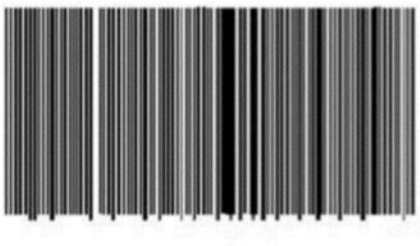
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



RMP-221-0006690-A

Ref (to be inserted by Inquiry)

Witness name: N73 [redacted]

Statement Number: 1

Dated: 12 MAY 2025

Exhibits: 6

INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

WITNESS STATEMENT OF N73 [redacted]

DATED 12 MAY

A. INTRODUCTION

1. I, N73 [redacted], am making this statement in response the Thirty-First Secret Rule 9 request from the Independent Inquiry relating to Afghanistan (IIA), dated 26 November 2024.

2. In preparing this statement I have reviewed the documents listed in the Annex appended to end of this statement.

3. Upon being posted to Operation Northmoor ("Op NM") I was a Rank given [redacted] and I joined the investigation as the Deputy Senior

Investigating Officer ("DSIO"). I remained in that role from March 2014 until July/August 2016. For that reason, the evidence I give in response to this Rule 9 request is necessarily restricted to events that occurred during my tenure as DSIO.

B. TRAINING AND EXPERIENCE

4. I joined HM Forces circa March 1991 as an Infantry soldier Capbadge given [redacted] and transferred to the Royal Military Police (RMP) in March 1999 where I completed the Initial RMP Training Course at the Royal Military Police Training School (RMPTS). Since transferring to the RMP, and prior to working on Op NM, I had completed the following investigation courses:

   a. RMP Investigations Course; RMPTS (circa April 2002)
   b. Special Investigations Course; RMPTS (circa January 2004)
   c. Crime Scene Investigations Course; RMPTS (circa January 2005)
   d. Crime Scene Managers Course; Hampshire Constabulary (circa January 2008)
   e. National Optical Evidence & Intelligence Gathering Course; Greater Manchester Police (circa March 2008)
   f. Forensic Human Identification Course; Metropolitan Police Academy (circa April 2008)
   g. Advanced Disclosure Officer (CPIA); Metropolitan Police Academy (circa 2010)
   h. Diploma in Forensic Human Identification (Dip FHID); Royal Society of Apothecaries (circa April 2010)
   i. Senior Investigating Officer course; Greater Manchester Police (circa April 2012)

j. Clandestine Burials, Mass Fatalities & Terrorist Incidents; CELLMARK Forensic Services (circa September 2012).

5. I cannot recall exactly when but I also undertook a Provost Detention Course - Defence Collage of Policing & Guarding (DCPG) - circa September 2014.

6. In addition to this training, I served continually with various units of the RMP Special Investigation Branch ("SIB") from 2004 until I retired from HM Forces in January 2017. My time with the SIB was spent investigating complex and protracted investigations in domestic and operational theatres. During the aforementioned period, I also deployed on two full operational tours to Afghanistan, with a further three additional short term deployments there.

(i) OP ELSINORE: 2013-2014

7. In order to understand my experience upon being assigned to Op NM, it is important to explain my role in one of Op NM's predecessor investigations: OP ELSINORE. In the latter half of 2013 I was the Rank Given [redacted], 34 Section SIB, RAF Uxbridge, London. I received instruction via the Provost Marshall (Army) ("PM(A)") Chain of Command from Lt Col MCALLISTER to conduct enquiries into allegations of abuse/ill-treatment by HM Armed Forces personnel against Afghan Nationals. This investigation became known as OP ELSINORE. As I recall the underlying allegations had first been submitted to the Ministry of Defence ("MoD") from what was then referred to as a 'Public Interest Law Firm', specifically Leigh Day.

8. I believe there was a stringent timeline attached to this task as the MoD were required to submit a response to Leigh Day. I do not recall the exact timeline that was given to complete these preliminary enquiries but I recall a

conversation with Lt Col John MCALLISTER and him saying words to the effect of "*this is the work, there's a timeline attached, it is urgent*". I remember thinking at the time that, given the broad nature of the allegations and the potentially wide scope of information and evidence that would need to be reviewed within the relevant time period, it felt like looking for a needle in a haystack. Whilst I was initially tasked on OP ELSINORE alongside a continuation of my other duties, not long after my conversation with Lt Col MCALLISTER – circa 3 weeks – I was tasked to work solely on OP ELSINORE.

9. Initially there were circa 72 allegations but they lacked detail and were listed in a spreadsheet format. There were no specific details apart from the names of the complainants and a short synopsis outlining each allegation. But other information was lacking. For example they did not (then) identify specific dates, locations, nor the identities of personnel or units involved. I do recall there was a copy of a fingerprint for each complainant although I cannot recall if this was submitted initially or if they were received as a result of an additional request being made to Leigh Day.

10. The lack of information and the fact the complainants and witnesses were not in the United Kingdom was problematic (they were believed to be still in Afghanistan). Ideally, I would have liked to speak to each of the complainants in-theatre and obtain their account first-hand as soon as possible. However, in the early stages of Op ELSINORE in 2013 I was told this was not yet an option and first I was to seek to either confirm or refute the allegations based on the information provided. I cannot recall specifically who made this comment but I do recall speaking to the then SO1 Legal Officer at PM(A) regarding this matter (I cannot recall his name). That said, I understood why the considered view was that we did not have enough information and/or evidence alongside the initial allegations to justify getting into theatre in Afghanistan. First and foremost we needed to identify whether or not any of the complainants had been UK

detainees, in order to then identify relevant units, operations, or prospective other witnesses. These key details were missing. Notwithstanding this I remember thinking that I would still have liked to have carried out at least preliminary enquiries in-theatre sooner rather than later in order to preserve any potential evidence or develop lines of enquiry ("LoE") by speaking to possible witnesses.

11. Given the limited information I had, I decided the most appropriate way to proceed in the short term was to identify a number of different information fields and populate them with information provided by Leigh Day alongside any information that could be identified and harvested from the various databases held by the MoD. My thinking was that once all the respective data sources had been exploited and the fields populated, each allegation would be scored - one point for each field - and therefore the higher the score, the more likely it was that the incident had occurred. I recall I liaised with Warrant Officer Class 2 ("WO2") Steve HASLETT; he was the WOIC for the HOLMES/Major Incident Room ("MIR") within the HQ of SIB Regt. I explained my strategy to him. I asked if there were any other options for consideration regarding the task in hand. I recall he stated the strategy seemed to be a solid way to proceed given what we had and that once all the information had been gathered then it would be useful to review the strategy.

