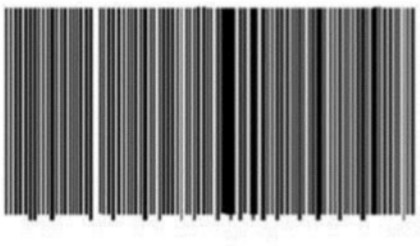
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



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From: Morris, Rob Col (NORTHMOOR TEAM-HQ-AH)
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Sent: 19 July 2019 08:49:29
To: Harvey, John Maj (SIB RMP-NORTHMOOR-HQ-GoldComd) IIA480 (Army PM-AH-TECH)
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20190715-Min_Sub_Op_Northmoor_Closure_of_investigation_Jul_19-OS.doc; 20190712_Op_NM_Exec_Gp_Speaking_Notes_SO1OPNM-OSP.docx; 20190712-NM_Executive_GROUP_15 Jul_Jun_19_Agenda_SO1NM-O.docx;

John, IIA480

Please find attached the Agenda and speaking notes for the Gold Group. The latter were followed and should act as a record of the meeting in addition I recorded the following points:

- Sir Jon raised his concerns over his view of the conduct of N during the investigation and asked if there was anything that could be done about it. Following discussion it was agreed that any concerns that the current SIO had should be recorded as a matter of policy in the latter's policy book;
- It was agreed that in relation to Op TY, Obj 1 & 2 that there was no requirement to speak to the then DSF and CO SFHQ (A) but depending on the outcome of the allegations raised outside of the Op Nm ToR there may be, in the future, a requirement to speak to them;
- PM(A) then decided following advice from the IAG that all reasonable and proportionate lines of enquiry had been pursued and that he was ceasing the Op NM investigation; and
- Following discussion about how to communicate the closure message to Ministers, noting that Min AF needed to be informed first and as soon as possible it was agreed that HQ NM would send a Minsub to Min AF NLT CoP Tue 16 and this would be followed up by a office call by PM(A) on Wed 17 Jul. This was achieved (Minsub attached) and the Army Chain of Command was informed at the conclusion of the office call. Thereafter DJEP would send their own submission on the wider impact of the Iraq and Afghan litigation and investigations and an announcement of a independent review into it.

If you both wish to add anything to the above please do and then John, please get ingested into Holmes as a record.

Rob

Colonel RH Morris| AH Op NORTHMOOR| HQ PM(A) & 1 MP Bde| 2nd Fl Zone 5 IDL 431| Ramilies Bldg| Marlborough Lines| Andover| Hants| SP11 8HJ **Email:** Contact Details [redacted]

ARMY
BE THE BEST

TO: APS/MIN(AF) **FROM: PM(Army)**

16 Jul 19

PMA/04_02/08/02

OPERATION NORTHMOOR: CLOSURE OF INVESTIGATION

Issue

1. The decision by Provost Marshal (Army) (PM(A)) to close Op NORTHMOOR (Op NM), the RMP investigation into historic allegations of abuse by UK service personnel in Afghanistan from 2005-13.

Recommendation

2. MIN(AF) is invited to note:

a. That following a thorough and independent investigation in which all reasonable and proportionate lines of enquiry have been pursued the Evidential Sufficiency Test (EST) has not been met with regard to any of the allegations raised and no service person or veteran has been referred for a decision to prosecute. PM(A), following statutory consultation with the Director of Service Prosecutions (DSP), has therefore declared that the investigation is now closed. Drawdown of unit personnel and investigative material will now begin and will take several months to complete;

b. This decision has been assured by the Independent Advisory Group;

c. Once a Ministerial briefing has occurred the Army Chain of Command will be informed, a Service Police Investigation Summary (SPIS) will be distributed to entitled personnel and the decision will be conveyed to UK solicitors Leigh Day and Co who are representing some claimants;

d. The stay on the civil litigation action brought by UK solicitors Leigh Day and Co has been extended until 6 Sep 19;

e. Directorate of Judicial Engagement and Policy (DJEP) will provide further advice shortly on the investigative and litigation consequences of operations in Iraq and Afghanistan; and

f. The Royal Military Police will not proactively publicise this decision however updated Lines To Take (LTT) will be provided to the Directorate of Defence Communications (DDC).

Timing

3. **Priority**. PM(A) will brief further on this issue at an office call with the Minister on 17 Jul 19.

