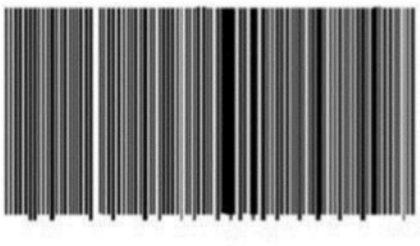
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RMP-221-0007055-A

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

AC 64459
Revised 10/09

MINISTRY OF DEFENCE

SERVICE POLICE INVESTIGATOR'S WORKBOOK

NAME OF INVESTIGATOR: Colonel RH MORRIS

Book No. 1 of

Incident: [redacted] / GENERAL POLICY DIRECTION

Date of commencement: 2 December 2014

Date of completion:

Document number *(to be completed by Disclosure Officer)*:

Serial No. DPM INV 001

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GUIDANCE ON COMPLETION OF WORKBOOK

1. This workbook is intended to aid compliance with the CPIA 1996 in recording and retaining information.

2. The book DOES NOT replace your pocket notebook which should be maintained in line with Service Police policy.

3. The book will assist you in the conduct of your enquiries and become an aide-memoire for detailing the investigations you have made. Any pertinent information gathered that does not form part of a document or action result should be submitted to the incident room using a message form or Officer's report.

4. Each entry must contain the date and time made, and where applicable, the action or document number that caused the entry. Ensure each entry is clearly legible.

5. Where this book is used to record PEACE notes prior to the completion of a statement, the relevant entry must be photocopied and submitted with the original signed statement.

   PEACE (Police Interview Training Mnemonic)
   P – Preparation and Planning; E – Engage and Explain; A – Account Clarification and Challenge; C – Closure; E – Evaluation.

6. Where two Service Police interview a witness, one should complete the notes and the other countersigns them.

7. This book must be handed in when complete or when you leave the investigation.

8. Any information contained in this workbook thought to be sensitive should be brought to the attention of the Disclosure Officer.

9. A personal exhibit reference grid is included at the back of this book.

INVESTIGATOR'S WORKBOOK

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Investigators have a duty to:

Record	Retain	Reveal	Review
Record all information relevant to an investigation, recorded in any form, at the time of obtaining or as soon as practicable after that time.	Retain means keeping all material obtained in a criminal investigation which may be relevant to the investigation (includes surrounding circumstances of the case) and failure to ensure this , may result in a failed prosecution.	Reveal means ensuring the DSP are aware of all material relevant to the investigation. The DSP will disclose material to the defence if in their opinion it might undermine the case against the accused. Failure to reveal material may result in a failed prosecution.	Review, there is a continuing obligation to "4R's" any material that comes to light prior to and during trial.

These book will be issued against signature to all investigators engaged on an investigation at its commencement.

At the conclusion of the investigation all book will be surrendered to the Disclosure Officer who will certify their return.

They will be filed with the case paper

These books should record all notes made, for example

- Conference and other rough notes
- Telephone numbers etc.
- Notes relating to a witness i.e. Statement preparation, the witness name r with those notes.

To assist the Disclosure Officer, an 'S' should be placed in the margin along obvious sensitive entries i.e.Informant, OP's, Police intelligence and Police/wi address/phone numbers. **NO** other document to be maintained except Pocket b which will still record evidence.

Index for Significant Entries

Telephone Number

Telephone Number Continued

[redacted]

[redacted]

20 April 15 | Op NORTHMOOR
1230

PM(A), myself, SO1 INO met with the DSP [redacted] in Arundel to discuss a development in Op NORTHMOOR. In addition to general criminality there might themes emerging to do with non conventional forces and command responsibilities alongside alleged criminality. SO1 INO briefed the DSP. DSP at this stage is not minded to brief the Attorney General, who has superintendance of DSP and SPA, at this stage. PM(A) will brief on the issues which may have an impact on the operational effectiveness on the non conventional forces through DJEX in addition form of the briefing will [redacted] be discussed

