



RMP-221-0000746-A

OTHER DOCUMENT		ACTION /	REG DATE 22/11/2017	D 5085	
RECEIVERS INSTRUCTIONS					
DOCUMENT TITLE: 22/11/2017 ASSURANCE OF IRT OPERATION NORTHMOOR RECOMMENDATIONS (SECRET).			IRN: NORTHMOOR		
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CLASS CODE	Fun (1)	TAGGING	SEN, NSO, FIOZ, T16, Obj 2, Obj 1, 2017		
DOCUMENT SUMMARY					
<p>(SECRET) Assurance of IRT detailing recommendations made in the reviews dated 02/12/2016 and 24/01/2017 and the responses made by NORTHMOOR investigation activities.</p>					
FAST / URGENT ACTION REQUIRED (If YES compile ACTION precis below)		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	RECEIVER	REGISTRATION INDEXER	
			<p>CPL DANIELS 12 JAN 2018 Signature</p>	<p>CPL COLB Signature 12/01/2018</p>	
FAST ACTIONS RAISED		URGENT ACTIONS		MIRSAP ACTIONS RAISED	
DOCUMENT READING		DOCUMENT READER		DOCUMENT INDEXER	
INSTRUCTIONS:					
		FOOTNOTES READY	<input type="checkbox"/>	CHART COMPLETE	<input type="checkbox"/>
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1.0 Introduction.

1.1 On Monday 13th November, 2017 Philip Jones and Cliff Evans, the IRT, travelled to Newquay and commenced the assurance at RAF St Mawgan of:

- a) Compliance with the 6 Recommendations outlined in the IRT review dated 2nd December 2016 which were focused towards the non-sensitive aspects of the Northmoor enquiry.
- b) Compliance with the 8 Recommendations outlined in the IRT review dated 24th January 2017 which addressed the sensitive aspects of the Northmoor enquiry.

2.0 Non Sensitive Recommendations (6)

- 2.1 **Recommendation 1.** The principles outlined in Para 289 of the Leggatt judgement be applied to the claims made by LDC.
- 2.2 **Response** - The principles have been applied vigorously and to good effect of the 81 claimants in Operation Elsinore (LDC). 79 have been discontinued.
- 2.3 **Recommendation 2.** The principles outlined in Para 289 of the Leggatt Judgement be similarly applied to the Operation ISOPTIC complainants.
- 2.4 **Response** - Again the principles were applied vigorously and to good effect.
- 2.5 **Recommendation 3.** That the extent of detailed investigative work carried out by the Northmoor team into the time period Herrick's 17 and 18 October 2012 to September 2013 be utilised to capture and illustrate all relevant systemic issues and this product be referred to the relevant department.
- 2.6 **Response** - A thorough detailed and professional process was applied which clearly depicted the relevant systemic issues; these and the associated documents have all now been referred.
- 2.7 **Recommendation 4.** Consideration is given to pending further investigation of Isoptic complainants were it is clear the complainants are unable to be contacted.
- 2.8 **Response** - Of the 63 complainant files, 62 complainant files have been discontinued. Other matters that were referred to the Northmoor team amounted to 15 outstanding cases, 14 have been discontinued.
- 2.9 **Recommendation 5.** Team 2 adopt a more focused investigative model which places their investigative activity towards existing and outstanding matters once the process as outlined in (1) (2) and (4) as above is applied. Their activity should focus on matters where corroborative evidence and or similar MO (Modus Operandi) exist or other exceptional factors are evident i.e. serious criminal matters or breaches of prohibitive techniques. In each case approval of Gold should be obtained before the investigation commences.
- 2.10 **Response** - The effect of this recommendation was to focus on complainants as opposed to the many and varied complaints which became the investigative model adopted by Team 2. This enabled the Leggatt Judgement to be applied and establish a real focus on the complainant. The resulting product is thorough, comprehensive and

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represents good practice. The IRT believe that all the non sensitive material is now fit for purpose from any challenges that may emerge.

2.11 **Recommendation 6.** Team 2 source material has been placed on the HOLMES account however their activities have not been managed utilising MIRSAP. Consequently the IRT are comfortable that no additional work in this area is required as it would not add value.

2.12 **Response** - This was compiled with; Team 2 product is readily retrievable and capable of robust search. The focus on the HOLMES account towards aligning it to the Sensitive issues being addressed by Team 1 has resulted in the account being up to date and in line with the ongoing investigation.

3.0 Sensitive Recommendations (8)

3.1 **Recommendation 1 High Priority.** That the planned visit to Afghanistan in an effort to obtain witness statements from both N50 BANG and N 1133 SAIFULLAH and any other available evidence be progressed. Engagement with [REDACTED] APU1 [REDACTED] personnel should also be sought with a view to gathering further intelligence/evidence.

