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

DG Fin

TO: DG Fin **FROM:**

May 15

Ref

ENDURING RESOURCE IMPLICATIONS OF OP NORTHMOOR - INVESTIGATIONS INTO DETAINEE ABUSE ALLEGATIONS IN AFGHANISTAN

ISSUE

1. The current scope of Royal Military Police (RMP) investigations into allegations of detainee abuse in Afghanistan, and the resources implications of delivering the necessary prompt, independent and effective action required by Article 2 (the right to life) of the European Convention on Human Rights (ECHR).

RECOMMENDATION

2. DG Fin is invited to Note that:

a. The RMP is currently investigating in excess of 266 allegations made by 141 Afghans of mistreatment, including five allegations of unlawful killing, under a single investigation named Op NORTHMOOR.

b. This investigation is not the same size or nature as IHAT, but the legal obligations on HMG to ensure it resourced and carried out in a 'prompt and effective' manner are the same.

c. A dedicated, secure major incident facility and specialist IT is required to effectively carry out the investigation to standards expected by the Courts, at an estimated cost of up to £12m which will be funded within the Army TLB.

d. The Investigation is projected to last two to five years, staffed from within 1 Military Police Brigade (1 MP Bde) equating to almost 10% of current liability.

e. Ongoing costs are not expected to exceed that of funding existing liabilities, but it is not possible to predict what resource implications might arise for the Army TLB from particular lines of inquiry.

TIMING

3. Routine. Confirmation of DG Fin's acknowledgement and acceptance of the resource implications is requested before briefing PUS and SofS.

BACKGROUND

4. The RMP is investigating all allegations of ill treatment made by individuals in Afghanistan from their point of capture through to release or hand over to the Afghan authorities. Allegations have been made ranging from cultural insensitivity up to serious sexual assault and five of unlawful killing in a single incident. Of 266 allegations made, 80 claims have been brought on behalf of Afghans by Leigh Day and Co (LDC). DJEP and TSOL have thus far been successful in arguing at the High Court that these cases be

stayed in order not to prejudice the RMP investigation. Continued success in this regard is dependant upon the RMP demonstrating progress in the investigation and adequate resources and facilities being allocated to it.

RESOURCE IMPLICATIONS

5. The investigation is dependant upon dedicated infrastructure and technical resources to meet the standards expected by the Courts, in order to evidence, seize, sift and data mine significant amounts of electronic data and protectively marked material at a certain classification. The DIO has identified a suitable location for this facility and supporting accommodation at RAF St Mawgan. Subject to approval of a Single Gate Business Case this will reach IOC on 30 Jun 15. Procurement of the specialist IT is subject to a separate business case within the Army TLB. The total cost is estimated to be up to £12m.

6. Staffing of Op NORTHMOOR is being generated from within the RMP. Currently 62 personnel are permanently employed, rising to 134 once the facility at RAF St Mawgan reaches FOC. This equates to almost 10% of existing RMP liability and will significantly impact on the resources available to the RMP for lower priority investigations.

7. The size and staffing of Op NORTHMOOR within existing RMP liability means that it is not expected to reach the levels of IHAT. However, the same obligations placed on the department to ensure the investigation is carried out in a 'prompt and effective' manner apply. The nature of police investigations means that the Army TLB cannot predict what resource implications may arise as a result of particular lines of inquiry in future years.

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