[redacted]

[redacted]

[redacted]

[redacted]

6 Jul 1145

Mtg at main Building (Cross) with Humphrey Morrison MO regarding Op NM and to seek advice on whether PM(A) should be seeking to brief S.f.S for Defence on his strategic risk concerns relating from the investigation. Humphrey Morrison believed that the meeting should not occur and that it was better for the Attorney General to brief S.f.S following the former's meeting with the DSP. This would alleviate the potential risk of S.f.S wanting to 'do' something with the information that he was given. Humphrey Morrison also wanted to understand other witness and

Suspects would be interviewed as then control of this information would be lost. PM(A) made the decision then to discontinue the request to see S.f.S for Defence as it would be more appropriate for the information to be passed by the AG. (Alternate AG will brief S.f.S for Defence on this issue) Signature [redacted]

6 Jul 1200

PM(A) accompanied by me briefed DCDS on Op NM and the senior politicians who have, or will, be briefed on strategic risk to an Army Capability as a result of the investigation. His rationale was to allow DCDS to stop any ill informed discussion at Army Board Level once the investigation was made public. He didn't disclose any investigative detail not protect DCDS at this stage. DCDS later directed, through his MA, that if the situation in the investigation were to change and matters might breach then he and CDS were to be immediately informed. Signature [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Meeting with ACOS J1/4 [redacted] HQ DSF – [redacted] N1805 [redacted] N1805 was to discuss Op NORTHMOOR and [redacted] was provided with a brief on how Op NM came about and I allowed him to scan a copy of the MINSUB (Army Sec 1/03/08 MS411 dated 26 June 15) to provide the background. I briefed on the governance of opsm from a Law perspective.

[redacted] N1805 outlined some issues. The first related to capacity of individuals within [redacted] UKSF given operational tempo to be made available for witnesses and potentially Suspect interviews. He offered to facilitate availability of witnesses to which I agreed as long as it didn't comprimise our independence or perception of independence. We agreed that a practical approach should be taken that we work in tandem to facilitate interviews s. that it didn't adversely affect operational effectiveness, of [redacted] UKSF, nor impact on our independence to carry out investigations. He referenced a requirement for all members, perhaps [redacted] NG, of one Squadron to be interviewed.

He asked that the release of [redacted] SFHQ(A) data only go ahead if it had full [redacted] authority. I said that I would spk to the Gold Commander.

He then put questions about investigative strategy particularly relating to lines of enquiry and whether they were pertinent. I made no comment on that.

I passed the message that the role of the Service Police is to independently investigate an allegation to either prove or disprove. If the latter case it provides a reputable

point that provides safety to individuals. N1805 had briefed that DIS HQ DSF had written to CO's to encourage them to learn lessons from the various investigations that are currently being undertaken into UKSF, not all by Service Police.

The purpose of the meeting was to discuss concerns or issues arising out of Op NUMA to maintain a dialogue and for respective positions to be understood. No investigative confidential information was passed. Signature

[redacted]

12 Feb 15 Op NUMA A meeting was held at MB to discuss the issue of deployment to Afghanistan of Rowe and Leigh Day and Co to conduct witness interviews. The meeting is summarised in the email dated 16 Feb to Lt Col McAllister, appended at the back of this Policy Book. The meeting displays that progress is being made but that actions currently sit elsewhere; ops Directorate and the relvant government department. Signature

[redacted]

[redacted]

[redacted]

[redacted]

4 RMP related an allegation of unlawful killing on 9th March 13 made by a [redacted] IIA828 who states the inform raised by the RMP Chain of Command and his stat altered 5 times by SIS in-theatre (G2 Section). I met/spoke with PM(A) who recalls that this incident may and looked at at the time.

