

MOD-198-0003685-A

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Operation NORTHMOOR Executive Summary

1. For ease of reference a timeline of significant events during the course of Operation NORTHMOOR (Op NM) can be found at Annex A.
2. A summary of investigations reviewed by Op NM which did not form part of the Terms of References (TORs) can be found at Annex B.
3. Information was provided from various individuals and sources. A summary of the intelligence based enquiries can be found at Annex C..
4. The lessons identified can be found at Annex D.
5. The number of complaints broken down for the whole of OP NM can be found at Annex E.

PART 1 - Context

6. Between 2002 and 2014 UK Forces were deployed to Afghanistan under a series of mandates from the United Nations Security Council. Their mission was to help create a stable and secure environment that was sustainable by Afghan Security Forces (ANSF) under the control of the Government of the Islamic Republic of Afghanistan (GIRoA). The role of the UK Forces was two-fold; firstly to support the ANSF in order to ensure that they developed their capability; and secondly to prevent attacks on the GIRoA, UK Forces and their allies.
7. As part of the UK Forces mission, in some cases, it was necessary for UK Forces to stop, search, question and detain individuals for possible prosecution by the Afghan Courts. Detention and questioning/interrogation were conducted in accordance with legally-compliant policies and subject to scrutiny in order to provide assurance of good governance and best practice. PM(A) was appointed as the Defence Subject Matter Expert on operational detention; as the Chief of Joint Operations advisor on detention issues; as well as being, through his appointment the Army Competent Authority and Inspector.
8. Throughout the detention processes all UK detainees were handled in accordance with UK doctrine and procedures, which included being asked if they had suffered any mistreatment during their detention by UK forces. Indeed, this responsibility to the detainees extended to those transferred to the Afghan Government with UK forces visiting detainees within Afghan prisons who were awaiting trial, across Afghanistan, to again ask the question concerning any experience of mistreatment. In these cases, if an allegation was made by a detainee about their handling whilst in the UK system (whether at the point of detention, in transit or within any UK facility) this was dealt with in the same way as if they were still held by the UK: the allegation was investigated by the Service Police (SP) and the UK Government were informed. However, if the complaint concerned their experiences within the Afghan system, these complaints were passed to the British Embassy in Kabul for them to engage with the Afghan Government.

Background to Op NM

9. By 2014 the Service Police (SP), both the Royal Military Police (RMP) and Royal Air Force Police (RAFP) were responsible for investigating a number of on-going allegations of abuse. These were either made by the detainees themselves during their detention or brought on behalf of former detainees by a UK Legal Firm, Leigh Day as outlined below.
10. **Project ELSINORE and Op ISOPTIC.** From Jul 13, Leigh Day & Co (LDC) public interest lawyers raised 81 civil claims in 4 tranches for damages against the Secretary of State for Defence, alleging that on different dates and times during UK operations in Afghanistan, members of HM

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Forces had mistreated Afghan detainees whilst in their custody or had committed acts of a criminal nature. The subsequent civil litigation case was ongoing under the title Project ELSINORE. Concurrently, Royal Air Force Special Investigation and Intelligence Branch (RAF SIIB) were conducting investigations into allegations made by Afghanistan detainees that whilst in the custody of UK Forces and awaiting transfer they were subjected to sexual assaults, assault and mistreatment. In Dec 13, RAF SIIB concluded their enquiries under the title Op ISOPTIC and handed jurisdiction to RMP with no referrals being made.

11. **OP NORTHMOOR Declared.** In March 14 PM(A) noted the overlap to the 'stove-piped' SP investigative processes and was concerned that this could lead to investigative opportunities being lost and any wider systematic and organisational matters not being picked up and appropriately investigated or signposted to the chain of command or MOD for consideration. He opined that it made sense for them to be grouped together with one overarching investigative strategy. He also noted that as UK combat operations were drawing to a close at the end of that year, there would be significant risk that the freedom of movement to conduct investigative activity would become increasingly difficult in Afghanistan.

12. PM(A) and Provost Marshal (RAF) jointly reviewed the then current investigative processes and initially considered a proposal for the RAFF to take forward the totality of the investigations. However in taking this approach, PM(A) was mindful of a 2011 Court of Appeal Ruling ([2011] EWHC Civ 1334) with regard to the Iraq Historic Allegations Team (IHAT) which had originally been set up and manned by the RMP. The ruling held that the "IHAT was not sufficiently independent because of the inclusion of members of the Provost Branch of the Army (the RMP) in the investigation of matters where that Provost Branch had been involved in Iraq". Consequently the MOD accepted the decision and the RMP were removed from the IHAT and replaced by the RNP in April 12.

13. [REDACTED] LPP [REDACTED]
[REDACTED] PM(A) was content that the benefits to Defence and those making the allegations outweighed the risks. Therefore on 31 March 14 PM(A) directed the Special Investigation Branch Regiment of the RMP to merge the outstanding allegations into one single investigation named Op NM.

14. **Hussein Review.** In Nov 14, [REDACTED], SO1 LEGAD Headquarters (HQ) PM(A) confirmed that irregularities identified by Lord Tomlinson following the Hussein appeal would be investigated by Op NM. Hussein, an Iraqi national, had claimed that his treatment whilst in detention by UK Forces was unlawful. The focus of the claim was his 'harsh' treatment during interrogation. In Feb 13, Mr Justice Collins dismissed his claims citing that since the MOD changed its policy on interrogations the British Army no longer used these methods. The subsequent appeal against this decision was heard by Lord Justice Tomlinson. Lord Justice Tomlinson reviewed the five Hussein interrogation sessions and a further eight randomly selected interrogation sessions of other detainees. Lord Justice Tomlinson subsequently dismissed the appeal on the basis that the actions of the interrogators were lawful. He did however, highlight that in his opinion the interrogators had potentially breached policy, therefore [REDACTED] outlined that Op NM would investigate the irregularities. 18.5 hours of footage, specific to Afghanistan detainees, were viewed by Op NM investigators. Three clips of footage from the 12 sessions contained prolonged periods of interrogators holding the hand of the detainee, prolonged periods of swearing towards the detainee and a detainee being shown [REDACTED] air asset video footage of Insurgent patrols being engaged. Although the detainees in the footage were identified, Op NM could not establish contact addresses for them. A review of the all pertinent documentation to their interrogation confirmed that none of the detainees had ever raised complaints about their interrogation whilst in detention. Major Cox (Current SILVER Commander and Senior Investigating Officer (SIO))

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together with Air Commodore (Retired) Kell, Service Prosecuting Authority Operational Offending Team (SPA OOT) reviewed the footage and it was concluded that no criminal or non criminal conduct offences had been committed. The cases were referred back to the Detainee Handling Unit (DHU) for their subsequent action as deemed necessary.

15. **SIB Legacy investigations.** In Oct 15, all remaining SIB investigations from Afghanistan, that had been returned to the UK for completion at the end of Operation HERRICK, were transferred to Op NM. The 15 additional investigations were ingested under Op NM and comprehensively investigated. In Aug 18 following consultation with SPA the investigations were completed with no referrals. All investigations were subjected to the Joint Case Review Panel (JCRP) process (see para 37).

Establishment of Op NM

16. **Manpower.**

a. **Initial Establishment at IOC.** Op NM was originally established with 1 officer and 8 investigators based in Bulford in 2014. SIB Regt RMP then re-allocated additional personnel from across the Regt and remained in Bulford. Following an Op NM Future Manning meeting held in Dec 14. It was established that an additional 60 personnel would be required to conduct Op NM, raising the number to 123 personnel in total. This would constitute Investigation teams, an Intelligence and Research team and MIR. Full manning was expected by Jun 15, however due to a delay in securing a site, personnel were not assigned until early 2016.

The creation of OP NM had an effect on the wider 1 MP Bde and was commented on by the Army hierarchy. The resourcing of both the Op NM posts and subsequently the personnel had to be sourced from the GPD Regiments across 1 MP Bde. This withdrawal of posts and manpower inevitably caused gaps within those Regiments and required COs to prioritise on what activity they would have to stop undertaking. However it was recognised, across the Bde, that Op NM was PM(A)s Main Effort and as such, needed to be the focus of everyone's attention. Inevitably the Army chain of command took an interest when activity in support of Op NM meant that RMP support to the Field Army was affected. However, the independence of RMP investigative activity was recognised and never compromised.

b. **Recusal and vetting.** At the outset of the investigation, the SIO, ideally wanted all members of the Op NM team to not have previously served in Afghanistan and to be vetted to a certain level. These requirements appear to have been due to the associated nature of RMP and MPS involvement in the majority of complaints and sensitive nature of the material that the investigators were likely to be handling and exposed to. These idealistic requirements could not be met; as the reality was that the majority of experienced investigators had previously served in Afghanistan and were not vetted to the appropriate level. A recusal policy was designed and implemented to mitigate and accept this risk. Appropriate vetting was undertaken.

It is worthy of note that the RMP SF protocol as agreed between DSF and PM(A), has been applied throughout the investigation. However, due to differing interpretation of the protocol, it has required a greater amount of engagement and has been logistically challenging and more effort in compliance has been expended than would normally be expected; e.g the requirement for DOs to be present during routine interviews, both in the home base and whilst deployed overseas.

1) **SQEP.** Given the nature of the investigation there have been occasions when skills and qualifications not normally associated with SIB investigators have had to be sourced. In most cases this has been individuals sent on specialist courses to attain new skills. Whilst this has, obviously, had a budgetary implication however once the investigation is over that individual and new skill and qualification will continue to benefit the wider RMP.

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- 2) **OPSEC.** Op NM has attracted national press interest due to the nature of the allegations that have been investigated. This has meant that the press have been intrusive in their approach and individuals, both officers and NCOs have been door stepped in their homes and been contacted via personal mobile phone by journalists. All personnel on the investigation have been reminded about their personal responsibility to maintain OPSEC which to date has not been breached.
- 3) **Force Generation to FOC.** The delay in endorsing the formal implementation order meant that justification for infrastructure, equipment, vehicles and manpower were not formally recognised until Feb 16. Op NM relocated from Bulford to RAF St Mawgan, due to DIO allocating this as the only available and suitable location to meet [REDACTED] Defence accreditation standards. Manpower increased to circa 110 personnel. Relocating to, RAF St Mawgan, an isolated location, not normally associated with RMP assignments; created welfare and logistical issues due to the lack of supporting infrastructure.
- 4) **Welfare matters.** Long term sickness and loss of staff through mental health has been significant; the initial GOLD Commander, both previous SILVER Commanders and a number of other key roles have been replaced due to ill health, which has had a significant impact on the command and leadership of Op NM.
- 5) **C2 Matters.** Command of Op NM was originally given to Spec Ops Regt by the then PM(A). He wished to keep the investigation separate from the SIB Regt to ensure delineation and believed that due to the span of command it was best placed there. In 2016 on handover the new PM(A) believed that Op NM could be better supported if it was placed under the SIB Regt and a change to the C2 was made.
- 6) **Creation of HQ NM.** A high churn of staff within a major investigation is undesirable; a risk that was regularly raised and resulted in the appointment of a new GOLD Commander¹, a full Colonel, Colonel Morris, as Assistant Head (AH NM) and Assistant Head Policy (AH Pol) Mr Miles Tooke together with support staff. In addition the appointment of Officer Commanding of the unit was separated from the SILVER Command role of the investigation². This has ensured that the command structure remained focused and has succeeded to date, with the current GOLD and SILVER Command/SIO continuing in their role since 2016 and 2017 respectively.
- 7) **FOC to present.** At the investigation's peak, Op NM had over 100 staff which were divided into 3 teams. Team 1 dealt with schedule 2 offences including unlawful killing allegations, Team 2 the bulk abuse allegations both criminal and non-criminal conduct offences and Team 3 being the supporting elements. With the implementation of the Leggatt test in 2017, Op NM was able to reduce the significant workload. This coupled with the amended ToRs allowed for a smooth transition of case files through the JCRP and therefore streamed lined not only the investigation but also the manning requirements. This led to a change in the OP NM laydown and ORBAT to reflect the current requirements which is now an Investigation team (Inv Tm) and an Investigation support team (Inv Sp Tm).

14. **Location.** Upon commencement of Op NM it was established that due to the projected scale of the investigation a suitable location was to be sought. The Special Investigation Branch Regiment (SIB Regt), Royal Military Police (RMP) RHQ, Campion Lines, Bulford, was deemed insufficient due to another investigative operation already being undertaken within the Major Incident Room (MIR) there,

¹ Lt Col Harvey was appointed in Oct 16

² Major Cox was appointed in Jan 17

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and the restrictions on physical infrastructure suitable to accommodate upwards of 100 personnel. It was further identified the location would have to have the required security certification to enable the housing of a server containing footage graded at a certain level; **Campion Lines** did not have this facility. Further to this, there was the necessity for certain personnel to have the appropriate GSC certification.

Planning and consideration had to be given in the organisation and Suitably Qualified and Experienced personnel (SQEP) of the investigation team and its various supporting components inclusive of an effective MIR, Disclosure Cell and Intelligence and Research Team. Significant delay was incurred whilst various sites across the MOD were scoped. The number of options available for Defence Infrastructure Organisation (DIO) consideration were restricted by availability of locations that could provide a compliant working area within the compressed timeframes required. All but one of the options were unable to provide the required capability within the timescales outlined or could only provide the capability at excessive cost. The options listed were:-

- a. **Do nothing.** Option discounted.
- b. **Southwick Park.** Not deliverable in the desired timescales in an affordable manner. Discounted but reserve option.
- c. **RAF St Mawgan** only required minor works and host unit could support the increase to its establishment. Preferred option.
- d. **RAF Wyton.** Site was earmarked for other basing projects. Discounted.
- e. **Fort Blockhouse.** Couldn't meet the certification requirements and high additional costs to make it compliant. Discounted.
- f. **Keogh Barracks.** Not costed, too much work was required to make it fit for purpose and couldn't meet the timescales. Discounted.

15. **RAF St Mawgan** was chosen as being the most time and cost effective. Deputy Head of Program development at DIO (**Name Given**) signed the letter of authority approving **RAF St Mawgan** as the preferred option on 8 Jul 15. Due to scoping, authorisation and procurement processes, Op NM did not start to relocate to **RAF St Mawgan** until Feb 16 and was not fully established until Aug 16. A provisional investigation element remained in **Campion Lines** until this time. The recovered **SFHQ(A)** Server did not relocate to **RAF St Mawgan** until Sep 18, however functioned in **HMS Collingwood** in the interim period.

16. **Resources.** Op NM has been fully resourced throughout its existence. Army HQ has always been supportive and a control total has been allocated each year to the investigation based on previous spending and projected costs which HQ OP NM closely monitors to ensure compliance. There has been an understanding that should unexpected investigative costs –due to the pursuit of LoE – be required that Army HQ would find the monies from elsewhere across its budget. This contingency has, to date not been required.

17. Stakeholders engagement

- a. **Operational Offending Team (OOT).** The Service Prosecuting Authority (SPA) have been fully engaged since the commencement of Op NM; their support has morphed from a traditional advisory role to dedicated lawyers for relevant teams. Air Cdre (Retd) Stephen Kell has been the sole adviser in the Obj TY matters. The Director of Service Prosecutions (DSP) has been engaged from the inception and continues to attend relevant meetings in his capacity as the Director. Air Cdre Kell also supports IHAT (now the Service Police Legacy Investigations (SPLI)) and with the cross-over of legislation and case law, this has proved beneficial.

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- b. **MOD & Government Engagement.** On appointment as PM(A), Brig D Neal gave direction that the MOD would benefit by being given greater awareness of Op NM and specifically, the more serious aspects of potential offending. This resulted in PM(A) meeting with Vice Chief of Defence Staff (VCDS) and the Permanent Under Secretary (PUS) with regular diarised meetings scheduled. This has continued through AH NM and AH Pol. The impact at the tactical level of this engagement has been well received as this has acted as a firewall between the strategic/political level and the operational/tactical level ensuring the investigation remained focused.
- c. **Army Witness Engagement.** All witness engagement is overseen by the Tactical Interview Manager (TIM) and any contact with witnesses is conducted in accordance with the initial witness contact strategy. Due regard is given to any mental health or medical considerations any witness may have. This was magnified during the House of Commons Defence Committee enquiry regarding practices undertaken by IHAT where there was open criticism into methods of approach and subsequent dealings with witnesses. Chief of the General Staff (CGS) took a personal interest in this matter and wrote to all commanders highlighting this issue. This direction has been reflected in all witness engagement strategies and policy. Regular media scrutiny around historical investigations presents the necessity for practices to be in accordance with doctrine, policy and best practice. Expert advice has been available throughout from a range of SME's³ which has influenced policy and strategy.
- d. **Stakeholder impact.** A stakeholder engagement matrix was compiled by HQ NM in order to identify those stakeholders that the HQ must, should and could engage with in order to progress the investigation. This has been regularly updated and has ensured that all those that need to be engaged have been.
- e. **Briefings.** From inception of Op NM to 2016 a number of briefings were conducted by the then Gold Commander to various senior personnel in [REDACTED] the MOD [REDACTED]. The content of the briefings was not always recorded which has, in some cases, led to misconceptions about what Op NM was investigating and rumours circulating about extraneous allegations. In order to mend this break in the audit trail since 2016 briefings to those in the Centre has been more tightly controlled and a script is produced beforehand and placed on record.
- f. **Comms plan.** The Comms plan for Op was produced early on in the investigation and has been regularly updated. Since 2016 close contact has been maintained with Directorate of Defence Communications (DDC) to ensure both proactive and reactive press lines to take (LTT) are and have been available.
- g. **Media - Information Security (INFOSEC).** To date the investigation is being [REDACTED] conducted [REDACTED] with limited information being circulated based on operational need. Interviews to-date have only involved serving and ex members of [REDACTED] UKSF [REDACTED], who it is assessed were unlikely to divulge the information to external agencies. As the investigation developed the ability to control the passage of information has reduced due to the number, type and location of witnesses who needed to be interviewed in order to conduct an effective investigation. The wider briefing to MOD, Government and the media also posed a risk to Information Security (INFOSEC), but this has been mitigated by a robust Comms Strategy managed by AH NM.
- g. **Public Safety.** Early into the investigation through the National Crime Agency (NCA), communications were effected with the ACPO Terrorism & Allied Matters (TAM), National Communities Tension Team (NCTT), raising awareness of potential concerns regarding public safety in the UK; specifically, any suggestion in the media of unlawful killing in Afghanistan by British Forces could encourage those radicals within the UK to carry out acts

³ Dr Kevin Smith, national lead on vulnerable witnesses, co-author of Achieving Best Evidence (ABE) Guidelines.

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of terrorism or encourage the radicalisation of others. Equally, any adverse reporting may incite far-right groups to take unlawful action. Further liaison will take place when any executive action is planned in order to manage any potential reactions. A comprehensive Community Impact Assessment (CIA) has been formulated by SILVER Comd and HQ NM.

18. **LDC engagement Civil Proceedings.** During the period 2014 to 2017, the relationship between LDC and Op NM would be classed as distant and adversarial. During the period 2017 to date, following the change in strategy, direct engagement has taken place which facilitated access to their client(s) and allowed for a passage of communication with regard to their stance and progress of the civil proceedings. At the outset of the investigation their appeared to be a real risk of prejudice to the criminal investigation if the civil proceedings commenced or ran in tandem, e.g witness testimony being obtained by the civil proceedings without the knowledge of the criminal investigation or alerting an uninformed suspect that an investigation was taking place. However, as the investigation progressed, regular communication with LDC kept them apprised of developments and at the juncture of the real risk of prejudice diminishing considerably (Feb 18), LDC were duly informed.

19. **Victims Code and Engagement with LDC.** Another consideration at the outset of the investigation was whether there was a requirement to adhere to the Victim's Code. The following was established;

a. The Criminal Justice (AF code of Practice for Victims of Crime) regulations 2015 do not apply in this case⁴.

b. In addition to MPID 17, The Victims code, JSP 839 V1.0 Sect 4 para 4.4 states:-

'This Code of Practice does not require services to be provided to a person in circumstances where the relevant criminal conduct occurred on operations such as Op HERRICK; however, where practicable, the spirit of the Code should be observed as far as possible. Upon transfer of an investigation from operations to a permanent location however, the provisions of the Code should be applied thereafter. The Code is also not applicable in circumstances which constituted an accused person driving a motor vehicle in a way which led or was likely to lead to physical injury to a person or damage to property, unless a person has died or suffered serious injury as a result of that criminal conduct or where it is alleged that the driver intended to cause physical injury or damage to property'.

Investigative Strategy

20. **Counsel Advice.** See para 13 above.

21. **NCA advice.** At the inception of Op NM, external advice and assurance was sought by the then GOLD Commander. Representatives from the NCA and GMP Review Team were appointed as advisors. The initial advice and recommendations were based on a covert strategy. The initial Terms Of Reference, included "systemic issues", this appears to have identified a requirement to seize, recover and assimilate vast amounts of information from data sources, both operational and secure. It is of note that a common denominator of the NCA recommendations was that Gold groups were not being held and were infrequent.

a. **GOLD Groups (Gps).** GOLD Gps were held throughout the initial stages of the investigation at various point however, between Jan 17 to Feb 20, regular Gold Gps have been held, PM(A), the IAG, DSP, OOT, AH Op NM, AH Pol Op NM, DJEP and the Gold

⁴ MPID Ch 17 para 3.4.1 refers

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Commander have been regular attendees. The strategy agreed at these Gold Gps is passed as direction to Op NM.

b. **FDHC.** Due to the complexity of the investigation and, again based on what was known by the Investigative Team at the outset of the investigation, the RMP, working with many stakeholders, raised a business case to acquire a bespoke IT system. This independent standalone scientific system was required to process and review the vast amount of forensic, electronic and digital evidence it was anticipated would need to be gathered. Such a system would also enable the RMP to meet its statutory obligations to undertake European Convention of Human Rights compliant complex investigations. As with all government IT projects the business case was subject to the appropriate scrutiny before the Cabinet Office signed off the £7.5m to procure the system in Mar 16.

22. **Home Office Large Major Enquiry System (HOLMES2).** At the outset of the enquiry, the SIO directed that a Major Incident Room (MIR) would be stood up to support the investigation, utilising HOLMES2. Utility of HOLMES2 enables the MIR to provide a common investigative resource to all elements of the enquiry team, as well as any external review teams, providing document, exhibit and action management, as well as use of the HOLMES2 disclosure function when required.

23. Initially the HOLMES2 system was accessed through the CITRIX application on DII(F) and approved to ingest and process [REDACTED] a range of classified material [REDACTED]. In early 2016, following the relocation of Op NM to [REDACTED] RAF St Mawgan [REDACTED], Cornwall, a purpose built HOLMES2 v16 LAN was created, with no remote access, that was accredited to ingest and process material [REDACTED] at a higher level of classification [REDACTED]. Following extensive testing and live use of the network to ensure stability, on 9 Nov 16, Major Stitson (the previous SILVER Comd) authorised the MIR to begin processing material [REDACTED] at a higher level of classification [REDACTED].

24. Roles, responsibilities and general practice within the MIR are in line with the Home Office Police Force (HOPF) national best practice guidance laid out within Major Incident Room Standard Administrative Procedures (MIRSAP) 2005. Local variance to these practices or procedures has been identified and articulated by the Office Manager, within policy, which is reviewed quarterly and/or at key investigative decision points.

25. **External Assurance.** At the outset of the investigation, independent advice was sought from the National Crime Agency (NCA) and Greater Manchester Police, Major Crime Review Team (GMP MCRT).

26. On 25 Feb 16, on the recommendation from Lt Col McCallister, the then GOLD Commander and Det Chief Supt Paul Williamson, NCA, Capt Wright, SIO, designated [REDACTED] N1201 [REDACTED] suspect status. Under the same recommendation, on 17 May 16, Capt Wright further declared [REDACTED] N1141 [REDACTED] a suspect. Throughout this stage, in consultation with the NCA, available covert tactics were explored by the SIO with advice being provided by the OP NM Covert Law Enforcement Manager (CLEM).

27. **Change of PM(A).** During Jul 16, The appointment of PM(A) changed from Brig Bill Warren to Brig Dave Neal.

28. **Appointment of an Independent Advisory Group (IAG).** In July 2016 the MOD put in place additional external mentoring and quality assurance due to the complex nature of the investigation and not because it was believed that the investigation was failing in any way. With the approval of the then Secretary of State a prominent QC and former Chief Constable were engaged to form an IAG. Upon their appointment in Sep 16, and having been briefed on Op NM. The group's initial advice to the new PM(A) was to conduct an external review of the investigation. An Independent Review Team

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(IRT) comprised of former senior Home Office Police Force detectives was established at the end of 2016.

29. **GOLD Gp**

a. During Nov 16, the Terms of Reference (ToRs) were reviewed by the current GOLD Commander, it was identified that the term systemic should be removed from the terms of reference as it was deemed to be outside of the Armed Forces Act 2006.

b. Advice by Sir Jon Murphy, post initial briefing on Op NM during Nov 16, was that an independent review team should be appointed.

c. The current Gold Commander, identified that a Designated Disclosure team was necessary and required with immediate effect to ensure the investigation met its CPIA as applied to the AFA 2006, obligations.

d. During Jan and Feb 17, the IRT conducted their first review, making several recommendations that were at odds with the direction being given by the NCA. Largely due to the fact that there was no tangible evidence to reasonably justify the covert strategy.

e. The purpose of the Gold Groups which were held as and when the investigative tempo dictated was to provide advice to the PM(A) to allow him to produce investigative direction. Any decisions taken in that fora were always made by PM(A).

30. **Independent Review Team (IRT).** Following the appointment of Brig D S Neal as PM(A) in Jul 16, on 26 Sep 16 he appointed a new Gold Commander, Lt Col J Harvey, after the previous Gold Commander, Lt Col J McAllister departed prematurely and unexpectedly through illness. Also at this time, PM(A) sought the services of Sir John Murphy as an Independent Police Adviser. Commensurate to this, PM(A) initiated a review of Op NM, recruiting Mr P Jones and Mr C Evans, former senior detectives from Merseyside Police; both comprised the IRT. On 28 Nov 16, the IRT commenced a review of Team 2 activities but due to security clearance issues, the IRT did not commence a review of Team 1 enquiries until 5 Jan 17 completing on 13 Jan 17. The IRT were given unrestricted access to all investigation material and provided with comprehensive and exhaustive briefs from the then SIO Capt Wright and, on change of appointment, SILVER Comd Maj Cox as well as members of the Investigation Team.

a. Following the initial review in Jan 17 of Team 1 activity over the preceding 3 year enquiry, the report findings were produced to PM(A) who endorsed all recommendations by the IRT.

b. The IRT were invited to conduct further reviews in Nov 17, Aug 18 and Apr 19. On all three occasions the IRT were presented with updates of the progress made by the investigation in relation to the recommendations. As a result, further recommendations and suggested actions were made following each review. These were subsequently endorsed by PM(A) during the GOLD Group meetings attended by the IAG and implemented by SILVER Comd/SIO.

31. **GOLD Gp outcomes.** See 29e above.

Investigation progress

32. When OP NM was established there was a total of 159 complainants resulting in 675 complaints up until 2016. The vast majority of which were detention based, Non-criminal conduct with some criminal conduct offence covering a plethora of activity. Following the application of the Leggatt test between 2017 and 2019 this case load has been reduced to the current 3 ongoing investigations.

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33. **Leggatt Test.** Colloquially termed the ‘Leggatt Test’, a judicial decision from Justice Leggatt in Iraq Historical Allegations Team (IHAT) matters provided precedence for the rebalancing, in certain circumstances of the Service Police statutory obligations to investigate alleged criminal and non-criminal offences. Legal advice was issued determining that the ‘Leggatt Test’ applied. The test allowed for the Service Police to properly decline to investigate allegations of unlawful killing and/or ill-treatment of civilians by British soldiers unless it is supported by a witness statement which is i) signed by the claimant, (ii) gives the claimant’s own recollection of relevant events, (iii) identifies any other relevant witness known to the claimant and the gist of the evidence which the witness may be able to give, (iv) explains what if any, steps have been taken or attempts made since the incident occurred to bring it to the attention of the British authorities.

34. **Caselaw/SPA OTT legal advice.** In R (Ali Zaki Mousa) v Secretary of State for Defence [2013] EWHC 1412 (Admin), a case concerning the Iraq Historical Allegations Team (IHAT) investigations into alleged unlawful killings of Iraqis civilians by British Forces during Op Telic, the Court said that the Director of Service Prosecutions (DSP) should be involved in making decisions at the outset of each case involving death referred to the IHAT as to whether prosecution was a realistic prospect and, if there was something to suggest it might be, in directing the way that the inquiry was to be conducted and in a regular review of each case to see if a prosecution remained a realistic possibility.

35. In Al-Sadoon v Secretary of State for Defence [2016] EWHC 773 (Admin) (“Al-Sadoon”), the Court considered s116 Armed Forces Act 2016, which states that a service policeman must refer a case to the DSP if he considers that there has sufficient evidence to charge a person with a service offence. The test incorporated in this section, provides for this purpose:

“...there is sufficient evidence to charge a person with an offence if, were the evidence suggesting that the person committed the offence to be adduced in proceedings for the offence, the person could be properly be convicted.”

The Designated Judge, [then] Leggett J, stated at paragraph 281 to the judgement that:

“...DSP is clearly right to regard...the “evidential sufficiency test”...as providing a benchmark which determines whether and how far it is necessary to investigate an allegation that a person has or may have committed an offence.”

Adding that:

“...where a judgement is reasonably made that there is no realistic prospect of obtaining sufficient evidence to satisfy the evidential sufficiency test, there is no duty on IHAT under the Act or at common law to conduct any further investigation.”

The Designated Judge (at para. 282) held that the test was compliant with articles 2 and 3 of the European Convention on Human Rights.

The Designated Judge said:

“...the duty ...to investigate historic allegations is only to take such steps as it is reasonable in the circumstances to take. Moreover, it is specifically recognised that, in assessing what investigative steps it is reasonable to take, the authorities are entitled to take into account the prospects of success of any prosecution.

Furthermore at para. 283, the Designated Judge directed:

“...I therefore agree with the DSP that it is appropriate to ask at an early stage whether there is a realistic prospect of obtaining sufficient evidence to charge an identifiable individual with a service offence. If it is clear that the answer to this question is "no", there can be no obligation on

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IHAT to make any further enquiries. In some cases where the answer is not immediately clear, it may well be possible to identify one or more limited investigative steps which, depending on their outcome, may lead to the conclusion that there is no realistic prospect of meeting the evidential sufficiency test. Examples of such steps might be carrying out a documentary search or interviewing the complainant or a key witness. It goes without saying that it will be a matter for the judgment of the Director of IHAT in any particular case how the test formulated by the DSP is applied.”

36. [REDACTED] LPP [REDACTED]

37. Also in Jan 17 the revised Joint Case Review Panel (JCRP) process was implemented. The JCRP comprised of the Operational Offending Team (OOT), NCA PIP4, GMP MCRT, GOLD and or SILVER and SIOs. All case files were submitted and scrutinised by the JCRP before a final decision was made. The JCRP considered each case on its merits applying emerging and relevant legislation and case law where appropriate (e.g. the ‘Leggatt Test’).

Understanding the Organisation

38. **Special Forces Organisation.** The operation to detain Obj TY was undertaken by UKSF during Operation [REDACTED] C [REDACTED] Op C [REDACTED] is the operational name given to the deployment of [REDACTED] SU1A [REDACTED] UKSF1 [REDACTED] between Nov 10 and May 11) in Afghanistan. The HQ for UKSF is [REDACTED] HQ DSF [REDACTED] London. UKSF is led by the Director of Special Forces (DSF), whom at the time of the operation was [REDACTED] N1802 [REDACTED]. Sat below him within the Chain of Command was his Chief of Staff (COS) [REDACTED] N2252 [REDACTED]. Positioned as Assisting Chief of Staff (ACOS) was [REDACTED] N1466 [REDACTED] the Legal SO1 was [REDACTED] N2108 [REDACTED], whilst the Policy Advisor (POLAD) was [REDACTED] N1803 [REDACTED] and the J3-5 Campaigns was [REDACTED] N1788 [REDACTED]. As a result of the overseas operations being conducted by the British Forces it was further necessary to have an Afghanistan Based UKSF structure. [REDACTED] UKSF [REDACTED] within Afghanistan was known as [REDACTED] SFHQ(A) [REDACTED]. SFHQ(A) Commanding Officer (CO) was [REDACTED] N1786 [REDACTED]. Positioned directly below him was his COS [REDACTED] N889 [REDACTED]. SFHQ(A) was then subdivided into various operationally focussed units involved in [REDACTED] Operations against individuals on the Target List [REDACTED]. SU2 [REDACTED] were primarily focussed in mentoring troops from the Afghan Partnering Unit namely [REDACTED] APU1 [REDACTED] and [REDACTED] APU3 [REDACTED]. Describes composition of APU1 and APU3 [REDACTED]. Describes how APU1 and APU3 were manned [REDACTED]. At the time of the incident under investigation [REDACTED] SU2 [REDACTED] were made up from members of [REDACTED] UKSF3 [REDACTED] SU2 [REDACTED] was commanded by [REDACTED] N1791 [REDACTED]. In addition to [REDACTED] SU2 [REDACTED] was [REDACTED] SU1 [REDACTED] who were comprised of members of [REDACTED] UKSF1 [REDACTED]. SU1 [REDACTED] were specifically tasked with conducting kinetic operations in support of British Forces operations against the insurgency. [REDACTED] SU1 [REDACTED] would operate on a rolling 6 month cycle which would rotate between the [REDACTED] Sub-Units [REDACTED] of [REDACTED] UKSF1 [REDACTED]. At the time of the incident under investigation the [REDACTED] SU1 [REDACTED] unit in theatre was [REDACTED] SU1A, UKSF1 [REDACTED] commanded by [REDACTED] N1141 [REDACTED]. During Operations they were supported by members of [REDACTED] UKSF2 [REDACTED] and [REDACTED] APU1 [REDACTED]. During their deployment, between Nov 10 and May 11 they conducted X DDOs resulting in 2X detainees and 1.5X EKIA.

39. [REDACTED] Target List [REDACTED]. Legitimate targets are placed on the [REDACTED] Target List [REDACTED]. As a result of the EKIA being Objectives featured on the [REDACTED] Target List [REDACTED] it became necessary to understand the [REDACTED] Target List [REDACTED] process from beginning to end. As [REDACTED] Target List [REDACTED] is a NATO owned asset, enquiries were made to [REDACTED] Target List [REDACTED]

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approach SHAPE, however, it was determined that this was not the correct level. Eventually, HQ DSF was approached and it was recommended that the current SO1 LEGAD would be the most appropriate person

His role was to advise on the legality of placing an individual and possibly his entourage on to a list which functioned as a kill or capture list.

