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# OPERATION NORTHMOOR

## Independent Advisory Group (IAG)

# Contents

**About Operation NORTHMOOR**

**About the Independent Advisory Group**

Role of the IAG

What Independent Advisors don't do

Apointment to the IAG

Meetings

Funding

Miscellaneous

**Job Descriptions**

Ex Chief Constable

# OPERATION NORTHMOOR

Operation NORTHMOOR is an independent investigation led by the Royal Military Police (RMP) Special Investigations Branch (SIB) into allegations made by civilian nationals from their point of capture through to release or hand over to the Afghan authorities between 2005 and 2014 when British Military Forces withdrew from Operation HERRICK in Afghanistan. Operation NORTHMOOR was declared a critical incident from the outset by Provost Marshal (Army) PM (A) in order to focus RMP resource allocation and prioritisation of investigative activity.

The RMP are currently investigating 400 allegations made by 160 Afghans 72 of who are legally represented by Leigh Day and Co. Solicitors (LDC). Allegations have been made ranging from cultural insensitivity up to serious sexual assault and unlawful killing.

The 72 claims brought by LDC have been stayed by the civil court on the basis that the criminal allegations need to be investigated by the RMP. The Ministry of Defence Directorate for Judicial Engagement Policy (DJEP) and the Government Legal Department (GLD) will ask that the cases be stayed further on the basis of clear demonstration that the RMP is making progress in establishing an effective inquiry.

Following the Haidar Ali Hussein judicial review it was found that although army interrogation policy in itself appeared lawful, it was apparent that military interrogators may have contravened policy and in doing so, may have committed offences whilst interrogating some detainees in Afghanistan. PM (A) decided to incorporate the investigation of these alleged offences into the scope and terms of reference of Operation NORTHMOOR in December 2014.

It has been deemed essential that all allegations are considered together to identify if there are any wider systemic and organisational failings. The case has direct parallels with the Iraq Historic Allegations Team (IHAT) investigation set up to investigate complaints of abuse and torture by British service personnel in Iraq. Operation NORTHMOOR is being managed on the Home Office Large Major Enquiry System 2 (HOLMES).

# ABOUT THE INDEPENDENT ADVISORY GROUP

Operation Northmoor is an unusually complex and high profile investigatoin which raises sensitive and challenging issues for the RMP and Service Prosecution Authority (SPA) .It is essential that the investigations and decisions of the RMP and the SPA are independent, effective and reasonably prompt

Nonetheless, the matters investigated , the conduct of the investigations and the taking of decisions may raise new or difficult questions , and the value of the availability of prompt, expert and independent advisers is recognised by PM(A) and the Director of Service Prosecutions (DSP).

The group will comprise two members prominent in their respective fields and of undoubted independence: a senior QC and a recently retired civil police force Chief Constable.

**Role of of the IAG**

IAG members will provide advice as requested by PM(A) or the DSP or their authorised staff and will be expected also to act as a "sounding board" using their knowledge and experience on issues raised by PM(A) or the DSP around the investigation and any consequent prosecutorial decisions.

The IAG exists to support the RMP and DSP in providing confidential advice only to them. The assurance that Ministers, Parliament, Service Personnel and the public receives is in the existence of the IAG as an independent sounding board demonstrably independent from both the RMP and the Chain of Command.

IAG members may seperately advise PM(A) and the DSP. Advice given to one need not be shared with the other unless agreed by the recipient.

**What Independent Advisors Don't Do**

The IAG has no role in providing oversight or advice to Ministers. The IAG does not have an audit or scrutiny role; these functions are undertaken by other bodies. Neither the the RMP nor SPA are 'answerable' to the IAG – that is a role for other organisations and individuals. However, for the IAG to be effective it must be capable of asking tough questions as this will allow them to provide the most insightful advice.

The IAG should **NOT** be used:

- As mediators or advocates: Mediation or advocacy is likely to involve interaction with victims, families or witnesses.
- To provide reports or oversight of Op NORTHMOOR to Ministers, officials or other interested parties, except with the consent of PM(A) and DSP.
- Disclose advice provided except with the consent of PM(A) and DSP, or in

accordance with statutory or judicial requirement.

**Appointment to the IAG**

Appointment of the group is approved by the Secretary of State with the consent of PM(A) and the DSP. Identification of suitable members will be made with the advice of the Home Office.

**Meetings**

a) The IAG will meet as often as required but should meet at least four times a year, dates will be set as far ahead as members find convenient.

b) In order to fulfil its primary purpose of providing independent advice to the RMP and DSP, the IAG must have access to relevant, up to date information.

c) Access to some information may be prohibited by law, e.g. Official Secrets Act, Data Protection Act. Additionally some information may be so sensitive that its divulgence would be inappropriate. This might include confidential matters relating specifically to individuals, specific intelligence in relation to a proposed sensitive policing operation, or intelligence which might compromise the safety of individuals or the Police or the Public at large.

**Funding**

a) The IAG will be funded from the Army budget.

b) Members will be reimbursed for their time at the agreed contracted rate.

c) Claims for reimbursement of incurred expenses will be in line with normal MOD procedure.

d) The control for the funding of the IAG will be carried out by Army Resources in line with standard operating procedures, and must be fully auditable.

**Miscellaneous**

a) Members who advise RMP and DSP are not liable for the outcomes of RMP or DSP decision making and are not answerable to RMP, DSP or the Secretary of State for Defence.

b) RMP and DSP are not obliged to follow advice given by members, although appropriate explanations should be given where advice is not taken.

c) The RMP and DSP are free to take advice from any other source they see fit.

d) Any statement to the Press, or other news media, regarding the working and activities of the IAG, should be agreed and approved by the group members.

# JOB DESCRIPTION

**Job Title**

Ex Chief Constable Independent Advisor

**Purpose of the Role**

Work constructively as a team member to provide confidential and independent expert policing advice to the GOLD Commander and Provost Marshal (Army) relating to Operation NORTHMOOR.

**Main Duties**

To attend meetings of the IAG.

To actively participate in the work of the IAG, including proactively bringing issues of concern to meetings, questioning and challenging where appropriate.

To participate with the IAG in assessing and prioritising the work it undertakes.
To take responsibility for advancing specific issues which could include (but will not be limited to):

**Security Clearance**

The advisor will be required to have the required clearance.