I directed 2IC 4 RMP, in the absence of Lt [redacted] 156 Pro Coy Wrnght, when the allegation was raised to report the matter directly to Team 1 operation Nachmar for their consideration. I received an email to say this had been done. I also verbally briefed [redacted] N73, in the absence of Capt Wright, of the allegations. I subsequently briefed LtCol McAllister OC 4 RM Gold on the issue.

I have received a call from [redacted] N73 who relates the issue was raised by 4 Rifles at the time and [redacted] IIA828 was interviewed (ARSE) to gain his evidence. The matter, with a full case file, was discussed with SPA under Form 3 and it was agreed that no further action was required. [redacted] N73 will liaise with SIS Legal to get the case file to review to determine if any further action is required. Email appended at the back

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investigation takes place. I sent an email back to Name Given and Spike to IIA868 CGS RMAS Grp. He was of a similar view, that the SC did not contain allegations of criminal conduct, but wanted Service Police to review. Signature

Op Northmoor An allegation has arisen, from Op NM, made by a RMP Insp against Cdr Neal and Maj (now Lt Col) Cremers. The allegation centres on the Insp's belief that Cdr Neal and Maj Cremers asked him to change his evidence with regard to an investigation into an alleged unlawful killing that occurred in Afghanistan.

Given that the allegation from the Insp is against two senior RMP officers the Op NM team have engaged with the Op NM managing Prosecutor and DSP in the SPA. The advice that has come back from the DSP is that the allegations should be investigated to ascertain the credibility of the witness and then see if a full investigation is warranted. However as it involves senior members of the RMP then the RMP should not investigate but another force should do so.

In discussion with Gold for Op NM we have advised PM(A) that we should ask the RNP to do the investigation. The rationale for this is that the RNP through their involvement in the IMAT, have access to the Managing Prosecutor, Capt Darren Read, for both IMAT and Op NM. PM(A) agreed to this and the approach has been made and RNP have agreed to take on the investigation.

It has been agreed by PM RW that Cdr Neal will

be briefed on the allegation and the investigation. PM RW has agreed this by exception given that he is about to become PM(A). However the briefing is to be limited to the following: that an allegation has been made with regards to his dealing with a Service Person in Afghanistan who believes that Cdr Neal asked him to change his evidence, or withdraw his evidence. Explanation that the Tri-Service Investigation Protocol has been invoked as due to the Op NM recusal policy and the RNP will investigate. The investigation will initially gather evidence to discover the credibility of the allegation and whether a full investigation is warranted. DSAT will also need to be briefed because of the risk to Op NM and RMP investigating RMP. Also given the nature of the allegations and the indications should a referral be forthcoming CGS or DCGS should be briefed. It is not known at this stage whether the investigation will be complete before or after the handover of PM(A)'s. Cdr Neal will also be briefed that until the investigation is complete he cannot be briefed on Op Northmoor, because of independence issues, nor visit RAF St Mawgan.

It has been agreed by PM(A) that the sequencing of events is for me to face to face brief Cdr Neal. Then DSAT is to be briefed and then CGS or DCGS should be briefed. DSAT needs to be briefed because the risk profile of the whole Op NM has changed as this is the first time that an allegation has been made in which a member of the RMP is involved and the issues of independence and our ability and perception of independence could be affected. CGS needs to be informed

because of the implications of the Head of RMP being investigated with regard to an on-going live RMP investigation. It needs to be stressed that at this stage it is just about gathering facts, and it could be determined that the allegation is not credible and doesn't warrant a full investigation, however until initial acti[redacted] completed by RMP we will not know the way forward