3.2 **Response (Saifullah)** - An achieving best evidence interview of SAIFULLAH took place at HKIA (N) Kabul, Afghanistan between 9th September, 2017 and 10th September, 2017 an Interpreter [REDACTED] was present throughout. A record of the video recorded interview Exhibit No RFC/1 refers. On first meeting SAIFULLAH, there was an on the ground recognition that he related readily to [REDACTED] N2462 [REDACTED]. Discussion between the two men revealed that both were of the same age. As a consequence of this apparent bonding it was decided that [REDACTED] N2462 [REDACTED] should conduct the interview. This proved to be a positive step resulting in a detailed account being obtained. Post interview it was established that the witness SAIFULLAH was having difficulty laying claim to family land as a consequence of documents being seized during Operation TYBURN. This matter was resolved and the said documents were subsequently returned to SAIFULLAH.

3.3 **Response (Bang)** - N50 BANG was not well enough to travel to Kabul in September although still working as a farmer he was considered too infirm to travel. SAIFULLAH describes his uncle as having poor hearing, eyesight and he considers that he is suffering from a mental illness (though the nature of this perceived illness is not currently known). LDC has offered a Skype interview which is neither practical nor desirable as the interview should be in accordance with the principles laid out in the Istanbul Protocol and in accordance with Achieving best evidence guidance. At present efforts are being made to carry out an interview with BANG in Kandahar which is closer to his current location. The IRT notes that from what is currently known to date BANG was not in a position to provide direct evidence of the shootings in Operation TYBURN. The IRT take the view that obtaining his account would not assist this investigation; his solicitors LDC have previously communicated his claim.

Action 1 - Only reasonable steps should be taken to interview N50 BANG in accordance with the Istanbul Protocol and Achieving the Best Evidence guidance. His account is already known via LDC, further interview is unlikely to add any further value.

3.4 It is also noted by the IRT that the Interpreter who carried out the 'call out' in Operation TYBURN is [REDACTED] being sought for interview. This interview

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has real potential to contextualise the requirement to interview members of [APU1] and SF personnel engaged on Operation TYBURN.

Action 2 - High Priority, the interview of the Interpreter who carried out the 'call out' in Operation TYBURN should be pursued, reference should be made to the disposition of other members of Special Forces personnel and [APU1]. These aspects should be addressed in an effort to reconstruct the TYBURN scene and to determine the relevance and significance of further interviews with [APU1].

3.5 **Recommendation 2. High Priority**, efforts to recover data sets proceed by consent and not seizure, in an effort to identify relevant material.

3.6 **Response** - The extensive work carried out at HMS Collingwood has led to [an] understanding of aerial video data. Frequently it is assessed at the time of an SF operation

[REDACTED]. The product is not routinely retained unless specific reasons exist to do so. Recently a large quantity of video data has been located. The SIO and the IRT believe there would be considerable merit if the focus of the searches of this data should be prioritised towards Operation TYBURN and the existing scoping of Operations [2] and [1]. The anticipated timescales should be 6 months, which would bring any resulting product into consideration of the proposed risk assessment in summer 2018 which is discussed later in this report.

3.7 **Recommendation 3.** The categorisation of suspect status currently applied to [REDACTED] N1141 and [REDACTED] N1201 is removed.

3.8 **Response** - The suspect categorisation of both [REDACTED] N1141 and [REDACTED] N1201 was appropriately removed by the then SIO, Captain Jason WRIGHT.

3.9 **Recommendation 4.** That the ten similar incidents identified by [REDACTED] N1466 continue to be investigated in an effort to identify any evidential discrepancies

3.10 **Response** - The scoping of the ten similar events identified by [REDACTED] N1466 and outlined in the [REDACTED] Op A Report dated April 2011 has been thorough and appropriately focused with still images being recovered along with some associated reporting. The SIO has indicated that he would prefer to prioritise efforts towards the most interesting of these images, i.e. those contained within Operations [2] and [1]. The IRT and the SIO have had lengthy discussions with regards to the significance and ongoing management of these images. Whilst the current scoping of Operation [2] and [1] is ongoing and incomplete the IRT take the view that unless there is additional material, intelligence or evidence obtained, then there would be little value in exposing what has been achieved to date. It must be borne in mind that witnesses and or other material may emerge in the future and the integrity of the material which has been gained to date does not need to be exposed to SF without a compelling argument or other reason to do so.

Action 3 that the scoping of the ten similar events continues with a prioritisation towards Operations [2] and [1] with a view to:-

- a). recovery of SINC REPS and OPSUMS
- b). recovery of relevant SIR's
- c). any other material that is able to contextualise each event

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That prior to affording investigative status to either of these two events (Obj 2 and Obj 1) a comprehensive risk assessment should be carried out upon completion of the search criteria (currently there is insufficient evidence to justify any criminal investigation). The benefits of further investigation can then be properly determined at a later date.