12. Having identified the scale of the task I informed HQ SIB that I would require additional investigators to complete it. This was agreed and all unrelated (i.e. non-OP ELSINORE) 34 Sect SIB investigations were passed to other SIB units for completion. This left myself and two other investigators: SIB Sgt Sarah KAY and RMP Cpl Lucy (I cannot recall her surname) to conduct enquires. I recall that it was about this time – towards the end of 2013 - that these allegations formally became collectively known as Op ELSINORE.

13. The primary MoD databases that were searched included the following;

    a. Directorate of Judicial Engagement Protocol
    b. REDCAPS – RMP crime database
    c. MoD Corporate Memory
    d. MoD medical archives
    e. Intelligence and Exploitation archives [redacted]

14. First, I sought out the detention records for the OP ELSINORE complainants. They were hard copy. Whilst not my first choice, in light of the limited information – as stated above – I had to conduct a fairly rudimentary probability analysis concerning grading and prioritising the complainants. This involved manually obtaining then reviewing the detention records, which was also complicated by the fact that at times detainees' medical records needed to be evaluated but that necessitated obtaining their consent. I recall this consent either took time to obtain or was not forthcoming at all.

15. Due to the limited information initially received, the searches proved more unsuccessful than not. However, the searches did result in information related to several of the allegations being identified and there was certainly enough information to partially corroborate some detail. One stood out for me. This individual was called Mohammad BANG; an Afghan national who had been allegedly unlawfully detained and his son killed during - what I then understood to be - a British 'Green' Army operation in Afghanistan. I recall this particular individual because firstly I thought he had a distinctive surname and secondly the account provided by Leigh Day concerning him was the most comprehensive of all the allegations that were submitted. Prior to March 2014, BANG's allegation was the only one we had definitively confirmed related to a UK detainee. But at that point we did not otherwise know the circumstances of

his detention, nor that his detention related to a UKSF operation. I do remember thinking that the operations may well relate to UKSF operations, given at that time whilst the regular army had less of a presence in Afghanistan I knew anecdotally that UKSF were still very active and/or regularly engaging in kinetic activity. That said, at this point it was simply background assumption that did not expressly inform my thinking absent evidence that confirmed the suspicion. As a result, a lot of information pertaining to BANG was found upon searching the above databases. Given the fact that BANG's allegation – latterly known as N50 within Op NM – gained such prominence as part of Op NM, my view is that my work on OP ELLISNORE formed a key part of my understanding and experience upon being tasked to join Op NM in 2014.

16. It is also worth making clear the practical impact of not yet knowing that the allegations pertained to UKSF in the early stages. This restricted where we knew to look for evidence, particularly in terms of witnesses, suspects or related operational data. For example, TORCHLIGHT and VARSITY were detention and exploitation centres in Afghanistan and UKSF always brought detainees into one of these centres. But the detainee records do not say clearly on their face whether or not the detainees captured related to regular army operations or UKSF operations. Those records simply outline when and where a person was received and say little as to what happened before or what led them there. Whilst latterly it was sometimes possible to tell from a detention file whether or not a detainee arose from a UKSF operation – e.g. due to a specific reference number, I learned during Op NM that the detention/detainee reference number can indicate a prefix that denotes that the underlying operation was a UKSF operation – even then reviewing these hardcopy records in order to identify this was time intensive given their volume.

17. Another complicating factor in that context was that there were three different detention holding facilities within Camp BASTION, which was a regular army

base. But a review of detainee records there would not necessarily make clear whether or not detainees had arrived following a UKSF operation. It may be the case that an individual had been detained in Camp BASTION for 12 hours, but only been 'handled' by UKSF following an operation for 1 or 2 hours total. The detainee records only told part of that story.

18. We also encountered difficulties in relation to conducting fingerprint analysis, given from the information provided we did not initially have fingerprints provided for all Op ELSINORE/Op NM complainants. In addition, the quality of the biometrics that had been provided were of variable clarity. [redacted]



[redacted]. I have reviewed a summary of how far Op ELSINORE had got as of 31 January 2014, which I authored at the time (see RMP-221-0006689-A). That encapsulates where things were shortly prior to the commencement of Op NM.

19. I cannot recall being involved in any of the other major Afghanistan focussed investigations such as Op PAVO, Op SHIVERWOOD and an allegation by IIA828. However, that is not to say that I may have been tasked to record a statement or recover a piece of evidence for any of them. If I was involved in any of them, it would have been as an investigator and I can state with certainty I did not hold any key roles such as DSIO, Disclosure Officer, etc. I do recall being tasked to conduct a Crime Scene Examination on Op TELEMETER in Afghanistan.

Ref (to be inserted by Inquiry)

C. THE BEGINNING OF OP NM: MARCH 2014

20. On or about 17 March 2014 I first became aware of Op NM (I was posted from 34 Sect SIB to HQ SIB Regt in Bulford March-April 2014, which was a natural move given we were ordinarily posted on 2-year rotations). Prior to the commencement of Op NM I had not worked on, nor was I aware of, OP ISOPTIC. I do not recall any express discussions about potential overlap between Op ISOPTIC and OP ELSINORE up to March 2014. In addressing this period I have read my first workbook from Op NM, RMP-221-0005776-A.

(i) WORKING AS A DEPUTY SENIOR INVESTIGATING OFFICER ALONGSIDE THE SENIOR INVESTIGATING OFFICER

21. I was called by Capt Jason WRIGHT who informed me that Op ELSINORE was forming part of a wider investigation, to be known as Op NM. In addition to Op ELSINORE the investigation was to combine a number of previous SIB investigations pertaining to Op HERRICK and additional allegations of ill-treatment of Afghan nationals by HM Armed Forces personnel. Capt Jason WRIGHT and I had a meeting and he briefed me about the investigation. He had been appointed as the Senior Investigating Officer ("SIO") and I was to be his DSIO.

22. I do not know exactly why I was chosen as the DSIO or who made the decision. I can only surmise that I had the background knowledge of the Op ELSINORE allegations which were then captured by Op NM. As SIO, Capt WRIGHT was primarily responsible for the overall investigative strategy. I knew that my job was to support him in terms of developing and pursuing investigative LoE as part of that overall strategy. In addition, my role as DSIO was to ensure actions

were distributed to the wider team in order to achieve the SIO's objectives; I would brief the investigators on their tasks and where necessary or appropriate revise their direction to ensure they were focussed on the task in hand.