40. For a person to become a target on the Tgt List, certain criteria had to be met, followed by a process whereby the information was evaluated. Information would be put forward in a particular format which had been gathered by using a variety of methods. Once the information had been deemed credible and checked it would be authorised and that individual would be placed upon the Tgt List. They would then be given an Objective name, these were random and unique and would be retained until that Objective had been resulted. In order for an Objective listed on the Tgt List to be prosecuted in accordance with NATO doctrine, the “five pillars of targeting” would have to be satisfied.

41. The first targeting pillar centred on ensuring they were targetable in accordance with the Rules of Engagement (ROE). The ROE in use at the time was ROE X this ensured the legality of the targeting and recognised the non-international armed conflict nature of the operation. This ROE worked hand in hand with Card Alpha which was the basis in which the SF C/S acted upon. The ROE X line of enquiry continues by means of SME statements to be recorded from within the correct targeting departments.

42. The second targeting pillar was to positively identify the target (PID). The identification of a potential target prior to engagement had to be established

43. The third pillar would be ‘pattern of life’. Consideration of means for establishing pattern of life

44. The fourth pillar was a ‘Collateral Damage Estimate’ (CDE). Consideration of CDE process

45. In relation to CDE, doctrine was relied upon, which was accepted by all troop contributing nations. Once the above had been satisfied, authority would have to be gained from the Nation owning the platform that was intended to be used to carry out a strike against the target. This was the fifth and final pillar. Where a Deliberate Detention Operation (DDO) was the preferred option in a kill or capture context then the primary intent would be to detain the individual on the Tgt List. If however, they were killed during the operation, for example because they engaged kinetically those trying to affect their detention, then although not a desirable outcome it was none the less an acceptable one within the ROE and under the law of self-defence.

PART 2 Investigative detail of alleged unlawful killings

46. **Allegation of Unlawful Killing from LDC.** Amongst the complaints received by LDC was an allegation that 4 members of the same family had been unlawfully killed by members of UK forces. Mr Bang and his nephew Mr Saifullah, both family members of the deceased, were the complainants to the incident. Enquiries by Op NM investigators and further confirmed by HQ DSF established that a Deliberate Detention Operation (DDO) for Obj TYBURN (Obj TY) took place on 16

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Feb 11 in Helmand Province Afghanistan, during which, according to official accounts, the family members of Mr Bang and Mr Saifullah were killed by United Kingdom Special Forces (UKSF) personnel acting in self defence under lawful rules of engagement. To the contrary, Mr Bang and Mr Saifullah alleged that their family members were killed unlawfully. On commencement of the investigation into the claims made by Mr Bang and Mr Saifullah, Leigh Day & Co (LDC) were requested to provide all relevant correspondence and material pertinent to the matters in hand; this request has been repeated on several occasions but no material was initially forthcoming. The 'Leggatt Test' was considered but at that stage due to the complexities and subsequent matters identified in pursuance of the Obj TY investigation it was not applied. Subsequent engagement with LDC by the current GOLD and SILVER Commanders secured the interview of Mr Saifullah (See complainant's statements).

47. **Further Investigations by OP NM into incidents involving SF personnel.** Two further alleged murder investigations were conducted under the OP NM umbrella. OP NM investigated the deaths of a further 17 Afghan civilians which occurred during the DDO for Objective [REDACTED] 1 (Obj 1) and Objective [REDACTED] 2 (Obj 2). In addition, whilst it sat outside the ToRs for OP NM, OP NM personnel investigated a further allegation of unlawful killing, as it was recommended by the IRT that OP NM personnel were best placed to conduct the investigation. The details of these incidents are contained in the executive summary from Para 92 onwards.

Initial Information

48. In Apr 15, [REDACTED] N1466 disclosed information to PM(A) regarding the disparity in the number of EKIA and weapons recovered during [REDACTED] SU1 operations. During this disclosure, [REDACTED] N1466 also provided details of a security compartment, created by [REDACTED] UKSF3, named Op [REDACTED] A. It is worthy of note, that on exploration of Op [REDACTED] A it links Op TY to an internal review directed by DSF, details of which are explained in the following paragraphs.

49. Op [REDACTED] A. One of the first key pieces of evidence behind the allegations was Op [REDACTED] A. This was the code name given to a compartmentalised document suggesting unlawful killing in Afghanistan. This compartment was created in order to protect information regarding anecdotal evidence suggesting that members of [REDACTED] SU1 were carrying out Extra Judicial Killings (EJK) whilst on operations in Afghanistan.

50. In Jun 15, the contents of the Op [REDACTED] A security compartment was recovered by Op NM, from the CO [REDACTED] UKSF3 N1785. Within this was a typed document, dated 24 Mar 11, written by [REDACTED] N1799, UKSF3. The document states that he had had a "loose conversation" with a [REDACTED] soldier of [REDACTED] SU1A, UKSF1 who had recently returned from operations in Afghanistan. The [REDACTED] soldier stated that during operations to hit low or medium value targets, all fighting aged males, regardless of the threat they posed, would be killed on target. This included those males not holding weapons. The [REDACTED] soldier further stated that these males were executed using a number of methods, one being that a pillow was placed over the head of an individual before being killed with a pistol. It was also implied that the photographs taken portrayed the deceased alongside weapons which they may not have had in their possession when they were killed.

51. In Jul 15, [REDACTED] N1799, no longer serving, was interviewed by the then SIO, Capt JL Wright, RMP. During this meeting, [REDACTED] N1799 confirmed that he was the author of the typed document and explained the circumstances of how he became aware of that information. [REDACTED] N1799 stated that he was on a course at [REDACTED] UKSF3, circa Mar 11 during which he met with two colleagues, one of whom he had attended a UKSF course with. [REDACTED] N1799 identified one of the individuals he met as the source of the information detailed above, known only as [REDACTED] N1201. [REDACTED] N1799 was asked to provide a s9 statement to this effect, however he declined as he had concerns about his name being disclosed as part of an investigation. [REDACTED] N1799 stated he had raised his concerns through fellow [REDACTED] UKSF3 Officers, who in turn raised the issue to the CO [REDACTED] UKSF3, N1785. [REDACTED] N1785 directed [REDACTED] N1799 to provide a written statement of this conversation, which he duly did.

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52. Enquiries into the identity of [N1201] were made through Defence Business Services (DBS) and ultimately through the Disclosure staff, [HQ DSF]. These enquiries confirmed that [N1201, UKSF1], had been in attendance on the same [UKSF] course as [N1799]. Enquiries also revealed that [N1201] was also deployed with [SU1] on Operations in Afghanistan in early 2011. Further enquiries detailed [N1201] on a [UKSF] course with [N1799] at [UKSF3] circa Mar 11. It was quickly identified that [N1201] was present during the detention operation to detain Obj TY, on 16 Feb 11.

53. In Aug 15, a letter from CO [UKSF3 (N1785)] addressed to DSF ([N1802]) was recovered by Op NM. This letter, entitled '*Allegations of EJK by UKSF*' outlined the concerns raised by [N1799]. It was at this stage that the Op [A] security compartment was created. In Apr 16, attempts were made to re-establish contact with [N1799] with a view to record a statement from him. This was met with negative results.

54. In Jan 17, Maj Cox directed that no further contact with [N1799] should be made as the specific allegations were hearsay.

55. In Aug 17, [N1201] was interviewed as part of the ongoing Obj TY investigation. [N1201] was not questioned regarding Op [A]; however he did confirm his attendance on the [UKSF] course at [UKSF3].

56. In Dec 17, attempts were made to re-establish communication with [N1799] as further lines of enquiry (LoE) were being pursued (not relating to Obj TY specifically).

57. In Sep 18, communication with [N1799] was re-established and, after initial refusal, arrangements were made to meet him in London on 10 Oct 18. Investigators travelled to London in order to meet with [N1799] however he did not attend. Following this, [N1799] was again contacted to arrange another meeting, however he did not reply. A final message was received from [N1799] stating that he no longer wished to speak with Op NM. A message was then sent to [N1799] informing him that the source of Op [A] would now be approached as a witness. To date, there has been no further communication with [N1799].

58. On 13 Mar 19 [N1201] was interviewed regarding his knowledge and involvement in [OP A]. It was believed that he was the other party in the conversation described by [N1799]. Whilst he confirmed that he had attended a [UKSF] course in [UKSF3] having just returned from operations and that he was the only one on the course [N1201] he denied any knowledge of any conversation or any knowledge of EJK by special forces.

59. **Op [A] Witnesses.** The following individuals are listed on the Op [A] Compartment Access List (CAL), indicating they would have been briefed on the contents of Op [A]. The contents of their witness statements are detailed below:

a. [N2349]. [N2349] served as Ops Officer, [UKSF3] he stated that he could not recall the CAL; however he did recall a conversation he had with [N1799] in Feb-Mar 2011, where [N1799] disclosed details of a conversation he had whilst on a course with members of [UKSF1]. [N1799] informed [N2349] that a member of [UKSF1] had told him that whilst deployed to Afghanistan that [SU1] had been indiscriminately killing fighting aged males on target regardless of whether they posed a threat or not. [N2349] informed the CO at the time, [N1785], of this conversation. [N2349] also stated that around the same time he raised concerns to the [UKSF3 PDT training provider] about the building clearance TTP being used by [SU1].

b. [N1785]. [N1785] was CO [UKSF3] when [N1799] told him of a conversation he had with a member of [UKSF1], in which he disclosed details of apparent EJK. [N1785] stated that he raised these concerns of [N1802], DSF,

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at the time, in writing. He also stated that a SNCO (NFDK) had spoke of similar concerns around the same time, however he could not recall further details. The identity of the SNCO remains unknown despite extensive efforts to identify him.

c. [REDACTED] N2350. [REDACTED] N2350 was in UKSF3 and stated that he had no recollection of the CAL; however he did recall concerns over the amount of EKIA in circa 2011 when [REDACTED] UKSF1 took over [REDACTED] SU1 from [REDACTED] UKSF3.

d. [REDACTED] N2224. [REDACTED] N2224 was CO [REDACTED] UKSF3 when Op [REDACTED] A was recovered by Op NM. [REDACTED] N2224 stated that [REDACTED] N1785 provided him with a handover of Op [REDACTED] A when [REDACTED] N2224 took over, however he took no action in relation to Op [REDACTED] A during his tenure as CO until releasing it to Op NM. [REDACTED] N2224 stated that he recalled concerns regarding disharmony between UKSF and Afghan forces attached ([REDACTED] APU1). He believed this was due to [REDACTED] APU1 being kept on the fringes of operations, where they wouldn't be able to witness events leading up to the deaths of local nationals.

e. [REDACTED] N1800. Although not on the CAL, it was suggested that [REDACTED] N1800 may have knowledge of Op [REDACTED] A in his role as RSM [REDACTED] UKSF3 at the time. [REDACTED] N1800 stated that he had no knowledge of any facts or rumours relating to EJK committed by UKSF in Afghanistan.

60. **Legal Advice provided to DSF ACOS.** On 7 Apr 11, [REDACTED] N1466 ACOS Ops, DSF, emailed [REDACTED] N2108, SO1 Legal DSF, to obtain legal advice in relation to the concerns he had about the nature of [REDACTED] SU1 operations. [REDACTED] N2108 replied the same day detailing his advice based upon his analysis of the OPSUMs and SIRs produced by [REDACTED] SU1. [REDACTED] N2108 set out the responsibilities of the CO under the Armed Forces Act 2006 (AFA 06) to report to the Service Police any circumstances, which would suggest to a reasonable person that someone (identified or not), within the CO's command may have committed a serious service offence. [REDACTED] N2108 asserted that an allegation does not need be a complaint, or first hand witness evidence, arguing that second hand accounts and written records could suggest to a reasonable person that a service offence has been committed would be enough.

61. [REDACTED] N2108's assessment was that in isolation each operation highlighted did not meet the statutory criteria for notifying the Service Police, but when taken together with the identification of similar trends, and suspicion around the accuracy of OPSUMs, that a reasonable person would consider that service offences may have been committed; [REDACTED] N2108 further asserts that the OPSUMs '*cannot be relied on with any real confidence as the 'definitive account' of events*'. [REDACTED] N2108 advised that '*at the very least*' there was a requirement to look very carefully at the building clearance TTP, finding that the trends identified could suggest a systematic failure of the TTP being employed.

62. [REDACTED] N2108 cautions by stating that he has not spoken with ex-CO [REDACTED] UKSF3, N1785, nor been made aware of accounts he has been made party to – referring to Op [REDACTED] A.

63. **Tactics Techniques and Procedures (TTP) Review.** In examining the background to Obj TY, information and evidence was recorded from [REDACTED] N1466, [REDACTED] N1785 and other personnel indicating a series of similar incidents which resulted in a high proportion of deaths versus the number of recovered weapons. 11 incidents in total, spanning a period of circa 6 months (Nov 10 – Apr 11) were initially identified by [REDACTED] N1466 and his team in 2011. They all featured the same [REDACTED] UKSF1 sub-unit. These statistical anomalies together with the OP [REDACTED] A information, were raised to DSF 7 Apr 11. The concern by HQ DSF was that the TTP employed appeared to have allowed for the situation whereby an unarmed and detained Afghan national had been escorted back into a building under armed escort, permitted to instantly arm themselves, engage the [REDACTED] SU personnel, and therefore resulted in their death on every occasion. In each case, it appeared to be outside the view of their Afghan partners. During the 11 operations, a total of 43 Afghan nationals were killed with 26 weapons being recovered. As a result of the information

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provided above, and following legal advice regarding Sect 113 AFA 06 (duty to refer to Service Police) [N1802] directed that a review of the 'Compound Callout' TTP take place. Under the direction of [N1466], [N1788], then SO1 Campaigns, HQ DSF, deployed to Afghanistan and conducted a review as dictated in a Terms of Reference Document compiled by [N1802].

64. The resultant TTP review analysed the 11 incidents (between Nov 10 and Apr 11) and further confirmed that the TTP employed appeared to have allowed for the situation described above. The summary of ToRs given to [N1788] and [N1786] were as follows

- a. [N1788] (SO1 Campaigns DSF). [N1788] was tasked to support Comd [SFHQ(A)] in his review of the TTP of having an Afghan Male head of household re-enter a target compound after call out, to determine whether it offers the optimum balance between effective detention / exploitation and protection of the force. His legal responsibility was to report any criminal acts that may have been committed to DSF and CO [SFHQ(A)].
- b. [N1786] (CO [SFHQ(A)]). [N1786] was tasked to support [N1788] in his review of the TTP of having an Afghan Male head of household re-enter a target compound after call out, to determine whether it offers the optimum balance between effective detention / exploitation and protection of the force. His legal responsibility was that if he believes a criminal act may have been committed, to notify the RMP and DSF in accordance with AFA 06.

The following personnel were also spoken to with regards to the TTP review:

- c. [N1466]. During his tenure as ACOS Ops, HQ DSF, [N1466] was privy to post operational reports compiled by [SFHQ(A)]. In Feb 2011 upon reading the OSW originating from theatre containing details of how operations were conducted by [SFHQ(A)], [N1466] became increasingly concerned regarding the number of EKIA in comparison to the number of weapons recovered during these operations. After expressing his concerns to DSF [N1802], [N1466] was directed to contact CO [SFHQ(A)] [N1786]. [N1466] raised his concerns with [N1786] about the number of weapons recovered to the number of EKIA however does not recall the outcome of the conversation. [N1466] maintained observations on post incident reporting focusing on the number of EKIA and weapons recovered which in his mind were disproportionate and increasing his concerns. With [N1466]'s continued concern and having discussed them with CO [UKSF3] [N1785] he emailed DSF highlighting the issues that he believed warranted further investigation. Immediately after sending the email to DSF, [N1466] was contacted by SO1 Legal [N2108] who provided him legal advice. DSF then directed him to send [N1788] to conduct a review of 11 incidents and the TTP of the compound call out to ensure it was fit for purpose, along side CO [SFHQ(A)] [N1786]. [N1466] recalled that [N1788] and [N1786] were both provided Terms of Reference (TORs) to enable them to conduct their review. After the review was conducted, the findings provided recommendations regarding changes to the call out TTP, which was then sent to subordinate [SFHQ(A)] commanders suggesting that changes to the TTP would be brought in, by [N889] COS [SFHQ(A)]. In his witness evidence, [N1466] expressed discontent regarding the plausibility of the OSW given his knowledge of the tactical situation and Standard Operating Procedures (SOPs) of SF. This opinion was not expressed at the time in the TTP review document. Whilst the investigation team focus is on investigating the Mr Bang and Mr Saifullah allegations (which is within the 11 incidents in the TTP review), the other 10 incidents display an similar modus operandi with similar results, conducted by the same personnel and were therefore scoped by Op NM. Of the remaining 10 incidents, 2 are currently under formal investigation. However, unlike Obj TY, at this time no complainants have been identified, whether through independent reporting or from LDC.

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d. [N1788]. [N1788] was tasked by [N1466] to deploy to Afghanistan and assist Comd [SFHQ(A)] to conduct an analytical review of Ops conducted by [SU1] a sub unit of [SFHQ(A)]. In particular, six to seven Ops where their use of a specific TTP during the call out phase led to an increase in kinetic activity. [N1788] was directed to ascertain if the Call out procedure on target was fit for purpose. Upon initial review [N1788] believed his findings reinforced [N1466's] concerns whereby a secured person was able to pose a threat to the [SU] which led to him being engaged. During the review [N1788] spoke with OC [SU2] [N1791] over the phone, who expressed no concerns over the conduct of [SU2]. [N1788] also spoke with OC [SU1] [N1141] and [SM] [SU1 Name Given] and a number of [C/S Comds] from [SU1]. They also expressed no concerns over the TTP. [N1141] explained the TTP had developed over time to minimise the risk to his personnel and was a response to the IED threat. [N1788] explained that whilst measures taken to improve force protection were understandable, there were issues with having gained control of a detainee on target to be allowed to re enter a building and pose a threat to the [SU]. [N1788] then drafted his findings and recommendations in a report which was sent to CO [SFHQ(A)] [N1786]. [N1788] was then directed by [N1466] to liaise with J3-5 Campaigns, [N2444], in order to establish a link between weapons recovered and EKIA. Being UK based, [N2444] was tasked with reviewing OSW relating to [SU1] Operations during [Op C]. His findings were compiled onto a spreadsheet, which highlighted 11 DDO's between 30 Nov 10 and 2 May 11, all involving [SU1]. The findings were sent to [N1788] who used the statistics as part of his review. Upon conclusion of the review, [N1788] sent his findings to [N1466]. [N1466] in turn, then generated an email, sent to all subordinate commanders [SFHQ(A)] in which it states, there will be changes to the TTP, which were signed off by [N889], COS [SFHQ(A)].

e. [N2444]. Whilst employed as SO2 Operations (A) at [HQ DSF N2444] noted that there appeared to be an increase in enemy fatalities within operations conducted by [SU1A]. He stated that he was concerned that the [Sub-Unit] were abusing the TTP of sending a detained male back into clear a compound for their own purpose. He subsequently raised this with [N1788] and was later tasked by [N1788] to look at the [Sub-Units] recent Operations to see if he could identify any anomalies. Based on post Op reports, he produced a spreadsheet summarising approximately 10 to 15 operations which appeared to contain anomalies. He had no further input in the matter following the production of this spread sheet and believes that any further work in relation to it was conducted by [N1788] himself. He has no knowledge of any subsequent review and stated that this was most likely due to the fact that [redacted] and due to the perception that the matter required the attention of an SO1.

f. [N1803]. [N1803] was employed in the DSF HQ as ACOS policy at the time of the TTP review. She was interviewed twice in 2019 regarding her knowledge of the TTP review and the reasons for it. She recalled she had access to the SINCREPS on a daily basis and recalled that she had become concerned about the TTP being used and the resultant effect. She recalled discussing with [N1466] her concern that it might fall outside the remit of the rules of engagement. She recalled speaking with ACOS Ops [N1466] and agreeing that it should be raised to DSF. She could not recall the specifics due to the time lapse and did not recall having any further interaction with the TTP review.

65. **Objective TYBURN investigative approach.** The following paragraphs outline the Lines of Enquiry.

a. **House to House Enquiries.** In conjunction with Section 14 of the Murder Investigation Manual, house-to-house enquiries were considered at the outset of the investigation. In Oct 14 a request was made to PJHQ J2 South Asia cell, for investigators to travel to the location in Afghanistan in order to carry out such enquiries. PJHQ deemed the area too dangerous for any British personnel to attend and this line of enquiry was ruled out.

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b. **Evidential Sources.** At the outset of the investigation it was the intention to ingest all of the following data sources into a bespoke FDHC. A Main Line of Enquiry (MLOE) of the investigation has been the active trawling for any Electronically Stored Information (ESI) which may be evidentially relevant to the investigation.

1) **Viewing Platform.** In Dec 14, on cessation of Operational activity in Afghanistan, all ESI held on the SFHQ(A) server located in [Location Given] was conveyed to HQ DSF, London and transferred to an archive system. HQ DSF disclosure staff initially provided by consent, a data set to Op NM, with material relevant to the Mr Saifullah and Mr Bang incident. Following this there was a complete handover of the SFHQ(A) server. In Jun 16, the SFHQ(A) data set was forensically ingested into the Interim Forensic Data Handling Capability (IFDHC), a bespoke IT system held [redacted] in a secure location at [redacted], HMS Collingwood. An Early Case Assessment (ECA) included analysis and searches of the data in order to identify relevant material. Office space which had been utilised by Op NM at HMS Collingwood was vacated in Mar 18. The server was transferred to its current location at RAF St Mawgan in Sep 18. Analysis and searches of the data have been ongoing and still continue in order to identify relevant material, however the amount of data is vast. Although relevant data has been identified there has been nothing recovered which apports criminal culpability upon any members of the SU in relation to the allegations made by Mr Bang and Mr Saifullah.

2) [redacted] IT system 1 [redacted] Details of IT system 1 [redacted] in [redacted] HQ DSF [redacted] This is their main day to day working platform which hosts all the operational information [redacted], including SF operations. The IT system contains all original and deleted data and it remains within DSF. The SFHQ(A) server is a data subset within the ITS1 system, which DSF wished to decommission and thereby permanently delete large amounts of potentially relevant data. It was the intent of the then SIO, Capt Wright to recover this system to enable evidential exploitation. The overarching ITS1 database was never recovered by Op NM as it would have jeopardised current SF operations [redacted], however, Op NM did recover the SFHQ(A) server.

3) **Net Reveal Analyser (NRA).** Op NM staff conducted searches of IT system 1 using the NRA. It was believed that due to its limitations, a structured search mechanism could not be employed. During 2014 – 16 the then SIO Capt Wright, directed that due to the non-forensic nature of NRA the searches were to cease. Since then, 2017 to present, as the investigation has progressed, more focused searches were required on specific data sets. There was no requirement during this period for forensic recovery as all information was provided by consent. These were then conducted by the new SILVER Comd/SIO, Maj Cox in Dec 17 and Jan 18, which resulted in the recovery of further evidentially relevant material.

4) [redacted] IT system 2 [redacted] In Mar 17, DSF identified that relevant data may reside on [redacted] IT System 2 [redacted] located and administered at Whitehall. At the point of Op NM being notified of its existence the ITS2 was in the process of decommissioning resulting in the loss of all data. All data held between 1 Jan 10 – 31 Dec 12 was copied and retained by ITS2 administrative staff before the decommissioning process was complete. This data was recovered by Op NM investigators and sits within the [redacted] appropriately cleared area within RAF St Mawgan. The data has not been viewed.

5) **DJEP Archive System (DAS).** The DAS, is a UK based server, which contains huge amounts of data from all theatres of operations covering all timescales, some of

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which is relevant to Op NM investigations. Op NM has staff embedded within the DAS and have both filtered and exported data as required. Operational Staff work (OSW), Emails and policy documents have been recovered as part of this process. Due to the sensitivity and classification of the material held on the server, it has proven problematic recovering some of the material. It required the use of Eclipt Hard Disk Drives (HDDs) to transfer data between DAS and St Mawgan. Issues with procurement of the HDDs initially delayed the process but these issues have been resolved.

66. **Hard Copy Material Searches Within** HQ DSF - [REDACTED]. HQ DSF archive some operational staff work and other hard copy material [REDACTED] in line with MOD archiving policy. A full review of that material has taken place with minimal relevant material being recovered.

67. **Intelligence recording & development - Intelligence Analysis.** The initial investigation strategy was based on covert requirements and therefore had a demand for a large intelligence capability.

68. **Operational Staff Work (OSW).** Like any other operationally focussed unit, in respect of Obj TY the various elements of OSW covered the planning and execution of the Op, the Post-Op report, Organisation Order of Battle (ORBAT) Concept of Operations (CONOPs), Executive Summary (EXSUM) and a First Impression Report (FIR) which is produced when there have been Civilian casualties or questions raised about the conduct of the operation. In addition there may be other normal operational staff reporting such as Serious Incident Reporting (When required). SF have different reporting chains and checking procedures for SIRs which does not include RMP input. Once identified as being relevant by the investigation team, copies of the OSW were requested and subsequently recovered by consent from HQ DSF [REDACTED].

69. **Creation of OSW specific to Obj TY.** It is worthy of note that the author for the OSW, specific to Obj TY, has not been established. What has been identified is that as a general rule [REDACTED] Name Given SO3 J3-5, whom worked in the Ops room, compiled the various documents of OSW. [REDACTED] Name Given explained that he would have probably compiled the OSW for Obj TY but he could not, when shown the various documents, remember the operation. [REDACTED] Name Given did not deploy on the ground and was not directly witness to events as they happened, he merely compiled the OSW having listened to the radio traffic from the [REDACTED] SU and viewed the live feed from FMV. The OC of [REDACTED] SU1 [REDACTED] N1141, would have oversight of the OSW before its completion and onward distribution. The OC would ratify it but it is worthy of note that [REDACTED] SU1 operated frequently [REDACTED] for six months. The OSW would be compiled after the operation [REDACTED], having come off the ground, whilst preparing and planning to deploy [REDACTED] on the next operation [REDACTED].

70. Whilst the OSW can be relied upon to provide a generic handrail of events on the ground an element of caution should be applied to gauging its accuracy. There has been no evidence to suggest that any material was ever included or omitted with intent to protect the legality of the [REDACTED] SU actions. However, during the course of OP NM investigations it has been establish that questions have been raised over the use of copy and paste.

71. Below is a synopsis of pertinent OSW that has been recovered:

a. **Concept of Operations (CONOPS).** This document details Obj TY whom was an Afghan male named Sadam who featured on the [REDACTED] Target List. He was an individual linked to the insurgency who was believed to be part of an active IED cell operating within Helmand Province. The document details that he had been identified [REDACTED] as being directly involved in the facilitation of IED components used in attacks on coalition forces within the Lashkar Gah (LKG) area. Contained within the CONOPS was a threat assessment detailing that the threat of a small arms attack by Obj TY was likely during the DDO. Despite exhaustive efforts the exact author of this document cannot be confirmed.

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b. **Execution/Executive Summary (EXSUM).** The EXSUM provides a detailed narrative of the events that occurred during the DDO to detain Obj TY. The EXSUM details that during the approach to the target location the inhabitants of the compound were alerted by a sentry. A further six males then gathered briefly in a courtyard before moving back into the compound buildings, prior to the approach of the [SU]. At this stage, two males ran off and went to ground in the vicinity of nearby compounds. An American [air asset] maintained a 'fix' on these males. During the APU led call out, an Afghan male exited a building and was instructed by the [SU] to re-enter and clear the building. Whilst inside the building, this male retrieved a grenade from behind a curtain and attempted to throw it at the call sign (C/S) resulting in the male being engaged with aimed shots and killed.

A short time later, a different male was used to clear a room within a second compound, when he reappeared with a weapon (AK47) and attempted to engage the C/S. The male was subsequently engaged with aimed shots and killed. At this point, the [SU] went to locate the males who had run-off prior to their arrival. One male was found hidden in a bush and attempted to engage the [SU] with a grenade. This male was subsequently engaged and killed by the [SU]. The second runner was located hidden under blankets. This male attempted to engage the [SU] with an AK47 and was subsequently engaged and killed by the [SU]. This Operation resulted in 4 x EKIA. The EXSUM contains images of the deceased, Mr Bang (who was subsequently detained) and Mr Saifullah. There are also images of money being handed over by the APU in form of a 'Solitia' payment, to what appears to be the family of the deceased. Despite exhaustive efforts, the exact author of this document cannot be confirmed.

c. **First Impression Report (FIR).** This provides further [information] detailing that Sadam intended to provide Improvised Explosive Device (IED) components and mines to attack the Afghan Government and ISAF forces. The document then provides further detail taken directly from the EXSUM before confirming Sadam was killed during the Operation. At the conclusion of the document it details that a Civilian Casualties (CIVCAS) allegation had been made to General Mills by [N2132] who stated that four innocent civilians had been killed by the [SU]; however the report maintained that one of the dead men was an insurgent and the remaining three were killed engaging the [SU]. The report explains that when captured, Mr BANG tested positive for explosive residue and that [personal property] recovered during the operation had [indicated a connection to the Taliban]. Despite exhaustive efforts the exact author of this document cannot be confirmed.

Complainants

72. **Complainant Evidence.** Mr Bang and Mr Saifullah made complaints via LDC on 25 Sep 13; the narrative of their complaints was not detailed and did not provide context as to the motive or reason for a complaint of murder. Actions carried out by Op NM to interview both complainants are detailed below;

a. Access to Mr Bang and Mr Saifullah had been difficult due to their remote location within Afghanistan. The initial attempts to interview Mr Bang and Mr Saifullah had failed due to the Operational environment changing significantly since the incident occurred. The security threat was extremely high, restricting movement in the country. A significant hindrance was that there had been no UK Forces presence within Helmand Provinces from the outset of the investigation. Any contact with Mr Bang and Mr Saifullah had been via LDC.

b. As a result of the security situation Kabul was deemed the most appropriate location to record Mr Saifullah's evidence. In Sep 17, Mr Saifullah was interviewed in accordance with Achieving Best Evidence (ABE) guidelines, as an intimidated witness in Hamid Karzai International airport (HKIA), Kabul. Although Mr Bang was willing to be interviewed, he was unable to travel beyond the South of Afghanistan due to ill health. As previously alluded to,

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due to security concerns, PJHQ would not authorise any deployment of Op NM investigators outside of HKIA, Kabul.

73. **Interview of Mr SAIFULLAH.** In Sep 17, an investigation team deployed to HKIA(N) to conduct an ABE interview of Mr Saifullah. The interview was conducted over a two day period by appropriately trained and experienced investigators following Home Office guidelines for vulnerable or intimidated persons. Mr Saifullah stated that on the night in question he was asleep and was awoken by foreign forces. He stated that he was separated from the other male members of his family, as he was a juvenile at the time (corroborated by known SOPs). After the foreign forces had left, he and the female members of the family were able to return to the compound, where he discovered that 4 members of his family had been shot and killed. He stated that he had heard gunshots whilst he had been stood outside but did not witness the shootings. Mr Saifullah was unable to identify any members of the foreign forces and was unable to provide a detailed description. During his ABE, Mr Saifullah stated that the female members of his family would be unwilling to speak to the Service Police. He further stated that his uncle, Mr Bang was currently unwell and would be unable to travel to Kabul to speak to investigators.

74. **Interview of Mr BANG.** Efforts to interview Mr Bang have been unsuccessful due to his ill health and age resulting in him being unable to travel to HKIA (North), as confirmed by LDC. The possibility of travelling to Kandahar or conducting an interview via VTC or Skype was explored; however after consultation with the MOD there is currently no available option for Service Police (SP) to interview outside of HKIA(N). In accordance with the Istanbul Protocol and to ensure the correct identification of Mr Bang and his subsequent assessment, the interview can only be conducted in person. Consultation with SPA confirmed that evidence recorded via Skype would be unsound for the above reasons. Therefore, currently it has not been possible to record his evidence.

75. Neither Mr Bang nor Mr Saifullah are subject to the requirements of the Victims Code, however the requirements of the Victims Code, Achieving Best Evidence Guidelines and the Istanbul Protocol had all been adhered to either in person or via LDC where necessary. Any consideration to deploy an RMP Families Liaison Officer (FLO) was unrealistic due to the location of both complainants.

76. **Victims Code and engagement with LDC.**

a. LDC, as representatives for the complainants have been engaged through official correspondence throughout the investigation in order to facilitate the interviewing of their clients. In Sep 17, the decision was taken by Lt Col Harvey, GOLD Commander, that it was appropriate and proportionate that he and Maj Cox, SILVER Comd/SIO would provide regular face to face updates to LDC at their London Offices. This was conducted in order to ensure that the complainants' needs were catered for and that should they have any questions, answers, where possible, would be given. The updates continued throughout 2017 and 2018 on a monthly basis, and when requested by LDC.

b. The open dialogue allowed for a better understanding between LDC and the investigation team as to the progress of the investigation. It also catered for the return of the property documents and deeds, which were requested by Mr Saifullah during his interview. These items were recovered at the scene by the detaining unit in Feb 11. Op NM were able to recover them from DSTL and ensure they were returned to the complainant as they did not form part of any evidential material.

Witness Engagement

77. **Witness categorisation.** Initially, between 2014 – 2016 during Op NM enquiries, there have been numerous witnesses identified in a myriad of matters. In dealing with the investigation into the complaints by Mr Bang and Mr Saifullah, it initially took considerable time to identify who was

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present on the operation. This was changed in 2017 following the IRT recommendations and direction from PM(A) through GOLD and SILVER Comd. In the main, those who deployed on the operation were separated into distinct groups, allocated on the basis of their activity. They were either **trained** SF personnel within the assault **Force** or other supporting arms together with APU staff. Subsequent strategy has been developed which has seen the implementation of a Trace, Investigate and Evaluate (TIE) strategy, designed to set out the process for engaging with those personnel on the operation with a view to obtaining evidence and identifying any offenders.

