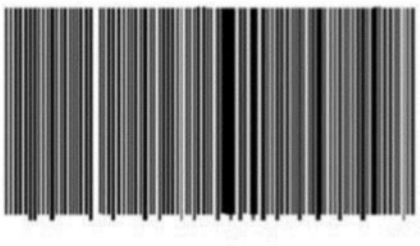
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



RMP-221-0007117-A

From: Martin Bottomley
To: Contact details
Subject: Operation Northmoor - FAO Lt Col John McAllister
Date: 31 July 2014 10:23:18

From: Martin Bottomley
Sent: 31 July 2014 10:11
To: Contact details John McAllister
Subject: Operation Northmoor

John,

Further to my e-mail of 11th July addressed to yourself and Jason, and re-sent on 14th July due to e-mail address discrepancies (see below), I am writing to you personally in your role as Gold Commander to highlight a number of issues which I believe are worthy of consideration. I have not copied Jason in on this occasion, as I understand, according to what Paul Williamson has told me in a telephone conversation, that the structure of Northmoor has changed/is changing and Jason's future role is unlikely to remain as last communicated to us. Apologies in advance for the direct nature of what follows; please review the points below in the spirit they are intended: as a plea for more involvement, clarity and transparency, rather than as a criticism of progress to date.

My first observation refers to Minutes of Gold Support Group Meetings, (incorporating Terms of Reference and development of the Gold Strategy) - we have made a number of requests for sight of these. Whilst there may be some room for confusion of terminology between civilian and military police, we are reviewing this investigation against National Policing Standards and to date we have not been able to access these documents (if they exist). Earlier this week we were provided with a 'record of decisions' from your Strategic Command Meeting of 18th July, but in my view this is a two page document which is a somewhat baffling mixture of actions/decisions/considerations/agenda items and as a non-attendee of the meeting, paints a confusing picture to the uninitiated.

Within this document, there is no mention of the most significant developments reported back to me after that meeting by Paul Williamson, namely the changes in Command Structure, the consideration to split the enquiry into three strands, or the appointment of an OIOC. I am sure you can understand my frustration at being unaware of major developments such as these. To this end, I would be grateful if you could consider inviting me or my representative to all future Gold Support Group meetings, as envisaged in our agreed Terms of Reference at point (d).

In relation to the Review Team's Terms of Reference, I would point out that it appears to me that there is the potential for confusion and overlap between our role and that of Paul, the PIP 4 adviser. In his latest (version 4) Regional Adviser Report, Paul proposes 'additional terms of reference' for himself to include at (6): 'quality assure the investigation strategy'. As noted in my previous e-mail (below) one of our first priorities is to 'review the initial investigative strategies'. Clearly, whilst two heads may be better than one, there is potential for duplication of work here. To illustrate this point, I would refer you to my observations and initial considerations within my e-mail of 11th July, many of which now appear as 'General Investigative Suggestions' within Paul's report. Furthermore, whilst liaison with Paul has been invaluable, and will continue to be so, I do not consider it appropriate that his role should necessarily be to act as our 'link' to the investigation or SIOs (point 8 of his additional T of R). Our links should be direct to the

investigation(s) and OIOC/SIO(s) in order to be meaningful and to add value.

Having had sight of the 'Investigative Plan and Recommendations' of 16th July, but without having had the advantage of discussing it with yourself or Jason, nor having seen any mention of it within the 'Record of Decisions' of 18th July, I am struck by the absence of actions and tactical options which will underpin the strategic plan. At the risk of repeating myself, whilst some allegations were reported as early as June 2013, it seems little progress has been made in understanding the nature of what is being dealt with by means of early evidence recovery and interviews of witnesses/complainants/claimants. It appears that more emphasis is being placed on the construction of a 'gold standard' model of operating based on IHAT, to deal with the potential for many more allegations, rather than dealing with the 'here and now'. My observation in this regard is that the balance is currently weighted too much on planning for the future at the expense of investigating current allegations.

On a final note, in the light of the foregoing and my knowledge of the Operation to date, I am unclear at this stage how we can best support the investigation, given that there appears to be a dearth of investigation strategies underpinned by tactical actions and focused operational investigative activity. Understandably, our remote location does not assist this situation, hence my request to attend any significant meetings which will keep us informed as to the future focus and direction of the investigation. A meeting with yourself, the OIOC, PIP 4 adviser and the SIO(s) immediately before the next Gold Support Group meeting may help to clarify roles and determine how we can best work together to achieve our common objectives. Please be assured that we are keen to support you in line with our Terms of Reference, and I am convinced we can add value, independent scrutiny and quality assurance, once we become more meaningfully engaged with individual SIOs and the OIOC.

