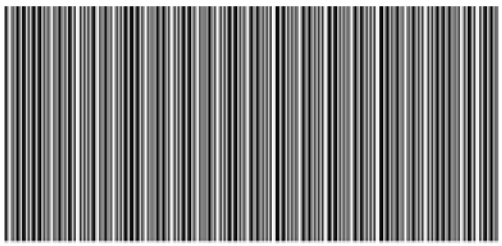
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



RMP-221-0008492-A

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.

Copy to:

MA/CGS
MA/DCGS
PS/CE DIO
DJEP
Def Res-Hd
D Scrutiny
D Res (A)

Annex A to
Op NORTHMOOR/Comd/Gold
Dated 11 May 15

Op NORTHMOOR/Team 2/Correspondence

22 Apr 15

OIOC Op NORTHMOOR
SIO Team 1
DSIO Team 1
SIO Team 2
SIO Team 3
DSIO Team 3
SIO Team 4
Op NORTHMOOR Op Sp

OP NORTHMOOR RECCE REPORT

1. **Introduction.** Between Tue 14 Apr 15 and Thu 16 Apr 15, the Senior Investigating Officer (SIO), Team 3 and Deputy Senior Investigating Officer (DSIO), Team 2 conducted a recce to Kabul, Afghanistan. The purpose of the recce was to source a usable interview facility within a coalition forces base location to conduct face to face interviews with Afghan complainants and witnesses.

2. **Aim.** The aim of this brief is to update key stakeholders on the facilities identified during the recce.

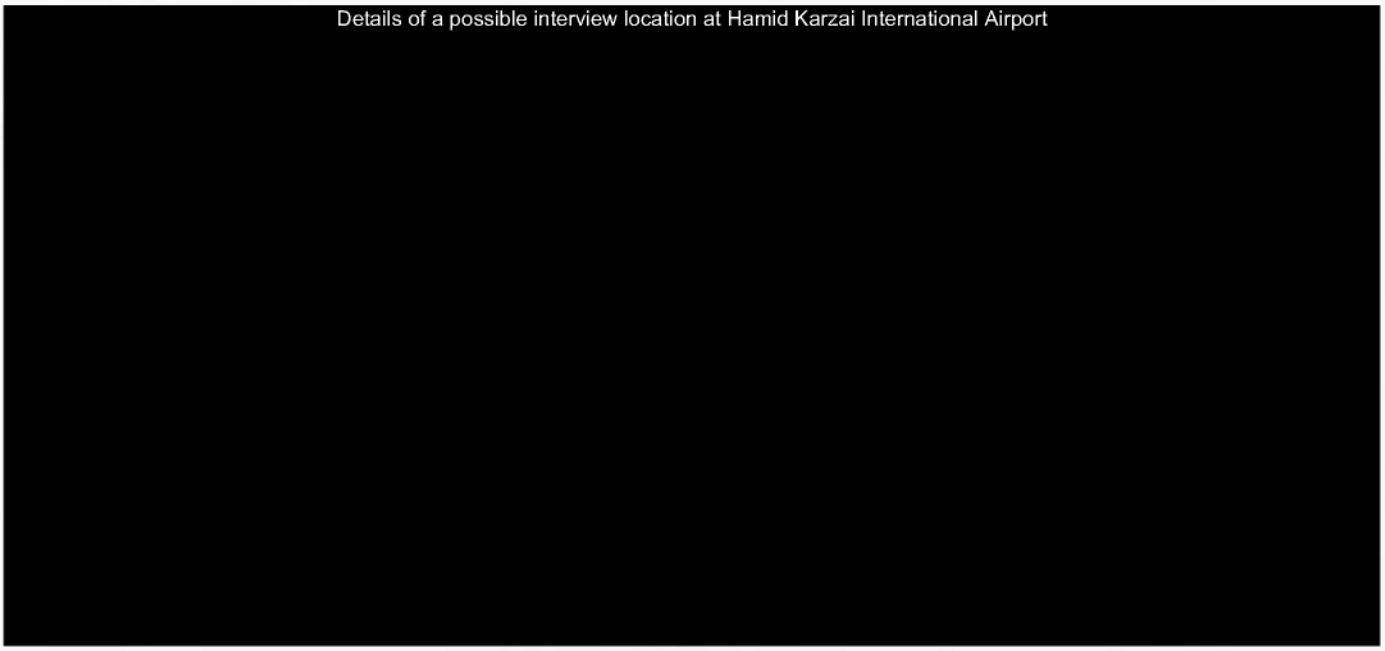
3. **Recommendation(s).** It is recommended that the facilities identified within Hamid Karzai International Airport (HKIA) are utilised to conduct face to face interviews with Afghan complainants and witnesses.