78. **Witness 'safeguarding'**. An effective investigation is predicated on the co-operation of witnesses. The willingness of witnesses in these cases will depend on the ability to safeguard their identity and the information they provide. One witness expressed concerns for his family's safety and a number declined to provide written evidence. The NCA Risk Management Awareness Team (RMAT) has been engaged and witness protection issues addressed. [REDACTED]

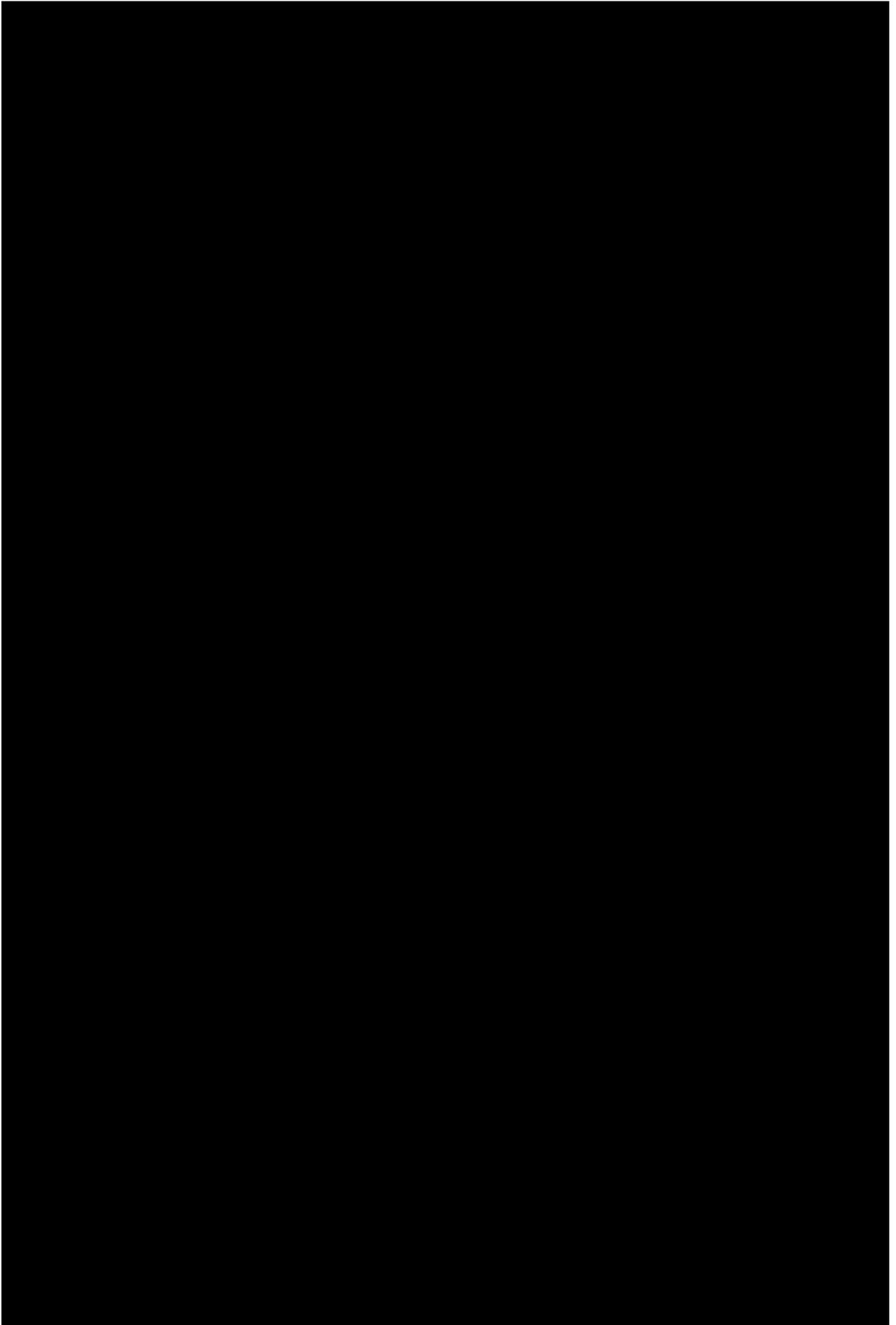
79. **Witness statements** **trained** **personnel**. Members of **SU1A, UKSF1** were interviewed by investigators, during which it was established that none of the personnel spoken to could specifically remember Obj TY. There were discrepancies in the explanations of TTPs provided by **SU1A** members; some stating that Afghan males would be sent back into the compound after the callout in order to search areas, and other members stating that they could not recall whether or not this practice was used. When asked why they could not remember Obj TY the majority of individuals stated that due to the large number of Operations conducted during the course of the tour, remembering one specific Operation was difficult given the time that had elapsed. Two members of **UKSF1** that were spoken to confirmed that they had killed individuals whilst they were deployed and provided details regarding these incidents. Having compared these accounts against what is known by Op NM investigators; it is believed that one of these accounts may correlate to Obj TY and was a lawful killing under the Rules of Engagement. Statements from members of **SU1A** are summarised as follows;

Summaries of statements from the individuals spoken to by investigators, including accounts given by N1141, N2400, N1201 and N1194.

[REDACTED]

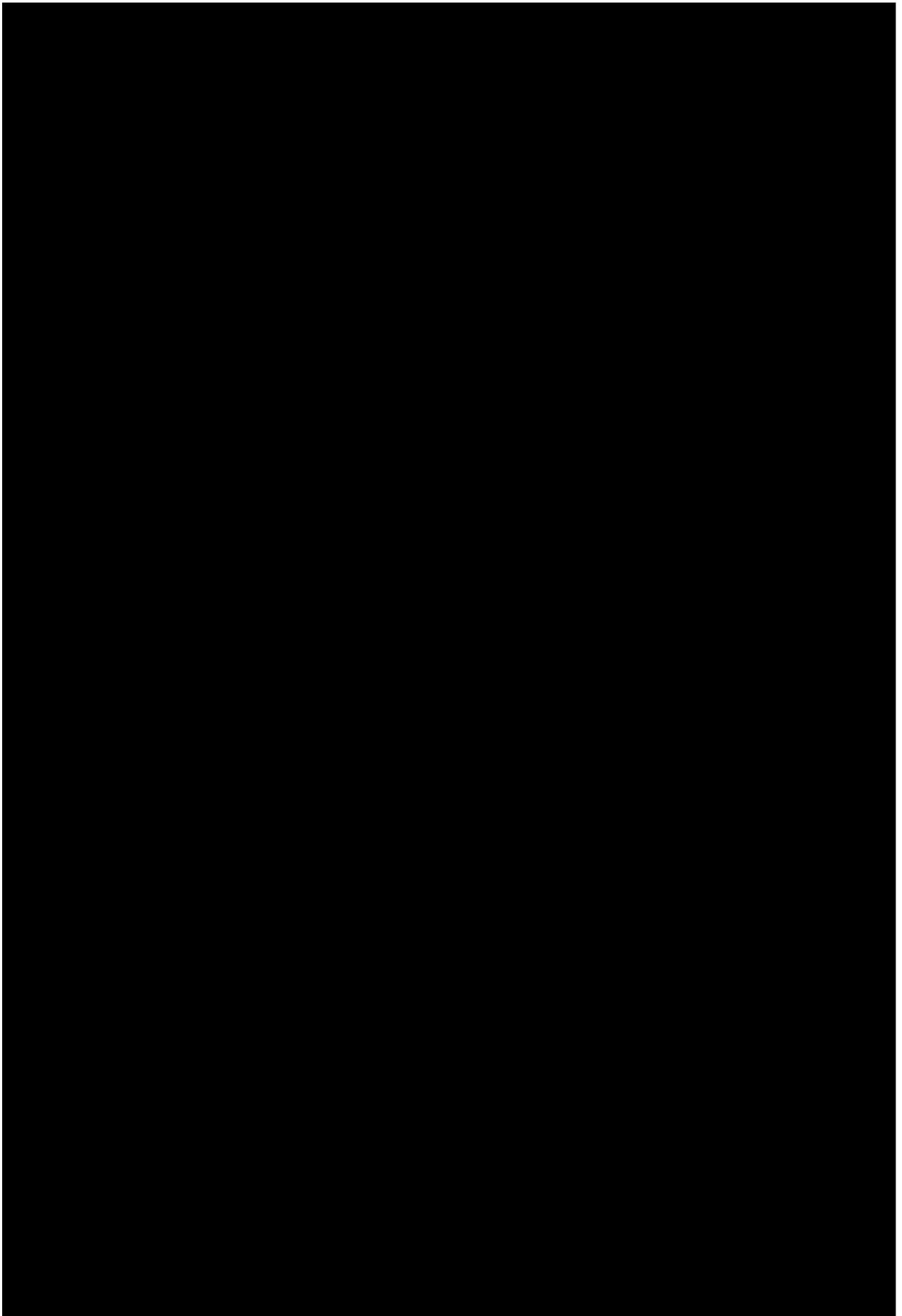
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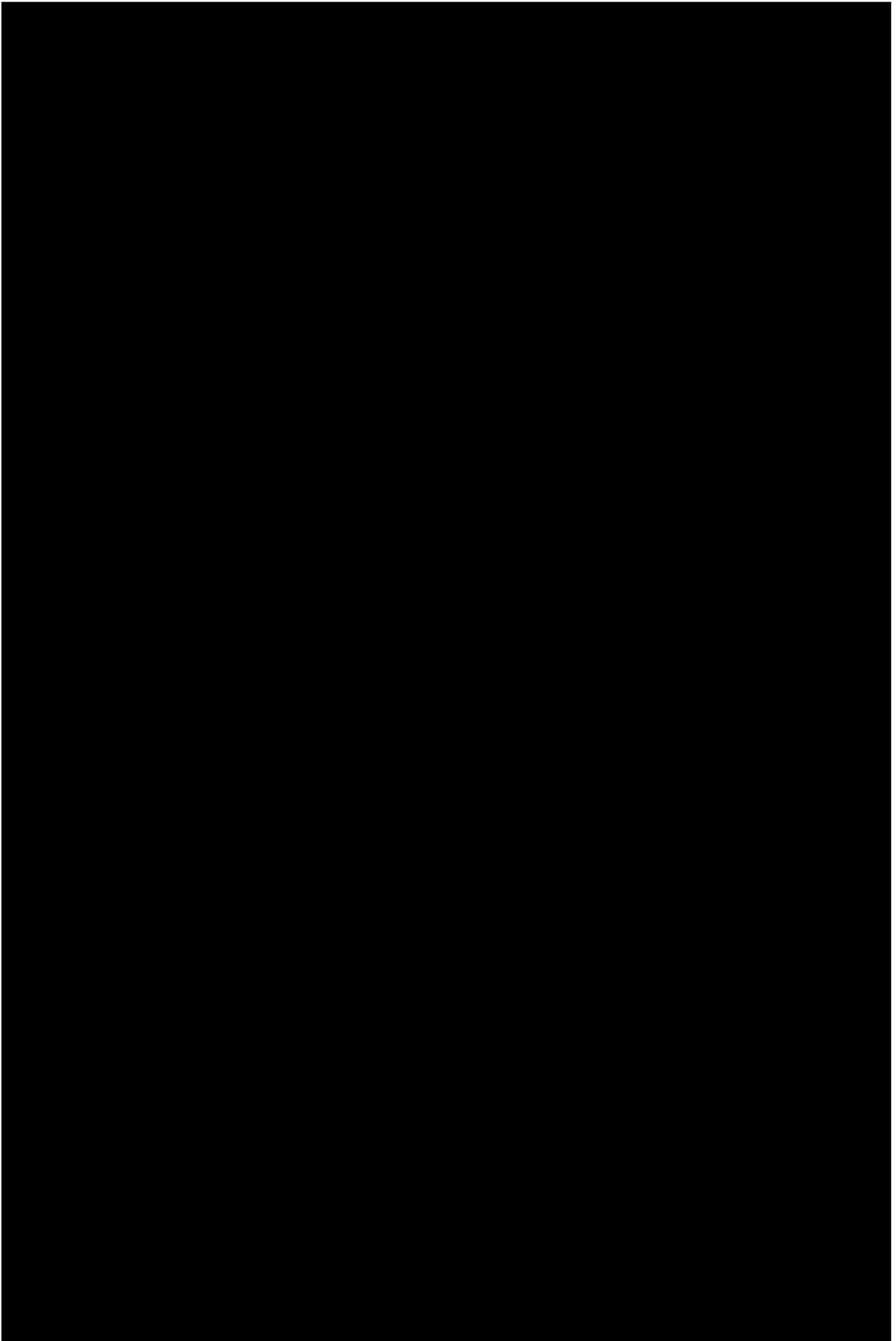
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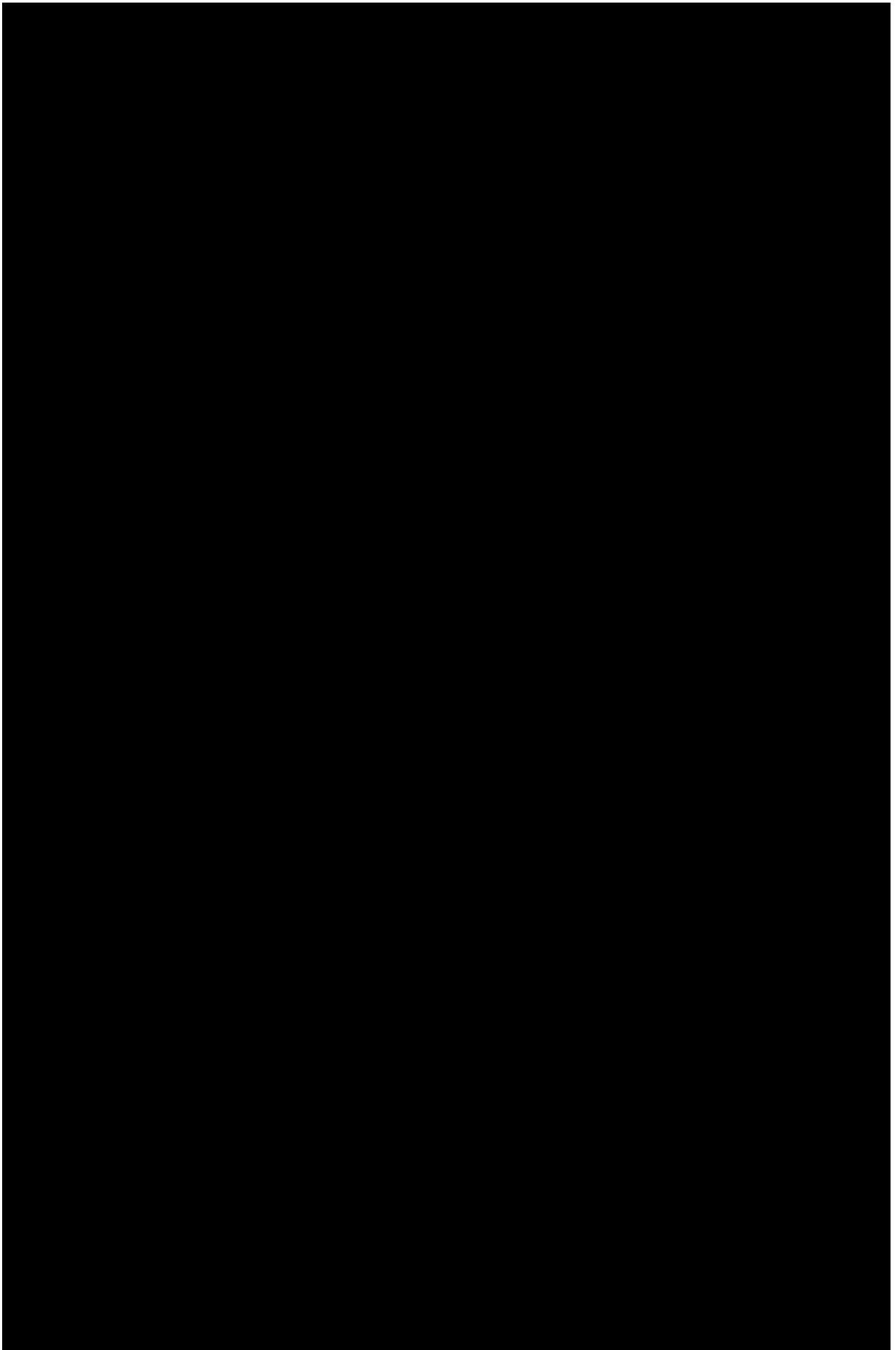
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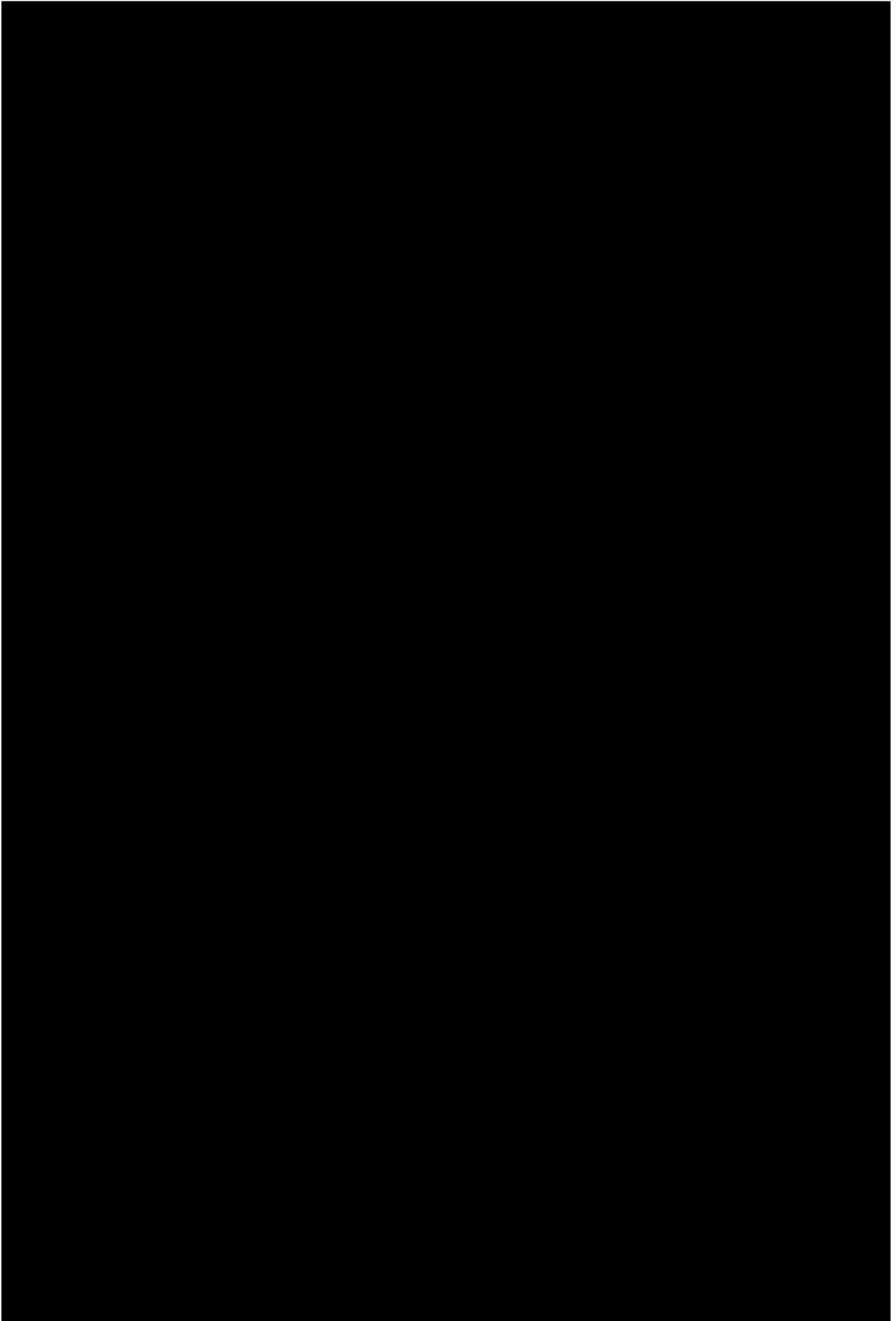
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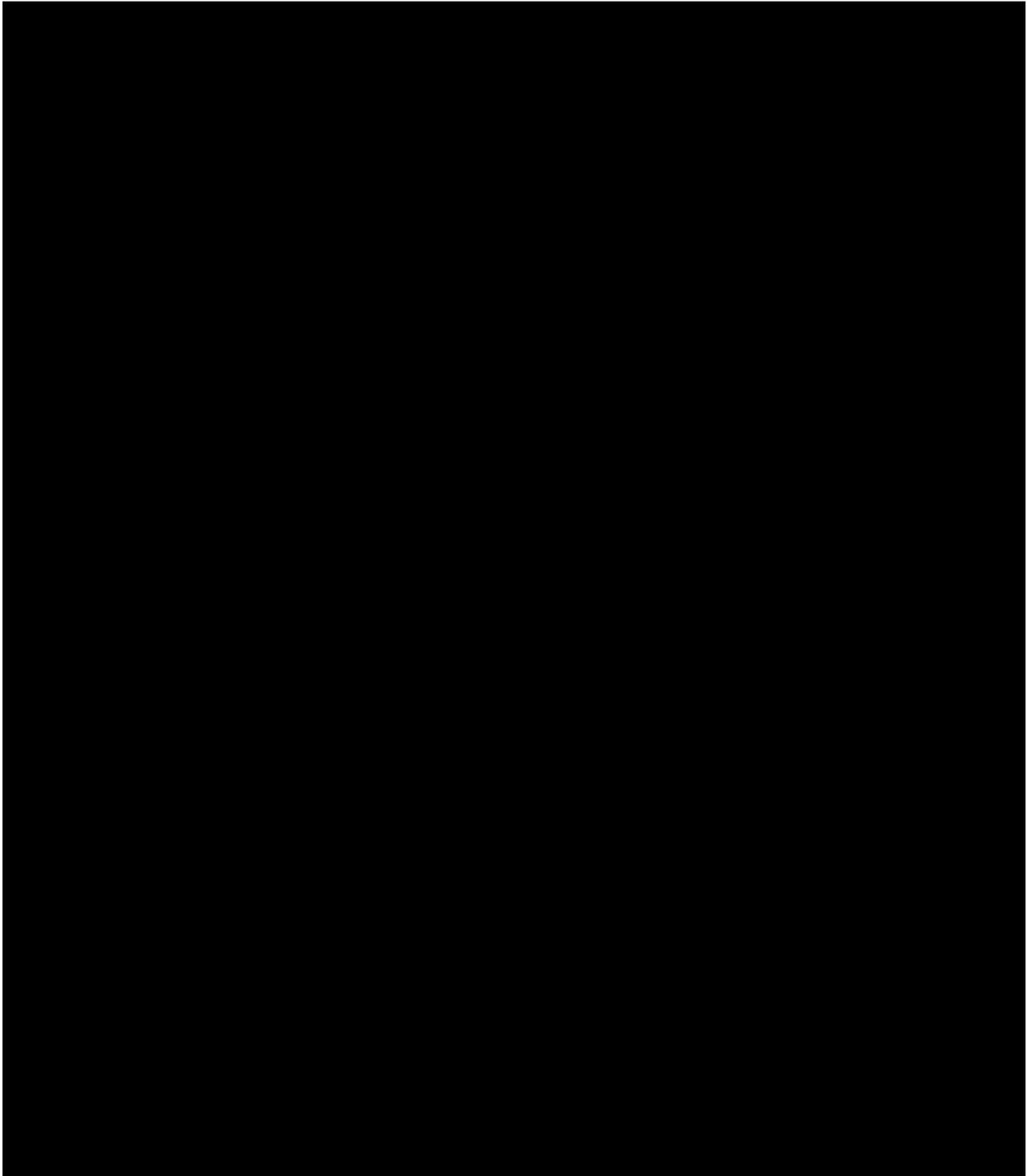
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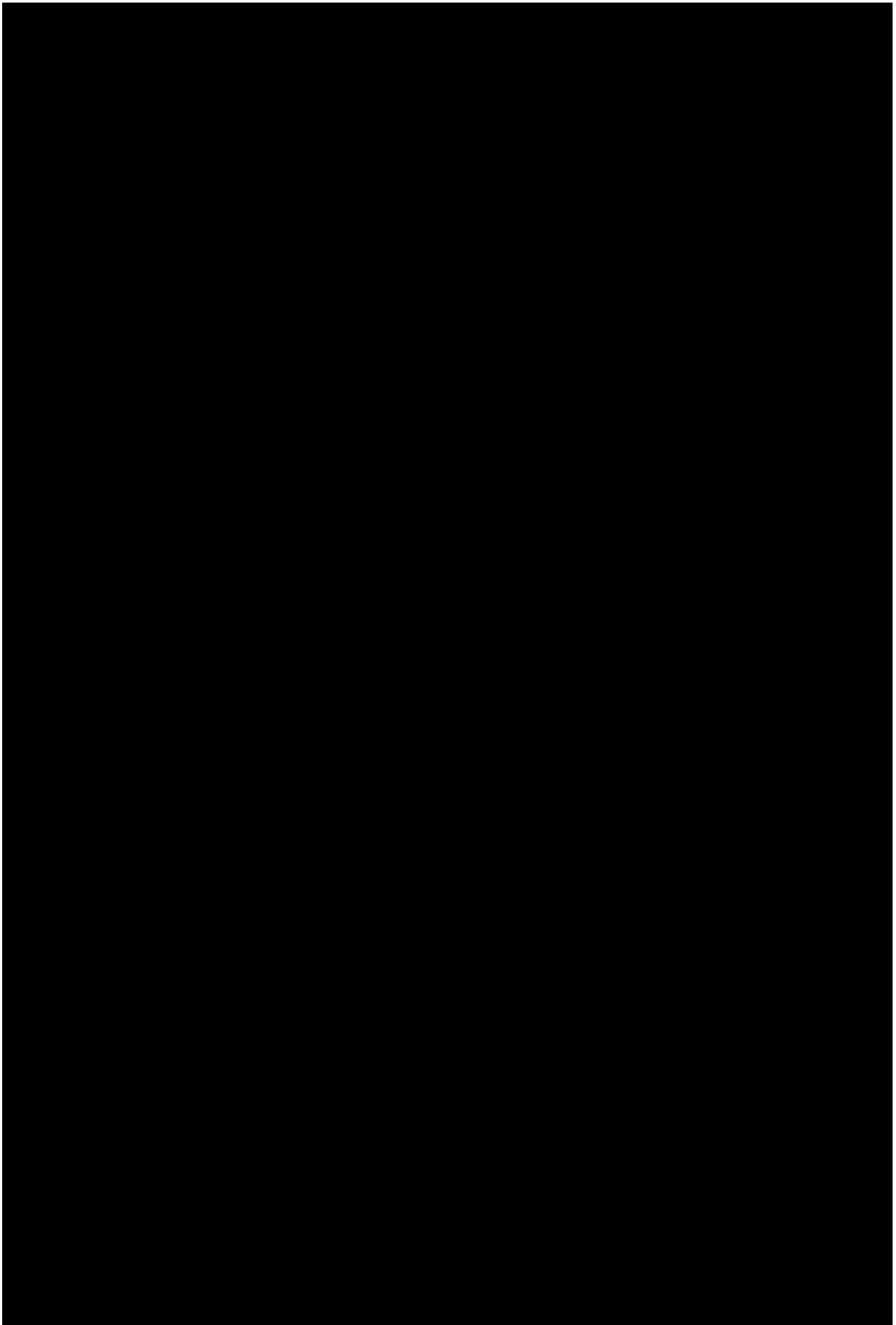


80. **Witness statements** “ support ” personnel UKSF2 Members from UKSF2 have been interviewed by investigators. All members of UKSF2 that have been spoken to stated that they did not specifically remember the operation to detain Obj TY. It was established that the common practice for UKSF2 troops was to form the outer cordon for UKSF1 as part of a DDO , and as such no members of UKSF2 were able to provide any information about how the callout and subsequent search of compounds was conducted, nor could they provide any information regarding the TTPs used by UKSF1 . A summary of the recorded statements is as follows:

Summaries of statements from the individuals spoken to by investigators.

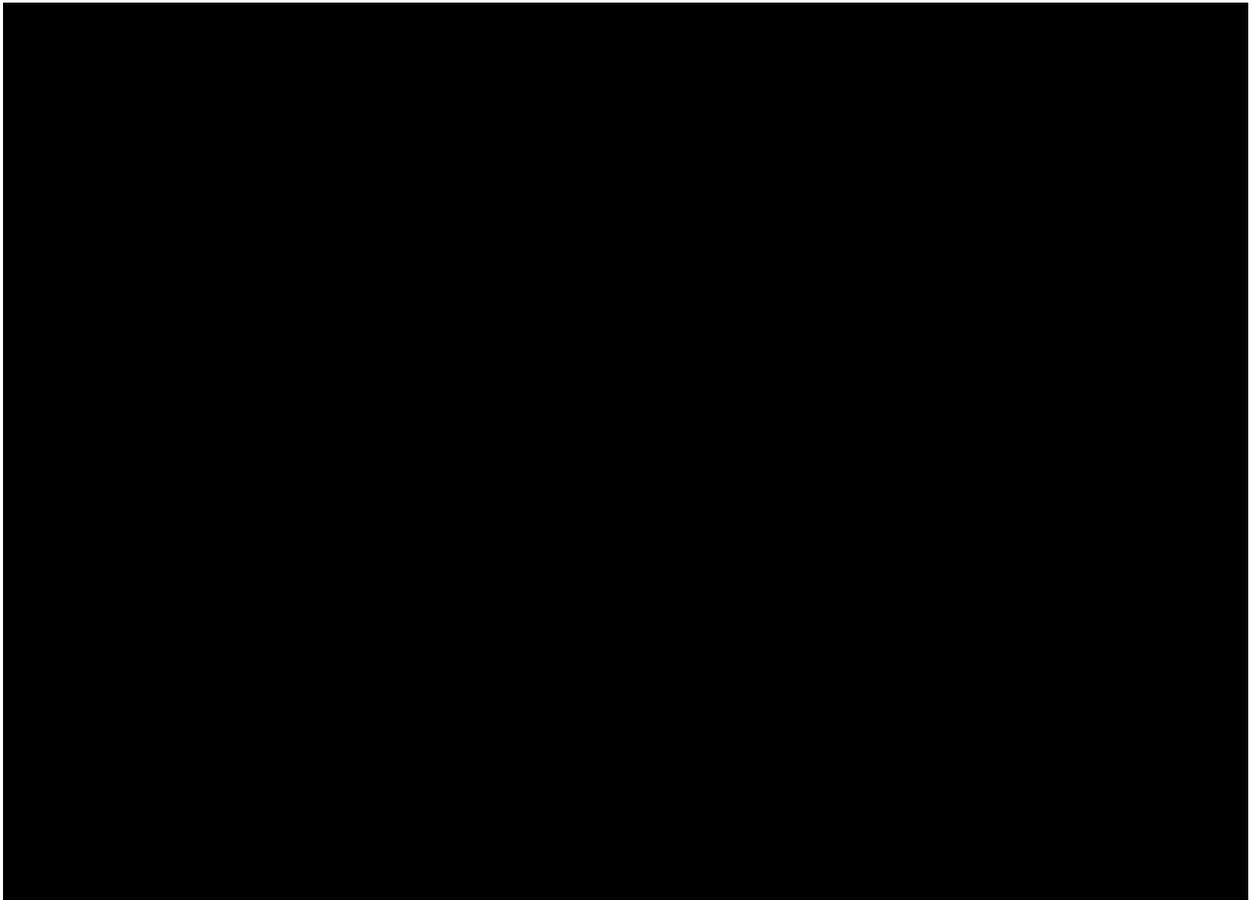
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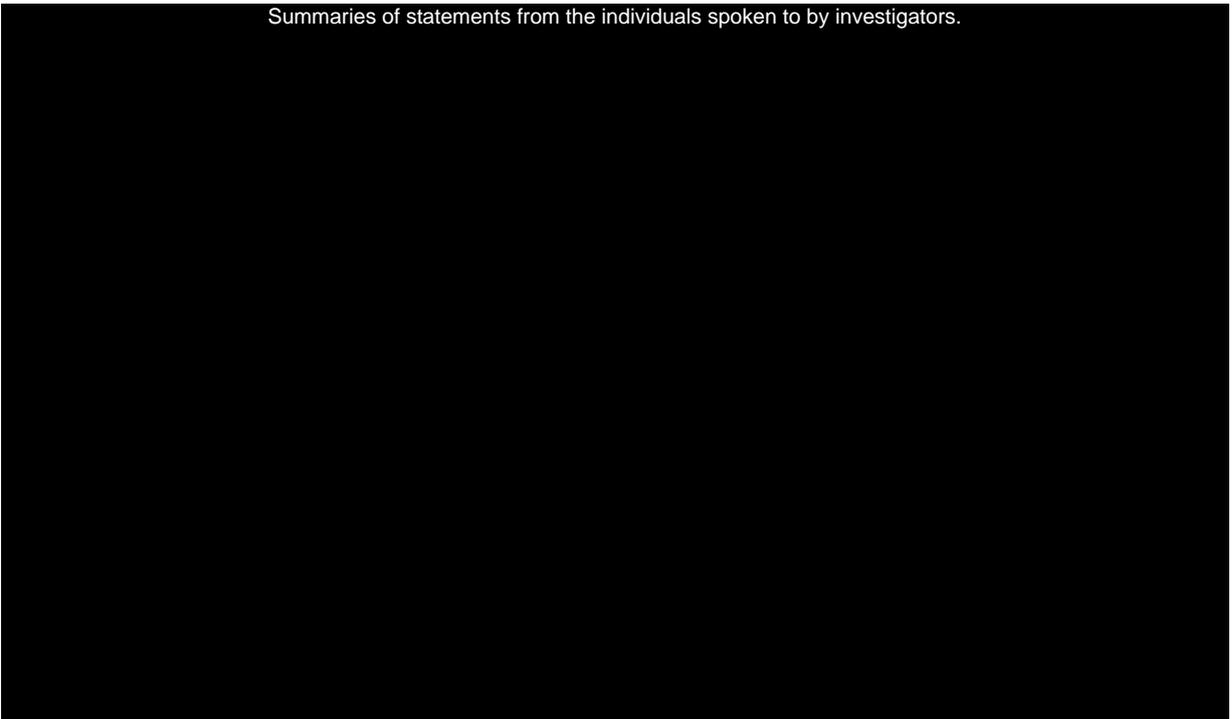
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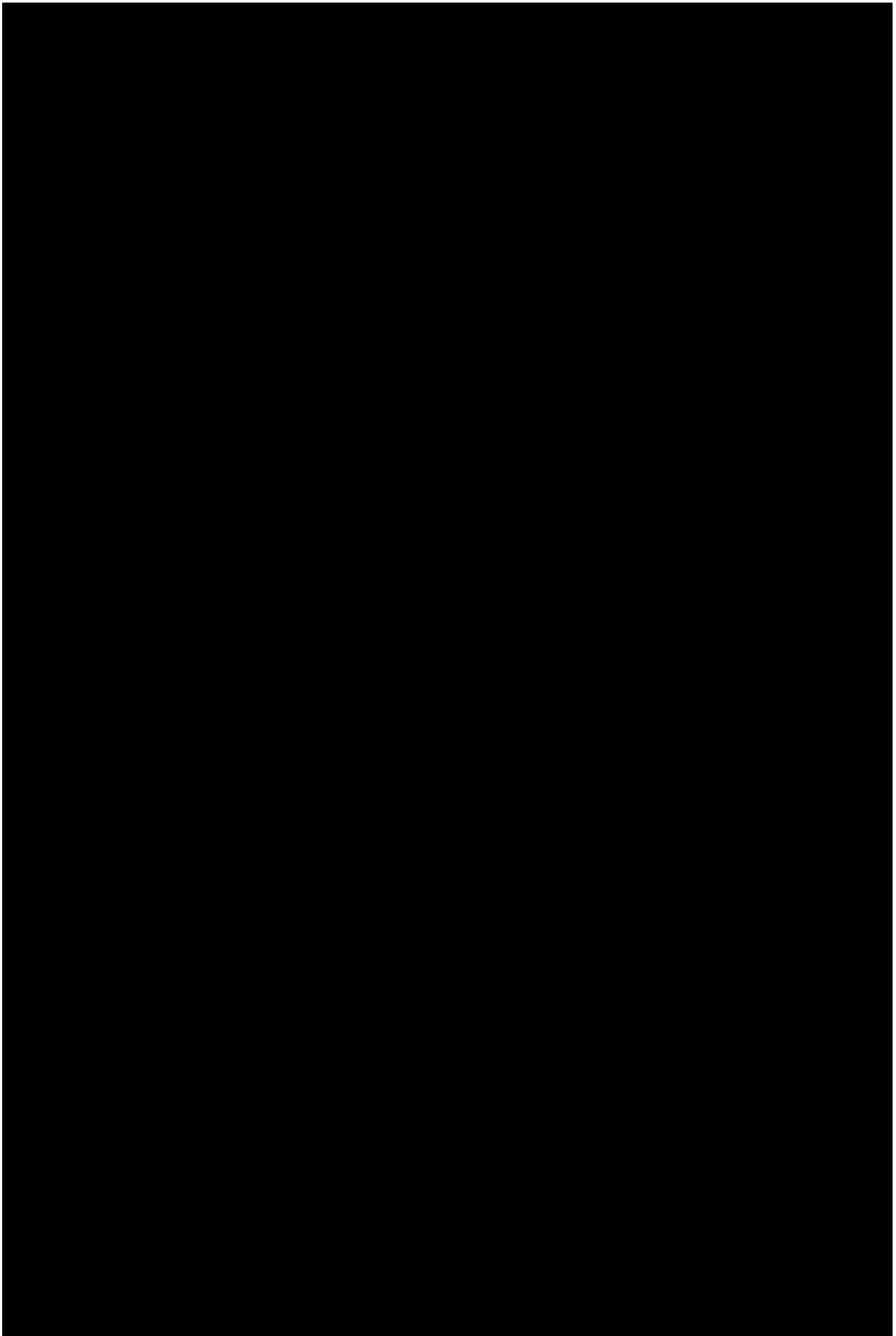
81. **Witness statements** “ support staff ” **attached arms.** As well as members of UKSF2 attached arms C/S given have also been spoken to. These include the senior medic and other specialist operational enablers. None of those spoken to were able to provide any information about the specific operation, nor were they able to provide any information regarding the TTPs used by UKSF1. A summary of recorded evidence is as follows;

Summaries of statements from the individuals spoken to by investigators.