Signature

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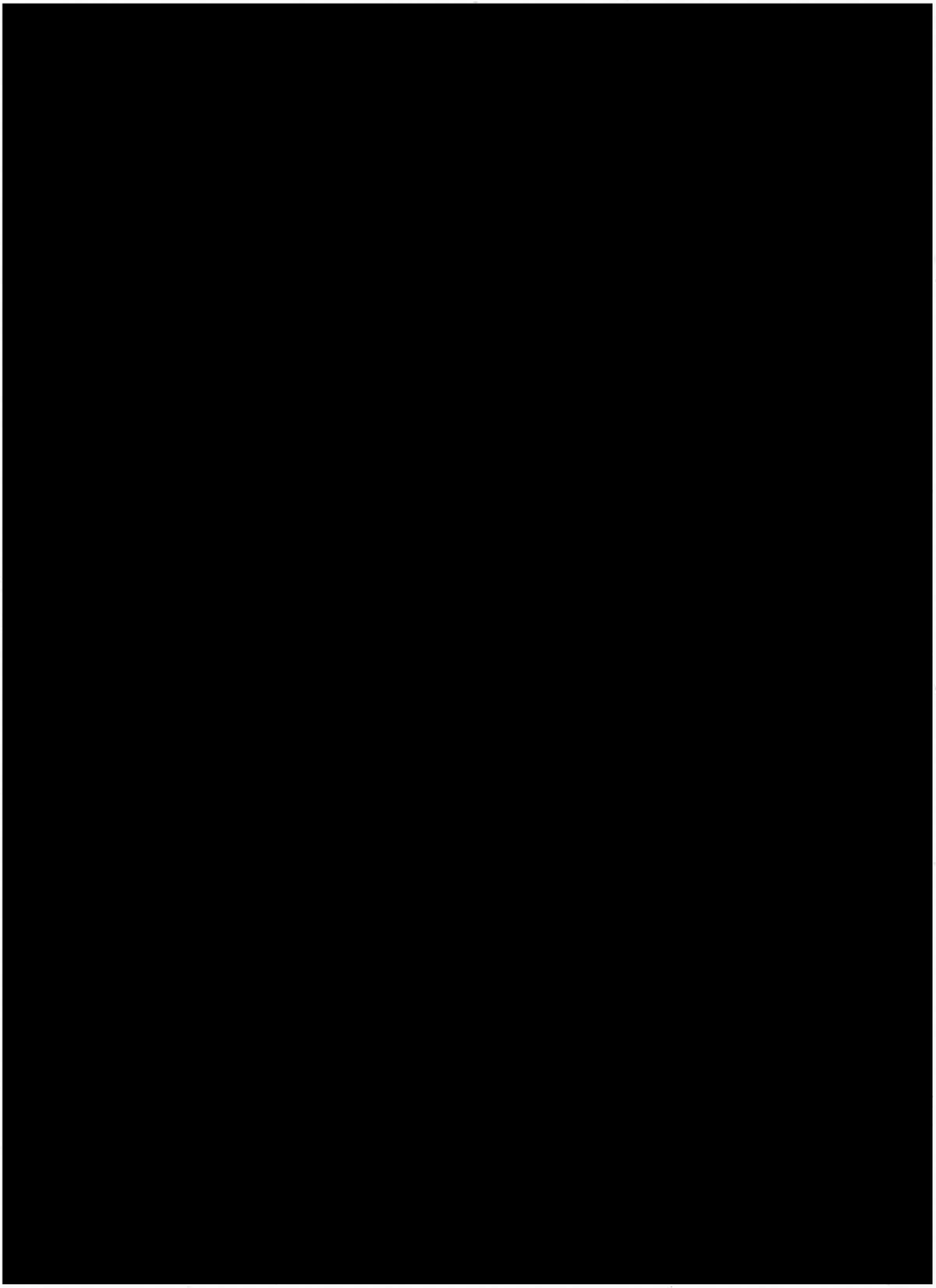