23. At this point I had known Capt WRIGHT throughout my time in the SIB as we were roughly the same peer group, but we had not previously directly worked together. However, given the small size of the RMP I recall having only a positive professional impression of him at the time, and had always heard positive things about him from others that had worked with him directly. On a personal note we got on well and I held him in high regard.

24. It is worth saying that at that time Op NM was probably the biggest investigation the RMP had ever undertaken (in terms of the volume of complainants). Nonetheless during my time on Op NM I found Capt WRIGHT to be a consummate professional, extremely dedicated and a shrewd investigator. He never acted in isolation and sought my counsel and advice on matters when required. In addition, my impression was that he afforded every member of the team a voice so as to collectively progress matters. For example, I recall one of his first actions as SIO was to call a meeting with all the other SIO trained officers within the SIB. He briefed them on the scale and obstacles Op NM presented and he provided an overview of how he was looking to proceed. He also welcomed any advice or suggestions from other SIOs.

25. In terms of record keeping, due to my training and prior experience I was aware of the need to keep detailed and contemporaneous notes. As can be seen, first and foremost, I kept detailed handwritten notes of Op NM throughout my time as DSIO.

(ii) Op NM's Terms of Reference

26. I was made aware of Op NM's Terms of Reference ("ToRs") in general during my first meeting with Capt WRIGHT. He briefed me on the investigatory scope but I cannot remember him mentioning the specifics of the ToRs *per se*. I recall him saying it was Brigadier WARREN's - then PM(A) - priority. Having refreshed my memory upon review of the ToRs/directions that were formulated at the time Brigadier WARREN declared Op NM as a critical incident, I can recall that these were explained to me (see RMP-221-0006693-A). On reflection the ToRs at that stage could have included more detail, such as a more specific timeframe so as to focus the scope of the investigation. For example, OPs ELSINORE and ISOPTIC would in theory have fallen across a 6 or 7 year period. Even if we had accessed the relevant servers at that stage, or soon after, the potential volume of data within this broad period of time would have taken an inordinate amount of time to interrogate (even once forensically copied/preserved).

27. It was in that context that Capt WRIGHT and I were tasked to progress the investigation and determine the investigative strategy. My view is that we drove the investigation and the priorities as we understood them as best we could in that early period in 2014, given how broad the strategy that had been set by PM(A) was. That said, as addressed above, thanks to the experience I had concerning Op ELSINORE I was particularly familiar with the core allegations arising out of that strand of Op NM. The subsequent split into three teams during 2014, my role falling within Team 1 (unlawful killings), also provided a more clear focus.

D. THE RMP'S STRUCTURE AND RESOURCES

28. The nature of the command structure as between the different components of the RMP such as 3C (Cyber Crime Unit), MIR/HOLMES, 1 Regiment RMP (based in Germany), 3 Regiment RMP and 4 Regiment RMP, had an impact.

There were limited personnel and the main repositories for those with investigative SIB experience was the SIB Regiment. This limited where we could draw from and how quickly we could build the Op NM team during 2014-2015. Capt WRIGHT and I visited other RMP Regiments with regard to Op NM's Mounting Order and requested additional personnel from them to supplement the investigative team. But due to the size of the SIB Regt, the Op NM team could only be staffed with minimal SIB investigators at the outset. I remember that 3 RMP was the unit with the ability to release additional personnel to assist the Op NM investigation, however they did not necessarily have the pre-existing investigative experience and training required for an A+ investigation such as Op NM.

29. The structure of the RMP was also linked to other resourcing issues. Upon Op NM being declared a major incident by PM(A) in 2014, the investigation should have been adequately resourced from the outset – especially in relation to specialist cyber support. Intelligence and cyber support were the two most expensive and specialist modes of investigative support we required. But 3C's personnel numbers were limited as part of the RMP's overall structure, and in addition to Op NM those individuals still had to service all of the RMP's broader cyber needs. I remember Capt WRIGHT making requests to GOLD in relation to cyber support. The cyber support hierarchy were receptive but there were limitations given other investigations wanted their own dedicated analyst, so they had to manage the allocation of that resource in relation to Op NM alongside the needs of non-Op NM investigations.

30. I recall frequent conversations concerning resources. This was something I discussed with Capt WRIGHT on an ongoing basis even if we did not always expressly record that fact. I remember feeling that at times it felt like there were too many administrative obstacles to securing the resources that were needed

in a timely manner, but I was also aware that this was indicative of the Chain of Command in the context of finite specialist resources and (eventually) data and evidence that had to be held at the necessary classification. The Op NM team were also hindered from the outset in terms of limited personnel with sufficient investigative experience that also had the requisite security clearance. For example, the majority of SIB personnel had the appropriate clearance and as such were capable of viewing and handling material of a certain classfication. However many non-SIB personnel did not have that clearance. This capacity issue was a major obstacle to overcome when giving actions to investigators, especially those enquiries involving UKSF personnel or documents as Op NM progressed.

31. It is also important to note the reality of the Chain of Command. The RMP was, and is, part of the army. The dynamic of an investigation like Op NM meant that, ideally, we needed investigators with the necessary experience to allow them to act confidently when potentially interviewing or arresting those that were their superiors by rank. This is something I feel is particular to the nature of the RMP's role when policing the army generally, let alone in the context of an investigation involving UKSF.

(i) Location

32. Whilst I was initially based at HQ SIB Regt, Campion Lines, Bulford, the Op NM Teams were dispersed throughout the Campion Lines offices and did not have a dedicated Incident Room. This meant that, until the move to St Mawgan in Cornwall in February 2016, the Op NM Teams were not all working in one location. Not only did this make immediate communication an issue – my view is that working in-person as a team brings benefits especially with an investigation of this complexity – but until we got to Cornwall there were also issues with generating and retaining data held at a certain classifcation. In effect, the Op

NM team was outgrowing the real estate available in Bulford. In addition, Newquay afforded the appropriate level of security and real estate to store and process the increasing level of classified material and data the investigation was generating. But identifying a suitable location with the requisite capacity took far longer than anyone would have liked. That is due not only to the physical space and type of facility needed for secure systems and servers capable of holding that information, but also due to the large volume of data we anticipated would need to be secured. A direct example of this is the Forensic Data Handling Capability ("FDHC'"). The need for this capacity was clear but the delays in securing the facility, let alone securing a location that could house it, were apparent throughout 2014-15. It was also hugely expensive (costing millions of pounds). That said, as I state below, whilst the need to establish this infrastructure was key the reality is that in the first instance during my tenure as DSIO we were unable to secure potentially relevant data from UKSF's servers. In that sense the delay in securing the FDHC, whilst regrettable, was secondary to first trying to preserve the data and the lack of the former had limited investigative impact.