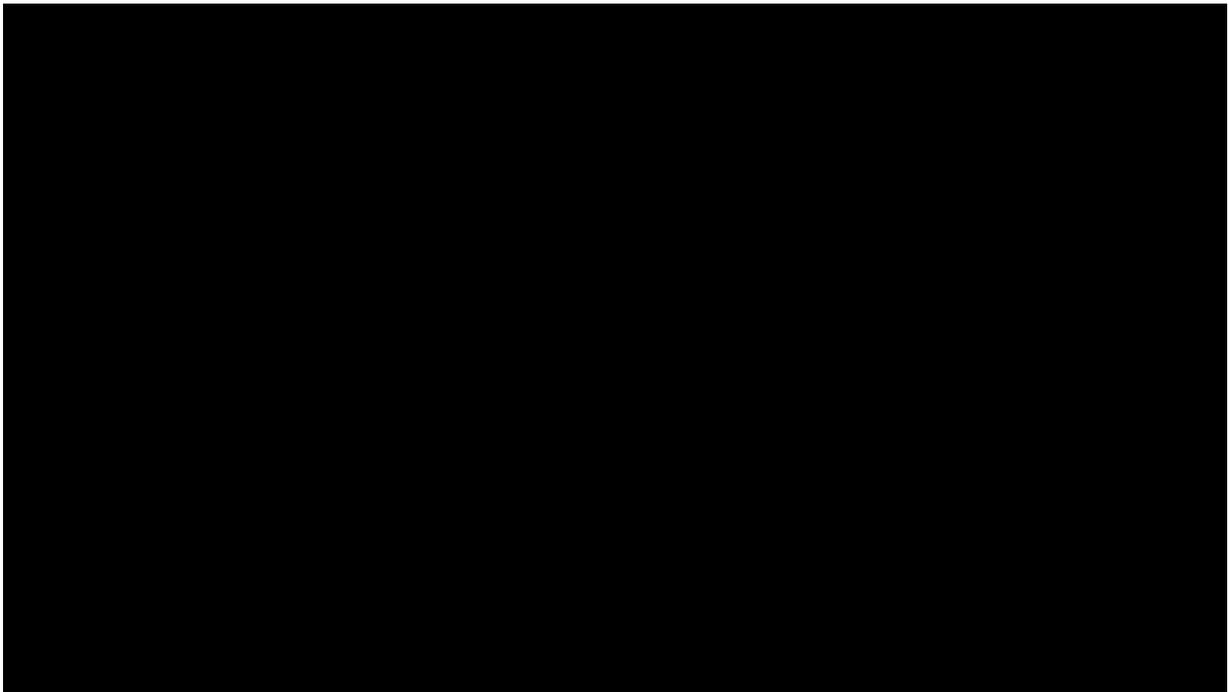
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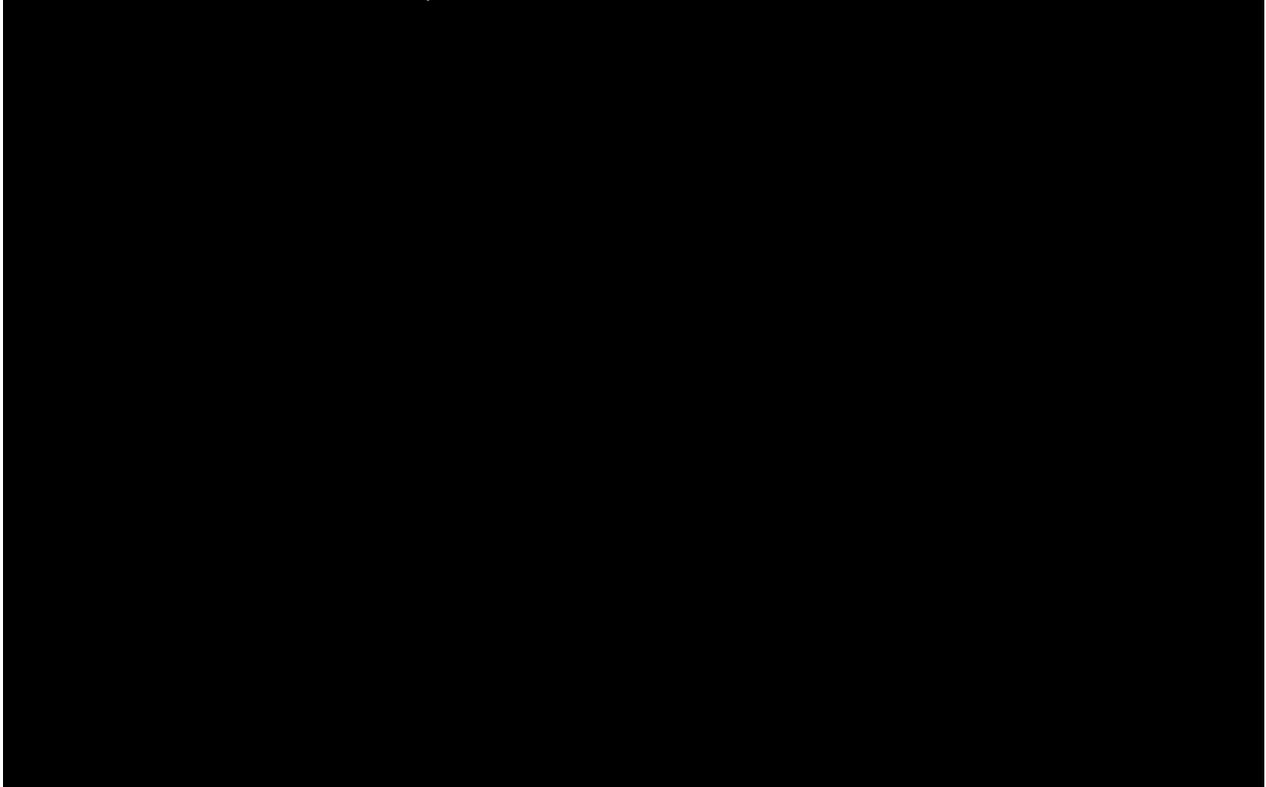
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82. **Refused to Co-operate/ untraceable or Deceased Witnesses.** All witnesses were approached in accordance with the witness engagement strategy. The following deployed personnel who were TIE either refused to co-operate, were untraceable due to relocation or were deceased, listed as follows:

Summaries of statements from the individuals spoken to by investigators. In two instances the witness refused to provide a witness statement. In all other cases no response was received, no location ever established or the witness was deceased



83. **Necessity to interview the Afghan Partner Unit (APU) involvement on Operations.** The rationale and process of identifying and interviewing the APU was as follows:-

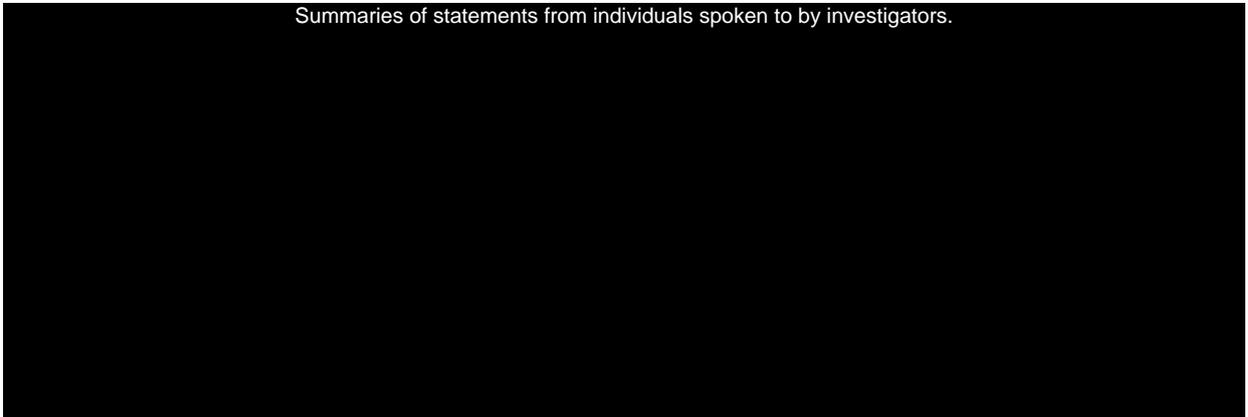
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- a. All witnesses spoken to, who took part in the operation, gave conflicting accounts as to the location and participation of the APU. Following the initial IRT review in Jan 17, the MLOE was focussed on obtaining evidence from UK forces that were present at the scene. It was unclear from the interview of Mr Saifullah (conducted in Sep 17) as to where the APU personnel were at the material time. It was understood that it was unlikely they would have been at the front of any assault; however this could not be confirmed.
- b. From the subsequent searches of data, e-mails were recovered containing conversations between [N1791] (OC [SU2]) and [N2107], where it was suggested that complaints were raised by members of the APU through [N2265] (CO [APU1]) with regards to the actions taken against the 2 'runners' (Obj TY). However the identities of said APU were not given. In the statements recorded from the UK forces, there were conflicting accounts of where the APU would have been and therefore they could not be ruled out as eye witnesses. Some of the UK forces did state that they recalled the APU being used for the call out, whilst mostly they stated that the APU were only used on the outer cordon and [SU1A] would lead the call out. This was contrary to the OSW which stated it was an Afghan led call out procedure. The remaining personnel could not recall APU involvement.
- c. Following the second review by the IRT, direction was given that priority should be to interview the interpreter with a view to independently verifying the location of the APU. This could have clarified the requirement to TIE the APU personnel. Unfortunately he could not clarify where the APU were and therefore it was agreed following the 3rd IRT review in Aug 18 that there was still a requirement to TIE those APU who were traceable and willing to cooperate with the investigation.
- d. Following authority from Op RESOLUTE SUPPORT through HQ NM, engagement with the Afghan authorities was reinitiated. Throughout the latter half of 2018 continuous engagement with the Comd [PF7]⁶, unit authorities and mentoring teams in Afghanistan established the whereabouts of the hierarchy at the time. This resulted in the interview of [Name Given and details of] his previous post at HQ APU during Nov 18. When asked, he stated that whilst he was not on the ground at the material time he had no concerns with the conduct of [SFHQ(A)].
- e. Concurrently, refocused data searches were initiated in order to establish if records existed on the [SFHQ(A)] server as to who was attached to the unit at the material time. These searches resulted in the list of APU personnel being narrowed to [SU1E] [APU1]. The details of which were passed to the [APU1] commanders.

84. Detail of APU interviews

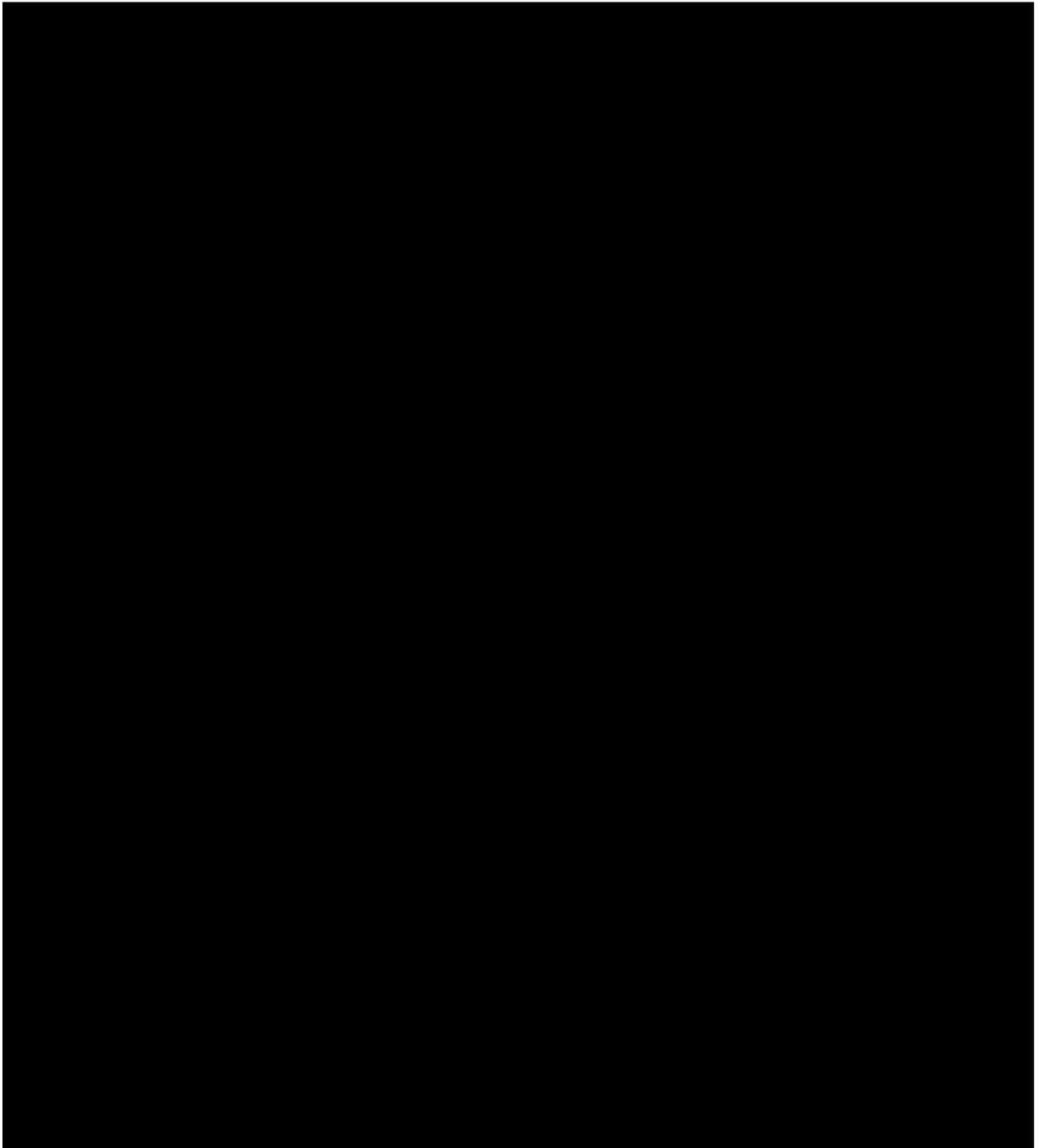
Summaries of statements from individuals spoken to by investigators.



⁶ Agreed by AHNM

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85. **Conventional Force witness - Consequence Management Task Force Helmand.**

N5462, N5462 deployed to Afghanistan between [redacted] dates given. Details of N5462's role as consequence manager at HQ Task Force Helmand. He was responsible for mitigating situations involving civilians being harmed as a result of action by UK Forces. Reference to his regular correspondence with SF, who would provide him with details of SF Operations in case a complaint was made.

[redacted] N5462 stated that any complaints would come to him from 2 different sources, the individual themselves or through [redacted] a TPE. Although he could not recall the date, N5462 recalled one instance of a very specific complaint (but did not mention Obj TY by name or keep any records), regarding an innocent individual being shot by UKSF during an operation being brought to light via a TPE. N5462 recalled the SF Legal Officer, [redacted] N910 meeting with [redacted] a TPE. The result being

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that a TPE was content with the explanation of the shooting and no compensation was awarded. This complaint stood out to him due to the specific detail of the complaint. When asked to explain comments he made in e-mail correspondence with N1788, N5462 stated that by 'nip in the bud' he was referring to the preferential approach of dealing with complaints at the lowest possible level, before they became official.

Physical Evidence

86. **Visually Recorded Evidence (VRE).** Enquiries identified that Full Motion Video (FMV) was used by the SU both before and during the operation under investigation. A Line of Enquiry (LOE) pursued by Op NM investigators was recovering any available VRE which may have been held as a result of the FMV being used. Op NM investigations established that the majority of airframes utilised by the SU belonged to the United States Air Force (USAF); specifically the air asset which had "eyes on" the target area at the time. In Nov 16, Capt Wright engaged with the USAF through Name Given and Name Given for access to FMV. A verbal refusal was received from the US authorities but no formal letter was received. Op NM investigators made attempts to view any available footage which may be held on UK platforms holding pertinent footage for the investigation. Op NM established that three sites, specifically RAF Wyton, USAF Base Name Given & RAF Waddington may have held UK FMV footage.

87.

In Nov 2017, engagement with two UKAF Sub-Units confirmed they did not have FMV in their respective locations which were pertinent to our investigation. Op NM identified the number of UK servers that may have contained FMV footage relevant to our investigative timeline. Due to compatibility issues, it has not been possible to view any footage to identify if it exists or is relevant to the investigation. Op NM investigators engaged with a MOD contractor who has supported MOD regarding ISR platforms. On 28 Jun 2018, Op NM consulted with them and established that, if necessary, they could extract the required data to disk to enable Op NM investigators to view the footage. This information was passed to HQ NM and following consideration and advice, direction was given that it was no longer appropriate or proportionate to continue with this LOE given the uncertainty of the information existing and knowledge of the FMV belonging to another foreign authority

88. Concurrently, despite the initial refusal by the USAF from Jun 17, AH Pol, took the lead with requesting formal confirmation that the US did not have FMV or would be unwilling for us to have access to any FMV material held. This was initially conducted through

Details of OP NM FMV lines of inquiry in relation to search request to US authorities

. In Jun 18, Maj Cox, SILVER Commander/SIO was then handed authority to liaise with the British Liaison Staff at the US Dept 1 in the US, specifically Name Given. Requests were sent for the US Dept 1 to conduct searches of their systems which were carried out between Jul 18 and Sep 18 when a response was received that they were unable to locate any FMV relating to the required time frame. However, they stated that they would conduct further searches of the US Dept 2 systems. Confirmation was received via e-mail and a signed statement on 26 Nov 18 that searches of US Dept 1 and US Dept 2 were now complete with negative results for the any FMV relating to any of the timeframes provided.

89. **Medical Evidence.** Medical evidence has been obtained from the file of Mr Bang which details his medical state at the time of his detention. It is also worthy of note that Mr Saifullah underwent a medical examination with a doctor employed by the MOD, to ensure that he was medically fit for interview prior to his ABE interview in Sep 17.

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a. Consultant Clinical Psychologist Dr Brock Chisholm was employed to assist in fulfilling the requirements of the Istanbul Protocol, assessing complainants alleging to be victims of torture and abuse whilst in detention. As part of Mr Bang's complaint concerned this, Chisholm deployed to Kabul primarily to assess his suitability for interview should he of been able to travel. Moreover, due to the allegations made by Mr Saifullah it was considered best practice that he be assessed as well, due to the lack of mental health services in Afghanistan and the risk that Mr Saifullah might suffer mentally resulting from the incident in question or as a result of the interview exploring it in detail an assessment was useful in determining interview tactics and welfare needs.

90. **Forensic Evidence.** The initial forensic strategy was compiled on 15 Dec 14 and provided the SIO with potential forensic opportunities. Initial considerations were to conduct a crime scene examination, exhumation of the deceased, post mortem, recovery of weapon systems **personal property** and relevant documentation. Due to the location of the alleged murders and the inability to provide appropriate force protection, Crime Scene Investigators were unable to visit the scene and as such, the initial recommendations of scene examination, exhumation and post mortem of the deceased were unable to be conducted. To mitigate the inability to visit the scene, images were recovered from **HQ DSF**; however, these images were captured for **operational** purposes and not with a view to depict a crime scene. Consideration was given to have the imagery analysed by a Forensic Pathologist, Blood Pattern Analyst and Ballistic Expert. However, upon review by Op NM Crime Scene Investigators and consideration by SILVER Comd, it was deemed that further analysis would not add any evidential weight to prove or disprove the allegations as the images are consistent with the known narrative of events. A photographic supplement was subsequently produced of the relevant images and used during witness interviews. Should new evidence come to light calling into question the validity of the images then further analysis would be considered. A crime scene reconstruction strategy was compiled on 12 Oct 16 in consultation with Multimedia Evidential Imagery Team (MEIT). As investigators were unable to attend the scene, reconstruction was limited. Op NM consulted with Joint Force Intelligence Group (JFIG) who produced a 3D interactive map which was deemed appropriate. It was established that the weapon systems of the deceased were recovered during the Operation and subsequently returned to Defence Science Technology Laboratory (DSTL) **██████████**. Enquiries with DSTL established that the weapon systems were destroyed in 2014. All relevant documentation relating to this Operation has been recovered from **HQ DSF**.

91. **Subject Matter Evidence - TTP**

a. **██████████** N5473, provided training to UKSF1 **██████████** and assisted the OC PDT Training Provider in the formulation of TTPs. N5473 was interviewed to gather evidence on how the building clearance TTP employed on Objective Tyburn was taught. He was able to explain the training delivered.

██████████ N5473 stated that the TTP was employed due to the risk posed from Improvised Explosive Devices (IEDs) and that it was formulated to allow safe and methodical searching to be carried out. **██████████** N5473 set out a staged approach where occupants would be called out of their buildings, with an individual being sent back after having been cuffed, therefore reducing the risk they posed if they were to attempt to re-arm. When asked why **SU1A** sent males back in un-cuffed he stated that he was unsure as this wasn't part of the taught TTP, however any decision was down the discretion of the ground commander.

Investigation Direction

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92. Following the IRT review in Jan 17 the following recommendations were accepted by PM(A) which were then provided as direction to OP NM investigation team. These remained the basis on which the investigation developed.

a. High priority – that the planned visit to Afghanistan in an effort to obtain witness statements from both Bang and Saifullah and any other available evidence be progressed. Engagement with [REDACTED] APU1 [REDACTED] personnel should also be sought with a view to gathering further relevant intelligence/evidence.

b. High priority – Efforts to recover Data Sets proceed, by consent and not seizure, in an effort to identify relevant material

c. The categorisation of suspect status currently applied to [REDACTED] N1141 [REDACTED] and [REDACTED] N1201 [REDACTED] is removed.

d. That the ten similar events identified by [REDACTED] N1466 [REDACTED] continue to be investigated in an effort to identify any evidential discrepancies.

e. At present no covert tactics requiring authorisation under the provisions of RIPA 2000 should be applied for.

f. An individual duty statement/report should be sought from each participant in Obj TY, who is still in service (see Para 4.7 risks associated with personnel no longer in service. Continued use of the NCA Interview Co-ordination Service is strongly advised).

g. An individual duty statement/report should be sought as necessary to other scenes as and when significant discrepancies have been identified.

93. Points f & g were later amended by SILVER Comd to reflect the recording of Sect 9 witness statements in line with RMP procedures when interviewing members of HM Forces to obtain best evidence.

94. Following the IRT review, SILVER Comd, Maj M Cox published direction (dated Thu 23 Feb 17) that all scoped / planned covert activities were to cease with immediate effect. To date, no covert tactics have been employed during the investigation.

92. **Consultation with DSP.** The EST was not met. In accordance with s116 (4) consultation with the DSP prior to compiling any investigation summary was conducted and the DSP agreed that all reasonable and proportionate LOE had been followed and the EST was not met. A SPIS was subsequently distributed to the relevant parties including LDC acting on behalf of the complainant in Jul 19.

Further Investigations by OP NM into incidents involving SF personnel.

93. In Oct 2018 following the IRT review in Aug 18 and subsequent GOLD Gp is was agreed that Objective [REDACTED] 1 [REDACTED] (Obj [REDACTED] 1 [REDACTED]) and Objective [REDACTED] 2 [REDACTED] (Obj [REDACTED] 2 [REDACTED]) should be fully investigated. A full review of manpower and resources was conducted by SILVER Comd. Following a briefing to AH TECH and GOLD Comd in Oct 18 the decision was taken to launch the investigations simultaneously, whilst also concluding the outstanding LOE for Obj TY. This was to ensure that the investigations were expedited in the most appropriate manner. Those involved in the operations were from the same unit and the majority of personnel who were on Obj TY were also on Obj [REDACTED] 1 [REDACTED] and [REDACTED] 2 [REDACTED], with a few exceptions.

IRN: 93001/18 Objective [REDACTED] 1 [REDACTED] (Obj [REDACTED] 1 [REDACTED])

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94. **Allegation of unlawful killing.** Amongst the allegations made against UK Armed Forces whilst deployed on Operations in Afghanistan was an Operation which resulted in 9 Enemy Killed In Action (EKIA) by United Kingdom Special Forces (UKSF). Enquiries by Op NM investigators and subsequently confirmed by [redacted] HQ DSF, established that a Deliberate Detention Operation (DDO) for Objective (OBJ) [redacted] 1 (OBJ [redacted] 1) took place on 7 February 2011 in Helmand Province, Afghanistan. According to official accounts the [redacted] Sub-Unit were engaged and the 9 EKIA were as a result of UKSF personnel acting in self-defence under the Rules of Engagement (RoE).

Investigative strategy and process

95. The investigative strategy and process for Obj [redacted] 1 was the same for Obj TY as described in paras 20 - 42.

96. **Obj [redacted] 1 investigative approach.** All lines of enquiry, House to House data searches e.t.c. followed the same detailed format as with Obj TY described in Paras 62-67 The difference in this investigation was that no complainants were identified. This investigation was launched on the rationale laid out in Para 95 below with the recommendation of the IRT and confirmed by GOLD Group as reasonable and proportionate.

97. **Rational for investigating Obj [redacted] 1.** Following a thorough scoping and review of the material held on Obj [redacted] 1 the SIO Maj Cox provided the following rationale and LOE for investigating Obj [redacted] 1. They were endorsed by the IRT:

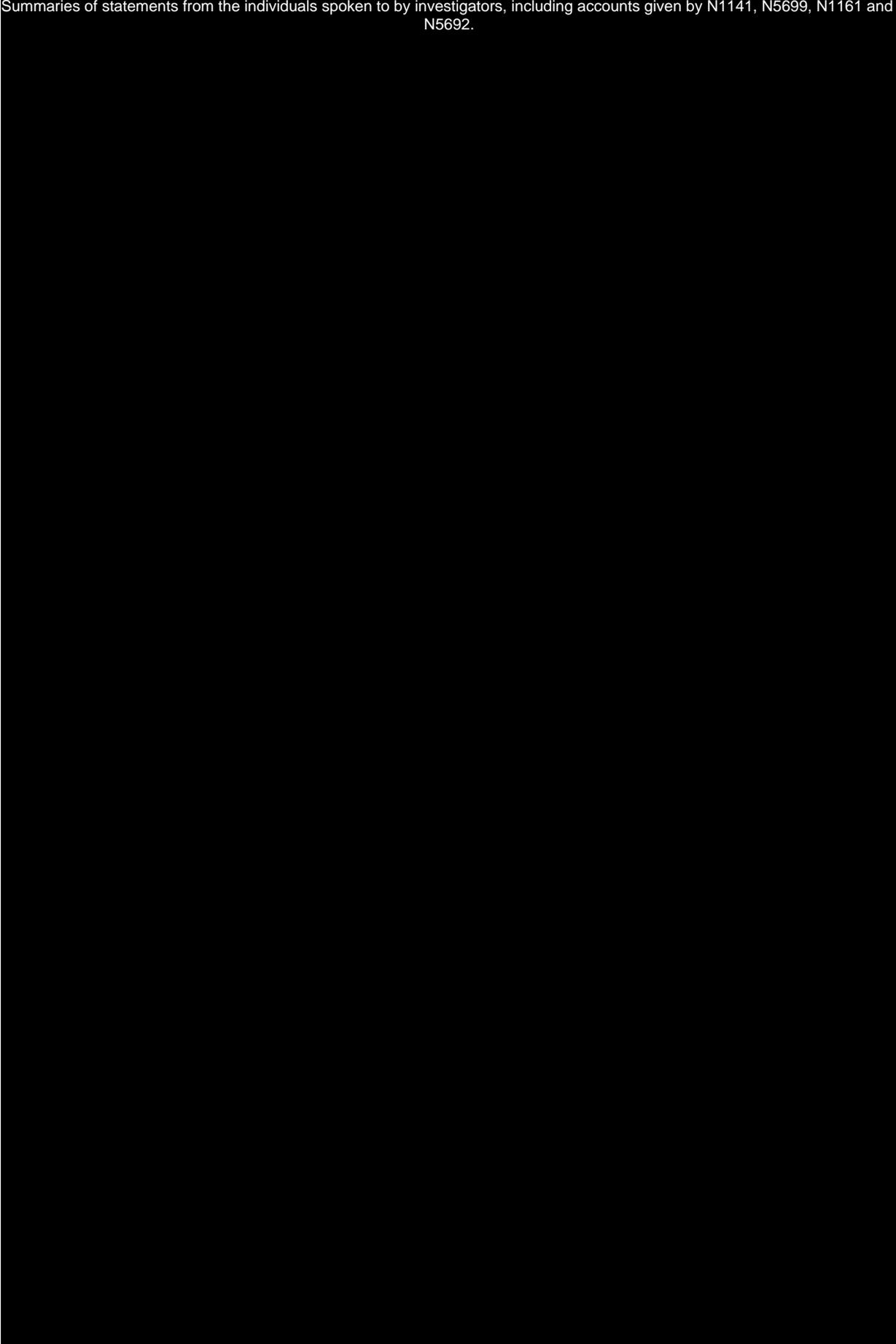
- a. WPNs vs EKIA – 3 v 9 - highlights the concerns raised by [redacted] N1466.
- b. Cut and paste of statements (noted by DSF and acknowledged by SO1 LEGAD) meaning that Op NM investigators could not accept the veracity of the accounts.
- c. Missing statement – there may have been a 4th individual present at the scene
- d. The narrative compared to the SSE photos is questionable.
- e. Accurate accounts, on tape, are required so they can be tested against the analysis of the SSE images and OSW. Any further accounts can be challenged if required.
- f. The 4th individual can provide independent account - Not given an account so far.
- g. Further information gained from [redacted] N1799 / [redacted] N1201 could further bolster or confirm suspicions raised by the SSE images
- h. Although not on the OP the circumstances may suggest [redacted] N1201 was referring to this in his discussion with [redacted] N1799 (Fighting aged males executed on target... not holding weapons)
- i. There was an allegation of CIVCAS which has needs to be sourced.
- j. IRT agreed that further “scoping” was necessary.
- k. LEGAD advice - to the “reasonable person that an offence may have been committed”.