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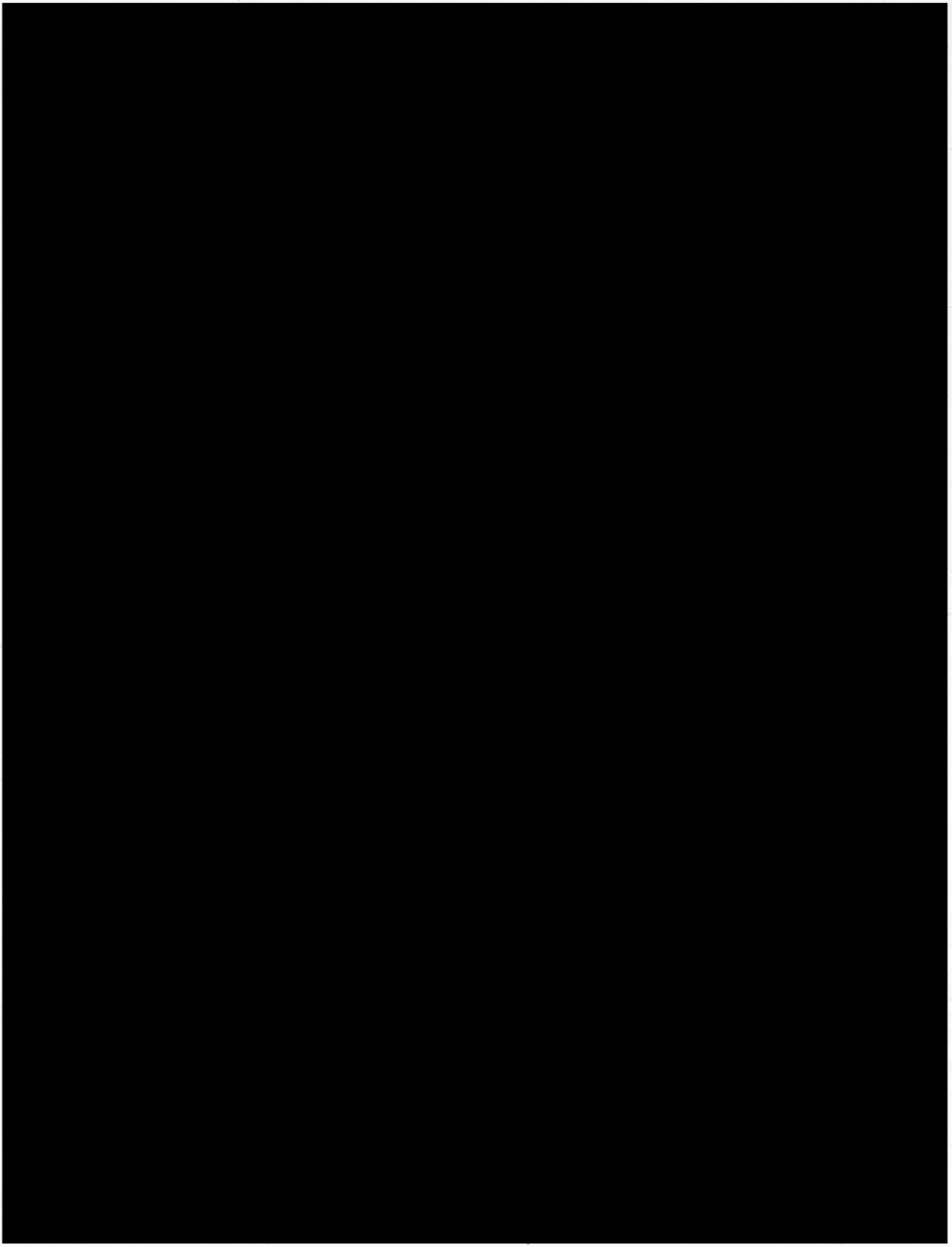