33. In relation to training on HOLMES, the training was restricted to presentations on how the system was to be used, the generation of actions and the submission of material to the system. I had never actually used it before on a major investigation, so my working knowledge of the system was limited. I believe the system to be effective due to the number of LoE, personnel, and actions that had to be managed by the SIO and myself. At the onset, the majority of personnel on Op NM had never used the HOLMES during a live investigation, nor had they worked on such a complex investigation. The initial difficulties that arose were that the investigators did not have sufficient knowledge to fully utilise HOLMES and get the best out of the system. The impact this had on the investigation was that initially there was a backlog of information to be entered onto HOLMES, the investigators were unsure of the

correct process to do submissions and this subsequently caused delays when generating and completing actions.

34. Whilst the move to Newquay was a practical solution to accommodate the personnel and investigational resources, it was not a popular decision with many of the investigators. A number of the married personnel were able to relocate their families with them, however, the location and accommodation appeared to affect the morale of the single personnel. This was a major factor when trying to entice personnel to volunteer to become part of the investigation as it progressed during my tenure. In addition, personnel were also receiving Posting Orders committing them to the investigation for at least two years. That reality in conjunction with working in a building with adverse working conditions . Once in Cornwall Op NM HQ, Capt WRIGHT and I looked at various options to boost morale, which included ensuring the investigators had sufficient personal time off, arranging team building events and providing additional time off for personnel to travel to see their families. But there was only so much we could do and I have no doubt that the practical reality of working on Op NM in that context took its toll on colleagues at times.

(ii) Changes in Op NM's structure

35. As the allegations being made expanded in 2014 Capt WRIGHT and I decided to internally restructure the composition of Op NM as follows, in order to focus resources and LoE as between the unlawful killing allegations in relation to UKSF, and detainee abuse said to have been carried out by regular army units:

    a. Team 1 would be primarily SIB personnel and would focus on investigations linked to the UKSF community. There were members of this team who were not SIB personnel. Capt WRIGHT and I conducted

internal interviews of the other Op NM personnel to assess their suitability based on their knowledge and investigative experience. The strongest candidates were then selected to become part of Team 1. Ideally, we would have preferred a full team of SIB investigators but this was not possible. I believe the total number of Team 1 personnel was circa 8 which included the SIO and myself.

b. Team 2 were responsible for investigating allegations against regular units (non-UKSF) of HM Armed Forces. I cannot recall the dynamics of that particular team except to state that WO2 Zoe DUCE was the WOIC and Capt Josh STRIBLING was the Officer in Command of that team. I cannot recall how many investigators were in Team 2.

c. Team 3 was being run by WO1 Deborah HAYES. Team 3's remit primarily involved disclosure and the HOLMES system. I cannot recall the number of investigators in that team.

d. Following the move to RAF St Mawgan in Newquay in February 2016, Op NM had established an HQ which was commanded by Maj Tina STITSON. HQ were responsible for the administration of Op NM personnel.

E. OP NM PERSONNEL/LEADERSHIP STRUCTURE

36. As above, with regards to Op NM's investigative direction my personal opinion is that Capt WRIGHT was the most suitable officer to fulfil the SIO role. Other team leads such as WO1 Deborah HAYES and WO2 Zoe DUCE had come from investigative backgrounds and had a reliable reputation as did the other SIB qualified personnel. Whilst it took some time for Op NM to get fully mobilised - longer than I would have liked - I believe we managed to formulate

a comprehensive overall strategy driven by an effective investigative team in light of the resources that were made available.

37. In terms of other individuals, to the extent I had any specific views or concerns, they were as follows:

a. During my tenure on Op NM, Brigadier Bill WARREN was the PM(A). I was present during meetings when Capt WRIGHT was briefing the Brigadier on the progress of Op NM. Apart from those meetings, I had no dealings with the Bridadier. I had no dealings with Lt Col Dave NEAL as I believe he had been recused from the Op NM investigation from the outset.

b. Lt Col MCALLISTER was GOLD Command from the outset of Op NM in 2014. At times I felt that Lt Col McAllister considered our desire to progress and push on was us being 'pushy' (to paraphrase). That said, on reflection he seemed under a lot of pressure to progress the investigation as best he could and he was trying to manage the SIO and my expectations, without suppressing our desire to expedite the investigation.

c. I recall that, upon being appointed SILVER in 2014, I formed the impression that Major WARD did not involve himself overly in Op NM. He did not give much in the way of direction at the outset and Capt WRIGHT predominantly led on investigative strategy. I felt that Major WARD took the view that he could leave us to get on with it. I remember in the Summer/Autumn 2014 he went to Afghanistan to interview detainees in Parwan but he left Op NM before the end 2014.

d. Major WARD was subsequently replaced by Major Moira PENMAN. During Major PENMAN'S tenure, she was primarily responsible for arranging the re-location of the Op NM team from Bulford to RAF St Mawgan. I do not recall her being directly involved in the investigative strategy or giving direction to Capt. WRIGHT or myself.

38. The only potential conflict of interest I recall related to the fact that prior to 2016, one of the Commanding Officers of the SIB Regiment was Lt Col Clare WATERWORTH. She was married to (then) Lt Col David NEAL, who - before becoming PM(A) as a Brigadier - was the lead for all Provost Detention matters. This responsibility also included operational detention facilities. I remember that Lt Col MCALLISTER made a recommendation for Lt Col WATERWORTH to recuse herself from the Op NM investigation on the basis of her relationship with Lt Col NEAL, due to his role in overseeing the detention of Afghan nationals. I believe Lt Col WATERWORTH did recuse herself prior to Op NM becoming independent of the SIB Regt.

F. EXTERNAL ASSURANCE

39. During the course of Op NM, Capt WRIGHT and I primarily made use of Detective Superintendent Paul Williamson from the National Crime Agency (NCA). We would routinely meet to discuss our strategy and look for opportunities to expedite the investigation. It was a positive relationship and it was encouraging to see that his ideas were aligned to ours. However, after a period of time, his frustrations were obvious in relation to the overall delay and military protocol.