98. **Witness statements “trained” personnel.** Members of [redacted] SU1A, [redacted] UKSF1 were interviewed by investigators, during which it was established that the majority of personnel spoken to could not specifically recall the Op, and only a very small number of personnel could recall the OBJ name. Statements from members of [redacted] SU1A are summarised as follows:

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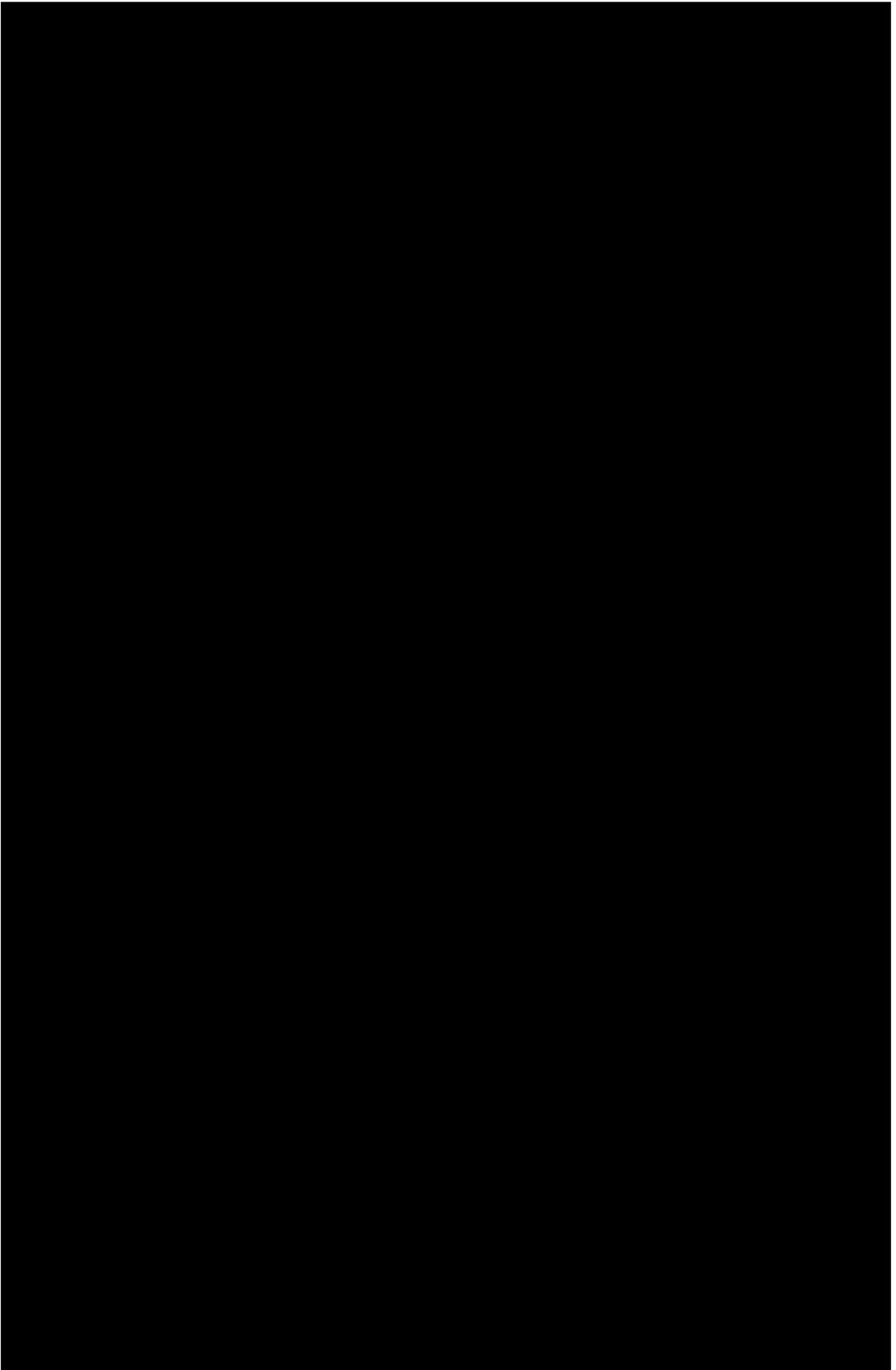
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Summaries of statements from the individuals spoken to by investigators, including accounts given by N1141, N5699, N1161 and N5692.



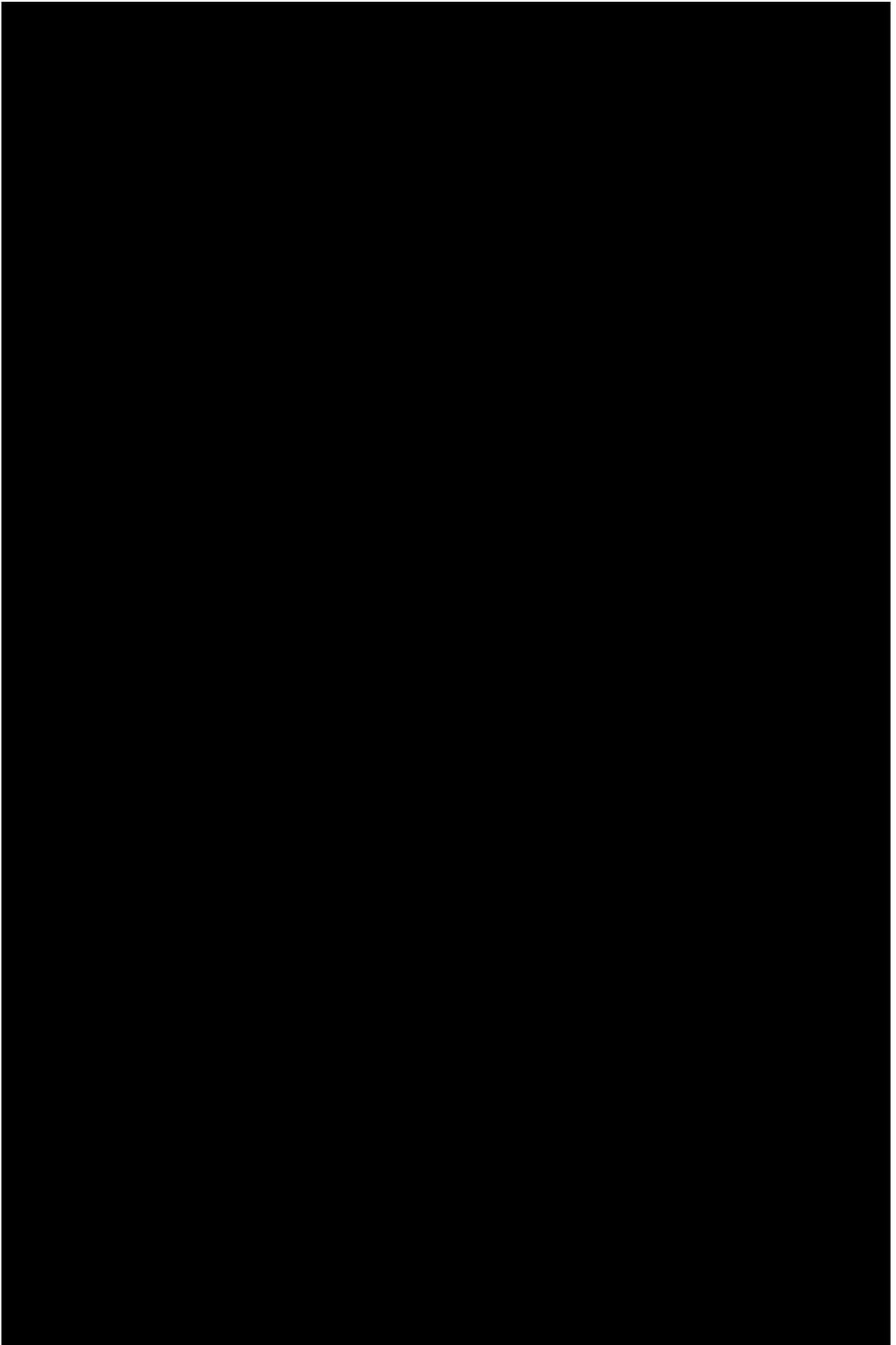
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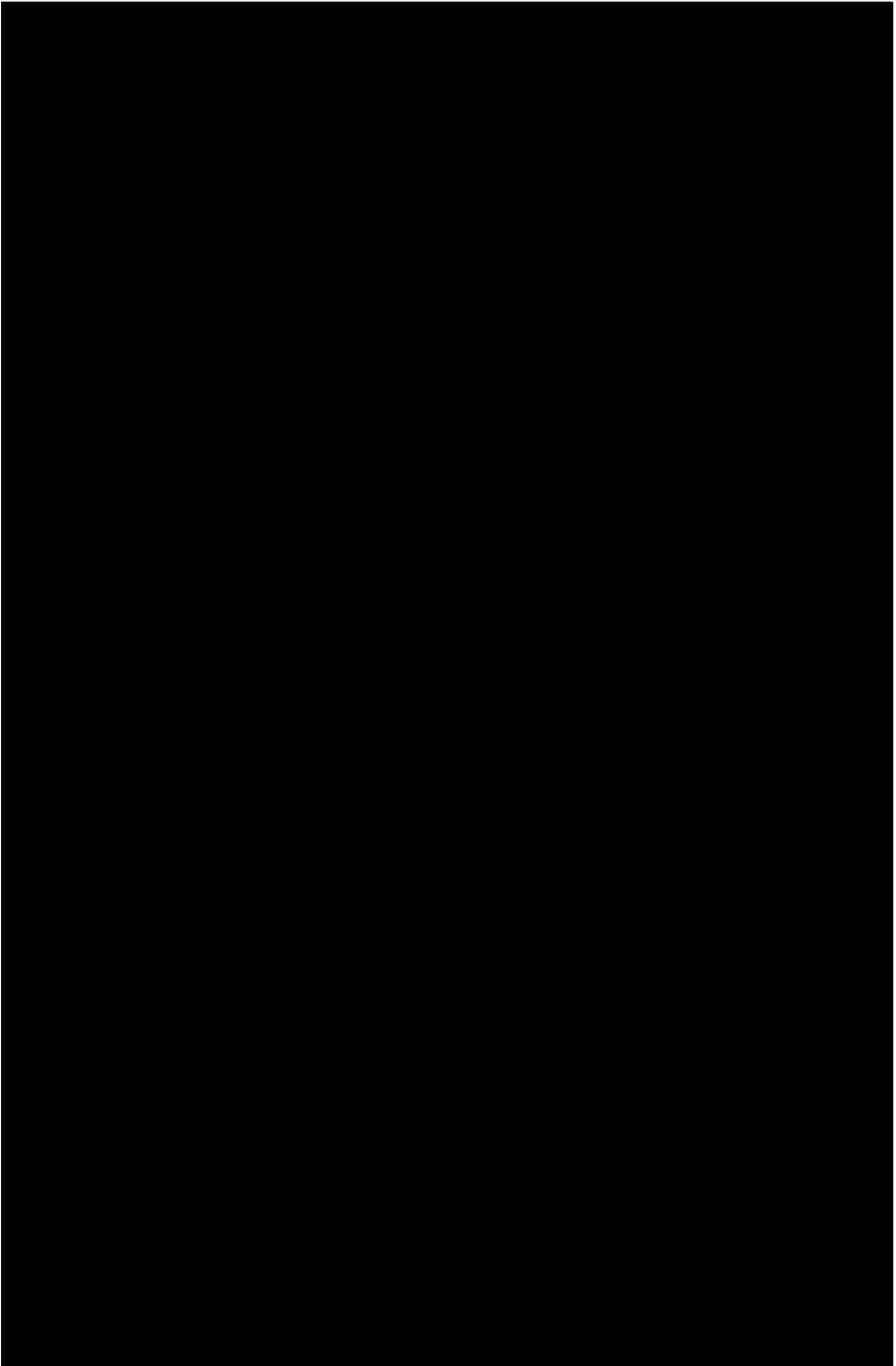
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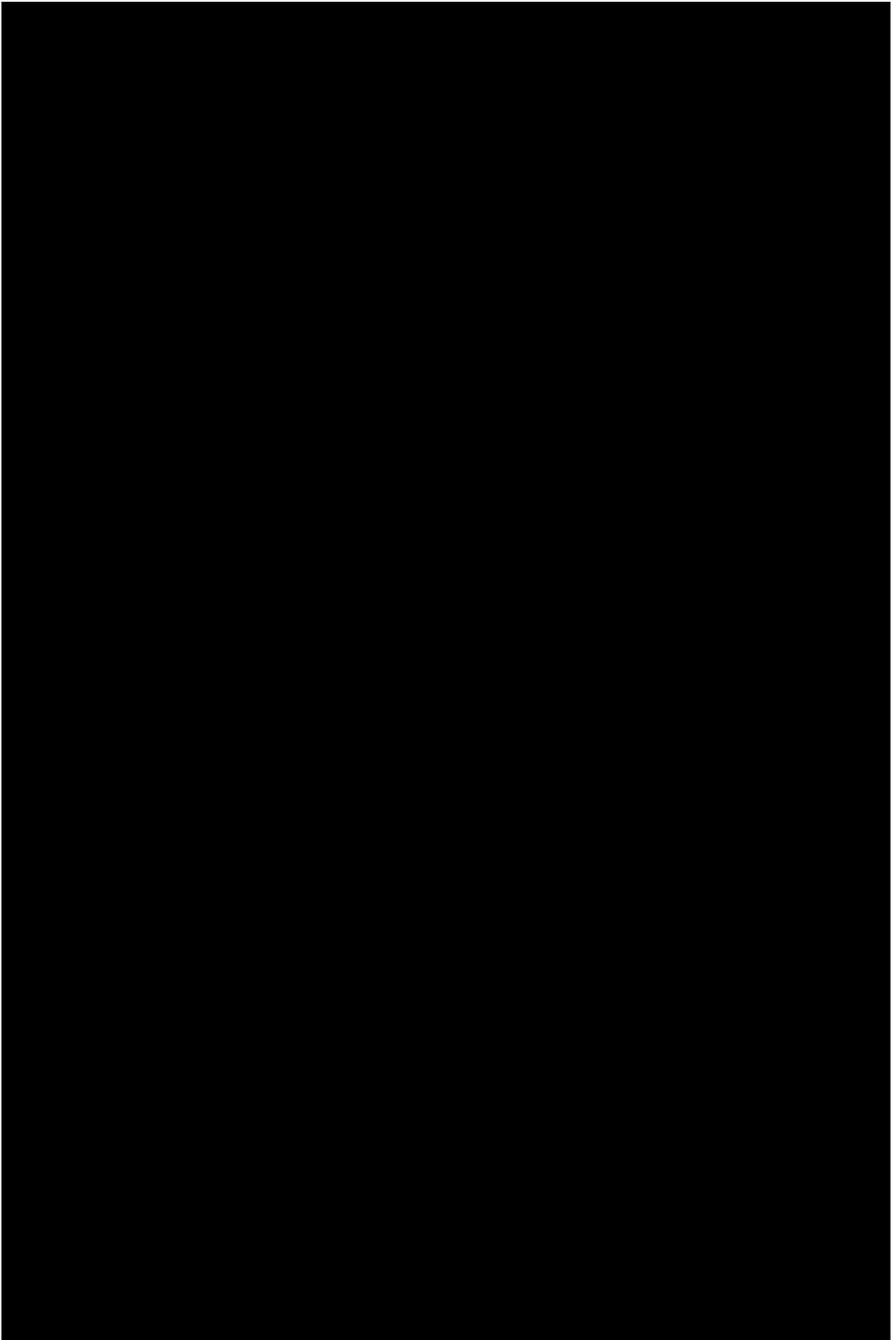
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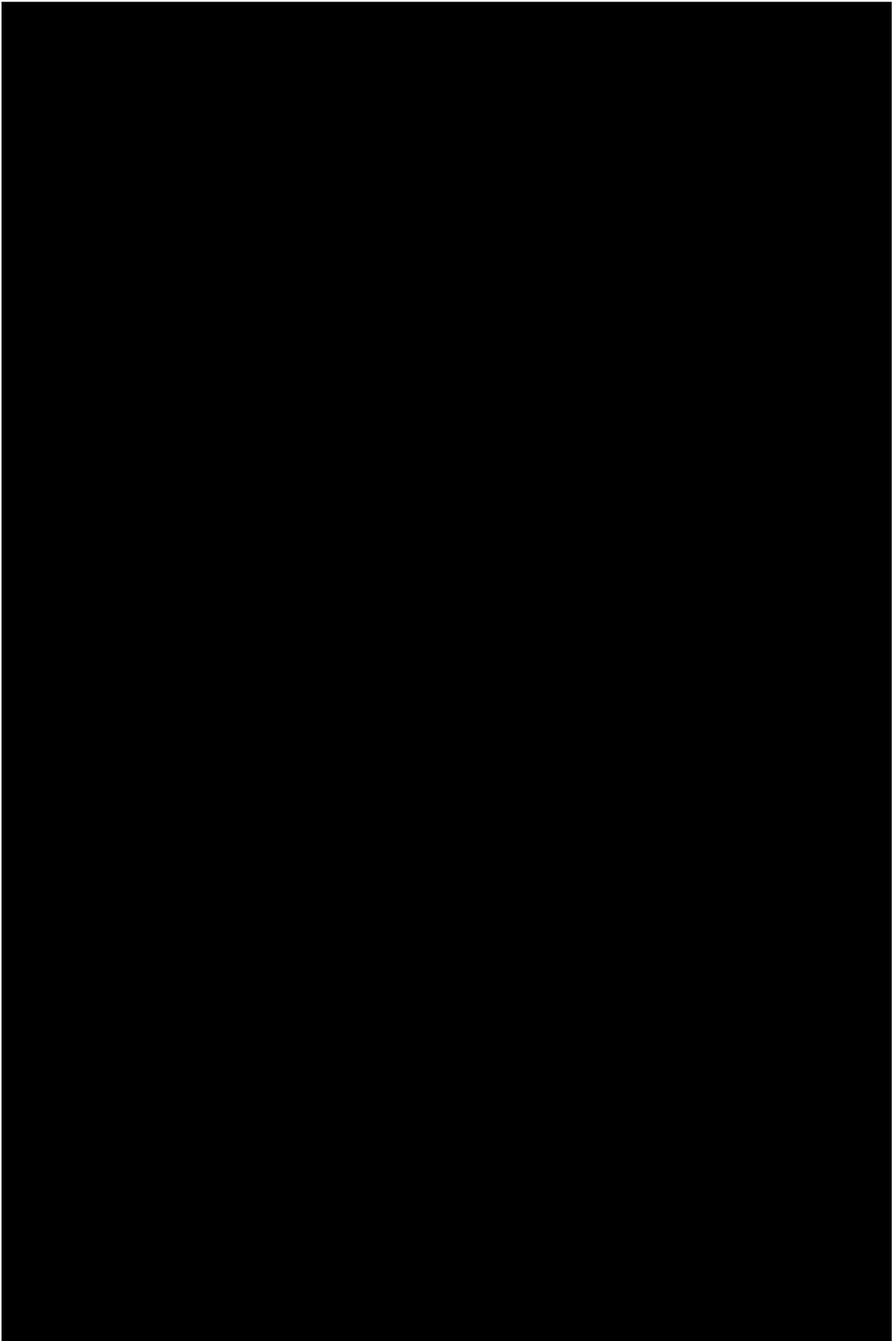
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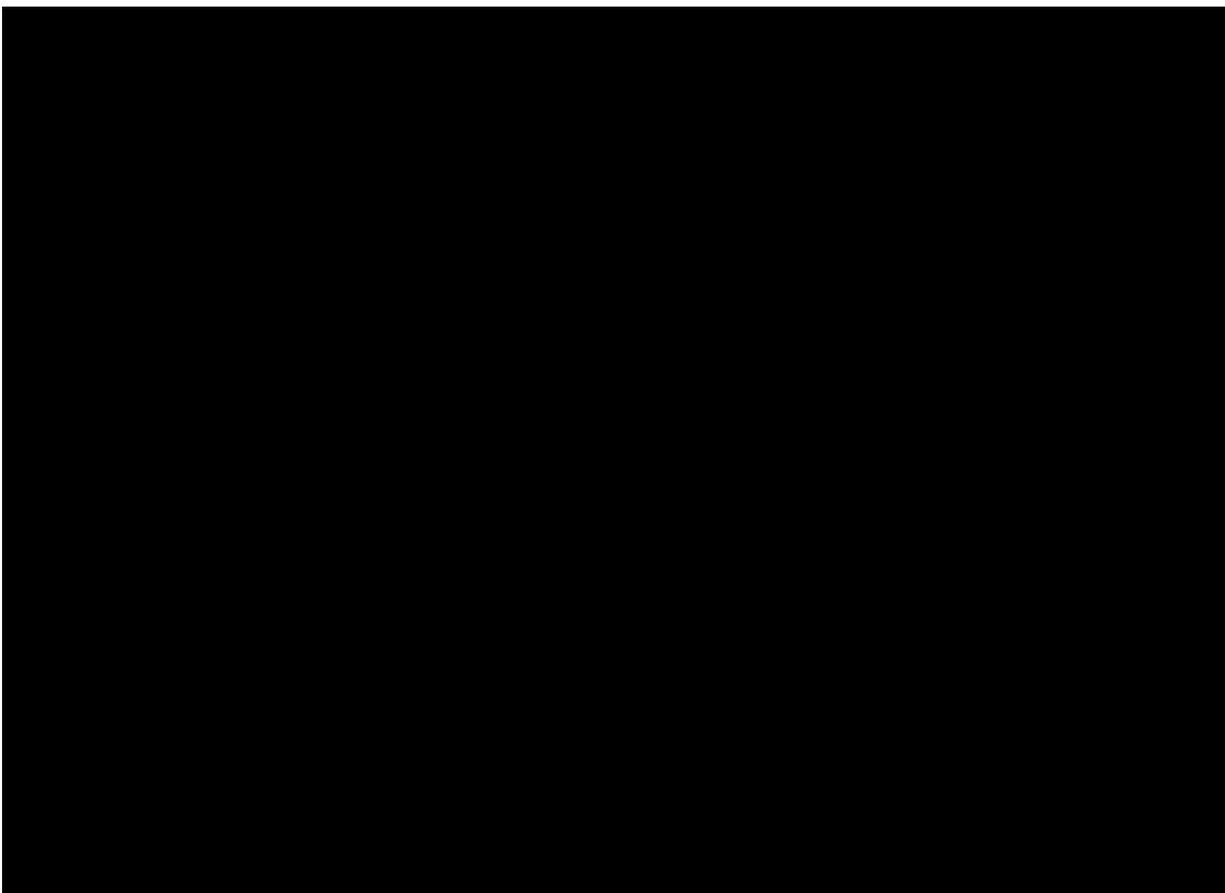
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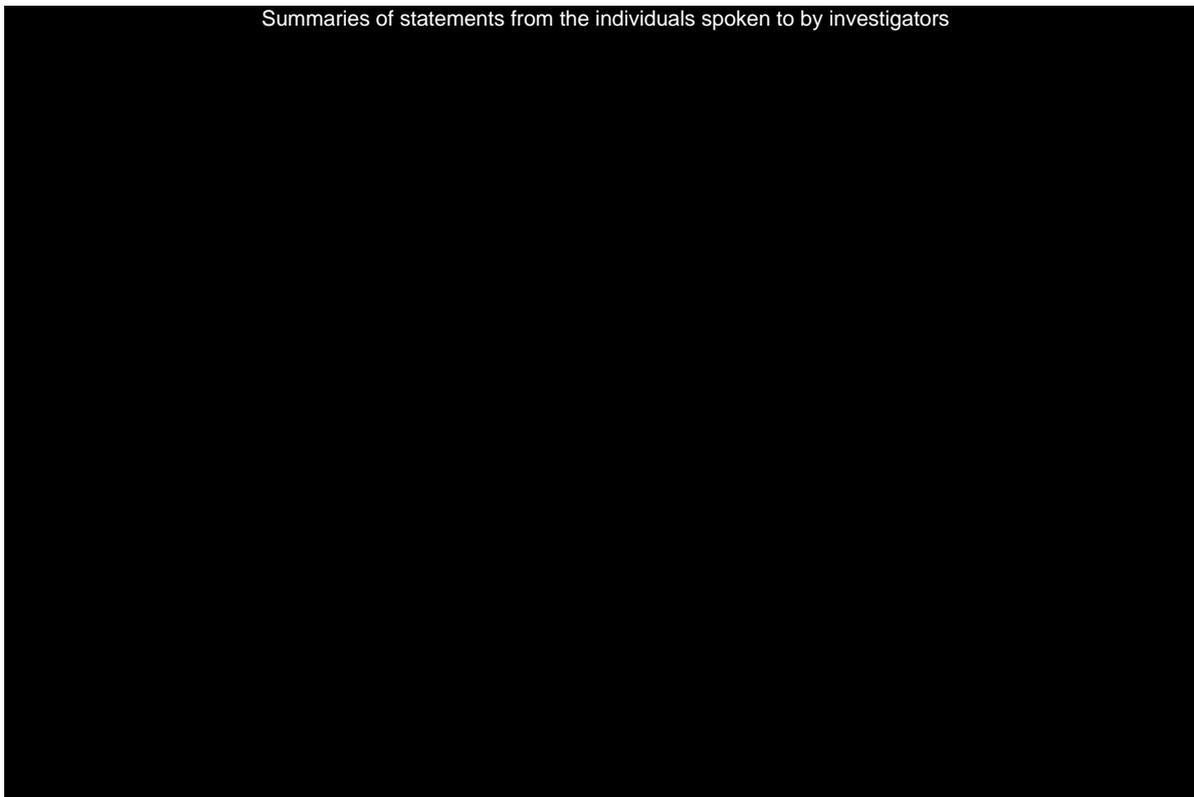
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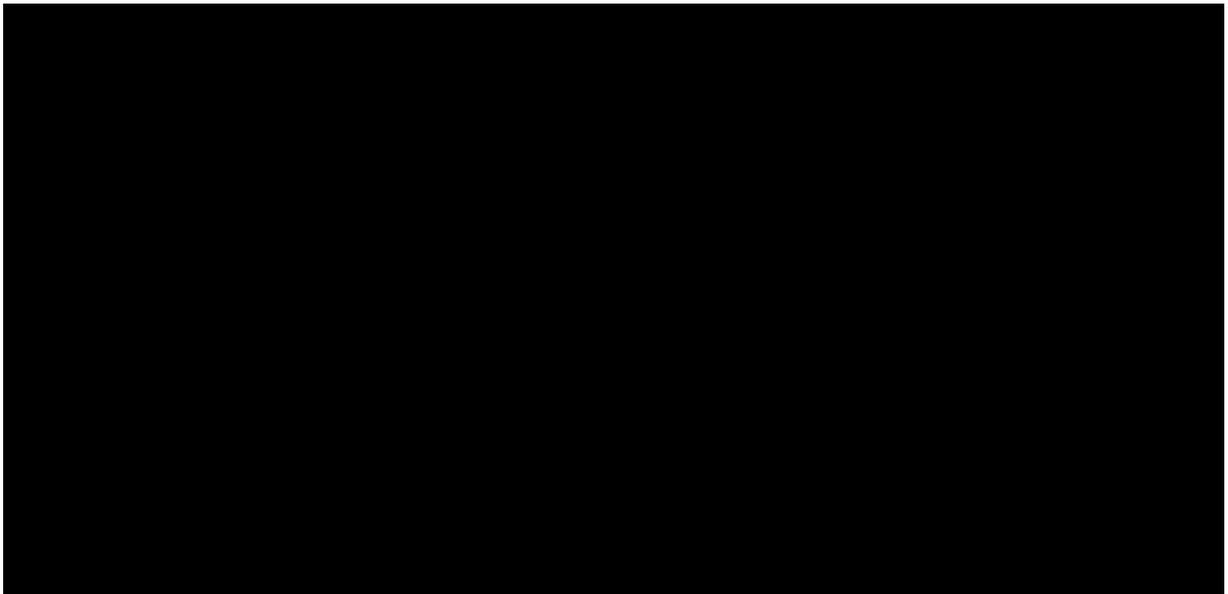
99. **Witness statements “ support staff ” Attached Arms.** As well as members of UKSF2 other attached arms have been spoken to, namely the senior medic and other specialist operational enablers. A summary of recorded evidence is as follows:

Summaries of statements from the individuals spoken to by investigators



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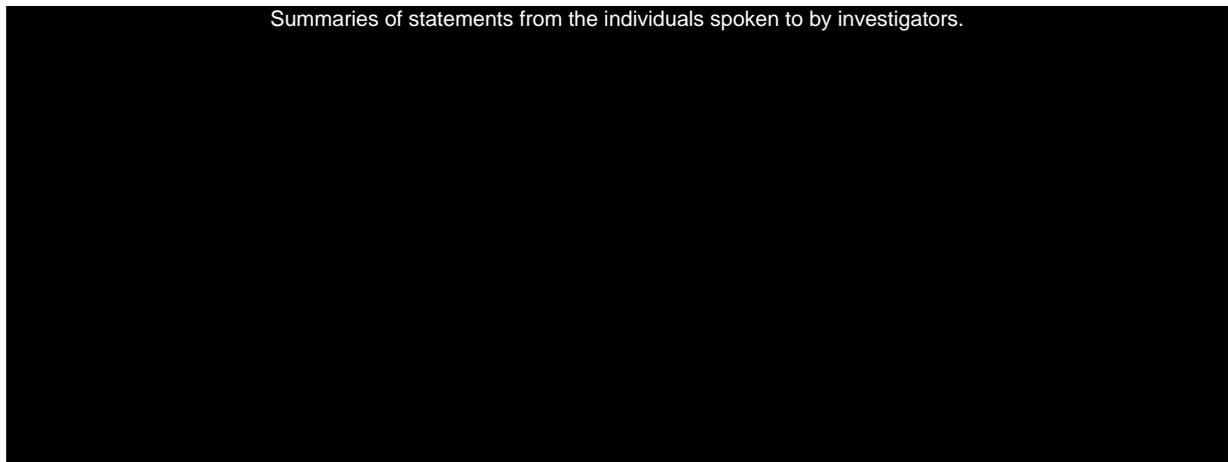


100. **Miscellaneous Witnesses.**

a. [Name Given] . [Name Given] was not on the ground at the time of the Op. He was deployed [redacted] as a UK advisor to ISAF. [redacted] During this statement, [Name Given] provided an explanation of the [Target List], detailing the targeting criteria, process and categorisation. [Name Given] went on to state that in relation to all [Instances of] targeting, the applicable ROE was rule [X], which from his recollection, if authorised, “would allow ISAF to [redacted] Details of ROE [redacted] In his statement, [Name Given] further explained rule [X], describing it as an offensive ROE which “authorised the assaulting force to kill or capture a designated Objective, as they appeared on the [Target List]” and “allowed an assault ground force, in the execution of their duty, to kill an Objective, whether they posed an immediate threat to life or not”. He further mentioned that although the ROE permitted the above, it was more beneficial to capture Objectives, rather than kill, in order to enable exploitation.

101. **Afghan Partnering Unit (APU)** In Apr 19 Investigators deployed to Kabul in order to interview members of the APU that were identified as having been attached to UKSF on the operation. Only APU still serving and based in [LG] during the time NM investigators were deployed for could be interviewed.

Summaries of statements from the individuals spoken to by investigators.



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102. **Consultation with DSP.** The EST was not met. In accordance with s116 (4) consultation with the DSP prior to compiling any investigation summary was conducted and the DSP agreed that all reasonable and proportionate LOE had been followed and the EST was not met. A SPIS was subsequently distributed to the relevant parties in Aug 19.

IRN: 93002/18 Objective [REDACTED] 2

103. **Allegation of unlawful killing.** Amongst the allegations made against UK Armed Forces whilst deployed on Operations (Op) in Afghanistan was an Op which resulted in 8 Enemy Killed in Action (EKIA) by United Kingdom Special Forces (UKSF). Enquiries by Op NORTHMOOR investigators, which were later substantiated by [REDACTED] HQ DSF [REDACTED], established that a Deliberate Detention Operation (DDO) for Objective [REDACTED] 2 (OBJ [REDACTED] 2) took place on 9 Feb 11 in [REDACTED] LG [REDACTED], Afghanistan. According to official accounts, the [REDACTED] Sub-Unit neutralised an immediate enemy threat on approach to the target area and were then engaged from within a guesthouse. It was suspected that 4 of the 8 EKIA were a result of fratricide inside the guesthouse; the remainder were the result of UKSF personnel acting in self-defence under lawful Rules of Engagement (RoE).

Investigative strategy and process

104. The investigative strategy and process for Obj [REDACTED] 2 was the same for Obj TY as described in paras 20 – 42.

105. **Obj [REDACTED] 2 investigative approach.** All lines of enquiry, House to House data searches e.t.c. followed the same detailed format as with Obj TY described in Para 62 - 67 The difference in this investigation was that no complainants were identified. This investigation was launched on the rationale laid out in Para 106 below with the recommendation of the IRT and confirmed by GOLD Gp as reasonable and proportionate.

106. **Rational for investing Obj [REDACTED] 2**

- a. WPNs vs EKIA – 4 v 8 - highlights the concerns raised by [REDACTED] N1466
- b. The Narrative does not match the SSE
 - 1) The absence of material (blood) where you would expect to see it, raises questions given the accounts in the EXSUM.
 - 2). The position of the alleged EKIA 1 would appear to be at odds with the narrative – inside the house versus outside.
 - 3). Further information gained from [REDACTED] N1799/N1201 could further bolster or confirm suspicions raised by the SSE images.
- c. To the “reasonable” person the SSE are alarming. To the IRT they are “interesting”.
- d. [REDACTED] N1201 was on both TY and Obj [REDACTED] 2 his alleged account given to [REDACTED] N1799 would potential tie in with what can be seen in the SSE photos. (“Fighting aged males executed on target... not holding wpns”).

