

The Chair of the Independent Inquiry relating to Afghanistan has granted Core Participant status to five individuals "who held command roles or senior positions within UK Special Forces between mid-2010 and mid-2013."

Lord Justice Haddon-Cave's decision was announced on the [Inquiry website](#) on 20 May.

Under the [inquiry rules](#), Core Participant ("CP") status is only granted with consent of the individual, and in this case was applied for by those concerned.

The Ministry of Defence had held CP status from the outset, covering separate legal teams representing the MOD's corporate interest, and the interests of former and current MOD personnel who were witnesses. Applications in 2024 and 2025 for the witnesses to be covered by separate CP status were not successful, but the matter was kept under review and the view has been taken that the situation has now changed.

CP status in an inquiry means that the Chair considers the person or organisation concerned to have a sufficiently direct, important, or potentially criticised role in the matters under investigation.

A CP may receive disclosure of relevant evidence before hearings, subject to national-security restrictions and any restriction orders under the legislation.

In the Afghanistan Inquiry, that could potentially include:

- witness statements,
- operational documents,
- summaries of CLOSED evidence*,
- expert reports,
- and proposed lines of inquiry.

* CLOSED and OPEN documents, inquiry sessions, etc are so indicated for emphasis of their status. Because this Inquiry concerns UK Special Forces and classified operations, disclosure is, rightly, heavily controlled; that includes the identity of the individuals concerned.

Core Participants can:

- make opening and closing submissions,
- suggest questions for witnesses,
- and apply to ask questions through their recognised legal representative.

In reality, most participation occurs through specialist counsel rather than personal appearances.

The Afghanistan Inquiry Terms of Reference specifically state that legal expenses for parties granted CP status may be borne by the Inquiry.

That's important because participation in a statutory inquiry can otherwise become extremely expensive.

Comment: BAFF has long taken the view that individuals potentially implicated in serious allegations over operations in which they participated as members of the armed forces, whether they

Commanders and senior officers granted core participant status in Afghanistan Inquiry

are still serving or are now retired, should not have to pay for independent legal advice and representation as required.

That applies to senior officers as much as to junior personnel. Which is only fair to the officers concerned, but also recognises that if and when a faulty pattern develops, some blame may lie elsewhere than with those on the ground.

Speaking generally here and not about any particular inquiry, the risks attached to involvement in an inquiry can include subsequent criminal prosecution in exceptional cases, but can also include loss of employment, loss of prospects, and lifelong damage to reputation.

Innocent individuals have been put through the mill by previous investigations which came to nothing.

The MoD itself appears to recognise its duty of care to such individuals much more than it did, but it also has other (largely legitimate) priorities including government policy presentation, and its duty to the taxpayer; the interests of the individual service person or veteran can take second place or worse.

Hence the need sometimes for independent legal representation.