40. I can recall Op NM being subject to other external reviews (such as the IAG and GMP MERT). However I was not especially directly involved with external agencies given they mainly dealt with Capt WRIGHT.

Ref (to be inserted by Inquiry)

G. RELATIONSHIP WITH UKSF/ HQ DSF DISCLOSURE STAFF

41. My relationship with UKSF had been established before Op NM came into existence. During my time at 34 Sect SIB, I would routinely liaise with their Disclosure Staff regarding incidents involving members of the UKSF or attached personnel. The incidents themselves were not always serious but the simple fact that UKSF or attached personnel were involved required someone with appropriate clearance to conduct enquiries. Once Op NM was initiated, I often made enquiries via the UKSF Disclosure Staff. I had a cordial, professional relationship with the SO3 - [redacted] from the SBS – named N96 (he was primarily based at HQ DSF). I never had any disagreements with him and he facilitated any meetings with UKSF personnel, usually without any undue delay. I address some specific examples concerning my interactions with UKSF below in more detail below.

H. INVESTIGATIVE DIRECTION

42. GOLD meetings were frequent but not necessarily regular. Primarily the format of the meeting would be the SIO briefing GOLD on the status of the investigation, but more often than not it would be the SIO requesting additional resources. I would have attended the majority of those meetings which were usually minuted, not by myself or the SIO, this would have been by someone from PM(A). I do not recall any specific SILVER meetings taking place. At times, GOLD meetings would be overlapped with Command Conferences which is an overlap between investigative resources and priorities and the HR and welfare of the Op NM personnel. In my opinion, the GOLD meetings should have been restricted to the SIO's request for resources, LoE, and progress of the investigation. Command Conferences should have been held separately to

discuss welfare and concerns of investigators. As for any other meetings that would have taken place, my recollection is that they were related to the relocation of Op NM to Cornwall.

(i) Getting to Afghanistan

43. As noted above, even during Op ELSINORE, my primary intention was to interview the complainants and from the outset of Op NM this was also what Capt WRIGHT wanted to achieve. It was important to get first-hand accounts sooner rather than later. We were prepared to travel to Afghanistan to meet with the complainants and Capt WRIGHT first sought permission for us to do so in 2014. I believe this was through Lt Col MCALLISTER. I do recall Lt Col MCALLISTER then back briefing Capt WRIGHT and myself stating this was not possible. I also recall Capt WRIGHT proposing travel to a third (impartial) country to interview them but this was also rejected. I believe the only compromise Leigh Day were then willing to accept was that the complainants could be interviewed in the United Kingdom. I know this option was rejected out of hand from someone with more authority than GOLD but I cannot confirm who.

44. Whilst this was frustrating, it is important to make clear both the policy and operational constraints placed on us in the period of 2014-2016 when seeking to get in-theatre (especially off-base), even when we wanted to. The clear impression at the time was that there was not an appetite at Permanent Joint Head Quarters ("PJHQ") level to sanction visits from additional personnel. The UK footprint in Afghanistan was reducing at that time and the political landscape was changing. The ultimate decision-makers concerning the necessary authorisation and support in-theatre sat above the RMP and within PJHQ. This must be understood in the context of the UK and coalition partners dismantling

infrastructure and seeking to hand responsibility back to host nation forces. The practical impact of this limited what we could do in-theatre.

45. For example, we were not issued firearms when in Afghanistan in July 2014 (see RMP-221-0005777-A). This meant we were not authorised to travel off-base and/or would need armed support were we to do so. But the threat to life and unstable security situation in-theatre at the time meant force protection was never authorised, and so we could not visit potential DDO sites. For example, once in theatre, authorisation went far above the RMP and required sign-off by Joint Force Support Afghanistan ("JFS(A)"). To the best of my knowledge, JFS(A) were in command of all British military assets in-theatre. There would also have to be liaison with coalition partners. The need to protect our own safety, and the limitations placed on obtaining force protection at that time, was a huge inhibitor to accessing the potential crime scenes to conduct on-site analysis in the way we would have liked.

46. The investigative impact of this barrier was clear to me at the time. Even once the detainee records had been analysed, any matches to Leigh Day complainants either only confirmed they were detainees or perhaps included detail as to injuries sustained. This provided limited corroborative evidence. However, were we to be given meaningful access to Afghanistan then the ability to identify and interview potential witnesses – or inspect and access the actual DDO locations – would have provided much more investigative value. For example, visiting the scene would have allowed us to compare each location's layout against the accounts we had, storyboards, action reports and any witnesses that we may have been able to locate and interview. The sooner we were able to get out there and explore potential witnesses, secure and preserve any evidence and assess the scenes, the better.

47. Another example of in-theatre work is the ability to conduct an aerial analysis of DDO locations, even if we could not physically investigate them on foot. We could then test that layout against the complainants' accounts and any account given by UKSF personnel (whether following an interview or as set-out in an OPSUM, for example). This sort of aerial reconnaissance could take place via the use of a drone or helicopter but the in-theatre reality posed a number of limitations and delays in that respect - as my workbooks show - as early as July 2014 we were seeking this sort of aerial support when in Afghanistan but the assets were not authorised.

(ii) Securing and preserving UKSF data/servers

48. A key strand of the Op NM investigation was trying to access the UKSF's servers (and in particular the in-theatre SFHQ(A) server). This was a priority from the outset in 2014 as it was deemed key to holding vital evidence regarding UKSF operations in Afghanistan. Capt WRIGHT and I had several meetings with the WOIC, RMP Cyber Crime Unit (WO2 Jim PRIDDEN) regarding the need to retain and interrogate the data held on those servers. I recall WO2 PRIDDEN stating it was possible and it could be achieved with limited disruption. The UKSF hierarchy deemed otherwise. Throughout 2014-2016 proposals to review or effect recovery of the servers were met with negativity and sometimes hostility from UKSF personnel. Their biggest objection was that it would affect their operational capability. I did not have the technical expertise to understand the difficulty recovering the server, but I do recall WO2 PRIDDEN challenging the technical excuses UKSF were using to justify why we could not recover the server.