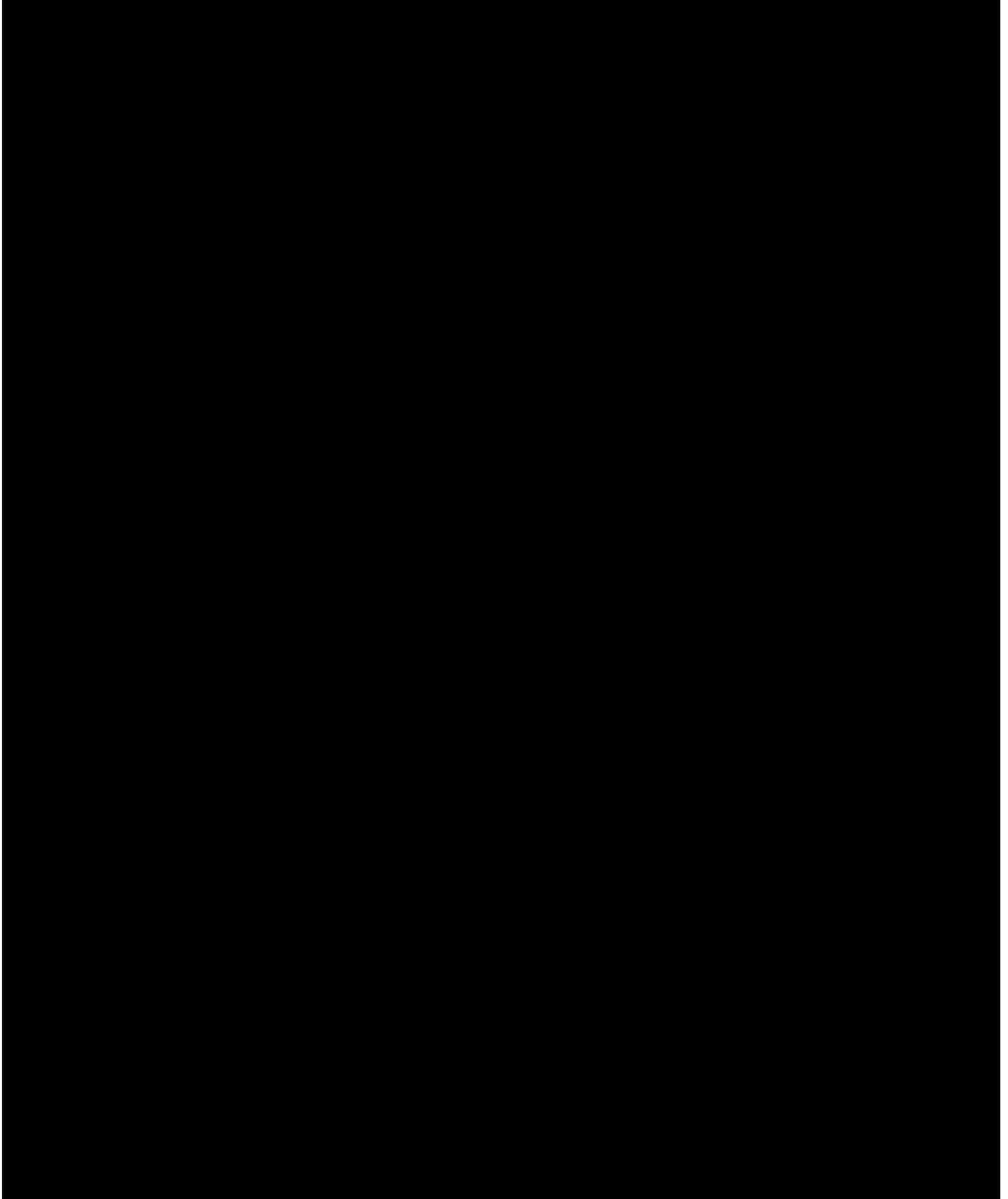
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- e. IRT agreed that further “scoping” was necessary.
- f. LEGAD advice - to the “reasonable person that an offence may have been committed”.

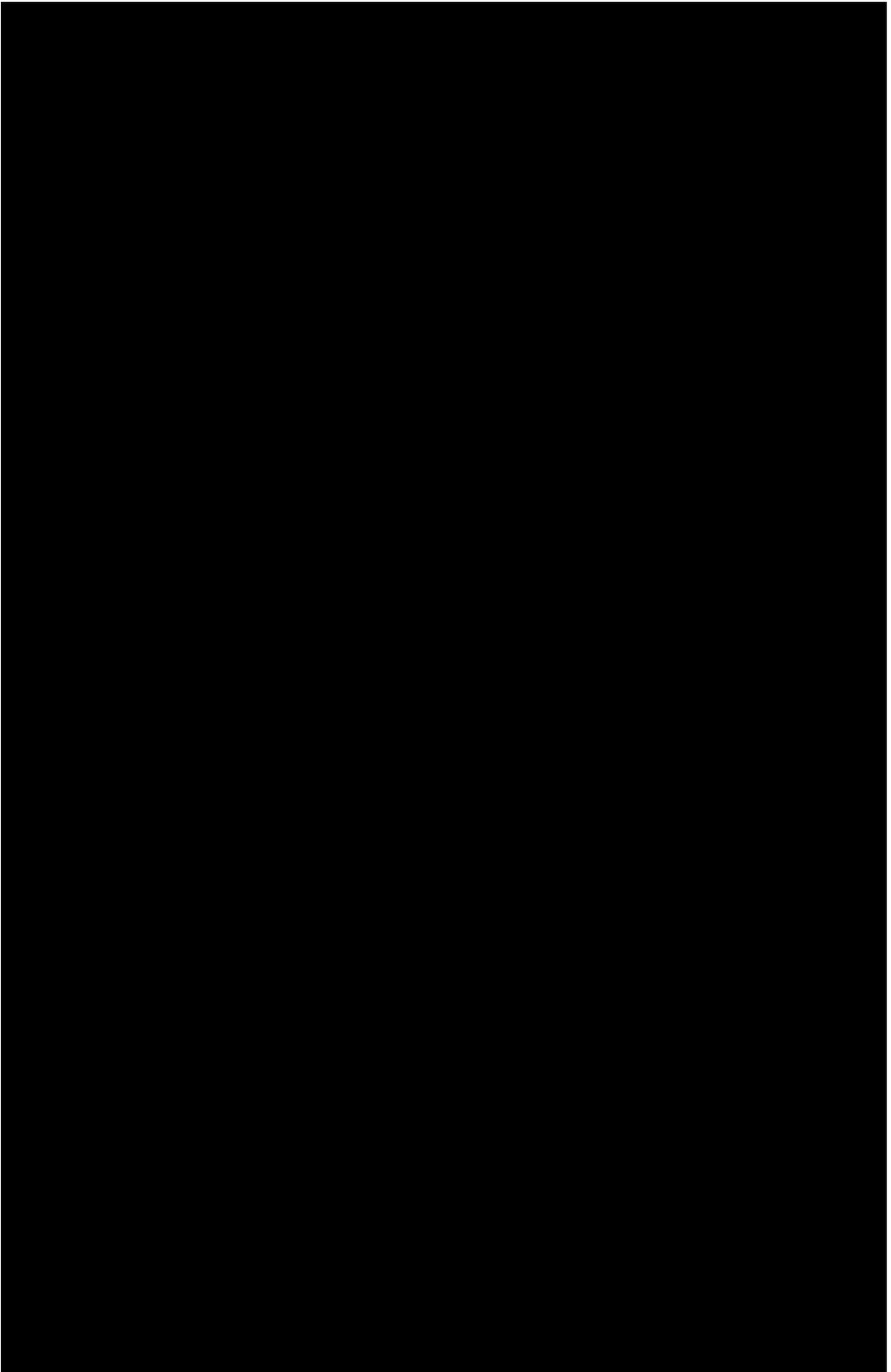
107. **Witness statements** “**trained**” **personnel**. Members of **SU1A**, **UKSF1** were interviewed by investigators, during which it was established that the majority of personnel spoken to could not specifically recall the Op, and only a very small number of personnel could recall the OBJ name. Statements from members of **SU1A** are summarised as follows:

Summaries of statements from the individuals spoken to by investigators, including accounts given by N1141, N1201 and N1192.



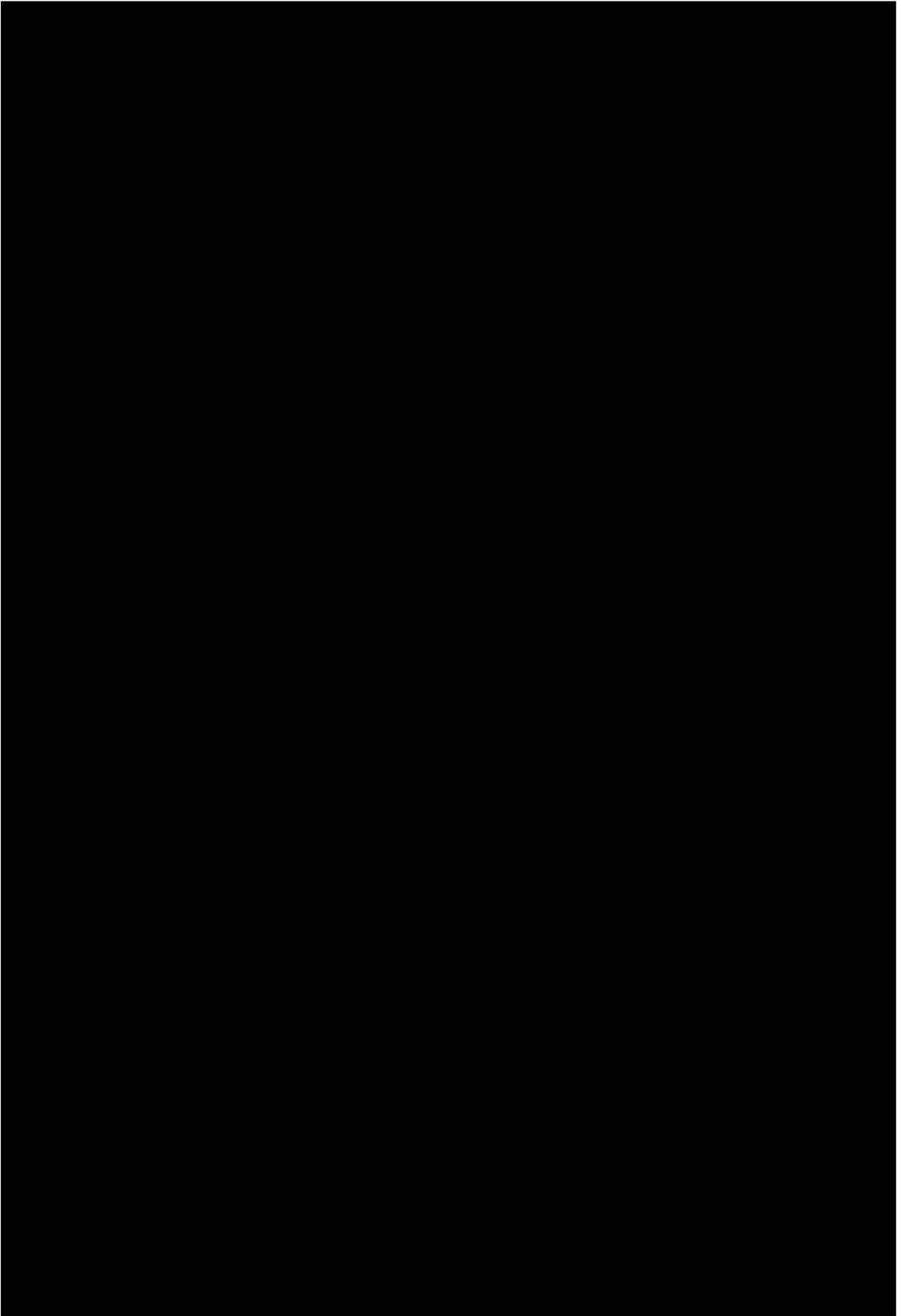
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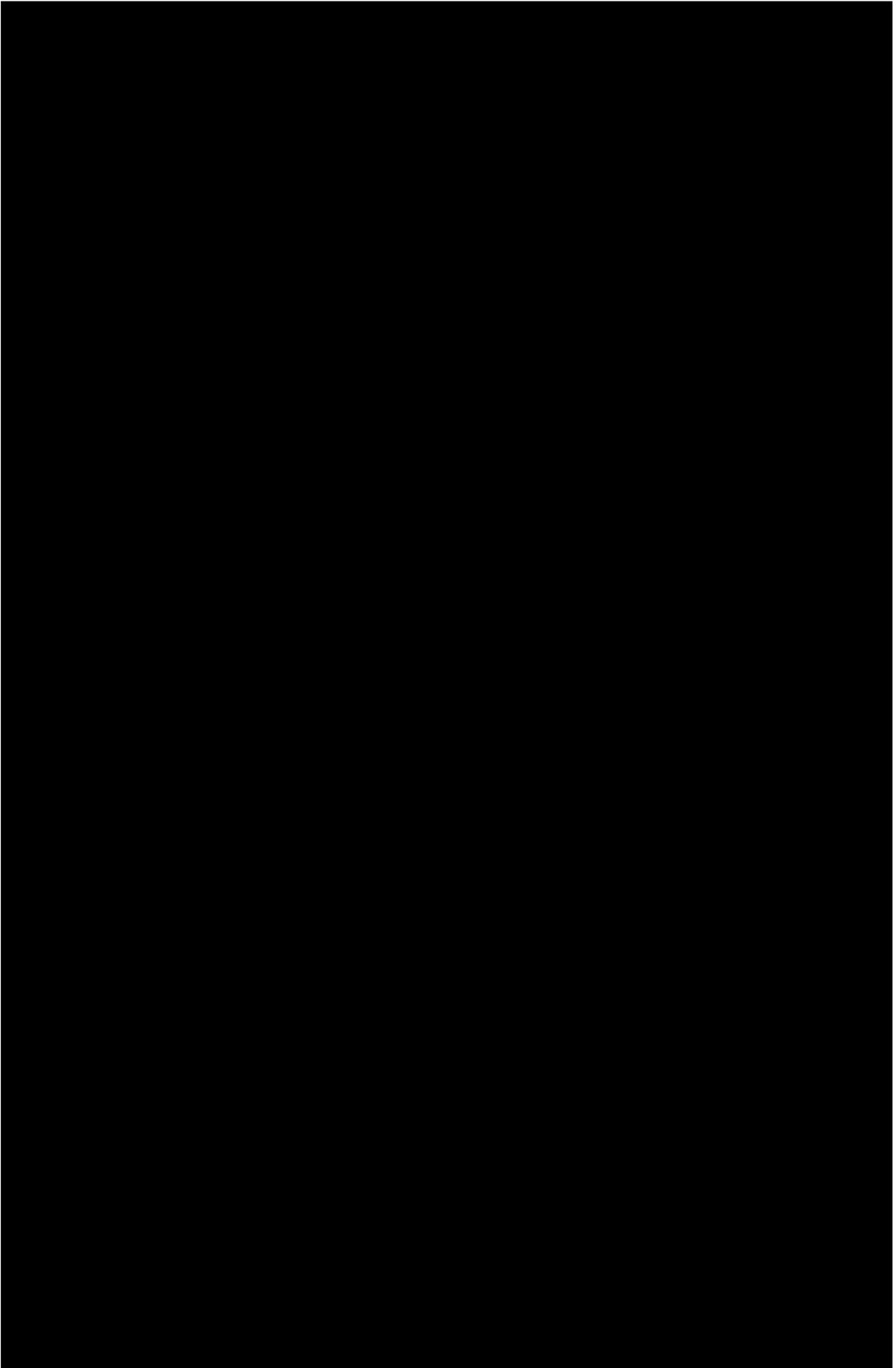
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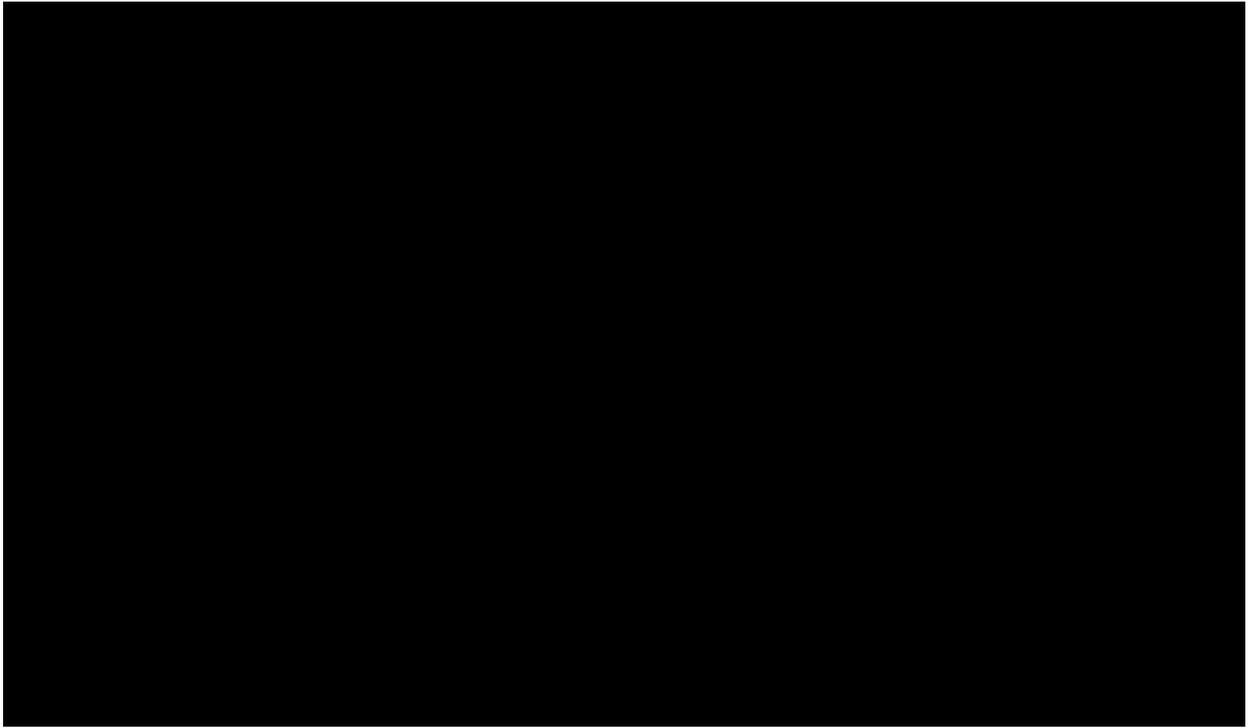
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108. **Witness statements “ support staff ” Attached Arms.** As well as members of UKSF2 other attached arms have been spoken to, namely the senior medic and other specialist operational enablers. A summary of recorded evidence is as follows:

Summaries of statements from the individuals spoken to by investigators



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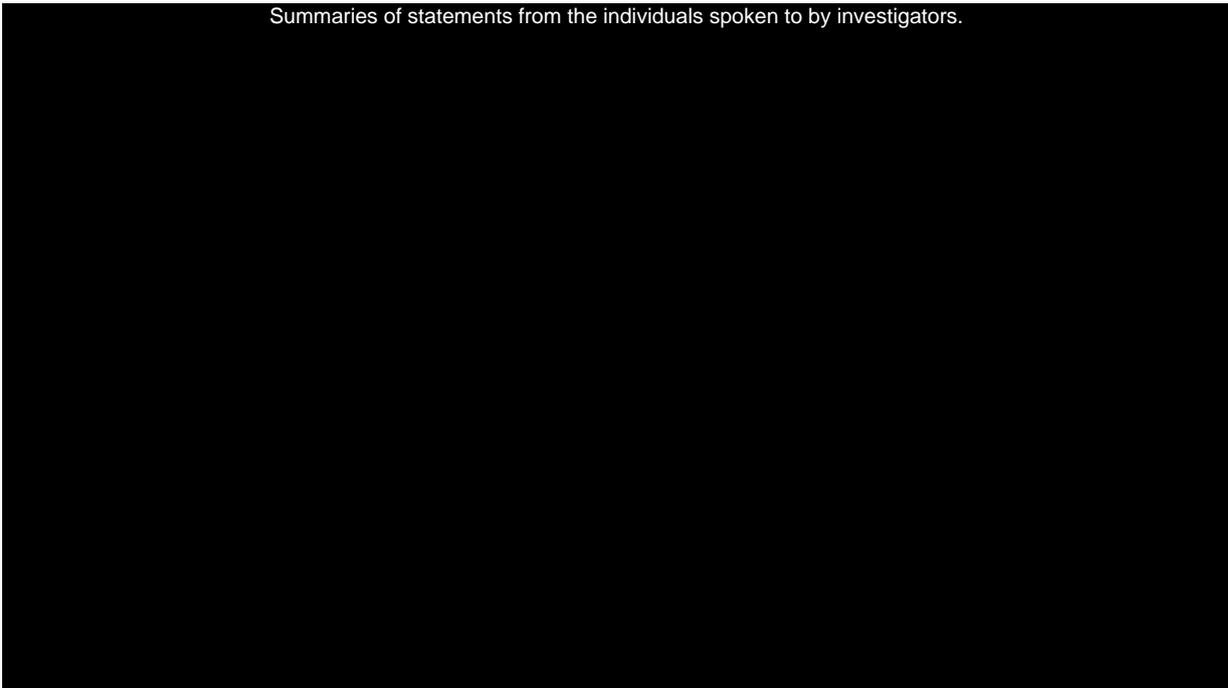
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109. **Miscellaneous Witnesses**

a. [Name Given] [Name Given] was not on the ground at the time of the Op. He was deployed [as a UK advisor to ISAF]. During this statement, [Name Given] provided an explanation of the [Target List] detailing the targeting criteria, process and categorisation. [Name Given] went on to state that in relation to all [Instances of] targeting, the applicable ROE was rule [X], which from his recollection, if authorised, “would allow ISAF to [Details of ROE]”. In his statement, [Name Given] further explained rule [ROE X], describing it as an offensive ROE which “authorised the assaulting force to kill or capture a designated Objective, as they appeared on the [Target List]” and “allowed an assault ground force, in the execution of their duty, to kill an Objective, whether they posed an immediate threat to life or not”. He further mentioned that although the ROE permitted the above, it was more beneficial to capture Objectives, rather than kill, in order to enable exploitation.

110. **Afghan Partnering Unit (APU)** Apr 19 Investigators deployed to Kabul in order to interview members of the APU that were identified as having been attached to UKSF on the operation. Only APU still serving and based in [LG] during the time NM investigators were deployed for could be interviewed.

Summaries of statements from the individuals spoken to by investigators.



111. **Consultation with DSP.** The EST was not met. In accordance with s116 (4) consultation with the DSP prior to compiling any investigation summary was conducted and the DSP agreed that all reasonable and proportionate LOE had been followed and the EST was not met. A SPIS was subsequently distributed to the relevant parties in Aug 19.

IRN: 02008/19 Objective [PPP]

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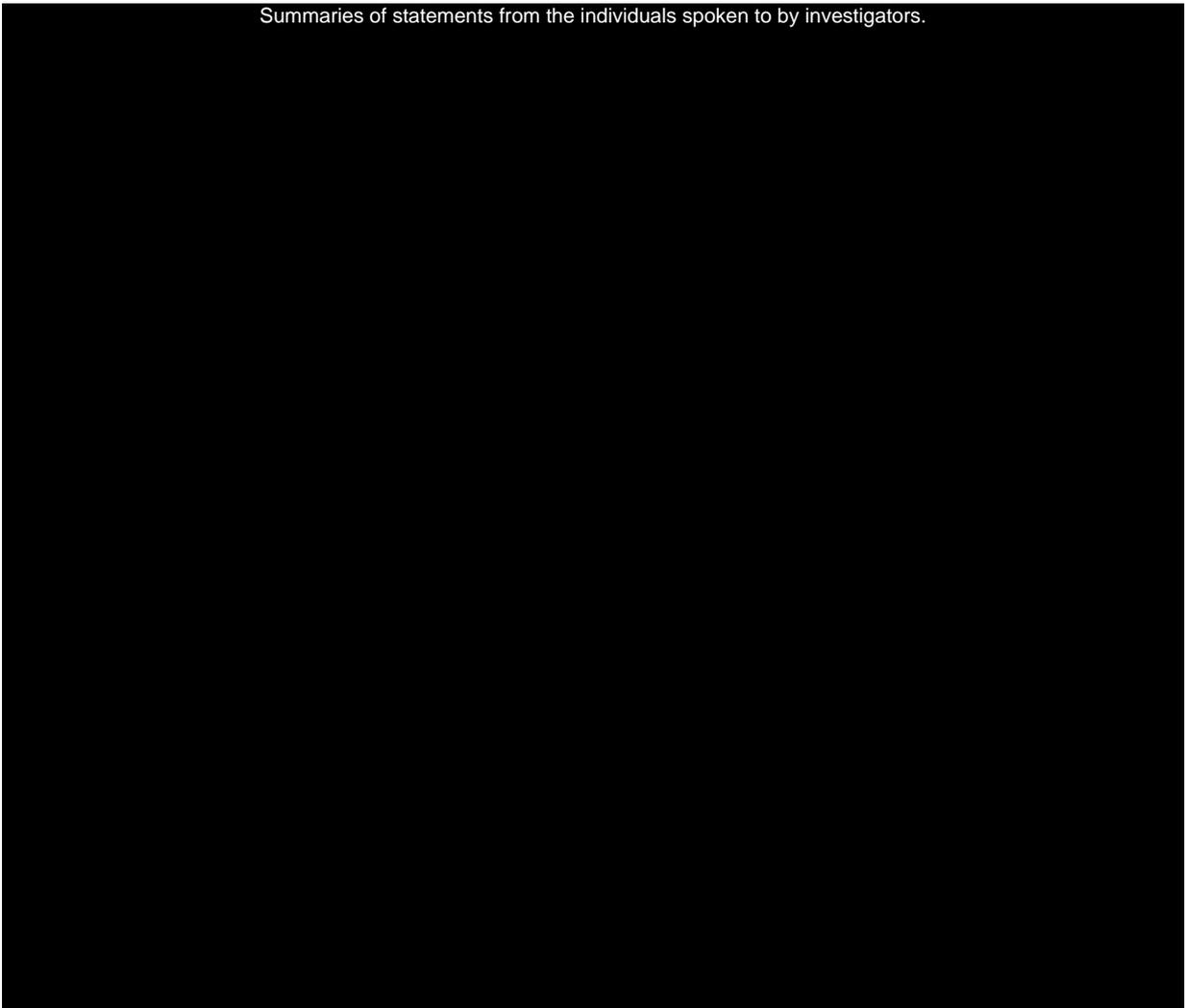
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112. During the course of interviews with Afghan witnesses, [Name Given] made an additional allegation regarding an unlawful killing. Whilst it sat outside the ToRs for OPNM it was recommended by the IRT on 12 Apr 19 and subsequently directed by PM(A) following a GOLD Gp that OP NM personnel were the most SQEP and therefore should investigate it.

113. **Allegation of unlawful killing.** In Jul 19, investigators deployed to Afghanistan in order to conduct interviews relating to the already established NORTHMOOR IRNs. During an interview with [Name Given] APU1, allegations were made surrounding a separate United Kingdom Special Forces (UKSF) Operation to those already under investigation. [Name Given] raised concerns to NM Investigators of an Operation he was deployed on with UKSF that resulted in the death of an unarmed elderly male whilst moving off target (EXFIL). Enquiries by OP NM investigators and subsequently confirmed by [HQ DSF], established that a Deliberate Detention Operation (DDO) for Objective [PPP] took place on [Date Given] 2011 in [Location given], Afghanistan. According to official accounts, the [Sub-Unit] were engaged and the 8 EKIA were as a result of UKSF personnel acting in self-defence under lawful Rules of Engagement (RoE).

114. **Witness statements “trained” personnel.** Members of [SU1D], [UKSF1] were interviewed by investigators, during which it was established that the majority of personnel spoken to could not specifically recall the Op, and only a very small number of personnel could recall the OBJ name. Statements from members of [SU1D] are summarised as follows:

Summaries of statements from the individuals spoken to by investigators.



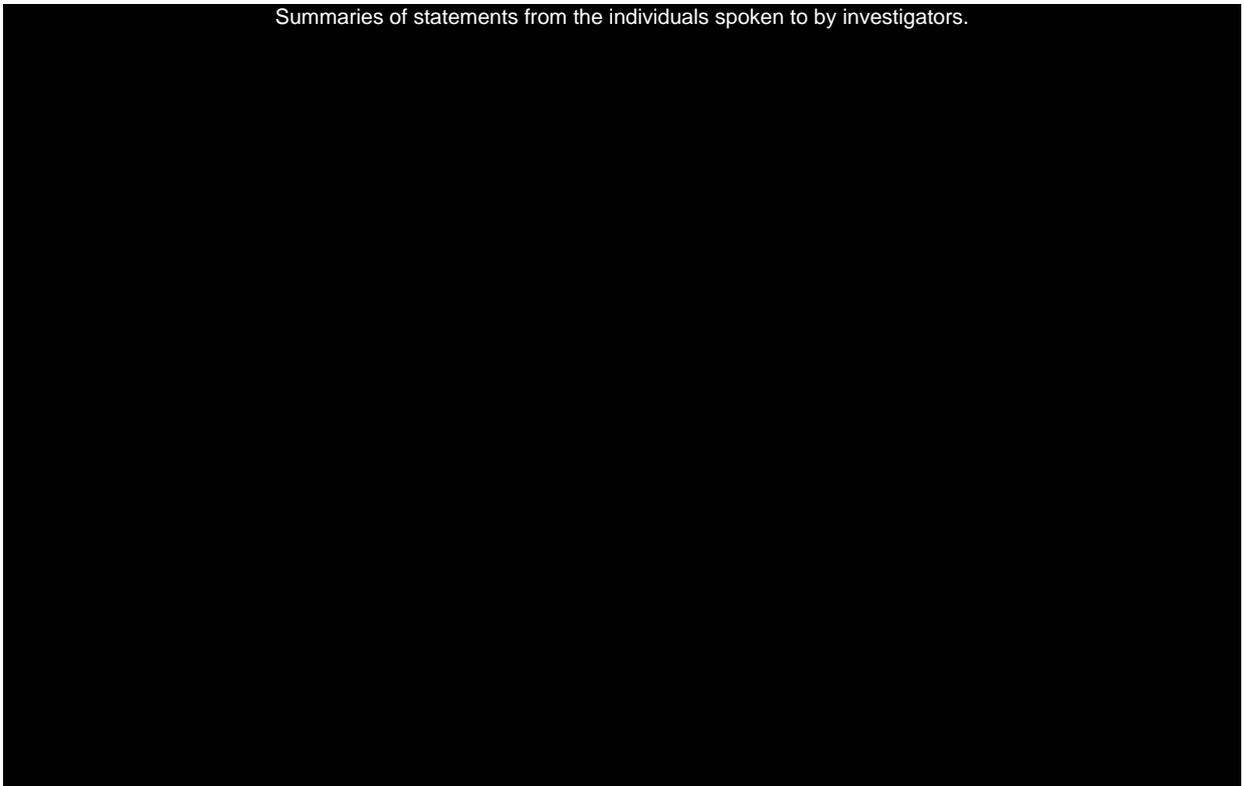
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115. **Afghan Partnering Unit (APU)** Apr 19 Investigators deployed to Kabul in order to interview members of the APU that were identified as having been attached to UKSF on the operation. Only APU still serving and based in **LG** during the time could be interviewed.

Summaries of statements from the individuals spoken to by investigators.



116. **Consultation with DSP.** The EST was not met. In accordance with s116 (4) consultation with the DSP prior to compiling any investigation summary was conducted and the DSP agreed that all

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reasonable and proportionate LOE had been followed and the EST was not met. A SPIS was subsequently distributed to the relevant parties in Mar 20.

Command Responsibility.

117. Whilst those persons committing offences directly are culpable, under Article 28 of the International Criminal Courts Act (ICCA), those in command positions and those responsible for the oversight of such operations may be held criminally responsible for the actions of those under their command. Key to proving an offence relating to Command Responsibility is the proving of the substantive offence first. Should enquiries prove a serious substantive offence, consideration may be given to investigating an ICCA offence. Of note, in Apr 11, the [REDACTED] DSF [REDACTED], at the material time had been made aware by his staff of their concerns regarding the 11 incidents referred to above. Legal advice was provided recommending that under his statutory obligation as a Commanding Officer (in accordance with Sect 113, AFA 06), he must inform the Service Police of these matters; no such referral was made. However it must be noted that in the TTP ToRs he devolves responsibility to the Commanding Officer on the ground, [REDACTED] N1786 [REDACTED] to report to the Service Police any concerns he had. Consideration has been given to investigating this apparent failure, however with advice from the OOT, and the IRT this matter was pended in favour of pursuing any substantive offences as a priority.

118. To date, [REDACTED] N1802 [REDACTED] and [REDACTED] N1786 [REDACTED] have not been spoken to with regards to the TTP review specifically. Under the advice of the IRT this was deliberately delayed until the last actions for the investigations into Obj TY, Obj [REDACTED] 1 [REDACTED], Obj [REDACTED] 2 [REDACTED] and Obj [REDACTED] PPP [REDACTED] were complete .

119. Following review, strategic direction was received from the GOLD Gp in Jul 19. Due to the fact that no offences had been committed to date it was therefore decided that they would not be spoken to. Only in the event of there being a positive outcome at the end of the investigation into Obj [REDACTED] PPP [REDACTED], would consideration be given to interviewing them.

120. Obj [REDACTED] PPP [REDACTED] was completed in Mar 20 with no referrals for any offence made and therefore they have still not been spoken to about their involvement.

121. **Disclosure.** Civil litigation and exhibits strategies were formulated and implemented which provided comprehensive guidance for all disclosure related matters. It was further identified that a sole Disclosure Officer would potentially be overburdened by the sheer volume and scope of the material generated and ingested into the investigation, therefore a Disclosure Cell comprising of a small team of investigators was established. It was further established that the investigation would be managed in conjunction with the Home Office Large Major Enquiry System (HOLMES), therefore providing a suitable platform to best manage the investigation, associated material and the disclosure process. Key risks that were identified were the qualification and competency of the personnel, in particular that of being competently trained on HOLMES and their statutory disclosure obligations. This was managed by affording official training and qualification to the Cell's personnel in both HOLMES and associated disclosure reference material, which was provided by various Home Office Police Constabularies and local in-house training. Protocol (Release Authority) was adopted to satisfy potential sensitivity issues with regards to certain third party material and associated stakeholders. The protocol records an agreement between relevant stakeholders, whereby information contained within certain material is effectively managed therefore enabling minimal impact on the acquisition of material and the disclosure process.

PART 3

Conclusion

122. **Lessons identified.** The lessons identified during the course of OP NM have been captured and are at Annex D

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124. Established in March 2014 to investigate allegations arising from detention-related incidents during the period 2005-2013, OP NM is the largest and most complex investigation ever undertaken by the RMP, involving around 120 personnel at its height and costing around £10M. It's caseload comprised a total of circa 675 allegations by 159 complainants. These ranged from (non-criminal) allegations of cultural insensitivity to allegations of assault and of unlawful killing during arrest operations. The latter included allegations – which have been the subject of periodic media coverage – of extra-judicial killings by Special Forces.

125. Given its complexity, the Ministry of Defence has been keen to ensure that the RMP were appropriately supported and that Operation Northmoor was independently assured. The National Crime Agency and Greater Manchester Police were initially brought in to mentor RMP investigators and to assure the investigative strategy. Since 2016 the investigations have been assured by an Independent Assurance Group, which included an experienced criminal barrister and a former chief constable with significant experience of running complex major investigations. The Independent Assurance Group sponsored periodic independent reviews and have ensured that allegations were investigated effectively and proportionately.

126. On 15 July, the Provost Marshal (Army) decided that the statutory test provided for by the Armed Forces Act 2006 (sufficient evidence to charge an identified individual with an offence) has not been met in relation to any of the allegations. This decision was endorsed by the Independent Assurance Group, which was satisfied that all reasonable and proportionate lines of enquiry have been pursued. The decision has also been endorsed by the Director of Service Prosecutions who, under the Armed Forces Act must be consulted where the Service Police conclude that the evidential sufficiency test has not been met in relation to categories of serious cases. As a consequence, this investigation has not resulted in any service person or veteran being charged or prosecuted.

