IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO/4200/2019

BETWEEN:

THE QUEEN
(on the application of SAIFULLAH)

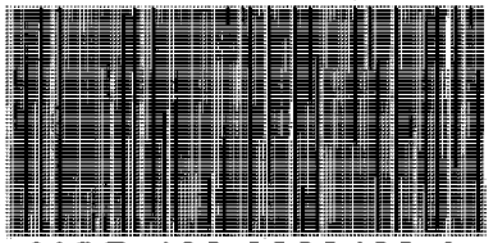
Claimant

and

SECRETARY OF STATE FOR DEFENCE

Defendant

EXHIBIT RM/9



MOD-198-0003400-A

OPERATION NORTHMOOR

Independent Review Team (IRT)

Version 1.0
November 2016

Contents:

About Operation NORTHMOOR

Purpose of the IRT

Scope

Delivery

Constraints

Appointment of IRT Members

Meetings

Funding

Miscellaneous

Security and Vetting

OPERATION NORTHMOOR

Operation NORTHMOOR is an independent investigation led by the Royal Military Police (RMP) Special Investigation 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 allegations ranging from cultural insensitivity up to serious sexual assault and unlawful killing.

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.

Operation NORTHMOOR is being managed on the Home Office Large Major Enquiry System (HOLMES).

THE INDEPENDENT REVIEW TEAM

PURPOSE:

The IRT and the review process have been recommended on advice from the Independent Police Advisor. The purpose of the independent review team is to make recommendations to PM(A) via the GOLD Commander, Lt Col John Harvey, on the structure, working practices, priorities and resilience of Operation NORTHMOOR. These recommendations should be affordable in the long term, noting there is little or no option to neither recommend a substantial increase in budget nor purchase the services of external contractors. All recommendations should be consistent with current legislation as applied to the RMP under the Armed Forces Act 2006 (AFA 06).

Due to the Government Security Classification of the material held and being investigated by Operation NORTHMOOR the review will be undertaken in two phases, non-sensitive and sensitive.

SCOPE

Stage 1 – Non Sensitive.

3. The review should include:

- Robust, evidence-based analysis of Operation NORTHMOOR Org, structure, working practices and its output.

- Recommendations for the future of Operation NORTHMOOR.

4. As part of this, the review will need to consider:

- What is required in the immediate future and over the longer term[1];

- Whether the current systems are viable for the prompt, effective and accountable investigation of allegations made to Operation NORTHMOOR (e.g. balance of effort exchanging time against budget).

- And, if not, how Operation NORTHMOOR might better support and be supported for these objectives.

5. In conducting its analysis and reaching recommendations, the review is to have regard to:

- Variations between the SJS (AFA06) and the CJS.

- The views of Investigating Officers and individuals employed on Operation NORTHMOOR. It will consult widely to ensure that it has considered the appropriate evidence and the range of views.

DELIVERABLE

6. The IRT must submit a written report by XX December 2016. This report will inform,

[1] Noting there is little opportunity for external contractors to be used in place of RMP personnel.

advise and aim to assure that Operation NORTHMOOR will be fit for purpose and achieve the desired outcome in the future. The contents of which are deemed to belong to the GOLD Commander and are not subject to disclosure without specific permission from the office of PM(A) or a nominated representative.

Stage 2 – Sensitive.

7. This stage of the review can only commence once the independent reviewers security clearance has been confirmed at the appropriate level. The scope, considerations and deliverables are commensurate to stage 1 taking into account the restriction and security of information and in line with the respective Government Security Classifications.

CONSTRAINTS

RMP have primacy and jurisdiction at this juncture, hence any recommendations are to be based upon an RMP Led investigation.

There should be no discussion outside of the confines of Operation NORTHMOOR without the express permission of the GOLD Commander.

There can be no Press release or other news media release regarding the working and activities of Operation NORTHMOOR and the IRT, unless agreed and approved by the GOLD Commander.

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.

APPOINTMENT AND COMPOSITION OF THE IRT

Appointments to the IRT have been commended by the Independent Policing Advisor, Sir John Murphy.

The IRT will comprise, initially, of two members who are suitably qualified and experienced in the reviewing of critical incidents.

MEETINGS

a) The IRT will meet with the GOLD Commander at the commencement of the review and as often as deemed necessary once underway.

b) In order to fulfil its primary purpose of providing an independent review and advice to the RMP the IRT must have access to relevant personnel, files (as per stages(vetting dependent)) and up to date information.

FUNDING

a) The IRT 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

RMP are not obliged to follow the recommendations or advice given by the IRT.

SECURITY CLEARANCE

Members of the IRT will be required to [redacted].