49. A practical example of this occurred in July 2014 when in Afghanistan (see RMP-221-0005777-A):

a. After attempting and failing to find common ground relating to recovering data held on the in-theatre SFHQ(A) server, Capt WRIGHT and I - accompanied by 2 x Senior Non-Commissioned Officers ("SNCO") from the Cyber Crime Unit/3C (and without prior authorisation from UKSF before leaving the UK) - flew to Afghanistan with the intention of reviewing data held on the server. Our cold call approach seemed to panic the UKSF command in-theatre. A fractious conversation between a UKSF4 officer and me occurred (he was attached to UKSF). The officer was stating we could not have the server. When I asked, "*why not*?" he responded with words to the effect of "*because I said so*". My frustration at the time resulted from the fact that we knew how important it was to preserve the data and there was resistance when we were trying to do so. Whilst a warrant was an option at this stage the hope had been that UKSF would cooperate with our requests, but this was not forthcoming.

b. Things calmed down and the 3C SNCOs began scoping out the scale of the data held on the server. However, our short-lived success was abruptly halted. The UKSF hierarchy in-theatre established that neither of the SNCOs had the appropriate level of clearance to handle the security level of the material on the server. My argument to counter this challenge was that, at that stage, it was just a scoping exercise and they did not need to review the data itself. Unfortunately, this was not enough to convince the UKSF command element and our access was cut short.

50. Absent this direct access to the data, requests for information from the UKSF servers had to be passed from the Op NM investigation team to UKSF's Disclosure Staff. This was not an ideal situation but it was the only way of making any progress regarding the investigation and associated data in period of 2014-

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2015. This pathway potentially compromised LoE as we were disclosing what evidence we needed to prove or refute an allegation in advance of being given access to the data. After some time, Capt WRIGHT had managed to ensure some investigators could review and access the data directly whilst at HQ DSF [redacted] (they were subsequently permitted to conduct their own searches on the server). Whilst this was an improvement, the integrity of this course of action was clearly undermined. The investigators had limited search parameters and UKSF could observe or monitor their search history. The whole issue of server access was fundamental to Op NM and it became increasingly frustrating for both me and Capt WRIGHT as we sought to find a solution. The simplest way would have been to obtain a warrant and seize the servers or the data they held so as to forensically copy their contents. This was an option that I believe was proposed by Capt WRIGHT but was rejected by the RMP hierarchy (either GOLD or PM(A) but I am uncertain as to who).

51. One of UKSF's objections to giving us access was that the servers held sensitive material from other Government Departments (OGDs). Captain WRIGHT organised a meeting to discuss these issues with all of the relevant parties in February 2015, with UKSF also in attendance. At this meeting Captain WRIGHT explained that we were only interested in material of relevance to Op NM, and the various OGD representatives made it clear that they had no objection to us accessing other material if this was necessary for triage purposes provided we were clear about how it would be handled. From this point onwards UKSF could no longer justify the lack of server access on the basis of OGD material, yet access to the servers continued to be delayed between this meeting in 2015 and my departure in 2016.

Signature... N73 [redacted]

(signed electronically)

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[redacted]

52. It is my understanding that any FMV/media evidence recorded during a DDO would have been uploaded to the UKSF server, along with all other material associated with that operation.

(iii) UKSF disclosures in 2015

53. By 2014 we were able to establish that some of the Leigh Day complainants had been detained by UKSF and that there had been enemy killed in action ("EKIA") recorded during those operations. In terms of developing LoE, it was from this point onwards that potential working theories developed that pointed towards an element of corroboration. But prior to 2015 we had, for the reasons I set-out above, been unable to identify the names of any UKSF suspects. Clearly, other than talking to alleged witnesses, it was of crucial importance to ascertain if there were any credible suspects arising out of the allegations. During 2015 it became apparent that the same SAS unit – SU1 - seemed to be involved in DDOs in which the same or similar pattern emerged: losing control of a compound after initial contact which led to EKIA, resulted in a trend where the ratio between those killed and weapons recovered was not proportionate.

54. It was only around May 2015 when, as I recall, Capt WRIGHT first told me that he had been made aware of intelligence relayed from within UKSF that alluded to potential unlawful killings. A senior UKSF officer – who I later knew to be [redacted] N1466 - had raised concerns about a particular unit in relation to unlawful killings, or EJK, during DDOs in Afghanistan within the relevant period (see RMP-221-0001984-A).

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(signed electronically)

55. This intelligence arose from what became known as Op [redacted] A [redacted]. This document, or compartment, was entitled "CO SBS Eyes Only". On review of my workbook from this period, I can see that I recovered it on 15 June 2015 from [redacted] SBS [redacted]. This document recorded a conversation between [redacted] N1799 [redacted] and another, later identified as [redacted] N1201 [redacted] in relation to [redacted] SU1 [redacted] and was dated 24 March 2011. I exhibited that document as LGR/1a at the time. In summary, the document recorded comments made by an individual - [redacted] N1201 [redacted] (SAS) - to - [redacted] N1799 [redacted] (SBS) – at some point during 2011. [redacted]. Comments were made to the effect that during [redacted] N1201's [redacted] recent deployment in Afghanistan, [redacted] SU1 [redacted] had been intentionally killing unarmed fighting-age Afghan males during DDOs and manufacturing the threat they posed by dropping weapons post-death. It also became apparent that [redacted] N1799 [redacted] had relayed this information at the time to his then SBS CO – [redacted] N1785 [redacted]. [redacted] N1785 [redacted] had asked [redacted] N1799 [redacted] to record the conversation, and it was that document that [redacted] N1785 [redacted] had retained in the safe that I latterly recovered in 2015.

56. Separately, at this time we learned that [redacted] N1785 [redacted] had also had a conversation with [redacted] N1466 [redacted] at a social function. [redacted] N1466 [redacted] made clear to us that he had raised similar concerns with [redacted] N1785 [redacted] at that function, given [redacted] N1466 [redacted] had previously become aware of [redacted] SU1's [redacted] use of the tactic of sending unarmed males back into compounds post-contact, which led to re-engagement and EKIA given those males obtained weapons and became a threat. That had led to a Training, Techniques and Procedures ("TPP") review of this tactic at that time (which [redacted] N1466 [redacted] eventually passed to us).

