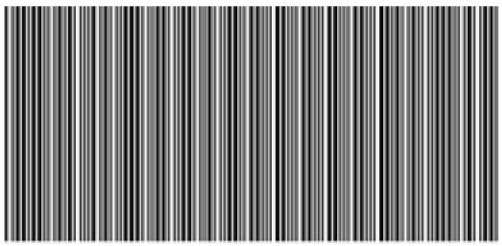
Prepared for OPEN publication in relation to the Independent Inquiry Relating to Afghanistan



RMP-221-0008522-A

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

From: SIB RMP-NORTHMOOR-T1-SIO (Wright, Jason Capt)
Sent: 20 December 2016 16:24
To: SIB RMP-NORTHMOOR-HQ-GoldComd (Harvey, John Maj)
Cc: SIB RMP-NORTHMOOR-HQ-OC (Stitson, Tina Maj); NORTHMOOR TEAM-Cyber Lead-Priddin JR WO2; SIB RMP-NORTHMOOR-T1-DSIO (Dempster, Mark WO2); Army PM-AH-TECH (Morris, Rob Col)
Subject: 20161220-SF_Data_SIO-OS

Colonel,

As discussed, there now appears to be a situation whereby HQ DSF have deleted data in recent weeks which is in direct conflict with the assurances we were given from N1805 and N2311. From Jim's advice, we will never be able to tell what that data contained.

On the face of it, this is either a lack of communication within HQ DSF or a deliberate attempt to remove data to prevent access by RMP. Both hypotheses have the same result: we have lost data that we otherwise would have had access to. In presentational terms, this could be construed as a 'cover up'.

Next steps for us are (but not limited to):

a. Take no action;
b. Pursue a LOE that there has been a deliberate effort to pervert the course of public justice; c. Demand from HQ DSF a full report (in evidence) of what has occurred and who is at fault.

All of the above are remedial actions that will not result in accessing the data we have lost. I do believe that we ought to hold HQ DSF to task as to do nothing, may only set a precedence. For me, this demonstrates the need to recover the whole system into evidence in short order.

I'm on leave at present but am contactable throughout both on the mobile and on Dii(F). Tina is out of country until 24 Dec 16.

Kind regards,

Jason

Captain J L Wright | Senior Investigating Officer | Operation NORTHMOOR Special Investigation Branch Regiment, Royal Military Police, RAF St Mawgan, Cornwall, TR8 4HP

Contact Details [redacted]

Please note that my email address has changed.

-----Original Message-----
From: NORTHMOOR TEAM-Cyber Lead-Priddin JR WO2
Sent: 20 December 2016 09:23

To: SIB RMP-NORTHMOOR-T1-SIO (Wright, Jason Capt)
Subject: SF Data

Sir

As discussed.

During the meeting yesterday, the civilian contractors disclosed to us that they have run a program across the old data storage area call SDelete. This is a secure data deletion tool for data which is already deleted but still recoverable on the storage area.

They have provided a technical explanation for the requirement, which on face value I can see the requirement. The issue is that we will never be able to recover that deleted data now and will be not be able to establish what that data was.

This obviously goes against the guarantees given by the SF CoC, for the preservation of data and evidence.

WO2 P

COS/SCS
DJEP

TO: COS/SOFS **FROM: DJEP**

15 December 2016

OPERATION NORTHMOOR: UPDATE

ISSUE

1. Secretary of State's meeting with Sir Jeremy Heywood to provide an update on the progress of Operation NORTHMOOR, the Royal Military Police (RMP) investigation into historic allegations of abuse by UK service personnel in Afghanistan from 2005-13.

RECOMMENDATION

2. SofS is invited to
   - Note that future submissions will name the sender at the top of Page 1;
   - Agree that the wider distribution should be listed at the end of the submission."

TIMING

3. Priority. SofS will meet with Sir Jeremy Heywood on XX December..

BACKGROUND

4. Operation NORTHMOOR was initiated in 2014 bringing together several clusters of allegations against UK forces operating in Afghanistan. The accusations range from relatively minor cases of cultural insensitivity and mis-treatment of detainees up to a small number of cases of unlawful killing. In total the investigation teams are dealing with 643 separate complaints from 159 individual complainants.

5. In recent months the Provost Marshal (Army) (PM(A)) has undertaken a number of measures to strengthen the investigation team and to provide assurance as to the quality and efficiency of the investigative process. This has included the establishment of a senior leadership team to ensure better oversight and improved management of resources, appointment of an experienced new head of the operation (the Gold Commander) and reinforcement of the investigation teams to accelerate case processing. PM(A) has also established an Independent Advisory Group consisting of a former Chief Constable and a senior barrister (Sir Jon Murphy and Mark Ellison QC) to ensure best practice both in the mechanics of policing and in the relationship between the investigation and the Service Prosecution Authority. At Sir Jon Murphy's direction an Independent Review Team is currently undertaking a detailed review of the investigation's processes ad practices and is due to report its finding in mid-January.

6. These changes of already seen an acceleration in case processing. A total of 181 (out of 643) cases have now been reviewed and discontinued or recommended for discontinuation. Based on recent legal advice, on 14 December the investigation team wrote to the UK solicitors (Leigh Day) representing 80 of the 159 complainants, to demand further details regarding the identity of the complainants and the nature of their allegations. Leigh Day have been given 28 days in which to provide this information, without which it is likely the cases would be discontinued. In addition, it is anticipated

that application of the same legal advice (the so-called Leggatt test) to the remaining complainants will see most of these cases discontinued (it is unlikely that more than a handful of these complaints could be identified and re-contacted).

7. The anticipated rapid reduction in these cases could allow for a scaling back in the manpower allocated to OP NORTHMOOR and to an intensified focus on the more serious allegations of unlawful killings. An important element in pursuing this case is the establishment of a Forensic Data Handling Centre (FDHC), an advanced IT tool capable of searching and analysing a large volume of digital data including highly classified material. This is posing a number of challenges and a review of the FDHC project is currently in-hand to ensure it is delivered as quickly and efficiently as possible. It is anticipated that the FDHC will have a wider utility across the Service Justice System (and across Defence more widely) over and above its role in OP NORTHMOOR.

8. The investigation team is currently scoping the requirement to undertake witness engagement in Afghanistan. We are in contact with NATO and HQ Resolute Support to consider the arrangements for this engagement. We are also discussing with the FCO how best to approach the Afghan government about such activity. We do not anticipate significant practical or political problems.

9. At this stage there are no plans to interview potential suspects. Ministers will be alerted should this change, impacting investigative activities & IA as ad to RMP

FINANCIAL ASPECTS

10. There are no financial implications arising from this submission.

PRESENTATION

11. Barring occasional flurries, OP NORTHMOOR has received relatively little attention to date, often referred to in passing during coverage of Iraq historic investigations and (latterly) speculation regarding possible Northern Ireland-related cases. The nature of the investigation, as a wholly Service Police managed operation, has also avoided some of the criticism faced by IHAT over the use of external contractors. RMP

12. We anticipate positive developments during 2017 in terms of a sharp reduction in the size of the case-load. But we also recognise that this could bring into sharper focus the more serious allegations which to date have not received much attention. In addition, the reduced case-load could prompt questions regarding the mismatch between the scale of the continued effort and the resources committed and the apparent lack of outputs (measured by prosecutions). We intend to maintain a reactive media posture, updating case statistic in response to press and parliamentary enquries. We will continue to maintain the line that the scale of effort is commensurate with the need to carry out effective investigations to prosecute those suspected of criminality, to exonerate the innocent and to defend the reputation of the UK Armed Forces.

COPIED TO