127. Whilst investigations under Operation NORTHMOOR are concluded, the Prosecutor at the International Criminal Court indicated in late 2017 an intention to conduct a preliminary examination into the media allegations of extra-judicial killings. No timescale has been set for this preliminary examination to commence. However, the RMP have confidence that it will be able to reassure the Prosecutor in due course that these allegations have been effectively and appropriately investigated.

Observations

128. In addition to the Lessons identified at Annex D, the following general observations have been made;

- a. FGenO must be done first. Declaration of OP NM without IO caused endemic problems such as RLS, Budgets, Equipment , Logs, e.t.c. – caused investigation delay.
- b. There were unrealistic expectations of personnel, the criteria for the investigation team did not reflect the resource available at the time. Desirable and realistic requirements resulted in extensive training which impacted on delay and establishment of the Inv teams. Unique nature of investigation required some individuals to be trained in skills outside of normal RMP employment.
- c. Without IO individuals were required to “triple hat”. The level of enquiry and stress due to initial lack of resources, created unrealistic demands on individuals resulting in 3 key personnel signed off work with stress, likely to be associated with having to fulfil multiple roles. In addition, the remote geographic location caused higher than normal welfare considerations.

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- d. Unhelpful briefings and conversations. Between 2014 – 2016 briefings were of a “loose” nature, which resulted in confusion. Unstructured and unrecorded briefings were provided to the centre, which resulted in a misconception of what OP NM was investigating. Since 2016 the briefing has been appropriately delivered to the right people. This ensured a degree of factual consistency and maintained OPSEC.
- e. Between Mar 14 and Dec 16, the covert strategy had produced little progress; only 1 witness who was present at the scene had been spoken to. Several other avenues had also appeared to have stalled, namely the recovery of the Special Forces main frame computer [REDACTED] ITS1 and recovery of witness evidence, due to the designation of suspect status to certain individuals as this in turn required authorisation of intrusive/non-intrusive surveillance tactics to be used. However, with the IAG, IRT and new GOLD Comd being appointed, a review of the all available information meant that the covert strategy was deemed inappropriate. The review found that at the time, there was a lack of tangible evidence and the designation of suspect status was therefore unwarranted.
- f. The FDHC was flawed in 2 ways. The initial requirement for such a large capability did not take into account how live SF Operations would affect the ability to recover [REDACTED] ITS1 therefore leading to a lack of operational appreciation. Justifiable Police action – justification for seizure or a warrant for recovery of the servers did not take place throughout 2014 to 2017. Data was recovered by consent which therefore again removed the requirement for such a large capability.
- g. Declaring suspect status - On review this decision was deemed to be fundamentally flawed due to lack of evidence, hearsay and rumour only.
- h. A continuing theme that has been encountered are problems and significant delays in obtaining the release authority for the data owned by UKSF [REDACTED].
- i. This bespoke intelligence team raised from Op NM staff was not fully established until Sep 16.
- j. We did not have sight of any SIRs due to the fact that RMP are excluded from the process. Consideration must be given to including RMP in the SIR process.
- k. Access to information detailing those involved. This was further frustrated by a lack of access to the relevant data sets. Once known and due to certain tactics under consideration by the previous SIO Capt Wright, contact with the majority of those personnel was pended in favour of covert tactics.
- l. Regimental amnesia – most personnel stated they couldn’t remember! Allocation of DOs not efficient. Suggestions of coaching of witnesses by former SF personnel.
- m. It is of note that at the time of the OSW compilation, DSF had concerns over the practice of “cutting and pasting” operational activity in official incident reporting. Notwithstanding this, no positive tangible evidence has been forthcoming to support the allegations of Mr Bang and Mr Saifullah that their family members were killed unlawfully.
- n. Reliance on host units on deployment - [REDACTED] LG/APU1, HKIA.
- o. Sequencing creating delay in the investigation process, as a staged approach to IRT recommendations was required and directed by PM(A).

Originator	Authenticator

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M A Cox Maj AGC (RMP)	M John Col AGC (RMP)

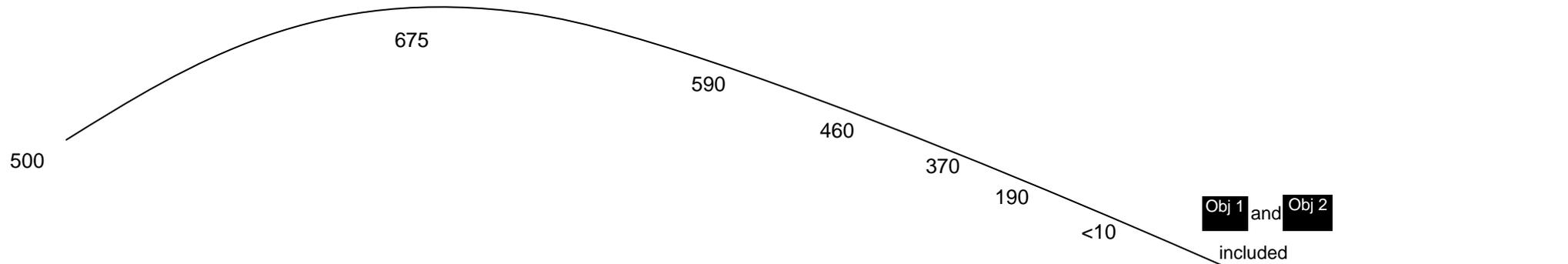
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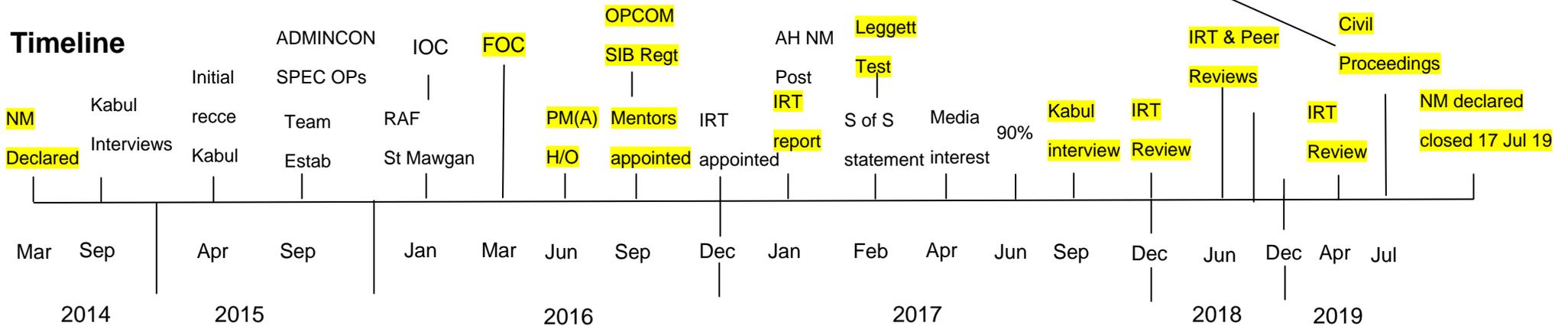
Annex A to
Exec Summary
Dated 02 Nov 20

OP NM Timeline

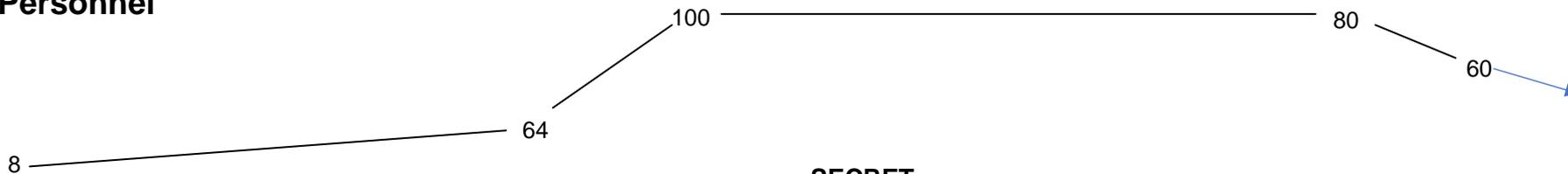
Allegations



Timeline



Personnel



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Annex B to Exec Summary
Dated 02 Nov 20

SUMMARY OF INVESTIGATIONS CONSIDERED BY OP NM

[REF] OP SHIVERWOOD - Never actively investigated by NM review only.

1. On Sun 12 Aug 12, information was received from a **Partner Force** that whilst working at PB **1**, Op HERRICK, Afghanistan, in early Jul 12, he had witnessed via the **Footage**, an incident during which he believed British Servicemen unlawfully shot and killed three unarmed Afghan males.

RMP Actions : –

2. Full investigation by 62 Sect and 4 Inv Coy resulted in 2 IAC with NO referrals. (This included an ABE with the Mother mentioned by the ST). The only outstanding action is possible FMV footage which may have been recovered from ***** in 2016. Serious compatibility issues existed and although a copy of a server, which may have contained some footage, was recovered from US authorities it was not viewable with current platforms. Following review, direction was given by the GOLD Commander that this was deemed outside of the Terms of Reference (ToRs) for Op NM and returned to 4 Inv Coy SIB Regt for completion and action if deemed appropriate late 2018. It resulted in a SPIS.

[REF] Op CESTRO – Never investigated by NM review only

3. On Fri 7 Dec 12, information was received from the HQ PM (A), **Location** **Given** that Public Interest Lawyers (PIL) had made representation on behalf of Mr Noor Mohammed Noorzai, an Afghan National, who alleges that British Soldiers had shot and killed two of his younger brothers and a further two Local National (LN) teenagers. Mr Noorzai alleges the deceased males (aged between 12 and 22 yrs old) were sat drinking tea in a compound when British Forces entered and killed all four occupants. It is also alleged that British Forces hooded and assaulted occupants of a nearby compound in order to extract information before killing Mr Noorzai's brothers and their colleagues. Records held by Task Force Helmand (TFH) confirm that on Thu 18 Oct 12, **SFHQ(A)** personnel were requested to assist ANSF to detain a known insurgent at an unnamed compound (Grid **[REF]**) in the town of Loy Bagh, Nad-e Ali District, Helmand Province. Upon entering the compound, ANSF and **SFHQ(A)** personnel were engaged by Small Arms Fire (SAF), following which they returned fire and subsequently killed four armed LN males. Following an investigation by 62 Sect SIB, two individuals were referred for various offences; however no further action was taken by SPA.

NORTHMOOR/RMP Actions :-

4. File reviewed by NM Only.

[REF] Op PAVO – Never investigated by NM review only

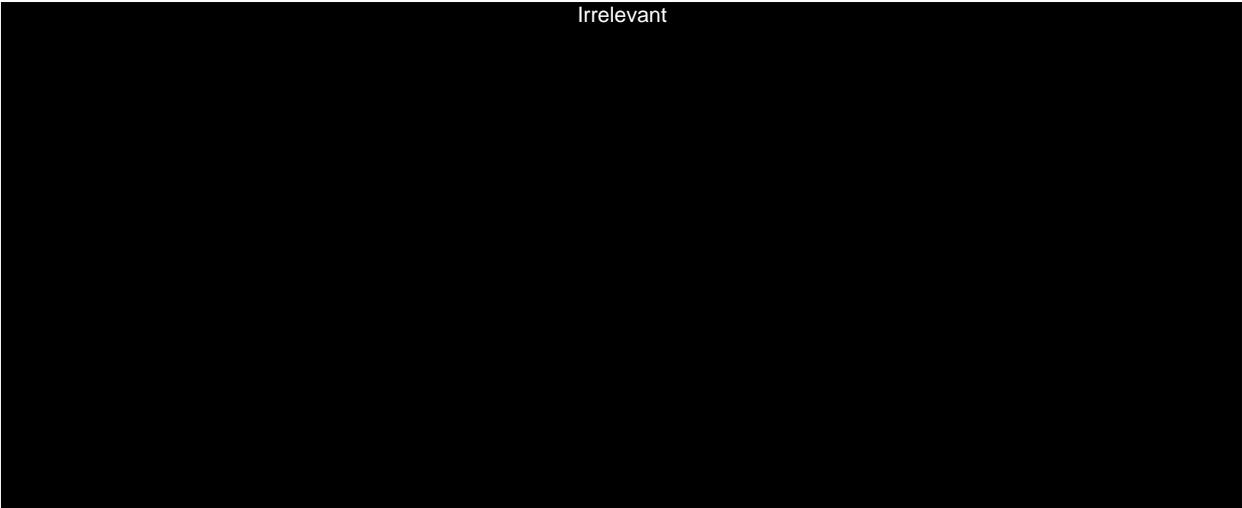
5. About 2030hrs on Wed 8 Sep 10, information was received from **N2273** DSF LEGAD, that about **Time Given** on **Date Given** 10, **Named Individual (NI1)** (Detainee No: **Number given**) was apprehended by ISAF personnel, within his compound in **LG**, Helmand Province, Afghanistan. At that time he saw **Named Individual (NI2)** (NFD) also being detained and questioned whilst handcuffed. **NI1** was handcuffed and blindfolded but believed **NI2** was led away from the area. Following arrival at the Op VARSITY Temporary Holding Facility (THF), Kandahar Airfield (KAF), BFPO 772, **NI1** was Tactically Questioned and shown a number of photographs depicting Enemy Killed In Action (EKIA), one of whom he identified as **NI2**. Following an investigation by 62 Sect SIB it

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was completed in Jan 12 with no referral. A SPIS was compiled on 20 Jan 12, by 36 Sect, EST not met.

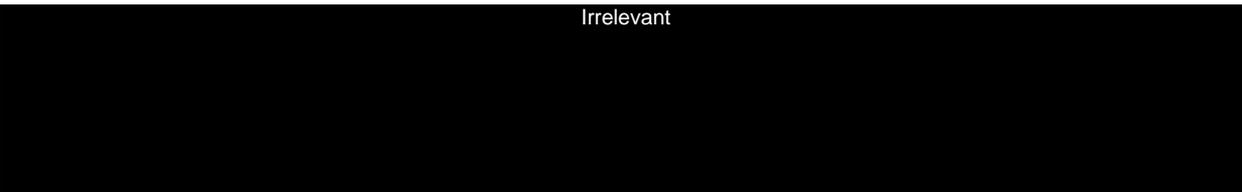
NORTHMOOR Actions : –

Irrelevant



NORTHMOOR/ RMP Actions:-

Irrelevant



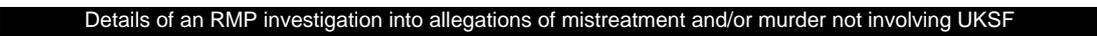
TELEMETER - Never investigated by NM

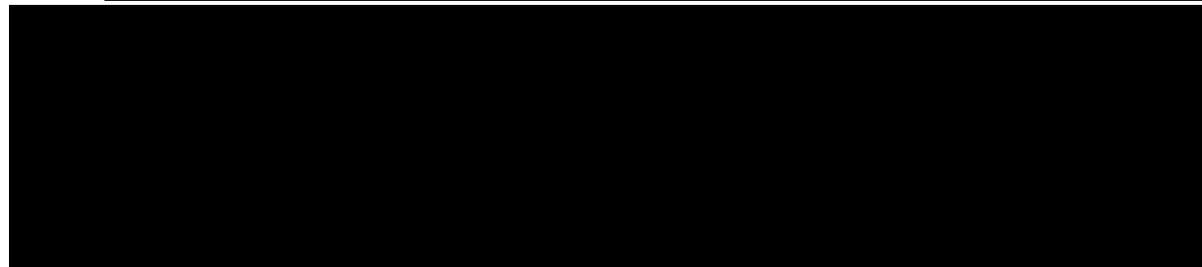
9. 

RMP Actions : –

10.  Details of an RMP investigation into allegations of mistreatment and/or murder not involving UKSF

TELEMETER 2

11.  Details of an RMP investigation into allegations of mistreatment and/or murder not involving UKSF



NORTHMOOR/ RMP Actions:-

12.  Details of an RMP investigation into allegations of mistreatment and/or murder not involving UKSF



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Annex B to Exec Summary
Dated 02 Nov 20

[REDACTED]

[REDACTED] LPP | [REDACTED] LPP

[REDACTED] This investigation was presented to the JCRP and subsequently handed back to 32 Sect for a SPIS to be compiled.

N6

Details of a Partner Force operation

[REDACTED]

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ANNEX C WILL BE DISCLOSED IN TRANCHE 2

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	Title	Observation	Discussion	Conclusion
G1				
	Perception of SNCO within NM	Realisation of performance traits of SIB v GPD SNCO. It was perceived that GPD SNCO possessed more credible 'man management' experience and ability, as opposed to the natural investigation management ability of the SIB counterparts.	It would be fair to say that all SNCO within the unit should have been treated in a similar way. It was stated by a small number of SNCO (GPD) that they felt as if they were treated less favourably than that of their SIB counterparts. SNCO within the unit were quite rightly managed in differing ways, this was not due to their employment (SIB/GPD), but more so in relation to the individual.	Albeit SNCO were managed and dealt with in different ways, this was not reflective of their SQEP, each individual showcased / excelled in different areas.
	Perception of JNCO within NM	Appreciation of experience / abilities of JNCO.	Due to the gravity of the investigation, there were times whereby JNCO were given a task to undertake, but were not given the freedom to complete the task themselves. An observation was made that SNCO / CoC would take a micro management stance to the JNCO to ensure that the tasks were being progressed. Because SNCO were concerning themselves too much with tasks that had been delegated down, they were becoming overburdened themselves which had adverse effects on morale and efficiency.	Ensure that JNCO are utilised and mission command is implemented this will release the SNCO to manage and lead more affectively.
	Admin / HR Support	There have been some delays in raising SJARs due to inexperience within the HR arena.	Within any established unit there resides an effective and efficient HR department. Circumstances where the SPS JNCO was unsure on how to progress, assistance was requested from the Sys Co-ord at RHQ, this being the proper way in resolving the issue, however adding delay. Due to the experience of the SPS JNCO there were at times (albeit on rare occasions) occasions whereby certain HR functions were affected causing delay.	Although the overall effectiveness with regards to HR was adequate, there were times when unnecessary delay was incurred due to the experience of the SPS JNCO.
	Admin / HR Support	At the conclusion of the investigation phase integral HR support was withdrawn from NM.	The loss of integral HR support support lead to some difficulties. G1 checks, HR advice and implementation of processes and procedures when deploying troops for investigative purposes overseas were hampered due to the support being based in HQ and not easily accessible.	HR support has been supplied by Regt HQ and 4 Inv Coy through reach back however not being co-located or dedicated to the unit has meant a delay in support and processes which should be avoided in the future.
	CoC CLM style	It would appear that due to the perceived importance of the investigational work being conducted, certain members of the CoC were reluctant to allow their subordinates the freedom to conduct investigative actions.	It is expected that the CoC has faith in their subordinates allowing them to delegate taskings that are to be completed. There were occasions where the CoC would micro manage their subordinates, persistently checking on progress made together with scrutinising work. This led to a culture whereby individuals (both JNCO and SNCO) became reluctant to make decisions, even on routine or mundane issues.	In the instances where the CoC micro managed, some SNCO became uncomfortable in making any decisions. This inturn migrated into the JNCO cohort.

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	<p>CoC structure specific to Team 2</p>	<p>Absence of an SIO for Team 2</p>	<p>The natural filter system provided by having a structured CoC, especially given the high profile of this investigation, would have allowed the DSIO and team to focus on investigative activities. At times it felt as though there was no support in respect of the investigation. The DSIO was answering direct to Gold command weekly although competent with briefings to Gold there was no filter in respect of request and results forward and backwards. HQ CoC were redundant from the investigations so offered no buffer.</p>	<p>The absence of an SIO and Silver command for the majority of Team 2 activities allowed for no CoC filter or support and meant direct liaison with Gold command causing significant pressure and unnecessary stress. This was eased with Silver command taking post but should have been in place from the outset.</p>
	<p>Requirement of staffing levels</p>	<p>Before committing to staffing levels, ensure that there is sufficient work that demands that level of staff allocated.</p>	<p>Due to the varying nature of the NM investigation, there was a lot of unknowns regarding the likely workload that would be required. During the inception of NM, a vast amount of personnel were assigned into the unit, resulting in some occasions where individuals didn't have anything of significance to do. On the flip side, at the conclusion of the investigation, do not release staff from strength before it is definite that the investigational workload has decreased / ceased.</p>	<p>Personnel should not be placed in a position whereby they have no specific / relevant role to perform. There were some instances, due to the nature of the investigation, some personnel found that they were not gainfully employed.</p>
	<p>Unit location</p>	<p>Due to being located in the SW, extra travelling time had to be factored in for all investigations / personal travel.</p>	<p>RAF St Mawgan was selected due to the envisaged certification requirements at the onset of the investigation. There were limited options with regards to a location that was deemed appropriate, therefore RAF St Mawgan became the home for the investigation team. The certification was catered for this in turn affected investigators when deploying from RAF St Mawgan to conduct interviews. Due to the location it often resulted in taking 3 days to record one statement. With the intent to conduct an efficient and effective investigation, due to the time taken to travel to record evidence, this wasn't the most efficient. There were a number of personnel based at Northholt but their primary function was the review of evidence on the DAS system.</p>	<p>It is evident that due to the location of the investigation team, many work hours which could have been spent conducting the investigation, were instead used travelling to and from witnesses and/or evidence yielding locations.</p>
	<p>Provision of Dental / Medical</p>	<p>A dental appointment whilst at NM could take an investigator out of the investigation for up to half a day.</p>	<p>* was selected as the unit location due to its required capability, resulting in the unit being located in the polar location of RAF St Mawgan. Although there is a Medical Centre on RAF St Mawgan, there is no Dental Centre or Exercise Rehabilitation Instructor (ERI), with limited access to Physio. Those personnel who had appointments would need to attend RNAS Culdrose, approx 1 hour away. This resulted in many hours being spent travelling to and from appointments at RNAS Culdrose, again adding delay to the investigation.</p>	<p>Due to the distance involved in attending even a routine dental appointment added significant delay to the NM investigation.</p>
	<p>Unit real estate</p>	<p>It was apparent that working in a building with no windows / day light had a detrimental effect on the morale of personnel.</p>	<p>* was selected as the unit location due to its required capability. Details of the location and the work routine of the staff This soon became the expected work routine so when these were rescinded for investigational reasons, this again had an effect on morale.</p>	<p>It is understood that due to the security implications of the investigation, the selection of real estate would be based on capability over comfort. The working environment did have a detrimental affect on personnel.</p>

* RAF St Mawgan

	Preparation for * requirements	More work could have been undertaken in the infancy of the investigation ensuring that the relevant areas had been certified to the requisite level.	RAF St Mawgan was selected to house the investigation due to the anticipated * of material collated. Delay was always to be expected when initially setting up locations however there was protracted delay in achieving certification for the locations. It wasn't until almost 18 months after relocating to St Mawgan, where the required certification was in place. Due to this delay, processing of material was not able to be achieved on site, causing delay on the investigation.	It is fundamental that the earliest engagement with the relevant authorities is made and maintained to ensure that any required classification are met at the soonest opportunity.
	Welfare facilities for JNCOs	Welfare provisions were provided for the JNCOs	Despite the provision, JNCOs rarely engaged with the facilities. This could be down to a cultural shift, or less of a need.	Potential generational changes may have influenced the non take up of the facilities, favouring personal electronic items/social interaction within accommodation.
G2				
G2	Disclosure of information to wider departments	HQ Army G6 and DIO were hamstrung through the non-disclosure of the purpose of the project.	DIO were informed that a location was required to be secured and the classification of the material with no insight provided as to the nature of the investigation. Similarly, engagement with G6 saw numerous meetings baring little fruit as the engagement either occurred at the wrong level or they did not fully understand the requirements (and who set the requirement) because they too were unsighted on the nature of the investigation.	OPSEC is paramount to the investigational and judicial processes but sharing non-harmful but relevant information with stakeholders allows them to understand the requirements and necessity in greater detail.
G2	Technical knowledge of requirements	Technical discussion with ** estate manager regarding access to ** and communication lines available	Engagement occurred at the lowest level between the SIO, QM SIB Regt, HQ PM(A) Proj Offr and ** estate manager regarding the technical requirements for external communications from **. following further low level engagement led by HQ PM(A) and SIB personnel.	Engagement occurred at the incorrect levels not put in place the relevant infrastructure to fulfil the requirements. Better engagement on future projects of this enormity require a joint WG with the secured power at 3* to ensure Defence departments deliver against the set requirements; taking into and being held to account on expenditure. Such a WG will then be able to call upon relevant stakeholders across wider Government to advise and assist on certain requirements.

* classification

** RAF St Mawgan

	<p>Intelligence product</p>	<p>iBase was utilised during the course of the NM investigation, however due to being implemented too late, it had little impact on the investigation.</p>	<p>It would be expected that any intelligence function would start before / at the inception of any investigation. Due to the intelligence platform only being functional once the unit had moved to RAF St Mawgan, the intelligence cell was some 18 months behind the investigation. As a result, any intelligence product that was subsequently produced tended to be used as presentational aids, with only bespoke taskings being used as part of the investigation. Due to the unit moving location after approx 12 months, there was no realistic prospect of conducting specific 'in house' intelligence work until the move to RAF St Mawgan.</p>	<p>In order for the intelligence cell to work effectively, the personnel and intelligence platform need to be in place at the onset of the investigation.</p>
<p>G3</p>				
	<p>Use of NM personnel as TORAL / SHADER surge</p>	<p>NM personnel were utilised to assist with TORAL & SHADER Surge in addition to deploying in support of NM investigations.</p>	<p>Given the operational requirement of NM investigations, a number of NM personnel were held at readiness to deploy to TORAL / SHADER.</p>	<p>It took considerable 'lean in' from those deploying, as well as outsourcing training to other arms and services to ensure MATT/Training compliance, as personnel were not always accommodated by the RTW as a priority. The overall output was a successful deployment in sp of the Investigation.</p>
<p>G4</p>				
	<p>Technical and living accommodation</p>	<p>The stringent requirements for the technical accommodation led to the nature, availability and standard of SFA/SLA.</p>	<p>DIO could only provide one location in the whole of the UK which fulfilled the requirements for the [REDACTED] security of the data and material due to be seized; this was RAF [REDACTED] St Mawgan and was materially available for occupation. The requirements for the technical accommodation essentially meant that whatever living real estate was available would have to be acceptable (even if it wasn't particularly). The location itself in St Mawgan, Cornwall, was not of particular use to the RMP who are Andover/Bulford centric, but there were no other viable options. St Mawgan was known to be isolated and the availability and standard of living accommodation was not very good. It took engagement by the HQ PM(A) Proj Offr, SIO and QM, both SIB Regt to engage with the Station Commander and local authorities to inform them of an increase in population to their areas and demand on their respective systems and resources (see Service Level Agreements).</p>	<p>The necessity for set-criteria technical accommodation cannot be helped at times. The available living accommodation must then be made the best of utilising in-service systems or through sperate financing to upgrade existing accommodation. The construct of a WG from the outset of this project may have alleviated some of the problems encountered and secured funding to upgrade temporary transit accommodation into better standard SLA (see G5 Defence engagement).</p>

	<p>Accommodation</p>	<p>On arriving at RAF St Mawgan families were allocated Service Families Accommodation (SFA) that had o/s works and were generally in a delapidated state. Single Living Accommodation (SLA) provided was old transit accommodation, again in a somewhat delapidated state.</p>	<p>It would be expected that when arriving at a new location, allocated accommodation would be of an acceptable standard. There were numerous incidents where SFA was being handed over with outstanding work orders pending, in the more severe incidents this resulted in families being accommodated in hotels until the work had been completed. The SLA that was allocated to NM was old Adventure Training transit accommodation. This was in a delapidated state. The condition of the accommodation, coupled with the unique working conditions of [REDACTED] had a detrimental effect on morale.</p>	<p>Substandard accommodation has the potential to affect morale and therefore productivity.</p>
	<p>Stores</p>	<p>RAF St Mawgan have been very accommodating with NM personnel in terms of kit issue/exchange.</p>	<p>From the very onset of the investigation team moving to RAF St Mawgan, the Supply Flight (Sp Flt) provided outstanding assistance. Although the central account for personal kit issue was in Bulford, the Sp Flt catered for all kit exchanges / dekits together with providing a tailoring service.</p>	<p>The provision of support from RAF St Mawgan in relation to personal kit issue was exceptional.</p>
<p>G5</p>				
	<p>Defence engagement</p>	<p>Ministers and Defence did not engage in the formulation of Op NORTHMOOR</p>	<p>Something so large, so new and deemed as a critical incident, requires Defence 'buy-in' from a much earlier position. With an IO way out in the distance and so many moving parts involving both technical and living real estate, human resources, [REDACTED] material, new CIS etc, it is not acceptable for Ministers and Defence to order the RMP through CGS/DCGS to get on with it, without bringing to bare the necessary top cover to formulate planning and delivery of infrastructure to complete the task as ordered. Personnel involved in the initial securing and delivery of NM as it is now recognised, simply involved a DIO rep, SIB Regt QM, SIB Regt SIO, HQ PM(A) Proj Offr (OF2), WO SPCB3C and WO AST. The project required proper long-term management with third party and external stakeholders being directed to provide against the requirements at 3* level; not OF2.</p>	<p>Better engagement on future projects of this enormity require a joint WG with the secured power at 3* to ensure Defence departments deliver against the set requirements; taking into and being held to account on expenditure.</p>
	<p>Service Level Agreements</p>	<p>SLAs were having to be arranged with St Mawgan Stn by QM SIB Regt for the provision of services to the future basing of RMP personnel without an IO and on the premise of goodwill.</p>	<p>Without an IO in place it took numerous meetings with the Stn Comd, RAF St Mawgan and his relevant department heads, led by the HQ PM(A) Proj Offr, QM SIB Regt and DIO rep to secure relevant services at local agreement for the future basing of RMP personnel and their requirement to utilise RAF St Mawgan services (med, dental, education, recreational, catering, messing and administration). This eventually required engagement by PM(A) with the RAF 1* commanding the Trg Gp under which RAF St Mawgan fell. This essentially resulted in a 1* discussion and information piece that the RMP would be locating in excess of 100 personnel on to the real estate and utilising the services which she was responsible for, without engagement and direction by Defence.</p>	<p>Better engagement on future projects of this enormity require a joint WG with the secured power at 3* to ensure Defence departments deliver against the set requirements; taking into and being held to account on expenditure.</p>

* RAF St Mawgan

** classified

	<p>Plans</p>	<p>Due to the location of NM, when supporting the Regt or 1 MP Bde, this would cause personnel to be away from unit longer than necessary due to the travelling time and drivers hours.</p>	<p>RAF St Mawgan was selected to house the investigation. It is understood that when part of a Regt. when Regt training activities were being conducted, NM personnel were to attend. There were however times when Regt training was arranged at locations that were some 340 miles away from RAF St Mawgan. Albeit these locations were central to the rest of the Regt, it would take a full working day to travel to and from the training. This in turn caused unnecessary delay to the investigation.</p>	<p>Due to the geographical location of RAF St Mawgan, a considerable amount of time was used in travelling to and from training packages, ranging from basic MATTs to Exercises.</p>
G6				
	<p>HQ Army G6 CIS engagement</p>	<p>NM CIS requirements were technically complicated, challenging and not all materially available through G6. HQ Army G6 were not directed from their CoC as to the necessity and requirements of the NM investigation.</p>	<p>Liaison between the relevant G6 and IT chains in order to effect the investigative CIS requirement became disjointed. This was mainly due to the varying levels of MOD and external departments involved.</p>	<p>Better engagement on future projects of this enormity require a joint WG with the secured power at 3* to ensure Defence departments deliver against the set requirements; taking into and being held to account on expenditure.</p>
	<p>Information Systems</p>	<p>Upon setting up a new investigation team, it is paramount that sufficient information system assets are in place and operational. This spans from Dii UAD, HOLMES terminals together with intelligence platforms.</p>	<p>It was anticipated at the onset of NM that a full FDHC was to be installed, catering for all IS needs. In light of this, the requirement of other conventional IS (Dii for example) was limited. The FDHC never came to fruition, this limited the IS footprint at NM considerably. There was still sufficient IS assets for the investigation to progress, however there were limited Dii terminals meaning investigators had to 'hot desk', also limited licenses for the HOLMES platform. As a result personnel had to resort to shift work, ensuring that maximim usage of the licenses was achieved.</p>	<p>Due to FDHC never being installed, there was a noted shortfall in IS assets that could be utilised by all personnel within the unit.</p>
	<p>Resources of iHub</p>	<p>Due to the sensitivity of the investigation, the usual approach to iHub (the use of SPS personnel) was not utilised.</p>	<p>It is usual for any unit to utilise SPS personnel to undertake the iHub commitment, however due to the sensivity of the investigation, this was not permitted. Personnel from the investigation received training to allow them to perform iHub duties, however it needs to be realised that sometimes 'secondary roles' may in fact need full commitment from those personnel tasked to carry them out. Some iHub taskings, such as the implementation of permanently removed 2 personnel from the investigation team, resulting in impact on the investigation.</p>	<p>Due to the sensitivity of the investigation, authority was not granted for SPS personnel to conduct iHub duties. This resulted in the investigation team essentially losing 2 members of personnel for extended periods.</p>
G7				