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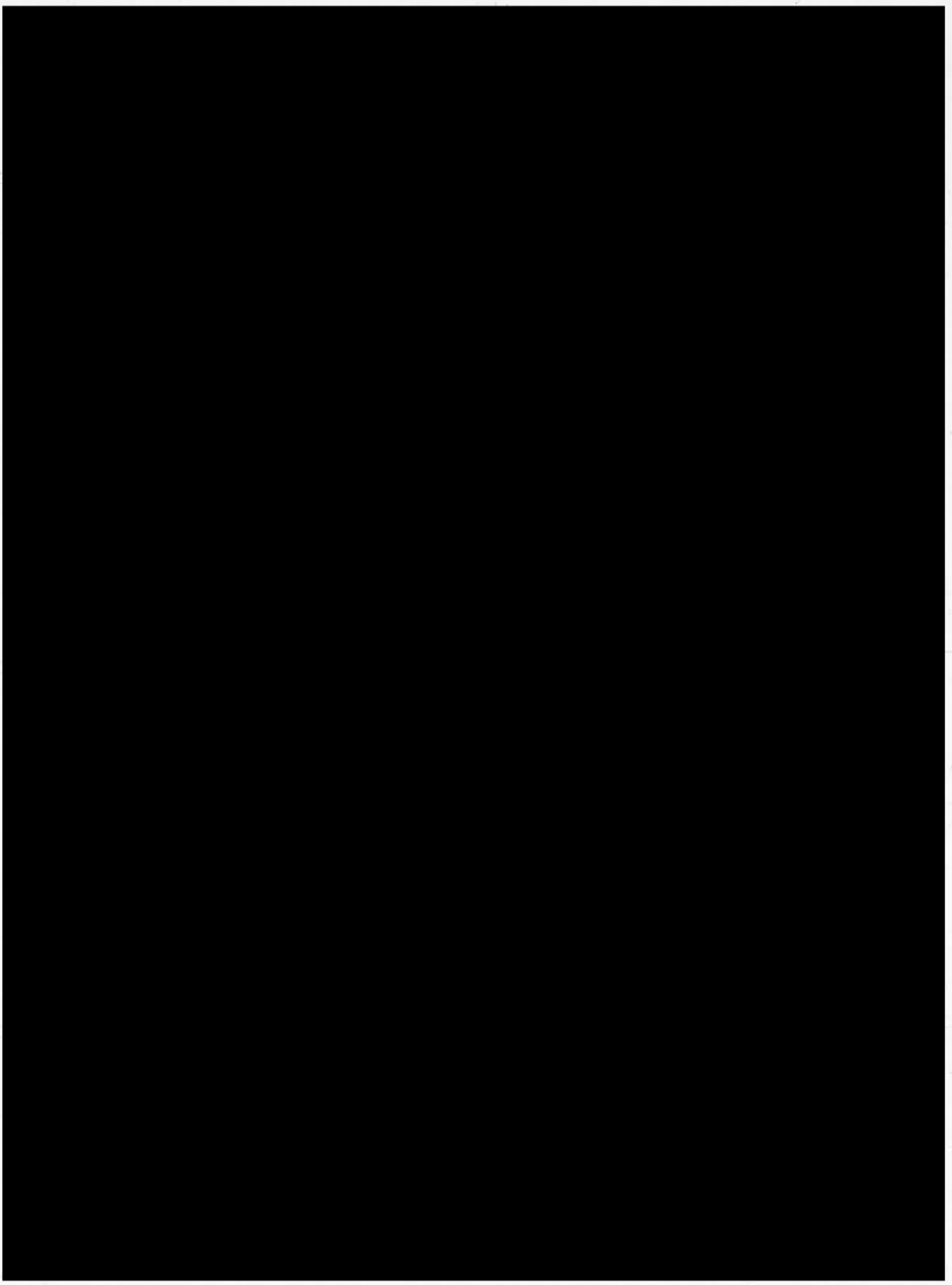


