficient grounds upon which to do so. Despite identifying this need, I remember feeling frustrated as to the lack of progress in that regard. My impression was that this was felt across Op NM. To an extent the decision to delay arresting/not to arrest any suspects towards the end of 2016 did seem (to me at least) to be informed by GOLD's/PM(A)'s consideration of UKSF's operational effectiveness. But in my view members of UKSF are – in terms of arresting power – to be treated the same as any member of the armed forces; there is no different test to be applied to them as long as the decision to arrest is underpinned by sufficient evidence and legal authority.

55. I can also see upon review of my workbooks that as of 3 October 2016 that there were discussions as to pausing talking to witnesses in order to prioritise arresting suspects (**RMP-221-0005785-A; PDF p.9)**. In my view this would have been done in order to protect the integrity of the investigation in terms of arresting suspects as the first priority. For example, when seeking to interview potential witnesses that had been attached to SU1 or otherwise associated with that unit – or associated with potential suspects - there would always be the risk that the suspects would then be given advance notice of their status by said witnesses. Ideally we would have wanted to do both, i.e., interview witnesses and arrest suspects at the same time. But given we were unable to do that due to the in-theatre and operational constraints at that time, the priority appears to have been

to focus upon preserving our position in relation to potential suspects in favour of speaking to witnesses. This would have been a GOLD decision by reference to Jason WRIGHT's view as to the appropriateness of this course of action.

56. As to the 'Leggatt' test and its relationship with witnesses, I only recalled it upon having had sight of my workbooks and I can see that we sought advice by way of a Form 3 in terms of its application to witnesses on or about 31 January 2017 (**RMP-221-0005786-A; PDF p.41).** I now recall that in general terms the 'Leggatt' test followed a court judgment that made clear that Op NM could require signed statements from Leigh Day's clients as witnesses and ask that they include particular information in order for an investigation concerning the underlying allegations to be pursued. I can see that then GOLD, John HARVEY, applied this test and notified Leigh Day of the same. I would have understood this test at the time, but I was not involved in any discussions as to whether or not the test should have been dis-applied.

57. It is also relevant to note an email chain from October 2016 that provides an example of the risks being considered in relation to suspects that were due to leave the UK on deployment, namely N1141 (**RMP-221-0005785-A; PDF p.43)**. I can now see that there were concerns that, if the Op NM allegations were true, there was a risk that he may do the same or similar alleged unlawful acts on his next deployment. In this case it appears to have been [LG (not A)] In addition, I recall that there was the practical reality that when a suspect deployed we would clearly lose the ability to arrest them until their return. Ergo, another additional investigative delay. But as can be seen from this email exchange, it appears that GOLD was prepared to tolerate that risk and the suspect deployed notwithstanding our concerns. I cannot see in this exchange, and nor do I recall, a rationale being given for this decision by GOLD.

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58. It was around this stage that I remember that covert intelligence was explored and discussed by way of RIPA application(s) considerations given to the use of covert policing tactics [redacted] On review of my workbook, I note that as of 9 December 2016 GOLD had confirmed that RIPA applications were to be paused until January 2017 (**RMP-221-0005785-A; PDF p.101**). I do not recall a rationale being given by GOLD concerning this delay.

59. I am now also reminded from reviewing my workbook, that as of 8 February 2017 discussions had been had concerning the IRT's recommendation to re-classify suspects as witnesses, and that the NCA's PIP 4 Paul WILLIAMSON relayed advice concerning this which was in turn relayed to me **(RMP-221-0005786-A; PDF p.59).** This email chain suggests that Paul WILLIAMSON had carried out a review in Northern Ireland that addressed re-classification of suspects as witnesses, and that whilst his view was that this can be an appropriate course of action where greater collaboration from said individuals could be achieved, this was only justifiable where criminal investigations would not latterly be pursued in relation to those individuals. His view that such a re-classification would not be appropriate in Op NM does appear to clash with advice given by the IRT on this issue. My view is that re-classifying Op NM suspects was not an appropriate course of action.

60. I also note that I was alluding to the Murder Manual in recognition of the need to follow process regarding Trace, Interview, Eliminate ("TIE") where suspects were concerned on 23 January 2017 (**RMP-221-0005786-A; PDF p.28).** This would

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also have been informed by Military Police Service Documents and associated Codes of Practice.

(b) UKSF's servers

61. As stated above there were ongoing delays in relation to recovering UKSF's servers. From the outset of my time as DSIO, the need to secure the data they held was paramount and the delays were a source of frustration, given the potential investigative value was clear. But until we accessed and/or retained a forensic copy of that data that we could ingest and interrogate, we simply had no idea how much relevant information was potentially available. I was of the view that the RMP had the ability to recover the server and interrogate it but the delay was getting it released. My view at the time was UKSF were engaging but engaging on the surface. By that I mean they were appearing to cooperate but in terms of the details or actual outcomes in my opinion there was an impression that they were unwilling to cooperate, which caused delays.