* for certification requirements

**training

*** (covering all classification

**** Commercial IT package

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	<p>Conducting training prior to employment</p>	<p>Some personnel were assigned to NM to work in bespoke investigational areas without having the experience and skill set required to undertake the role.</p>	<p>When personnel are assigned to conventional units, it can be assumed that the individual will have some awareness and understanding of their role and be able to conduct that function. Due to NM being a bespoke unit with unique niches, personnel found themselves being assigned into a role that they could not execute. This resulted in personnel essentially 'treading water' waiting for the appropriate course / training to allow them to perform their role. This had a knock on effect in causing delay to the investigation.</p>	<p>Due to the knowledge gap, personnel were not equipped to perform their roles within the investigation, resulting in delay.</p>
	<p>Identifying correct personnel for qualifications</p>	<p>On occasion individuals were trained in specific roles, only to be assigned elsewhere, leaving a training deficit in unit.</p>	<p>There is an onus on the CoC to ensure that all members of the unit are trained appropriately and hold the required qualifications to allow them to undertake their duties effectively. There were occasions whereby personnel from the unit were loaded onto bespoke training packages to enhance the efficiency of the unit, only to be assigned to a different unit in short order. The result of this was that NM was left with a knowledge gap, this in turn impacted the efficiency of the unit causing delay to the investigation.</p>	<p>Due to trained personnel being assigned, remaining personnel were not equipped to perform their roles within the investigation, resulting in delay.</p>
	<p>Initial forming of unit</p>	<p>Utilising funding lines for initial specialist training as part of the initial unit forming, at the start of the investigation.</p>	<p>It would be expected that should the investigation require certain SQEP, these individuals would be already qualified or be trained at the very onset of the unit forming. The reality was that individuals would sometimes have to wait months to be loaded onto courses, meaning that whilst being expected to undertake the role assigned to them, they were not trained. This had a knock on effect with budgets. If the training was budgeted and conducted as part of the initial forming of the unit, a separate budget line would have been utilised, as opposed to having to use the annual training budget - this then limited further course bids due to budgetary limitations.</p>	<p>Due to the availability and scoping of required courses / training, the annual training budget had to bid against, as opposed to assigning this training cost to the initial forming of the unit.</p>
	<p>Maintaining ability to conduct MATTs in house</p>	<p>There was a requirement to conduct mandatory training to comply with Army direction, which couldn't always be achieved in house.</p>	<p>Initially there were a number of NM personnel who held an array of MATT qualifications, enabling the unit to be self sufficient in facilitating in house MATT packages. As personnel were assigned out we lost this capability, meaning sometimes a drive in excess of 7 hours to attend a week long MATTs camp, thus having an impact on the output of the investigation.</p>	<p>The assigning of trained personnel in MATTs, together with the distance to centralised training locations caused additional nights out of bed.</p>
	<p>Availability and location of AEC</p>	<p>The nearest Army Education Centre (AEC) for NM personnel is 10 AEC at Tidworth. Individuals going through the resettlement process or requiring interviews were not able to utilise a closer AEC at RNAS Cudroose. This was time consuming again taking personnel away for a longer period than required.</p>	<p>RAF St Mawgan was selected to house the investigation. Personal and career development is a key component to any member of the Armed Forces. Should any NM personnel wish to pursue any educational routes, including the resettlement process, the nearest AEC which personnel were allowed to use was located in Tidworth Garrison (albeit there was an AEC located at RNAS Cudroose, approx 45 from St Mawgan). This resulted in extra time having to be allocated for routine educational support.</p>	<p>Due to the geographical location of RAF St Mawgan, a considerable amount of time was used in travelling to and from AEC and resettlement centre locations.</p>

* for certification requirements

	Resources for unit training	Due to the remote location the Coy Trg Wing had difficulty in location resources such as ranges, CBRN testing facilities and general MATTs training equipment.	It is assumed that any field unit would have access to the required material / estate to conduct mandatory training. The reality was that due to the distance from St Mawgan to any other Army location, materials and estate was not readily available for the Coy Trg wing to utilise. Personnel from the unit would have to travel considerable distances in order to conduct unit training / mandatory training. This was eventually slightly overcome by the Coy Trg SNCO forging good relations with RAF St Mawgan personnel, together with neighbouring units and Reserve Centres.	Because of the location, undertaking unit level training was problematic, in that the required materials / estate were not readily available.
	Provision of in house HOLMES training	Due to the NM investigation, the RMP now have a number of highly competent HOLMES operators, should an investigation of a similar ilk be undertaken, those individuals should be utilised to provide in-house training to the new team. This should not be in lieu of external HOPF training.	Due to the rapid increase in MIR staff occurring at the same period as HOPFs migrated to the HOLMES2 v16 platform, there was no external training available for HOLMES operators. By the time external training became available, operational budgetary restrictions meant that it was difficult to authorise personnel to be loaded onto external training. To mitigate the effect of these problems, core MIR trained staff developed an in-house training package that was delivered to newly assigned personnel, in advance of external HOPF training being made available.	Lack of availability of HOLMES training by HOPF, together with operational budgetary restrictions impacted on the ability to run a fully staffed MIR.
G8				
	Internal engagement	It took over 6 months and a major tasking for the Int Cell, NM to get help from FIB.	Due to the bespoke and unique make up of NM, personnel from the wider RMP were not aware of some of the functions that NM carried out. Significant delay was caused as FIB were not briefed on what the function of the Int Cell was within the NM investigation, therefore there was some reluctance in providing assistance. Once FIB had an understanding of what the Int Cell was stood up to do, a more amicable and effective working relationship followed.	Due to the lack of communication / understanding between FIB and NM, there was some delay in the provisions of assistance from FIB.
	Internal engagement	Liaison at the onset of any future investigation of this nature with FIB would allow suitable individuals to be identified to provide training / mentoring.	Once NM had established itself at RAF St Mawgan, mentoring and assistance was provided by FIB (some 6 months after being established). Albeit the assistance from FIB was greatly appreciated, due to the time delay in receiving it, considerable delay was caused to the work being undertaken by the Int Cell.	Due to the lack of fully trained NM personnel at the outset, paired with the availability of FIB, considerable delay was caused to the production of intelligence material which may have assisted the investigation.
	Internal engagement / information sharing	It is fundamental that all teams (within the investigation) communicate effectively with each other, with all vital information being shared between teams (where possible).	As with any large scale investigation, it is paramount that all parts of the team are aware of what is happening, together with (to so extent) the rationale or reasoning as to why. There were occasions during the outset of the investigation where certain elements of the investigation team became very insular, retaining information with only a select few knowing. This was due to the perception that all information had to be safeguarded, even from other members of the unit. This would make certain tasks (for the Investigation Support Team) more time consuming because the context of the action / document was not clear, sometimes resulting in duplication of work / product.	Because all members of the investigation were not 'read in' to the activities being conducted, it made the processing of material more time consuming. Aside from this, due to teams not communicating effectively, sometimes tasks were being conducted in duplicate.

G9				
	Media	Media attention regarding the investigation was far more intrusive than initially perceived.	As with any investigation with political ramifications, media interest was to be expected. It was not until members of the National Press actually turned up in Newquay until the level of interest was apparent. By the time NM HQ had provided direction on interaction with the media, members of NM had already been 'doorstepped' by reporters / journalists from National tabloids. This left members of the unit (including senior officers) feeling exposed, unsure of whether reporters / journalists would be knocking the front door of their family home. Unit level OPsec was instigated and maintained from the onset of the investigation, which did help in prepare personnel for media interest.	Due to the fact that individuals may not have expected the media to actually cold call their private address, there was a possibility that personnel could have been caught out, resulting in potential disclosure of sensitive information.
HOLMES				
	Utility of HOLMES platform	At the onset of any future investigations, a clear decision needs to be made as how the HOLMES platform is to be utilised, if at all. Consideration should also be given to the [REDACTED] of the material likely to be recovered / processed during the course of the investigation, the HOLMES platform should be scoped to support this. The utilisation of HOLMES rests with the SIO of the investigation.	Utilising a HOLMES platform within a major enquiry is a key decision, however, requires clear direction as to the use, purpose and control of the HOLMES platform, in order to achieve its full benefit.	Lack of corporate knowledge and experience with using a HOLMES platform within major investigations.
	Utility of HOLMES platform	HOLMES (the MIR itself) was not utilised to its full potential for the NM investigation, the investigation was policy / action driven (actions being generated by the SIO / DSIO, not through HOLMES). The HOLMES platform should have been utilised to drive the investigation, tasking the investigation team to conduct actions.	With extensive LOE regarding the most serious offences at the outset of the enquiry revolving around material [REDACTED] at a [REDACTED] previous classification [REDACTED], the lack of ability to ingest or process this material on the extant HOLMES platform ([REDACTED]) meant that these LOE were being driven by the investigative team themselves, with extensive sensitive material not even being submitted to the MIR. Once a [REDACTED] suitable HOLMES platform [REDACTED] was available, the standard investigative method was maintained, demonstrating a reticence to adapt methodology and structure to a more HOLMES led enquiry.	Lack of corporate knowledge and experience with using a HOLMES platform within major investigations.

* classification

	<p>Utility of HOLMES by Investigation Team Personnel</p>	<p>The SIOs, DSIOs and investigation team members did not directly engage with the HOLMES platform on a regular basis. It was suggested that it may have been more beneficial to have the SIO situated within the MIR, with access to HOLMES, to better direct and control the flow of investigative activity.</p>	<p>The bespoke HOLMES platform [REDACTED] established for Op NORTHMOOR was intended to be an interim solution, prior to the creation of the Project ZEUS capability. This would have seen all general investigative activity take place on a single purpose built, compartmentalised system, which was to include general work areas, digital forensic ingestion and interrogation, HOLMES and i2/iBase. The original SOR for Op NORTHMOOR included HOLMES licencing requirements for 100+ users. With Project ZEUS being discontinued early on, the interim HOLMES system was never replaced and the investigation was left with little HOLMES access points. Indeed, during the initial years in RAF St Mawgan, there were more MIR staff alone, than HOLMES terminals requiring shift pattern working. There was little availability for other personnel to access HOLMES on a regular basis.</p>	<p>Lack of available HOLMES terminals at [REDACTED] the [REDACTED] required classification.</p>
	<p>Availability of HOLMES</p>	<p>Assurance should be sought from the onset of the investigation that the required HOLMES platform [REDACTED] be available. During the course of the NM investigation, the HOLMES platform evolved from one classification to another [REDACTED] meaning that initially investigative material that was of a [REDACTED] * could not be ingested onto the HOLMES platform.</p>	<p>Whilst it is appropriate for the SIO to consider the use of HOLMES at the outset of a major enquiry, this decision needs to reflect the content and requirements of the investigative material itself. With the most serious lines of enquiry (alleged murder/unlawful killing) largely dealing with investigative material [REDACTED] at a certain classification [REDACTED] at the outset of the enquiry, the Service Police did not have a HOLMES platform capable of ingesting and processing this material in line with the requirements of the SIO.</p>	<p>Lack of availability of a HOLMES platform capable of managing a major investigation, where the bulk of key material holds [REDACTED] a certain classification.</p>
	<p>Infrastructure of IS</p>	<p>It is essential that all IS is updated / refreshed regularly to maintain functionality and efficiency.</p>	<p>From the inception of NM, the [REDACTED] ** was built using already held IT equipment, the server for which was originally intended for installation in Campion Lines and was designed for limited utility, for short term use and then archiving of hosted material. This interim measure became the permanent solution, enduring three years in service, as a result the system would regularly 'fall over' requiring on-site remedy and maintenance.</p>	<p>Due to the 'interim' measure becoming the permanent solution, issues arose due to the shelf life of hardware used. This in turn had an adverse impact on the investigation.</p>
	<p>On site support</p>	<p>It is fundamental that when hosting a IS such as HOLMES, adequate on site support is provided to ensure the functionality of the platform.</p>	<p>The Application Support Team (AST) were the designated on site support for the life of NM, however this support was removed once the investigation had been closed. Albeit the investigation was concluded, further work was required from the MIR, utilising HOLMES platform.</p>	<p>As a result of AST support being withdrawn, there was considerable downtime of the HOLMES platform, therefore impacting on the drawdown of NM.</p>

* higher classification

** required HOLMES platform

	<p>Process / Procedures</p>	<p>Use of HOLMES is discussed and projected at the beginning of the investigation, changes of policy / procedures can have a huge impact with regard to the MIR workload.</p>	<p>Concise and definitive policies are a necessity at the outset of the investigation if a MIR is to be utilised. The SIO and investigators should have a good base knowledge of how the MIR process operates. During the course of the NM investigation, it was apparent that this was not the case, particularly in the early stages. There were often occurrences where investigational policies were altered and work previously submitted to the MIR was required to be redone. Standardised SOPs within the MIR were also changed on occasion, such as the indexing levels of documents, causing varied document interrogation levels.</p>	<p>Policies and procedures should have been carefully considered and scrutinised prior to being enforced. Duplication of effort had become a common theme within the MIR and wider investigation as a direct consequence of mid-term policy change. Whilst there are circumstances that require policy change during the investigation, it became far too frequent during the course of the NM investigation.</p>
	<p>Process / Procedures</p>	<p>A template policy file has been created, outlining the standard administrative policies that should exist for an investigation that requires the use of a HOLMES system.</p>	<p>Considerable deficits in knowledge and experience regarding the use of a HOLMES system were quite apparent during the inception of NM. Standardised administrative policies were in place for the investigation, however elements of the investigation team were not familiar with the practices and subsequently treated the investigation as they would any other criminal investigation. The MIR was essentially used as a document depository and not utilised to the extent at which a standard MIR would be employed. There was little organisation in the way of documents being held back from the MIR and not processed, with the sensitivity of such documents being the justification, although the HOLMES platform had been accredited to process [REDACTED] Inter-departmental communication was lacking which caused confusion within both the investigation team and MIR, ultimately resulting in a lack of knowledge as to the current state of the investigation at the material time.</p>	<p>Procedures within the MIR should have been understood by all departments within NM, with a good insight as to how the MIR operated and how best to utilise the MIR to achieve an efficient and productive investigation. A lack of communication between departments had a detrimental effect to the investigation which could have potentially jeopardised the entire operation, causing individuals to overlook vital evidence that they may not have been aware of due to the retention of information by the investigation team.</p>
	<p>Work practices within the MIR</p>	<p>An extensive amount of Actions were raised that were never allocated, or by conclusion of the investigation will never be completed and require Referring by the SIO.</p>	<p>All Actions should be subject to regular review and any deemed unnecessary should be referred at the earliest opportunity. Actions raised should be realistic, achievable and relevant to the Lines of Enquiry. Allocated Actions were reviewed by the SIO on a weekly basis, however no other Actions were reviewed until the conclusion of the investigation. A significant amount of Actions were raised in the early stages of the investigation but were either to be referred or never allocated (remaining in the For Allocation Queue). These Actions were later (circa 3 years) referred via SIO Policy as they were never relevant to the MLOE.</p>	<p>Actions and Documents created as part of the investigation should have been relevant to the MLOE and realistic timelines identified to their commission and completion. Actions raised but not allocated have had a significant impact on the work effort of the MIR that could have been diverted to more relevant lines of enquiry. Regular review of documentation and Actions would have highlighted there was little or no requirement to raise further actions, or pursue particular lines of enquiry that bore diminutive relevance to the investigation.</p>
Review				
	<p>Independent Review Team</p>	<p>Consideration to be given in providing a more in depth review of any future investigation of this magnitude.</p>	<p>The Independent review Team (IRT) would attend on average 10 days each year conducting their review. With the vast amount of material that had been accrued during the course of the investigation, allowing IRT more time would only result in a more detailed review of the investigation.</p>	<p>Timeframe / time needed was decided by IRT?</p>

* up to a certain classification.

	Independent Review Team Specific to Team 2 Activity	Questions as to their necessity.	The vast majority of the allegations being investigated by Team 2 were AFA offences and/or Systemic which occurred within detention. It was evident that the IRT had little to no knowledge or interest in such offences and could not offer advice. Their focus throughout centred around the small proportion of potential ICC offences. Any recommendations offered had already been outlined as MLoE by the DSIO and 2I/C during briefings provided to the IRT.	There were 2 separate investigative strands throughout Op NM, the IRT would have been of assistance should they have had knowledge and or experience of the type of offences being investigated.
	Independent Review Team	Having the IRT was a valuable reassurance tool, however some of the investigative tactics detailed by the IRT were lost in a military policing context.	Initially the IRT were utilised to review the investigational process to ensure that it was being conducted appropriately. Over time IRT advice, added with the weight of the PM's advisors endorsement meant that important decisions were taken out of the SIO's hands. It seemed to move from being solely a review process, to evolving into a recommendation / direction giving process.	Although the IRT were extremely experienced within the policing arena, they had little to no operational / military awareness or knowledge.
Investigation				
	Major Incident Room	HOLMES could not be used to its full potential by Team 2 throughout investigative activities	Due to the vast quantity of material requiring Back Record Conversion to HOLMES from the outset of Op NM, significant delay was being caused in respect of Team 2 activity. Investigators could not access the material required to progress lines of enquiry and the MIR was generating actions not relevant to the DSIO's current MLoE. There was significant pressure to ensure that Team 2 activities were moving forward and therefore the decision had to be made to run Team 2 activity independent of the MIR.	The utility of HOLMES for Team 2 activity, had it of been in a state to be used to its full potential, may have progressed LoE. However, BRC had not been complete by the time Team 2 concluded investigations, therefore running independent of the MIR, in this instance, was the correct decision to ensure prompt and effective enquiries.
	Enhanced SIO experience	Due to the nature of the Service Police, SIO have little / limited experience to Major Crime.	Even with the best intentions, due to the frequency of Major Crime occurring in the Armed Forces, the SIO within the RMP have little / limited experience when it comes to dealing with such matters. As a result of this investigation the portfolio of each SIO involved will undoubtedly be bolstered.	Due to the limited experience of SP SIO and frequency of major crime, left the SIO of the investigation exposed to criticism.
	Cessation of investigation	The cessation of NM, whilst investigators were still in theatre (and prior to SIO's review of material) meant that large scale strategic decisions were made before evaluation of evidence had taken place.	This decision was made by PM(A),	

	Disclosure	From the onset of the investigation, the Disclosure Cell was situated alongside the MIR, away from the investigation team.	Disclosure was always going to be one of the biggest factors of an investigation of this magnitude. A balance had to be struck to ensure that the Disclosure Team personnel were situated close to the material that was being collated during the course of the investigation. Due to the Disclosure Cell being situated with the MIR, away from the investigation team, there were times when the relevance / context of material was not fully understood / appreciated. It wasn't until personnel from the Investigation Team were reallocated to the Disclosure Team, where it was established that the Disclosure Team lacked the corporate knowledge of the investigation. The problem that arose due to this is when determining relevancy of material, constant liaison was needed with the Investigation Team. If the Disclosure Team, or members thereof were situated within the investigation, the disclosure process would have been somewhat easier.	Because of the fact that the Investigation Support Team were not always briefed in full as to what the Investigation team were doing, slight delay was caused to determining and identifying material that was / should be disclosed.
	External support / Spec Ops Regt	From inception to closure (of investigation) there was continued support from other agencies such as AST and 3C. Once the investigation phase had been closed, this support regime seemed to collapse.	Already covered in onsite support (line 45).	
	Retention of Specialist Support	It became apparent during the initial build of bespoke IS within NM that Spec Ops Regt personnel held unique specialist abilities / qualifications.	At the onset of the investigation specialist support was complete, if a system fell over, the support was there to remedy it. It was noted that as the investigation progressed the resilience in these fields became less and less, ultimately leaving only one trained member of AST who was able to admin the IS within NM. Retention and recognition of these personnel is fundamental in securing the success of future investigations of this nature, together with the success of the Service Police as a whole.	Albeit active enquiries had ceased, there was still substantial work that was required to be completed utilising the HOLMES platform, considerable down time of the platform was caused due to having no AST support on site.
	Training of RMP personnel in bespoke / adhoc fields of speciality	Due to the requirement of NM housing a bespoke IS platform, there was the need for external support from corporate businesses, this proved to be both expensive and time consuming.	Due to the system being bespoke, having trained SP build and install such a system is not feasible due to the complexity of work involved.	
	Projection of specialised IS staffing	From the start of any future investigation, specific PIDs could be identified for individuals that are to be utilised for IS maintenance / work.	AST were assigned in a NM PID when unit moved to St Mawgan.	
	Projection of specialised staffing	Albeit the IS requirement for the NM investigation was met, it was a slow and sometimes laborious process.	This could have been streamlined by having a dedicated project lead, someone who could coordinate all aspects of the system build. This would alleviate pressures from department leads, allowing them to focus on their input, as opposed to trying to factor in the perceived input of others. Members of the investigation team would be required to 'double hat' resulting in investigational matters being cast aside in favor of securing a IS footprint.	There was a perceived lack of ownership when it came down to the implementation of IS, as a result considerable delay was caused to being fully operational.

Exec Summary Observations

	<p>Implementation Order requirement</p>	<p>Declaration of NM without IO caused endemic problems such as RLS, budgets, equipment and logistics.</p>	<p>As with the standing up of any new unit, an IO is required to established basic functions such as budget lines and RLS. An IO was not in place at the onset of NM, meaning that bids for training / equipment had to be made against separate budget lines, making the process more drawn out and problematic.</p>	<p>Although NM was recognised and acknowledged as an RMP unit, there was no formal recognition with regards to budgets and support.</p>
	<p>Proper utilisation / levels of staff</p>	<p>NM personnel were at times 'triple hatting', this coupled with the size of enquiry and stress due to lack of resources created unrealistic demands on individuals, resulting in a number of key personnel signed off work with stress.</p>	<p>Need more details around this. Is this previous SILVER Comd or other personnel?</p>	
	<p>Title This field defines/ sums up the main issue or problem</p> <ul style="list-style-type: none"> • Try to limit each observation to a single problem or issue. • The title is important, it can be one or two words or many more. Do not include any abbreviations • Revisit this once you have completed the "Recommendation" 	<p>ObservationThis section describes the problem:</p> <ul style="list-style-type: none"> • Write a short description of what happened compared with what was supposed to happen. This statement can be positive (i.e. something that worked better than expected) or negative (i.e. something happened that should not have, or something did not happen that should have). • Limit the observation description to a single problem or issue. E.g. that people died is not a single problem or issue, it is the consequence of a number of single problems or issues that should each be written up in the ODCR format. 	<p>Discussion The discussion consists of four parts and therefore should have four (or more) paragraphs:</p> <ul style="list-style-type: none"> • Expected Situation. Details regarding the "expected" situation and evidence for why it was expected for the situation to turn out that way. E.g. Standard procedures, plans, contractual/informal agreements, historical precedence. • Observed Situation. Details regarding the "observed" situation with presentation of evidence that the situation was as reported. E.g. eye witness accounts, storyboards, patrol report, etc. or just what actually happened. • The Impact that the "Problem" Had. This is a really important aspect to writing up the lesson. Make sure it is clear what the impact of the issue/observation was. • The Cause(s) of the "Problem". Clearly articulate what caused the problem. 	<p>Conclusion The conclusion should identify the root cause of the lesson to be learnt:</p> <ul style="list-style-type: none"> • The conclusion is a statement, which is the logical consequence of the discussion presented and it should provide a concise summary of the lesson that can be learned from the observation. The conclusion will identify the root cause of the observation. • A conclusion should always make sense if you precede it with the word "therefore". • Do not simply restate any paragraph from the Observation or Discussion in different language. E.g. There were not enough personnel. If the Observation is there were not enough personnel. Use 'COA Comparison' analyse to identify and compare likely solutions or mixtures of solutions

Recommendation	Action / owner	Response
<p>SIO / Team Leaders are to be conscious of how their management styles are perceived by the team / individuals, ensuring that all members of the team are of course treated fairly.</p>	<p>CO / SIO / OC</p>	
<p>SIO / Team Leaders are to be conscious of how their management styles are perceived by the team / individuals, ensuring that all members of the team are of course treated fairly.</p>	<p>SIO / OC / Team Leaders</p>	
<p>Upon establishing a new unit, it is imperative that SQEP are in place to efficiently deal with and resolve any HR matters.</p>	<p>OC / Team Leaders</p>	
<p>Consideration should be given to ensuring integral HR support remains in place as long as is reasonably possible.</p>	<p>RHQ</p>	
<p>The capabilities of personnel should be acknowledged. SNCO and JNCO alike should be considered as having appropriate experience and knowledge to undertake tasks when needed.</p>	<p>OC / Team Leaders</p>	

<p>The comd structure of the investigation element must be in place and appropriate across the whole investigation. SIO must be assigned to each team.</p>	<p>1 MP Bde</p>	
<p>It is essential that the workload is determined (as best as possible) prior to bidding for personnel. This would negate instances whereby some personnel found themselves with nothing productive to do.</p>	<p>CO / SIO / OC</p>	
<p>Where possible / practicable, do not locate the investigation team at such a polar location. Consideration to be made with regards to other modes of travel for investigational reasons (eg - plane / train).</p>	<p>1MPX / CO / SIO</p>	
<p>Where possible, ensure that the parent unit / base location has medical / dental provisions on site, therefore catering for personnel within the unit.</p>	<p>1MPX / CO / SIO</p>	
<p>It is paramount that should an environment like [REDACTED] be utilised in the future, considerable consideration should be given to the morale and wellbeing of personnel employed within.</p>	<p>1MPX / CO / SIO</p>	

<p>It is essential that the SQEP required to conduct this activity are in place from the onset. Any [REDACTED] * are to be dealt with as early as possible, thus ensuring compliance.</p>	<p>1MPX / CO / SIO</p>	
<p>Despite this, units should continue to provide welfare facilities in accordance with policy.</p>	<p>1 MPX</p>	
<p>Policy needs to be implimented from the outset of any furture investigation as to what information can be shared. This will allow stakeholders and providers to understand the necessity and potential gravity of the undertaking.</p>	<p>1MPX</p>	
<p>A joint WG is established from the outset by DCGS and is empowered through the relevant stakeholders to deliver the requirements of the project.</p>	<p>1MPX</p>	

*required certification

<p>It is imperative that the appropriate intelligence platforms are procured and utilised from the onset of the investigation, together with the SQEP needed to maintain the function.</p>	<p>SIO / Team Leaders</p>	
<p>There needs to be continuous communications between RHQ and unit to ensure that all requirements are being met. This became the case as NM progressed, with training and requisite courses being bid for and completed in due time.</p>	<p>CO / SIO / OC</p>	
<p>A joint WG is established from the outset by DCGS and is empowered through the relevant stakeholders to deliver the requirements of the project.</p>	<p>1MPX</p>	

<p>Consideration must be given to ensure that prior to occupation suitable accommodation is in place. When personnel are assigned into the unit that any accommodation (SFA/SLA) is of an acceptable condition. The project office must liaise with G1/4 from the outset.</p>	<p>1MPX</p>	
<p>This was an example of good practice. Ensuring good working relations at all levels is key to success. This is an example of how it has been done to excellent effect.</p>	<p>1MPX</p>	
<p>A joint WG is established from the outset by DCGS and is empowered through the relevant stakeholders to deliver the requirements of the project.</p>	<p>1MPX</p>	
<p>A joint WG is established from the outset by DCGS and is empowered through the relevant stakeholders to deliver the requirements of the project.</p>	<p>1MPX</p>	

<p>It is paramount that personnel remain current in their mandatory training, however training where possible should be conducted in a more centralised / local location, thus avoiding excessive travel time. Alternatively, mandatory training could be conducted 'in house' by unit personnel.</p>	<p>SIO / OC</p>	
<p>A joint WG is established from the outset by DCGS and is empowered through the relevant stakeholders to deliver the requirements of the project.</p>	<p>1MPX</p>	
<p>This issue was only as a result of the investigational requirement changing, mitigating the need for FDHC.</p>	<p>1MPX / CO / SIO</p>	
<p>Suitably trained personnel need to be identified at the onset of the investigation to cater for the day to day IS issues / problems. There needs to be resilience in the training afforded, ensuring that this aspect is not neglected in favor of the investigation itself.</p>	<p>1MPX / CO / OC</p>	

<p>Ensure that personnel who are required to conduct a bespoke tasking within the investigation are suitably qualified / trained, if not qualified already qualified, secure training in the short term.</p>	<p>CO / SIO / Team Leaders</p>	
<p>When bidding for training / courses, more thought should be placed into the longevity of those individuals undertaking the training. This would be more efficient ensuring that value for money is obtained from all courses / training.</p>	<p>SIO / OC</p>	
<p>Unit initial setup funding should be utilised to finance courses / qualifications required for the investigation. There will no doubt be courses / qualifications that will be required for any future venture that would not usually fall within the scoped annual training budgets.</p>	<p>1MPX / CO</p>	
<p>It would be best practice to maintain the ability to conduct all mandatory training in house, alternatively seek a waiver for the training.</p>	<p>SIO / OC</p>	
<p>Prior to the forming of any new unit, authority should be sought from the local Educational Authority to for unit personnel to utilise the local AEC nearest to the unit location. This would allow the unit personnel to maintain their educational development, without undue impact on resources.</p>	<p>SIO / OC</p>	

<p>If a similar unit was to be established, all aspects surrounding the provision of mandatory / unit training should be considered, ensuring that as a baseline, the required materials / estate is available locally.</p>	<p>SIO / OC</p>	
<p>Consideration should be given for the 1MPX TDA to authorise a training requirement for Service Police to deliver tri-Service HOLMES operator training</p>	<p>1MPX / CO</p>	
<p>Ensure that all relevant parties are aware of their functions and responsibilities.</p>	<p>1MPX / CO / SIO</p>	
<p>Where possible, ensure that the appropriate personnel are trained / mentored before being assigned into a unit of this nature, therefore increasing efficiency and reducing delay.</p>	<p>CO / SIO / Team Leaders</p>	
<p>It is essential all those involved in the process / investigation are aware of what is going on, together with the context / relevance. Regular meetings became part of the working practice, ensuring that Team Leaders and personnel within certain roles were afforded the required information.</p>	<p>SIO / OC</p>	

<p>Media engagement and SoP relating to dealing with the media need to be disseminated at the very start of any large scale investigation, therefore ensuring personnel are safeguarded. Consideration should be given at the planning stage to a designated press officer.</p>	<p>1MPX</p>	
<p>Service Police should consider establishing a Force Lead role for HOLMES activity (separate to an Office Manager role), in order to develop Service Police MIR practices and procedures, in line with HOPF Best Practice were appropriate. This individual should be given the authority to provide assurance and oversight to any use of HOLMES/MIR within Service Police enquiries.</p>	<p>CO / SIO</p>	
<p>Key Service Police personnel (SIO/DSIO and key MIR Staff) directly involved in investigation of major enquiries should seek peer learning opportunities/secondments to HOPFs where possible in order to improve the corporate understanding of utilising a HOLMES platform in major enquiries.</p>	<p>1MPX / CO</p>	

<p>Any major enquiry established where a MIR and HOLMES platform are to be utilised, must take into account the need for all personnel to be able to access the HOLMES platform and not just MIR staff. A number of authority and QA processes are with electronic workflow format on the HOLMES platform itself and regular access by SIO/DSIO at the very least make this process more efficient</p>	<p>CO / SIO</p>	
<p>Consideration should be given to establishing an enduring Service Police HOLMES capability, accredited to a certain classification to avoid delay in conducting major criminal investigations into members of the Protected Population or where the bulk of key evidence is likely to hold that classification.</p>	<p>1MPX / CO</p>	
<p>When projecting for an investigation of this magnitude, IS equipment with sufficient shelf life should be sourced from the outset, therefore mitigating any potential issue of equipment failure.</p>	<p>1MPX / CO / SIO</p>	
<p>Support should be scoped for as long as the platform(s) is to be utilised, not only scoped for the life of the investigation.</p>	<p>1MPX / CO / SIO</p>	

<p>It is essential that the decisions made regarding policies and SOPs for the investigation and MIR are determined from the start. They are to be analysed and evaluated prior to enforcement to ensure minimal adjustment and/or disruption to the MIR and investigation as well as taking all precautions possible to avoid the need to redo work already completed.</p>	<p>1MPX / CO / SIO</p>	
<p>The MIR is an excellent tool to utilise when investigating major enquiries and provides a relatively easy to use platform (HOLMES) to assist in the tracking and planning of the investigation to obtain key evidence and produce relevant and significant Actions. Investigators and command elements within NM lacked experience and knowledge of working in or with a MIR and did not fully understand how best to utilise it. Standardised administrative policies are a mandatory process when setting up a MIR and it is vital that all departments are familiar with the policies and not just the MIR employed personnel.</p>	<p>1MPX / CO / SIO</p>	
<p>The designated SIO should identify and prioritise urgent and relevant lines of enquiry at the instigation of the HOLMES incident. Regular review of extant Actions/Documents should be conducted and factored into investigative planning to envisage future courses of action and consideration of Actions/Documents required to progress the investigation.</p>	<p>1MPX / CO / SIO</p>	
<p>Essentially it would be for the reviewing body (with NM being IRT) to decide on how long they need to conduct a review that they would be satisfied with.</p>	<p>1MPX</p>	

<p>Consideration to be given to who is best to provide advice and guidance.</p>		
<p>Consideration to be given to the TOR for the IRT (future reviewing body) to ensure that the sole purpose of the team is to actually review the investigation.</p>	<p>1MPX</p>	
<p>Should an investigation of this nature be undertaken again, assurance should be sought that any SIO appointed is suitably experienced in directing the investigation. Secondment to HOPF for SIO within the SP could aid in maintaining and developing investigational currency.</p>	<p>1MPX</p>	
<p>Sufficient time must be given to conduct a thorough review of all evidence prior to any decision being taken to cease investigations of this magnitude.</p>	<p>1 MPX</p>	

<p>In any future investigation, thought she be given as to placing a member(s) within the investigation team, this would allow a constant disclosure process to be implemented, ensuring that material that is relevant / pertinent is handled and listed appropriately.</p>	<p>SIO</p>	
<p>In any future investigation of this nature, any specialist support that is forecast, needs to be forecast for the life of the unit, not only the investigation.</p>	<p>1MPX</p>	
<p>Consideration for an individual(s) to be allocated as IS leads, therefore maintaining drive and progress without effecting other investigation team leads.</p>	<p>1MPX</p>	

<p>When setting up an new unit / operation of this scale, ensure that an IO is in situ, therefore eleviating any budgetary / support issues.</p>	<p>1MPX</p>	
<p>When setting up any future venture of this magnitude, ensure that appropriate levels of both staff and resources are in place, therefore safeguarding personnel undertaking the investigation.</p>	<p>1MPX</p>	
<p>Recommendation This section should include a suggested solution and who (which department/organisation) could address the issue:</p> <ul style="list-style-type: none"> • The recommendation should provide the explicit action(s) to be taken to solve the problem, identifying exactly what needs to be changed and how this should be done. • Make a statement of how to repeat your success or how to correct the problem and who should make the correction: the action body. This may require new or modified publications, procedures, procurement of new equipment, change of the force structure, revision of command relationships, improved training, etc. • Do not simply restate any paragraph from the Observation or Discussion in different language. E.g. Recommend more personnel, if the Observation is that there were not enough personnel. 		

BREAKDOWN OF OFFENCES FROM THE 159 COMPLAINANTS

Criminal Conduct Offences

[REDACTED]	
Assault in Detention	38
[REDACTED]	
Murder	2
[REDACTED]	
Total	194

Non Criminal Conduct Offences

[REDACTED]	
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This equates to some 707 complaints.

Note:- this is NOT the Circa 675 complaints that we have stated that were discontinued.

It will be recalled that there were discrepancies over recording, when some investigators recorded a comment such as “ I had warm water” as a complaint, whilst others considered this to be just a statement NOT a complaint. This is why the figure appears to be out with what we have officially recognised and publicised (Circa 675). You will see that I have highlighted two rows in the above table which show an example of where the discrepancies could occur. You will note that these add up to 32. $707 - 32 = 675$. We have always said that we had discontinued over 675 allegations with a handful remaining so the numbers are accurate.

This does not include the Obj 1 Obj 2 or Obj PPP investigations