

MOD-198-0003178-A

SO1 NM_02_01_GOLD

15 Nov 16

PM(A)

OP NORTHMOOR POLICY 2016

Reference:

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

OP NORTHMOOR - TERMS OF REFERENCE (TOR) (REVISED)

Background

1. OP NORTHMOOR was declared a critical incident on 17 Mar 14, by, the then, PM(A). It endures today and is deemed as 1 MP Bde main effort.

2. The following should be noted:

   a. Op ISOPTIC: During Oct 13, RAF SIIB deployed a Service Police investigation team to Afghanistan to obtain evidence following allegations, of abuse, from 68 detainees, who were transferred to the Afghan National Detention facility – Parwan (ANDF(P)) from UK detention facilities.

   b. OP ELLSINORE: was an initial scoping exercise by 34 Sec SIB, regarding allegations by 72 former detainees, being represented by Leigh Day & Co solicitors, of detainee abuse. The present number of former detainee complainants sits at 81.

   c. There are 15 cases that were undertaken by SIB Regt during Op HERRICK, that are detention based complaints and are considered to be within the scope of Op NORTHMOOR.

   d. Haidar Ali Hussein judicial review: Following the 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.

3. All these matters form the basis of Op NORTHMOOR and fall within the Terms of Reference, noting that the reason for detention and term of detention are not being investigated. No other matters are to be considered as within the terms of reference for Op NORTHMOOR without the express direction of PM(A).

Legislative basis

4. Leading Counsel stated: LPP [redacted]

5. AFA 06: Specifically, Sect 116 to 118 inclusive - Referral of case following investigation by service or civilian police.

Investigation

6. Op NORTHMOOR is directed to:

a. Investigate whether there is evidence of the commission of Criminal Conduct Offences (CCO) or Non-Criminal Conduct Offences (NCCO) by persons subject to service law.

b. If the Op NORTHMOOR investigation team identifies matters which indicate that former or current RMP officers may have committed CCO or NCCO, they will be formally and expeditiously referred to PM(A) in accordance with MPID Chap 43.

c. The identification of systemic issues has been removed from the TORs as they are outside of the Royal Military Police statutory obligation, these matters should be referred to the Systemic Working Group.

d. Any matters falling outside these parameters will be brought to the attention of the office of PM(A) as to the appropriate basis or organisation to address them.

Composition

7. Infrastructure, Manning and equipment is, at present, in accordance with the Army Implementation order. Note that the recognised Home Office Police appointment of GOLD Commander is to be used, acknowledging that the responsibilities do not directly transfer across to the military construct.

Communication

8. It will be the role of the Op NORTHMOOR secretariat to develop a Communications and Media Strategy for the investigation. PM(A) and 1 MP Bde remains available to provide assistance with this and with community impact assessments.

Legal Advice

9. Any legal advice required in respect to investigations undertaken by Op NORTHMOOR will be provided in the first instance by the Operational Offending Team (OOT), Service Prosecuting Authority (SPA).

10. Insofar as Op NORTHMOOR is concerned, the interaction between the Director of Service Prosecutions (DSP) and his office in pursuance of their statutory obligation, this should be in person or through his designated representatives within the OOT and in accordance with MPID Chap 9.

11. The GOLD Commander will ensure that mechanisms are in place to update the DSP as to the progress of the investigations.

J HARVEY

Lt Col

SO1 NORTHMOOR (GOLD Commander)