62. That said I do not recall why the relevant servers were not recovered in full by the RMP at an earlier stage. If there is enough evidence to justify it, military police doctrine and the RMP's powers under the Armed Forces Act 2006 allows for recovery without consent. There can also be a warrant obtained via a Judge Advocate General. But I knew at the time it was not as simple as this due to the sensitivity of the material on the server(s). It was classified [at a specific classification] or above, therefore other factors and 3rd party equities had to be considered. Nonetheless, my view is that there was a lack of appetite from GOLD and Op NM to actively pursue this Line of Enquiry.

63. I can see that Jason and I continued to have conversations regarding the servers and migration into December 2016 and that this concerned the legacy

[redacted] server (**RMP-221-0005785-A; PDF pp.100)**. Given UKSF's previous explanations for delay in relation to migrating the server concerned operational impact, my view was that this justification had fallen by this point as the 'old' server was no longer operational. After this point my view was, and I can only assume Jason's was the same, that UKSF were deploying delay tactics to protect individuals and the wider reputation of UKSF but I had no direct evidence to support this view. This was not necessarily particular to UKSF given army units will often stick together and look after each other. But when seeking to migrate the servers during my tenure as DSIO my view was that UKSF were not always as helpful as they could have been.

64. I am reminded of the fact that indecent images of children were discovered on a UKSF server in September 2016 (**RMP-221-0005786-A PDF p.16)**. This had an investigative impact insofar as any recovery or interrogation of that server's data had to be paused pending any possible criminal investigation regarding the images. Clearly we needed to tread carefully in order to avoid corrupting or in any way jeopardising any potential standalone criminal investigation in relation to that footage. I am now reminded that a strategy was drafted in relation to that process which noted the extent to which this issue would affect Op NM. Before proceeding it was also important to ensure we understood whether or not any children were at risk. As far as I recall the images were thought to have originated from a detainee but I was not involved in investigating or directly looking into this concern.

65. As is shown in my workbooks around December 2016 it became apparent that data had been deleted from UKSF's [redacted] server (**RMP-221-0005786-A; PDF p.26)**. It appears that at the time it was thought circa two weeks' worth of data had been deleted. I do not know how or why this occurred but it was – as a minimum - consistent with my view that USKF were not being as cooperative as

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they could have been. It may have been that they were seeking to limit any reputational damage.

66. Despite the knowledge we had of the deletion we still had not recovered the server by this point. GOLD suggested that we should not proceed in relation to the deletion issue until he had conducted a meeting (**RMP-221-0005786-A; PDF p.29).** At the time Jason WRIGHT was of the view that there should be a standalone investigation concerning the data deletion but I can see that GOLD decided otherwise. There may have been a rationale behind the position GOLD took concerning this issue but I do not recall being made aware of what that was at the time.

(c) FMV/media footage

67. Upon review I can see that we were working to recover FMV footage **(RMP-221-0005784-A)**. SPCB3C were the technical experts who supported the Op NM team when seeking to recover the footage. Practically it is clear there was a geographical hurdle to overcome in that data relevant to aerial footage was clearly being held in the [USAF Base Name Given]. In terms of what was or was not recovered via the RAF and [a UKAF Sub-Unit] and/or from the US at this time – I cannot recall personally reviewing this footage. But clearly there is real investigative value where aerial footage is concerned. It was an opportunity to potentially recover and review live footage of the relevant DDOs. That would remain the case even if the [Air Asset] only captured limited segments of any given DDO (i.e., the build-up, or during or after).

68. Once more there were delays in obtaining this data – as with recovering any other material concerning the DDOs there were practical issues as we tried to recover this footage. For example, we first needed authority from GOLD to support or direct recovery in addition to the specialist 3C resource needed. With this footage

clearly there was the added dynamic of having to liaise with our US counterparts, which added another layer of military decision-making. In addition, the resource needed to factor in the cost of personnel travelling and staying in the US.

69. I note an Action being given to Sgt SMITH on 17 January 2017 to trace and interview the BANG interrogator that viewed the DOO footage but I do not recall ever reviewing any live footage in relation to the relevant DDOs, or that we recovered the same (be that body worn video or any other footage taken from a Air Asset) (**RMP-221-0005786-A; PDF p.11)**.

