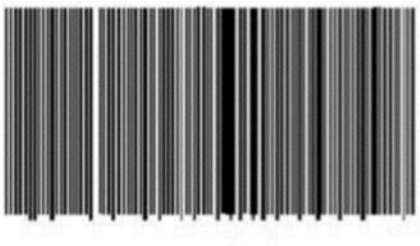
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



RMP-221-0007067-A

Operation NORTHMOOR

Terms of Reference

Introduction

1. Since 2006 the British Armed Forces have detained civilians suspected of being involved in terrorist acts in Afghanistan as part of the International Security Assistance Force (ISAF). The Royal Military Police (RMP) are responsible for the investigation of all allegations of ill treatment made by these individuals from their point of capture through to release or hand over to the Afghan authorities. In the main individuals are released within 96 hours but others have been detained in the Theatre Holding Facilities (THF) in Camp Bastion, Helmand Province and Kandahar Airfield, Kandahar Provence, Afghanistan for some weeks. During this period, and following their transfer to Afghan Custody, allegations have been made ranging from cultural insensitivity up to serious sexual assault.

2. Following the receipt by the Ministry of Defence of pre-action protocol letters relating to 72 Afghan claimants, which make a number of serious allegations of misconduct, it has been assessed that the number and scope of the allegations has increased to the point where the current 'stove-piped' approach may lead to investigative opportunities being lost and any potential wider systemic and organisational matters not being identified. It is therefore necessary for them to be grouped together, with one overarching investigative strategy.

3. In addition, the use of the RMP to investigate such allegations has previously been the subject of legal challenge in the civil courts on the grounds of independence and effectiveness. Although no judgement has yet upheld this challenge in respect to the RMP's activities in Afghanistan, the advice of Leading Counsel in respect to the 72 of the civil claims, Mr Charles Corey-Wright QC, was sought. He opined:

"LPP [redacted]"

4. **Major Case Review.** Provost Marshal (Army) has decided that RMP will continue with the investigations and to assure both credibility and transparency, external assessment ~~assurance~~ of the investigative process should be a fundamental part of the enquiry process. The National Crime Agency has provided a PIP 4 Mentor to support the SIO and following consultation with the Service Prosecuting Authority, PM(A) has requested that a current UK Civilian Police Major Enquiry Review Team be requested to assess whether ~~ensure that~~ the investigation is both credible, transparent and demonstrably independent of Ministry of Defence influence. While this will not necessarily prevent a future legal challenge to the RMP investigation, it

will mitigate risk and will demonstrate to any potential judicial fora that careful consideration has been given to any concerns about a perception of a lack impartiality.

Role of the Review Team

A review will be commissioned in order to assess whether the investigation (Operation Northmoor) into serious allegations of misconduct :

Conforms to nationally approved standards

Is thorough

Is being conducted with integrity and objectivity

Has not overlooked any investigative opportunities

Ensures dissemination of effective practice and organisational learning

In order to provide this assessment the Review Team will:

a) Review the initial investigation strategies to assess whether they are sufficiently robust to ~~ensure that it will both~~ investigate the allegations made and identify any systemic issues whether individual or corporate.

b) Conduct ongoing reviews at agreed periods to ensure that the investigation is progressed in accordance with National Policing Standards.

c) Provide ad hoc ~~advice on~~ assessments of specific investigation strategies as requested by PM(A) and the SIO.

d) Attend GOLD meetings (either in person or by VTC) in order to provide an independent assessment of the investigation.

e) Where necessary, ~~if required,~~ prepare interim reports with recommendations, identifying investigative opportunities and commenting on good and weak practice.

f) Prepare a final report at the conclusion of the operation.

Methodology

Phase 1 - Inception

The Reviewing Officer is to be provided with a verbal and written brief by the current SIO (Captain J Wright) and critically assess all actions or decisions that have been taken and comment to the Reviewing Officer.

A Liaison Officer is to be appointed for the duration of the review.

Phase 2 - Investigation

The Reviewing Officer will arrange with the SIO periodic reviews of progress and strategy either at key investigation points or when requested by the SIO or PM(A).

The Reviewing Officer must have security clearance up to a certain classification. He will have unfettered access to all investigation staff and evidential material to ensure that the review is achievable and meaningful.

The Reviewing Officer may make requests for copies of **relevant** material **to support the review** but no document protectively marked at a higher classification may be removed from the incident room. All documents remain the property of PM(A).

Phase 3 - Conclusion

At the conclusion of Op NORTHMOOR, the Reviewing Officer will produce a draft written report of his findings to Provost Marshal (Army) within 8 weeks of the last investigative action (date to be agreed between Review Officer and PM(A)). The report will comment upon the conduct of the investigation, assessed against National Policing Standards, commenting on good and weak practice, independence and risks.

The Reviewing Officer will reserve the right to negotiate an extended date for the completion of the report, or even to withdraw from the initial agreement to conduct this review, if any of the caveats included in the **phase 2** section of this document so severely impact on the review to render the terms of reference unachievable or meaningless.

?? May 2014