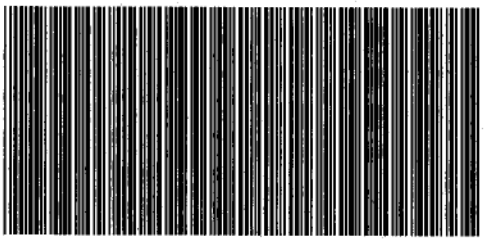
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



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D738

DPM(Inv)/02/05

17 Mar 14

DPM (Inv)
CO SIB Regt RMP

Copy to:

SO1 Legal
SO1 Pol Com

AFGHAN DETAINEE ABUSE ALLEGATIONS INVESTIGATIONS – GOLD DIRECTION

Reference:

A. PM(A)/02/02 dated 17 Mar 14.

Issue

1. The investigation of all Afghan detainee abuse allegations following Reference A.

Direction

2. DPM(Inv) and CO SIB Regt RMP are to note:

   a. that the prompt and effective investigation of allegations of abuse during UK detention[1] in Afghanistan outweighs the risk of future legal challenge of investigative independence;

   b. that given the rising tide of allegations, I have therefore declared the allegations a critical incident in order to focus RMP resource allocation and prioritisation of RMP investigative activity;

   c. that in order to mitigate any risk associated with potential perceived partiality, the RMP investigation into these allegations will be subject to a Major Case Review by a civilian policing agency from the outset; and,

3. DPM (Inv) is to coordinate RMP resources to ensure that the operational outcomes are met.

4. SIB Regt RMP is directed to undertake this investigation utilising MIRSAP where practicable[2] and consider the use of HOLMES 2 as the preferred investigation management option.

Timing

5. **Immediate**. It is imperative that these allegations are promptly investigated.

Background

6. Reference A outlines the 3 current strands of investigation activity in respect to allegations the abuse of UK held, or formerly held, detainees by 62 PI SIB, Op ISOPTIC and Op ELSINORE. There are some overlaps in the allegations; predominantly in time and space but to effectively

[1] This includes mentored, partnered or supported detention operations where UK personnel may have participated or witnessed the detention by others.
[2] Specific areas of non-compliance should be discussed and agreed with Silver.

investigate the allegations and determine if any patterns of behaviour are clear, it is essential that all allegations are considered together to identify if there are any wider systemic and organisational failings.

7. I have accepted the advice of Counsel that contained in Reference A that:

> *"On the basis of the their access to databases, resources, investigatory capabilities and remit, Leading Counsel noted that RMP were in effect the only organisation that could carry out an investigation on this scale.*
>
> *Counsel noted RMP concerns about their perceived independence and about prejudicing other investigations but advised that the Court would not be impressed with an explanation of this nature for a failure to progress investigations into the claims.*
>
> *In this context, Counsel advised that the RMP commence further investigation despite the risks. If reassurance would be provided by informing the College of Policing of concerns over independence and asking it to open a Major Case Review, this is what must be done."*

8. **Command Structure**. I have decided that in order to maintain effective command and control of this incident I am instituting a formalised Strategic, Operational and Tactical structure to ensure the effective flow of information and that decisions are communicated and documented for audit purposes. The specific appointments are:

a. GOLD – PM(A).
b. SILVER – DPM(Inv).
c. BRONZE – CO SIB Regt RMP.

9. **Investigation Parameters**. The investigation must focus on:

a. the investigations of all criminal or non-criminal conduct that has been alleged by the complainants as outlined in Pre-Action Protocol by Leigh Day Solicitors (contained within Op ELSINORE).

b. the investigation of all criminal or non-criminal conduct that has been alleged by those detainees within Op ISTOPIC.

c. establishing if any new information within a or b would require the re-examination of active investigations or those already concluded by 62 PI SIB or RAFP under the Tri-Service Investigation Policy (TSIP).

d. determining if there are any systemic issues identified which may amount to criminal or non-criminal conduct offences.

e. providing immediate advice to the CoC if by their investigations they discover a matter which could prevent an offence or systemic issue continuing.

10. **Major Case Review.** Steps are currently being taken to identify a Major Incident Review Team (MIRT) to support the SIO from the outset of the investigation. This will in turn mitigate risk at any potential judicial forum to show that careful consideration has been given to any concerns about a perception of impartiality.

Presentational

11. Whilst there has been no media interest in the Leigh Day & Co claims to-date, there has been media interest with regards to operational detention in Afghanistan more generally. Defensive lines

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and a handling strategy will need to be produced by GOLD in consultation with DMC, PJHQ and DJEP.

PM(A)