(d) Scene reconstruction

70. Upon review of my workbook I can also see that we were looking into the need for scene reconstruction of DDO compounds in October 2016 **(RMP-221-0005785-A; PDF p.14).** To the best of my recollection what is being discussed there is a digital/computer based asset or programme that may have been able to reconstruct a DDO compound. Ideally this would follow deploying to Afghanistan and visiting the scenes to compile imagery of the scene. This may have assisted in our understanding of the layout, so as to compare with any witness or UKSF accounts given. Were matters to have progressed it would also have assisted in memory refreshing witnesses or formed the basis of any questions we had.

(e) In theatre investigations in Afghanistan

71. The most valuable evidence that could have been gathered – in terms of witness evidence, scene inspection or review/interrogation of any SU1 / SFHQ(A) data remaining in situ - would have been gained by being in Afghanistan. But obtaining the authority to travel was time consuming and difficult. Practicalities such as the threat posed if off-base and seeking to visit DDO sites, and the need for either

our own weapons or force protection, were heighted by the need to provide that security in the context of the ongoing draw-down of forces in-theatre. In my view, this political background likely made getting authorisation for such visits more difficult.

72. I can also see upon being refreshed that practical issues concerning BIG WORD (interpreters) had to be addressed. That is, any interpreter had to be qualified and vetted in terms of clearance. Taking such non-military personnel was also an additional factor in relation to the risked posed to accompanying civilians whilst in Afghanistan.

73. It is also worth noting another practical consideration when seeking to get in-theatre: that is, the need for pre-deployment training. As my workbooks show, any deployment to Afghanistan required pre-deployment training (**RMP-221-0005785-A; PDF p.13).** This is a training package provided by Operational Training Advisory Group, which is specific to operational deployments for any member of the armed forces. It is mandatory when deploying on operations. This was a contingency we were clearly alive to as of the end of 2016, given I can see that we were planning a deployment ahead of time.

(f) Weapons recovery/interrogation

74. Another line of enquiry during my tenure was weapons and ballistics analysis concerning recovered EKIA weapons. Every weapon system has a particular set of markings or serial numbers. But were we to have had access to recovered weapons closer to the time of the original DDOs then we might have been able to conduct ballistics analysis or DNA/biometric comparisons. Despite being unable to do this we still sought to identify and interrogate any recovered weapons. However, clearly this depended upon identifying any relevant weapons then tracking whether or not they had been decommissioned or destroyed. Where

they are recovered, they can also be compared to any photographs of EKIA weapons SU1 may have taken following a DDO. The passage of time from underlying events to my tenure would no doubt have reduced the chances of obtaining meaningful evidence from any recovered weapons, but nonetheless it was considered proportionate and necessary to pursue this avenue during my time as DSIO.

75. At times some weapons were also recovered and used in training exercises. I can recall Weapons Intelligence Section ("WIS") leading on this process. Elements of WIS are RMP, given RMP personnel are sectioned to WIS. I can see that relevant weapons had been transferred to DSTL and secured in their armoury but I cannot recall the explanation for why they were sent to DSTL at that time (**RMP-221-0005785-A; PDF p.19).**

H. STRATEGIC DIRECTION AS OF FEBRUARY 2017

76. Having been reminded of Op NM's Mature Assessment from February 2017 (**RMP-221-0005786-A; PDF p.69**) and para. 32 of that Assessment, I note that it is recorded that the majority of Team 1's investigative actions had ceased under direction from GOLD pending the next GOLD meeting (**RMP-221-0005786-A; PDF p.76).** Whilst Jason WRIGHT authored that Assessment I can also see that he, as SIO, had not yet seen the IRT's Report. I do not know why this was the case but I would have expected this to have been shared with him by this point. In terms of then GOLD's – John HARVEY's – decision to pause matters and the fact that his investigative directions between September 2016 and February 2017 differed from previous GOLD's - John MCALLISTER's - direction and the views of Jason WRIGHT as SIO, I do not recall being made aware of HARVEY'S rationale for this difference at the time. But on reflection it is clear that there was investigative delay during this period.

77. It is also apparent that around February 2017 Jim PRIDDEN was due to leave his post as 3C's cyber specialist lead. I can see that, due to resourcing issues at that time, a replacement had not yet been identified. As the Assessment makes clear at paras. 38-39, in addition to general personnel issues due staff turnover resulting from long term sickness and mental health concerns, PRIDDIN's departure and lack of replacement had caused a "*complete cessation of numerous and significant cyber recovery*" analysis and planning (**RMP-221-0005786-A; PDF p.77**). This is indicative of the resourcing issues I mentioned above concerning the limitations placed upon Op NM in relation to specialist cyber support.