Background

4. Interviews. An initial review of the requirement to conduct face to face interviews was conducted and it was established that at least two interviews were required to be conducted face to face. Further interviews will be planned and conducted in consultation with Leigh Day & Co (LDC) on a 60 rotational basis.

Possible Locations

Details of a possible interview location at Hamid Karzai International Airport



Details of a possible interview location at Hamid Karzai International Airport

[redacted]

i. **Dates & Timings.** The recce team were provided with June or July as potential target dates for conducting face to face interviews in Theatre. Contracts will not be in place for specialist services of a Psychologist until 1 Jun 15 at the earliest. During the recce the last week in Jun 15 and the first three weeks of Jul 15 were considered suitable given the Relief in Place (RiP) for a partner force (Now until 15 May 15), the R&R window for the SIB WO in Theatre (4-19 Jun 15) and the RiP for British forces (Last week in Jul 15 through to mid August 2015). The recce established that Ramadan will commence on 19 Jun 15 and considerations around this will need to be taken into account as a result. i.e. will the LDC clients agree to be interviewed during this period? In addition the latest information from Theatre is that non essential visits between April and May 15 are being restricted as a result of repairs at Location Given and requests to visit during this period may meet resistance from Theatre.

j. **Other considerations.** On 8 Mar 15, the Supreme Allied Commander Europe at SHAPE issued visit restrictions to RESOLUTE SUPPORT between 1 Jun 15 and 30 Sep 15. Initial indication from POLAD attached to COMD BRITFOR was that this restriction should not affect OP NORTHMOOR personnel entering Theatre during these dates given the significance of Op NORTHMOOR for British interest.

k. The British footprint within the Kabul Area of Responsibility (AOR) will continue to reduce. With current planning, operations will end in 2016 so if a regular endorsed surge is not approved then it will be have a detrimental effect on the investigation.

6. **British Embassy Kabul (BEK).** A visit was planned to the BEK; however, it was not possible to conduct this part of the recce. This occurred due to restrictions on road moves. Provides an example of a further risk of conducting interviews at this location [redacted] This would be unsuitable for an Achieving Best Evidence (ABE) interview. In view of the logistic issues encountered, restrictions on travel and limitations of working within the facility, the use of the BEK as a possible interview location has been discounted. Further work would be required before this venue could be considered as a possible location for use by Op NORTHMOOR.

7. Location Given is the military point of entry and exit from Theatre. It will also be the fallback location for British Forces personnel when any planned departure from Op TORAL is implemented. Information was provided to the recce team that there was a possible interview location similar to the facility at HKIA. Due to time constraints and departure from Theatre it was not possible to view this potential facility. It was however established that the location is under ISAF control. Access to and from the location is not as convenient as that provided at HKIA and it also lacks the nearby logistic support available at HKIA.

8. **Foreign & Commonwealth Office (FCO) Travel Advice.** The situation on travel to Kabul for civilians was researched by the recce team. The current FCO position is as follows:

a. The FCO advise against all but essential travel to the city of Kabul.

b. The FCO advise against all travel to the Surobi, Paghman, Musayhi, Khak-e Jabbar and Chahar Asyab Districts of Kabul province.

9. **Kabul City Centre Hotel.** The BEK were consulted by the recce team in relation to a city centre hotel potentially for use by LDC and as a potential location to conduct interviews by remote video link. The Kabul Serena Hotel was named as a hotel used by international visitors to Kabul. This hotel is on the southern edge outside the Green Zone and is approximately a 20 minute drive from Kabul International Airport. The hotel may operate a vetted taxi service to and from the airport. The hotel cites world-class business support, a business center with a range of services that includes private boardrooms and office spaces, multi-lingual staff and 24 hour global connectivity. It is worthy of note that the hotel has previously been attacked by insurgents on 14 Jan 08 and 21 Mar 14. Other attacks by insurgents have occurred in the surrounding area.

Summary

10. A usable interview location under the control of a Stakeholder has been identified within HKIA Permission to use this facility has been approved by the current stakeholder. Access to HKIA for the interviewees can be obtained provided notice at least Time Given in advance is provided. There is a second useable option within HKIA under direct control of RMP; however, this facility is a unit holding area. Due to the intended nature of this location it may be deemed unsuitable by OIOC Op NORTHMOOR and authority to use the process room within the area would be required.

{Electronically Signed}

T Carey
WO2
RMP (SIB)

DSIO Team 2