Best Wishes,

Martin

10.09hrs 11/7/14
08.12hrs 14/7/14

I write further to the conversation you have had this week regarding strategic aspects of this investigation, with the Head of Crime for GMP, Detective Chief Superintendent Russ Jackson and also subsequent to the e-mail I sent to Captain Jason Wright on 30th June indicating the intentions of the review team going forward.

You will be aware that we have had the benefit of a strategic briefing at Bulford on 26th June and access to the SIO's policy logs and mature assessments, PM (A) direction documents, two lists of names of individuals from Operations Isoptic and Elsinore, sight of two letters of claim from Leigh Day, but nothing else of note pertinent to the investigation material itself. We are still trying to gain access to all the material you hold on the HOLMES database. This is taking some time.

I would contrast this with the material we were presented with when we commenced Operation Paxton (the 'Danny Boy' Review) when we had immediate access to over 20 'Banner' boxes of material which we were able to research, review and make recommendations in relation to.

I make this observation to illustrate the point that we have not even begun to scratch the surface of this investigation, most of which remains opaque to the review team. Consequently, I am loathe to

make any formal recommendations to you without a full appreciation of context and detailed knowledge of the SIO's tactical considerations. I am also cognisant that I am obliged to adhere to our agreed Terms of Reference, which lists one of our first priorities to:

(Page 2, point a): "Review the initial investigative strategies to assess whether they are sufficiently robust to investigate the allegations made and identify any systemic issues whether individual or corporate "

That said, I appreciate that some initial observations, given the caveats rehearsed above, may be of assistance to you at this early stage of the investigation. Accordingly, I would ask you to note, without prejudice, the areas outlined below which we would seek to explore in greater depth and how we propose to take this forward.

The learning arising from the Danny Boy review cannot be underestimated. The formation of a Gold Support Group which effectively guides and **supports** the SIO is paramount. In particular, we consider there may be a risk to the prompt and effective investigation of allegations if sufficient **skilled** resources, with a tenure policy of the full length of the investigation, are not made available to the SIO, co-located with him (with the exception of those staff necessarily deployed abroad for the purposes of evidence gathering and interviewing).

The investigation parameters, as directed by PM (A) appear at first sight to be extensive and wide ranging. An initial option that we have considered would be the assignment of one SIO and supporting investigative resources to each of the two aspects (Elsinore and Isoptic) of Operation Northmoor.

This would allow for prompt and focused evidence gathering, the interviewing of witnesses and give some clarity to the definition of what appears a confusing picture in terms of what you are, or more properly perhaps **should** be dealing with, be it criminal or non-criminal allegations or incidents, and whom you are dealing with, namely claimants, complainants, victims or witnesses.

An obvious advantage of this approach would be to allow for a 'compare and contrast' assessment of the results of both legs of the separate enquiries to more objectively address the overarching question of any systemic issues of concern.

Such an approach would also allow for the accomplishment of the direction given by Gold for "the prompt and effective investigation of allegations of abuse". Considering that the Leigh Day allegations arise from letters received in June and September 2013 and that the DOT complaints were also identified in 2013, it may appear to the objective observer that progress in this regard is slow. Furthermore, it is recognised that the freedom of movement to conduct investigative activity will become increasingly difficult ahead of the withdrawal from Afghanistan during the latter half of 2014.

Another area we would like to comment formally on in greater detail at the appropriate point is the constitution of a panel, with a significant independent element, to assist the SIO(s) in de-cluttering the investigation(s) by applying a 'reasonableness' test to the scope and extent of individual elements of each investigation.

You will be aware that we assess that there is the potential for significant media interest and intrusion. It is likely that the detail of some cases will emerge one way or another. In our experience transparency is key. One tactic we have successfully employed is to hold a full 'on record' briefing at the appropriate time.

In order to progress the above observations, but more importantly to assist the SIO and fulfil our terms of reference, I would now propose that we aim to fulfil our first priority by reviewing the SIO's detailed investigation plan (if one currently exists - I do not consider SIO policy decision 22 provides necessary detail) and making appropriate recommendations. I believe that to fulfil this initial aim, it will be necessary for three of my staff to spend several days on site at Bulford and examine as much material as possible, until we have a firm grasp on the tactical aspects of Northmoor. To date, we have only been privy to strategic guidance and direction.

As a starting point, we consider the detail of plans in relation to the following considerations to be of some urgency:

- The interview of those persons still in custody in Afghanistan. (Learning from Danny Boy – interviews were not conducted until immediately prior to the transfer of detainees into Iraqi custody. Consequently they were poorly planned and executed and of little evidential benefit).

- The obtaining of detailed information from Leigh Day in relation to each claimant/complainant, leading to interview. We consider it axiomatic that there should be considerable onus on Leigh Day to assist and enable this process.
- Immediate retrieval of DOT claimant/complainant documentation, leading to interview.
- Immediate focused evidence retrieval.

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