Background

4. Op NM was initiated in 2014 by merging several clusters of allegations against UK forces operating in Afghanistan. The accusations ranged from relatively minor cases of cultural insensitivity and mis-treatment of detainees, up to a small number of cases of unlawful killing. In total the investigation teams received 675 separate complaints from 159 individual complainants.

5. The RMP currently has around 50 personnel deployed to support the operation, a reduction of 20 since the beginning of the year and remains within this year's financial control total of £200K.

Closure of the Investigation

6. Following a thorough and independent investigation lasting more than five years in which all reasonable and proportionate lines of enquiry have been pursued - including several overseas deployments to obtain witness statements – the EST has not been met in any of the 675 allegations and therefore no service person, or veteran, has been or will be referred to the Service Prosecution Agency for a decision to prosecute. PM(A), following statutory consultation with the DSP, has declared that the investigative stage of Op NM is now closed.

7. A drawdown of the Op NM personnel and investigative material and equipment will now begin and is expected to take several months. This will include withdrawal from RAF St Mawgan, the reassignment of personnel to new posts and the archiving of all investigative material to ensure that it is readily accessible in the future should it be required.

Independent Assurance

8. The two independent mentors, (Sir Jon Murphy, former Chief Constable of Merseyside and Mark Ellison QC), who have been consulted on the investigation since 2016 and provided advice to PM(A), have assured this decision.

Communicating the Message of Closure

9. PM(A) will discuss his decision further in an office call with the Minister on 17 Jul 19. Following that meeting the Army chain of command will be verbally briefed and a SPIS will be distributed to entitled personnel. The decision on closure will also be communicated in writing to UK solicitors Leigh Day and Co who, on behalf of claimants, brought a number of the allegations.

Civil Litigation

10. DJEP have previously provided advice on the Afghan civil litigation, which is on a considerably smaller scale than the Iraq litigation but raises some difficult issues that would likely necessitate Closed Material Procedures if they proceed to trial. The number of claims alleging unlawful detention and ill-treatment has fallen from 81 initially to 11. Additionally, there are three claims alleging unlawful killing, of which two have been stayed to prevent any prejudice to the Op NM investigation. This risk has now passed, and the stay is due to be lifted on 6 Sep 19.

Further Ministerial Submission

11. DJEP will follow up this independent policing decision to close Op NM with further advice shortly on the investigative and litigation consequences of operations in Iraq and Afghanistan and the proposed independent lessons learned study.

Presentational Aspects

12. There has been little media coverage recently focusing purely on Op NM, instead most mentions are feeding into the wider legacy investigations and *lawfare* narrative. However there has historically been intermittent media interest in Op NM and its closure would be of interest to the press. DDC recommends that, following ministerial notification of its closure, it should be briefed out that Op NM is due to close, as a way of showing that the department does not allow historic allegations to linger. This move would allow MOD to set the narrative, rather than having the closure leak out. The RMP does not intend to proactively publicise the closure decision but will provide DDC agreed lines to take. This paragraph has been approved by DDC.

Brigadier David Neal
Provost Marshal (Army)

Copy to:

DPS/SofS	PSO/CDS	PS/DG Sec Pol	EA/DDC Dir
PS/PUS	MA/VCDS	PS/DJEP	

Op NM GOLD GROUP SPEAKING AND BRIEFING NOTES 15 JUL HISTORIC MEETING ROOM MOD MAIN BUILDING

Present will be:

- PM(A)
- AH Op NM
- AH Tech **(New addition to Group and Scott Meredith will assume AH responsibilities for Op NM post 31 Jul on departure of Rob Morris)**
- Gold
- Sir Jon Murphy
- Andrew Caley
- Stephen Kell
- Peter Ryan

Absent:

- Mark Ellison. **(but Mark has been personally briefed by SO1 Gold last week)**

AH Op NM will introduce the agenda items and ensure that we don't exceed the 90 minutes.

AGENDA

1. **Introductions and Opening Remarks – PM(A)**.

- Purpose of today's meeting is to:
  - Confirmation that Op TY, Obj 1 & 2 LOE (APU) is exhausted;
  - Confirm Gold Group are content with decision to close the investigation; and
  - Discuss and then confirm when and how this will be communicated to SofS, Army CofC and Unit under investigation.