78. At para. 33 of that Assessment reference is also made to the substance of what may otherwise be termed as systemic issues. I am reminded that whilst the BANG investigation had been the original focus for Op NM, we were made aware of the fact that UKSF had conducted a TTP review into SU1 concerning 11 operations between November 2010-April 2011 (one of those being the BANG DDO). Upon becoming aware of that TTP review and considering the associated materials I can see that there was a question as to whether or not the BANG operation would be linked with the other 10 that fell within the TTP review as part of a series. The decision at that time appears to have been to await such a decision pending "*further intelligence and evidence*". The indication seems to have been that there may have been a link between the use of this TTP and a disproportionate EKIA-weapons recovered ratio.

79. My view is that the focus upon the BANG operation to this point was the right one. Whilst we were aware of a potential broadening of the scope of relevant DDOs and the need to look into other SU1 operations caught by the TTP review, we had to start somewhere. As I have set-out above we were still seeking to secure all potentially relevant materials for the BANG operations (especially in relation

to the servers). In my opinion, subject to developing further intelligence and/or evidence as Jason WRIGHT stated in the Assessment, prioritising the BANG investigation to fully explore all lines of enquiry before looking to expend investigative resource by linking all 11 DDOs was the correct decision to make at the time.

80. I can also see at para. 37 of the Assessment that Jason WRIGHT recorded that then PM(A), Dave NEAL, had taken the view that MOD Main Building should be more appraised of Op NM and that Jason WRIGHT's view was that this may affect strategic thinking. Whilst I do not now recall being made aware of Dave NEAL's rationale for this decision at the time, my view is that this is not a decision that his predecessor, Bill WARREN, would have taken.

81. I note that I inserted a direction from GOLD dated 6 March 2017 (**RMP-221-0005786-A; PDF p. 87).** This document sets out a range of directions, which were linked to the IRT's recommendations from the time, which appear to have been accepted by PM(A), Dave NEAL. In turn concerning the key directions set-out by GOLD therein:

    81.1. To the best of my recollection, and whilst I do not presently recall the specifics, I was of the view that there was sufficient evidence in relation certain suspects upon which covert policing tactics and/or RIPA applications could have been justified.
    81.2. As already stated I am of the view that it was not appropriate to re-classify suspects as witnesses.
    81.3. The direction to go to Afghanistan and seek to recover datasets was one I would endorse.
    81.4. I considered the decision to investigate the other 10 DDOs a sensible one.

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82. I have also refreshed my memory concerning a recorded decision of PM(A)'s that had been relayed to me by then SILVER on 13 March 2017 **(RMP-221-0005786-A; PDF p. 95).** That decision was a direction not to interview any of the NG UKSF witnesses that had been identified by that point. I can see that I wrote at the time that it was not clear to me why this decision was taken nor was this explained to me other than to say that PM(A) wished to first speak to the then Director of Special Forces ("DSF") before proceeding with any such interviews. As set-out on my second entry from this date, it is apparent that SILVER confirmed to me that PM(A)'s rationale for this decision was that he wished to speak to DSF first in line with then Chief of General Staff (CGS) direction to Commanders in relation to the welfare of soldiers subject to investigations. Over and above this explanation, I cannot recall any additional detail around this rationale being given to me regarding this direction by anyone. But in my experience witnesses would never be given advance notice of planned interviews.

83. I can see that as of 15 March 2017 my tenure as DSIO was coming to an end and that I had been seeking to arrange a handover with my successor WO2 WILLIAMS with his then Chain Of Command (CoC) **(RMP-221-0005786-A; PDF p. 96)**. As I recorded, through good will and effort this handover subsequently occurred on 20 March 2017 before I formally left Op NM on 23 March 2017 having sent WO2 WILLIAMS my handover notes by email on the same date. I had been promoted and was assigned to the Service Complaints Investigation Team ("SCIT") as a WO1.

I. CONCLUSION

84. In terms of my overall impression Op NM, for the reasons I set-out above during my tenure the investigative team did all that I feel we could have done to make progress within the confines of the resources that were made available to us. But this progress was subject to the delays imposed by the matters I set-out above.

Ref (to be inserted by Inquiry)

While the investigative team had an appetite to make progress, I would say that I am not sure that Op NM's commanders had the same view.

85. In terms of external pressure, my view is that there was investigative pressure insofar as IHAT had been heavily criticised and the PM(A) would have been under pressure to deliver an effect investigation within the resources available.

86. I believe that the investigation was effective during my tenure within the parameters of the direction given by GOLD and PM(A). However, I cannot comment whether Op NM was comprehensive overall as the investigation was ongoing after I left.

87. I do believe that the Royal Military Police were the right organisation to conduct this investigation, given the operational context. The RMP have jurisdiction over serving personnel when deployed overseas whereas civilian police will not.

Statement of truth

I believe the contents of this statement to be true.

Signed: Signature [redacted]

Dated: 23 May 2025

Signature Signature [redacted]