[redacted]

[redacted]



[redacted]



[redacted]

Relates to entry made on 29 Feb 16

Signature [redacted]

Army PM-AH-TECH (Morris, Rob Col)

From: 4RMP-RHQ-2IC (Waldren-Ward, Rachel Maj)
Sent: 29 February 2016 13:39
To: Army PM-AH-TECH (Morris, Rob Col)
Subject: FW: 20160229_Allegation_of_murder-IIA828-OC156-OS
Importance: High

Colonel

As discussed.

Kind regards

Rachel

R L Waldren-Ward

Major R L Waldren-Ward | Second in Command | 4th Regiment Royal Military Police | Mellor Building | Provost Barracks | Aldershot | Hampshire Contact details [redacted]
RHQ-2IC

From: 4RMP-156PRO-OC (Wilkes, Anthony Maj)
Sent: 29 February 2016 13:25
To: 4RMP-RHQ-2IC (Waldren-Ward, Rachel Maj)
Subject: RE: 20160229_Allegation_of_murder-IIA828-OC156-OS
Importance: High

Rachel,

Following our telephone conversation just now regarding the email below, here are the details as I have them. I should point out that as soon as IIA828 made the allegations below, I allowed him to continue in his own time but I did not press him for detail. He was visibly shaking, close to tears and it was apparent that the events he was describing have had significant effect on him:

- Where: Compound near PB Given, Afghanistan.
- When: Op HERRICK 18, 2013
- What: Deliberate Op iot find an arms cache. A member of HM Forces shot 2x AFG nationals. One fleeing on motorcycle, one (unarmed) in the back inside the compound as he ran away. IIA828 states that he was told both were dead. On examination, he found one to be alive and attempted to provide first aid. He requested med assistance which was refused. IIA828 states he held the man's hand until life expired in his lap. IIA828 states he attempted to investigate the incident. He states that footage captured the incident in its entirety and that the imagery was very clear but was recovered by the unit concerned. He states that he raised this issue with his CoC.
- Who: IIA828 states that OC 158 Pro Coy, Maj (now Lt Col) Greaves told him that 'the incident never happened'. IIA828 states that his statement was altered by in-theatre SIB (NFDK) on at least 5 occasions. IIA828 states that the person who he alleges shot the 2x AFG nationals had the C/S Given and has provided the surname of the individual. IIA828 states that a report (NFDK) was produced to the effect that no further action need be carried out citing lack of evidence.

Clearly there are significant information gaps in the detail above but it is as much as I have – as I've said, I didn't want to press him on this as I didn't feel that it was appropriate to do so.

Let me know if you require anything else.

Kind regards,

Tony

Major ASJ Wilkes | Officer Commanding 156 Pro Coy RMP | 4th Regiment Royal Military Police | Goojerat Barracks | Colchester | Essex | CO2 7NZ
Contact details [redacted]

From: 4RMP-156PRO-OC (Wilkes, Anthony Maj)
Sent: 29 February 2016 12:40
To: 4RMP-RHQ-2IC (Waldren-Ward, Rachel Maj)
Subject: 20160229_Allegation_of_murder-IIA828-OC156-OS
Importance: High

Rachel,

I have just interviewed IIA828 as part of his [redacted] – you are aware of the background. Also present were 2IC 156, [redacted] Officer 4RMP.

In the course of the discussion, IIA828 made an allegation of murder against a member of HM Forces which occurred on operations.

I am reporting this to you now as it must be investigated – I leave it to you to determine the most appropriate agency to deal. On the periphery of the allegation of murder is an allegation of misconduct directed at a member of RMP.

I am deeply concerned.

Kind regards,

Tony

Major ASJ Wilkes | Officer Commanding 156 Pro Coy RMP | 4th Regiment Royal Military Police | Goojerat Barracks | Colchester | Essex | CO2 7NZ
Contact details [redacted]

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[redacted]

Army PM-AH-TECH (Morris, Rob Col)

From: Army PM-AH-TECH (Morris, Rob Col)

Sent: 16 February 2016 10:05

To: Army PM-Inv-SO1 (McAllister, John Lt Col)

Cc: Army PM-PolComSO1 (McKay, David Mr); SIB RMP-Op NORTHMOOR-SIO-T3 (Robbins, Stephen Capt)