- **Minutes of last meeting - (AHNM).** Last meeting was on 14 Jun and the following actions were raised:
  - APU LoE: to continue to be pursued by deploying investigators to Afg;
  - The Group advised and PM(A) agreed and formally directed that the allegations outside the Op NM ToR which are currently being scoped should, *if* they go to full investigation, be investigated by SIB Regt but ideally using investigators who have Op NM experience;
  - The Group advised and PM(A) agreed that the Gold decision to speak to the Command Element would only be made once the APU LoE has been concluded and those allegations being scoped have been exhausted; how the account should be taken would also be determined then;
  - N1466. It was agreed that any decision to speak to again to N1466 would be made by Gold, based on investigative need but that he should consider seeking the advice of the Gold Group as to the best strategy to be employed in making and managing that contact; and
  - Sir Jon Murphy advised that at some point in the future and once the investigation has concluded that the NCA should be approached and briefed on the issues that their advice caused in the first two years ('14-'16) of the investigation. The best people to provide that briefing would be Sir Jon, AH Op NM and Gold.

2. **HQ Overview – AH OP NM**. Purpose is to highlight the environment and the factors that have been playing out in the strategic and operational space. **Update only**:

- Presentation/Public Scrutiny:
  - Little direct press interest; a couple of references wrt NI Legacy Investigations;
  - Stay to Civil Proceedings Now 6 Sep 19.
- Parliamentary Business:

- Invite Peter Ryan to brief on implications of Conservative Party leadership and other matters if he wishes to.

- Finance:
  - Op NM within CT this year.

3. **Investigation. UPDATE and DECISION**
   - **TY,** Obj 1 & 2 **– Remaining Actions** – APU LoE: The identification of APU personnel has been narrowed down to a pool of NG potential personnel. Out of NG witnesses (NG original + further NG identified) we have spoken to NG, NG did not turn up as arranged the remainder are either untraceable, not accessible or unwilling to speak with us.
     Of those spoken to, only NG recalled being present on Obj Ty, they had no concerns about the operation and they stated that the APU were not part of the strike on any Ops they took part in. There is NG British Servicemen still to be spoken to but they are unavailable at this time.
   - **TY,** Obj 1 & 2 – SPIS to be drafted, signed and distributed closing investigations (once all stakeholders who need prior notification have been informed).

4. **Communicating the Decision. DECISION**
   - **Ministers**. Invite Peter Ryan to brief on how this will be done. Minsub then F2F?
     - Need to understand the timing and OPSEC requirements;
     - Draft LTT for DDC;
   - **Army Chain of Command**. DCGS will be personally briefed after this meeting;
   - **Unit Under Investigation**. AH NM and AH Tech briefing DCOS Tue 16 Jul; and
   - Draft message about drawdown for discussion and refinement:
     - *Following a thorough and independent investigation lasting more than five years in which all proportionate lines of enquiry have been pursued and exhausted - including several overseas deployments to obtain witness statements - no evidence which could lead to any service person or veteran being referred for a decision to prosecute has been discovered. PM(A), following statutory consultation with the DSP has declared that the investigative stage of OP NM is now complete and a drawdown of the unit will begin which will take several months to complete. This decision has been assured by the OP NM independent advisors. (As with all investigations should any further information come to light in the future then Op NM could be reopened.)*

5. **Drawdown of Op NM. Update**
   - Update on drawdown plan and brief on what are 1*/2* Issues:
     - Disclosure and Archiving;
     - Future of Viewing platform; and
     - Allegations outside of Op NM going to full investigation.

6. **IAG Comment**. IAG Members.
   - Offered the opportunity as required to make any comments or observations that haven't been made throughout the meeting.

7. **AOB**
   - Timing and requirement of any future meetings noting that the IAG are engaged and funded until end of March 20.

AGENDA FOR THE OP NORTHMOOR EXECUTIVE GROUP TO BE HELD AT MR 3.1 (Historical Room 79), MOD MAIN BUILDING, WHITEHALL, LONDON, SW1A 2HB FROM 1100 TO 1230 HRS ON MON 15 JUL 19

Item	Lead
1. Introductions and opening remarks.	PM(A)
2. HQ overview. **UPDATE** a. Presentation/Policy. b. Parliamentary Business. c. Finance.	AH OP NM
3. Investigation Update. **UPDATE AND DECISION** a. Investigative actions Ty, Obj 1 & 2. b. Decision to close.	Gold
4. Communicating the Decision. **DECISION** a. Ministers – lead DJEP b. Army Chain of Command – lead PM(A) c. Unit under Investigation - lead PM(A)	DJEP, PM(A)
5. Drawdown of Op NM. **Update**	AH NM
6. Executive Group observations/comment: Opportunity for IAG members, DSP and DJEP to make any observations or comment.	IAG Members/DSP/DJEP
7. Any Other Business.	All