57. [redacted] N1785 [redacted] was the first of these individuals I interviewed, according to my workbook, on 22 June 2015. I also recorded his statement. He confirmed the

provenance of LGR/1a. Importantly, he made clear that he also reported it at the time to N1802 - who as of 2015 was Director of Special Forces - by way of writing a letter and appending the exhibit, and that he followed up with a phone call in order to explain what was being sent. I remember N1785 said that N1802 said very little in reply. My impression was that N1785 felt that, having reported it to N1802, there was little else he needed to do (though he did not suggest to me that he sought to follow-up what N1802 had done with the information, if anything). On 29 June 2015, I see from my workbook that Capt WRIGHT and I met with N1799. He also confirmed the provenance of LGR/1a. [RMP-221-0001984-A].

58. Whilst the information was hearsay at that stage, it did somewhat corroborate some of the allegations made via Leigh Day. However, the immediate investigative value had to be offset against the risks posed to these individuals' safety given the gravity of what was being disclosed. I was aware that N1466 and N1799 in particular were concerned about this risk. N1799 made clear to me on 29 June 2015 that he would not provide a statement, or identify N1201, given his fear of reprisals from within the UKSF community. Even though Capt WRIGHT and I outlined the mechanisms of protection that were available to mitigate any threat – such as anonymity - N1799 in effect laughed and said words to the effect of: that was not enough for him given, in his view, the UKSF community would still be able to identify him.

59. These developments were a step-change in Team 1's investigations and the disclosures formed a key shift in the focus of the investigation. We had not been appraised of such express disclosures from within the UKSF community prior to this point. Crucially, this was the first time we had knowledge of a potential suspect (latterly identified as N1201). As of June 2015 Capt WRIGHT and I were at pains to identify who N1799 had spoken to without disclosing his

identify. We formulated a plan and started looking into who had passed the UKSF selection course in late 2010 (and latterly identified N1201).

60. Clearly, the four year delay between the original disclosures in 2011 and when we were made aware of them in 2015 reduced their investigative value (i.e., they were well outside the so-called Golden Hour phase of an investigation). Whilst they were still crucial LoE, memories fade and the integrity of related evidence, for example recovered weapons, is reduced or lost entirely (especially given the in-theatre context and draw down as outlined above). Had we known of the TTP review and associated concerns sooner, we would have been able to interrogate the OPSUMs and that analysis as part of our wider enquiries at an earlier stage. This is especially the case given the delays we had faced up to this point concerning access to UKSF data. That only served to enhance the value that these disclosures would have had were these individuals to have come forward prior to 2015 (i.e., had they reported the possible Services Offences as they should have).

I. UKSF PROTOCOL

61. As to the RMP/UKSF protocol[1] that was in existence, I have been provided with a copy to refresh my memory and make comment. I personally believe the spirit of the Protocol was necessary to protect the anonymity of the UKSF personnel. However, its application was open to interpretation particularly by the attached Legal Officers ("LEGAD"). The Protocol makes reference to a LEGAD being present during witness interviews to support UKSF personnel, yet it does not define what that support entails. In addition, it states the primary role of the LEGAD is to give guidance on matters of national security, sensitive information

[1] The Investigation of incidents involving United Kingdom Special Forces personnel by the Royal Military Police dated 28 Aug 2013.

and operational security. Simply stating subject headings in a Protocol is insufficient and gives rise to confusion about the necessity to record specific details of an operation. Given the nature of the UKSF role in Afghanistan, potentially every interview would involve discussing some, if not all of the above subjects in detail. In addition, I felt that having a LEGAD present could potentially stifle or suppress a witness's account given the severity of some of the allegations under investigation. I believe it should have been the choice for the witness to request the support or presence of a LEGAD if they required it. The MoD has produced ample doctrine regarding the recording, handling, storage and carriage of protectively marked material. As long as the investigators are trained and adhere to the doctrine, I do not believe there is a requirement for a LEGAD to be present. If anything, the witness account could have been reviewed later between LEGADs from both HQ DSF and PM(A) should there be any questions about the level of information disclosed. Finally, I feel there is an element of hypocrisy that a LEGAD is present to advise on matters of national security, operational security and sensitive information during a witness interview but does not for an interview after caution.

62. For these reasons, at the commencement of Op NM Capt WRIGHT and I agreed the Protocol in place at the time would only cause unnecessary delays. A proposal was submitted to GOLD to seek an amended Protocol, not just for Op NM but to remain extant for all investigations. An amended Protocol was agreed however I do not believe the changes were in any way significant. In my personal experience, I found LEGADs embedded to HQ DSF and other UKSF units to be particularly difficult people to work with. I have on occasions had LEGADs interrupt my interview to attempt to influence me to not discuss or disclose details involving TTPs, all of which were relevant to the incident under investigation. They have attempted to cite a breach of Protocol and suggested that the information being discussed was at a higher security classification than was appropriate. I often debated the issue with them, explained about the

classification of material being recorded, the relevance of the information to the investigation, how the RMP would handle it and subsequently recorded the information nonetheless. Due to their status, all LEGADs are officer rank (minimum Captain) and as such, lesser experienced investigators may have been unduly influenced by the LEGAD's rank.

63. In addition to serving UKSF and attached personnel, LEGADs have been present when I have conducted witness interviews with civil servants and retired UKSF personnel. There were many occasions when LEGADs were present during witness interviews but did not speak nor record any notes; I believe this was just another way for them to identify the RMP LoE. On one occasion, in the latter half of 2015, although I cannot recall the specific date, Capt WRIGHT and I had a meeting with a senior officer at HQ DSF in relation to Op A. This officer was N2224, who was the successor to Name Given. The SO1 LEGAD was present during this meeting. A short time following the meeting, possibly the following day, Lt Col MCALLISTER briefed Capt WRIGHT and I that the SO1 LEGAD had made contact with either PM(A) or GOLD. The nature of the contact was that the SO1 LEGAD observed that I had only made minimal notes during the meeting and he was concerned we were making unnecessary visits to busy personnel in HQ DSF. I am convinced this is another example of the LEGADs' passive/aggressive strategy designed to influence the investigation.