Subject: 20160216_Op_NM_Afghan_Deployment_AH-OS

Importance: High

John,

David, Gayle and myself attended a meeting in MB last Friday hosted by the Ops Directorate to discuss the issue of the RMP and LDC Deployment to Afghanistan to conduct witness interviews for Op NM. The following were present at the meeting:

Ops Dir-SF and Legal Pol-Hd ([redacted IIA640]); DJEP-Public Inquiries Hd (Duke-Evans, Jonathan SCS1); PJHQ-J9-ACOS (Davis, Peter SCS); CLS-CDC Hd Div (DD) (Morrison, Humphrey SCS 1); IOS-TORAL-COMBRITFOR POLAD; PJHQ-J9 DACOS LEGAL ([redacted IIA703]; Ops Dir-Legal Pol-Asst Hd ([redacted IIA650]; PJHQ-J9-PolOps1a ([redacted IIA701]); Ops Dir-[redacted]-AH ([redacted IIA702].

The view from Ops Directorate and DJEP pushed by [redacted IIA640] and Jonathan Duke-Evans was to find reasons to undertake the deployment. Jonathan Duke-Evans who had been present at your briefing the week before and, without giving any details away alluded to the 'high-level' political interest in making the deployment occur.

[redacted IIA778] the Op TORAL COMBRITFOR POLAD briefed on the Desk level discussions she has had with RS staff; which are summarised below:

- Legal: There was a view that the current NATO SOFA didn't allow the UK to conduct investigations in Afghanistan or on RS Bases. This provoked discussion with many present sceptical that this was the actual legal position.
    - *Subsequent to the meeting Atholl has looked into this and a 2005 MOU between the UK and IRoA remains extant whereby Section 7 gives the UK exclusive jurisdiction to conduct investigations within Afghanistan in respect of offences committed by UK Forces personnel. Section 7.4 does place an obligation on the UK to inform the Afghan government of the investigation, but does not require further permission.* [redacted IIA779] *who leads on International Agreements in DE Strat has suggested a Note Verbal from the DA to GIRoA giving a general indication should be sufficient;*
- there were concerns over how much the deployment would cost;
- concerns that such activity was outside of the RS mission;
- concerns over space within HKIA North should the deployment go ahead;
- concerns (which we already knew) over individuals [redacted] being allowed onto a RS Base; they may be detained by [redacted a Partner Force] and concerns over what they might see; layout of the base; identify local nationals etc although I mentioned that we managed the families of detainees being allowed on to Camp Bastion during the latter stages of Op HERRICK; and
- in sum the view at Desk Level was that Com RS is unlikely to support facilitating witness interviews by us and LDC on a RS Base; although it was recognised that he would need to pass the decision up to SHAPE and SACEUR

I was then asked to summarise the other methods of conducting the witness interviews that had been discounted by us. I discussed the Third Country Option mentioning Turkey and the reasons why this was not feasible although Peter Davis asked if we had considered using [redacted *]. I wasn't aware that this was an option (see below). I also mentioned conducting interviews by VTC (outwith a RS Base) but highlighted the issues of witness identification and how we could confirm their identities before the VTC.

[redacted *a different location (Not A)]

Thereafter a number of actions fell out of the meeting all of which sit with Ops Directorate:

- Ops Dir will draft a letter which will go from CDS to Com RS copied into SACUER requesting that the deployment of RMP and LDC go ahead to interview witnesses; understanding that further correspondence may be required with SACUER;
- FO will be asked to speak to BEK to direct them to liaise with GIROA regarding the UK conducting investigations in Afg although this may simply need the Note Verbal as outlined above;
- FO to ascertain if the different location (Not A) could be used as a Third Country Option to conduct the witness interviews.

Therefore action is now being taken to move this issue forward. More to follow.

Rob

Colonel RH Morris| DPM/AH TECH

HQ Provost Marshal (Army) & HQ 1 MP Brigade, Second Floor, Zone 5, IDL 431 Ramillies Building, Marlborough Lines, Monxton Road, Andover, SP11 8HJ

Contact details [redacted]

[redacted]

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