64. There are a number of other examples of issues arising with the operation of the Protocol in practice that at times led to a stand-off between us and the LEGADs (see RMP-221-0001984-A; internal p.22 *et seq*). I especially remember that, sometime in early 2015, Capt WRIGHT and I agreed that N1141 (the Officer Commanding ("OC") of SU1, linked to the EJK allegations) would be interviewed after caution ("IAC"). I subsequently prepared for the interview and Capt Wright and I visited him to engage and

identify his availability for interview. Due to the complexity of the allegations, we estimated that the interview could possibly take between two or three days. By this time the officer was now a Commanding Officer ("CO") of a [Role Given]. Immediately prior to meeting the CO, whilst waiting outside his office, Capt WRIGHT received a telephone call from a LEGAD. I recall it was a female but do not remember the name. She attempted to influence Capt WRIGHT by telling him he was breaking the RMP/UKSF Protocol by not informing [HQ DSF] beforehand and they also had to be present during the interview. Capt WRIGHT informed the LEGAD he was going to meet the CO merely to facilitate arrangements to conduct an IAC. The LEGAD stated she had spoken to the CO and advised him not to speak with us that day. A short time after the telephone call with the LEGAD ended, the CO met with us. Capt WRIGHT explained the IAC process including anticipated timelines and explained about using the services of a Solicitor. In addition, Capt WRIGHT informed the CO he was aware the LEGAD had advised him not to engage with us. The CO then vehemently denied that a LEGAD from [HQ DSF] had spoken to him. From a personal perspective this caused me to question the integrity of the LEGAD and/or the CO. The meeting concluded with the CO agreeing to contact us shortly with regards to his availability. During my tenure as DSIO, I did not speak to this individual again nor do I believe he was interviewed after caution. I cannot recall the reason why.

65. That said, my experience of other UKSF personnel during Op NM was generally positive. It tended to be the attached, [Support Staff] personnel that were obstructive (in addition to the LEGADs). Within the confines of [HQ DSF], certain personalities appeared to be self-appointed 'Sentinels'. A prime example was [N2224], [Role Given]. He gave Capt WRIGHT and myself an 'open door' for us to engage with him in order to expedite the investigation. However, there were occasions when I was intercepted by [Support Staff] officers whilst on route to visit him. One particular

officer, N1805, felt it appropriate to know why and what I wanted to see N2224 about. This usually ended with a polite but robust refusal to disclose the nature of my visit. On one particular occasion, the same individual, having been rebuffed again by myself retorted words to the effect of *"just remember, you're investigating a National Treasure"*. I'm not sure why he felt it appropriate to make the comment, but it set the tone for how I perceived UKSF during Op NM. These issues continued into 2016 as I continued to interview other UKSF officers (see RMP-221-0005774-A).

J. LEAVING OP NM

66. I left Op NM of my own volition. I was living in Newquay, Details Personal Circumstances. I was afforded additional travel time in order to visit my family however, the distance apart and the travel required was taking its toll on me and my family. In addition, by this time I was also struggling with the lack of momentum with the Op NM. The separation from my family and investigative stagnation definitely affected my morale, so I decided that it was time for me not only to leave Op NM, but to also retire from HM Forces. I handed over my role as DSIO to WO1 Mark Dempster, RMP (SIB) circa July/August 2016. This handover was conducted face to face over the period of a week and I had also prepared a written brief for him. In Date Given 2017, I officially retired from HM Armed Forces and the Op NM investigation was still ongoing.

K. SUMMARY

67. In my opinion and based on evidence that had been uncovered during my time as DSIO between 2014-2016, I believe Op NM should have progressed more

expeditiously. The key points for me that underpin the weight that was behind the investigation are as follows:

a. The initial allegation pertaining to BANG was eventually confirmed as a UKSF operation. The After Action Reports ("AAR") or OPSUMs we eventually obtained confirmed this. Several other allegations submitted via Leigh Day also linked to the same unit, SU1.

b. SU1 reported in their AARs/OPSUMs that they had secured the occupants of compounds during DDOs yet managed to lose control of someone who ultimately posed a threat and was subsequently killed. This happened on more than one occasion. This was clearly suspicious, which was especially so given the SAS were – and are - considered to be among the most elite soldiers in the world. It was hard to understand how or why there was a pattern of repeatedly being compromised and losing control of previously secured individuals.

c. In 2015, senior UKSF officers had made disclosures to the RMP in relation to allegations concerning EJK. Op A itself amounted to a record of a disclosure attesting to directly witnessing, or knowing about, EJK during SU1's DDOs in the relevant period.

d. Emails between UKSF personnel and the TTP review made clear there was a concern internally from those involved as to certain tactics and the ratio of EKIA as against weapons recovered when considering SU1's DDOs.

e. Allegations made against the Director of UKSF - N1802, that he did not respond adequately to the allegations of EJK.

[redacted]

f. No IAC were conducted during my time as DSIO. There were two key figures, the former DSF and the OC of the unit under investigation that should have been interviewed. I cannot recall specifically why this did not occur but I do believe the MoD hierarchy did not have an appetite for it to happen.

g. From the interactions and briefings the SIO and I had with Lt Col McAllister, it seemed all the delays and obstructions were being caused by the military hierarchy above him. On paper it appeared all the right things were being done and Op NORTHMOOR had the full backing of the MoD. Yet when I look at the MoD response to the incident involving Sgt Al Blackman RM (Op TELEMETER – see paragraph 19 above), the MoD went all out to condemn this soldier's actions; even the Defence Chiefs were making videos and televised messages to that effect. The MoD altered political landscapes in order to facilitate SIB lines of enquiry (the MoD arranged for a UK battlegroup to go back into a transitioned area of Afghanistan, Nad-I-Ali, to support me doing a crime scene examination where the Al Blackman incident occurred 18 months previously). When you have experienced something on this scale; it did cause me to wonder why there appeared to be a lack of appetite to facilitate the Op NM team exploiting the UKSF server and conducting enquiries on the ground in Afghanistan.

68. I am in no doubt that the exploitation of the UKSF servers would have unveiled many of the answers we were seeking between 2014-2016. Interrogating that data or any associated media evidence would either have refuted or corroborated the allegations pertaining to EJK and the other allegations of ill-treatment, and no doubt opened up new LoE.

69. However, these strands of Op NM must be weighed against the obstacles we faced in relation to such a complex yet sensitive investigation as set-out above. This underlying investigative reality was also undoubtedly compounded by other factors, in particular the hurdles that the in-theatre environment posed alongside the resourcing and operational limitations the RMP had at that time.

70. From the interactions and briefings the SIO and I had with GOLD in particular, it seemed a lot of the delays were being caused by the military hierarchy and layers of decision-making above him. Whilst on paper it appeared all the right things were being done and Op NM had the full backing of the MoD, at times this was not always reflected in practice as we sought to progress the investigation.

Statement of truth

I believe the contents of this statement to be true.

Signed: N73 [redacted] (signed electronically)

Dated: 12 May 2025