Action 4 consequently it is the view of the IRT that the scoping be completed prior to seeking expert opinion outside of this enquiry.

The IRT were seeking to identify discrepancies, intelligence and evidence to establish further main lines of enquiry with possible linkages to Op TYBURN. No such product has been obtained or identified to date.

The ten similar events identified by N1466 were selected as follows;

1. EKIA versus Weapon stats.
2. The number of instances where the head of the family were being invited to lead the compound clearance and were being subsequently engaged and killed.

No specific intelligence or evidence has led to the compilation of this list of incidents, although it is known that regard was paid to complaints, from Third Party Entities

3.11 **Recommendation 5.** At present no covert tactics requiring authorisation under the provisions of RIPA 2000 should be applied for.

3.12 **Response** - No such applications have been made. The move from covert to overt investigation has been positive, productive and led to an appropriately managed investigation with a realistic focus towards all outstanding issues. Those issues in regard to Operation TYBURN primarily relate to the interview of * personnel, the interview of N50 BANG and to trace and interview the APU1 Interpreter. The continued scoping of Operations 2 and 1 should permit completion of all outstanding main lines of enquiry by the summer of 2018. As a consequence of thorough analysis the investigation has been able to establish that an incident recalled by N1194 at page 6 of his statement

appears to relate to Operation TYBURN and the investigation analysis needs to be put to N1194 in a further interview.

3.13 **Recommendation 6.** An individual duty statement /report should be sought from each participant in Operation TYBURN, who is still in service (See Para 4.7 of January Review Document risks associated with personnel no longer in service. Continued use of the NCA Interview coordination Service).

3.14 **Response** - The IRT's approach in requesting duty statements/reports from each individual involved in Operation TYBURN was motivated by a desire to reconstruct the scene and determine the activity and role of each individual. The essence of such an approach is opening a line of communication between those tasked with investigating and those who may possess relevant information. In this instance no crime had been committed and no suspects at the anticipated time of request, existed. Adoption of this type of tactic occasionally permits individuals and or their representatives to come forward to discuss the specifics of what they were being requested to do. A by-product

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from this approach can lead to the provision confidentially of valuable intelligence frequently broader than what was sought from the individual. At the time of making this recommendation the IRT considered it to be both balanced and appropriate to these circumstances. However they now appreciate, after lengthy discussion with the SIO and GOLD the logistics of why this tactic was not employed. The recent interviews and in particular the Sec 9 statement of [REDACTED] N1194 are considered particularly useful to the ongoing civil court case.

- 4.0 **Recommendation (7)** an individual duty statement/report as necessary to other scenes as and when significant discrepancies have been identified.
- 4.1 **Response** - As discussed above this course of action was considered impractical by the SIO and Gold in relation to Operation TYBURN. At this point in time this tactic has not been applied to the ten similar events as identified by [REDACTED] N1466
- 5.0 **Recommendation 8.** That the back record conversion onto a suitable HOLMES account be restricted to material relevant to the main lines of enquiry. A 'Sequence of Events Category' is developed within the HOLMES account.
- 5.1 **Response** - The HOLMES account despite initially being populated with a mass of diverse material now appears to be focused and up to date, able to support all aspects of the main lines of enquiry pertaining to Operation Northmoor. The recent external Indexers training courses have proven to be invaluable.
- 5.2 **Response** - There is now a comprehensive and focused Sequence of Events that will be able to support any criminal or civil proceedings.
- 6.0 **Ancillary Matters.**

In view of the further recommended refocus of the Northmoor investigation the IRT do not consider that there will be a need to use the enterprise (large) scale Forensic Data Handling Capability which is located within the Operation Northmoor Investigation suite. The current processes and procedures are sufficient to manage this investigation in an efficient and effective manner.

- 6.1 **Summary.**
- 6.2 The IRT have been impressed with the organisation and approach adopted since our last review on 24th January 2017. The investigation team and those involved in ongoing HOLMES, data recovery and disclosure work have all been found to be extremely motivated and content. Moral on the enquiry is high. This atmosphere has produced valuable outcomes which have materially moved the enquiry forward in a balanced manner. Refreshingly each of those person interviews by the IRT have been shown to be open and realistic about the investigation and its outcomes. The progress that has been achieved in the last year in almost every aspect of this enquiry has been quite outstanding. It is certainly beyond the expectations of both members of the IRT.
- 6.3 The IRT suggest that once the above actions have been addressed, consideration should be given to a further assurance visit parallel to the carrying out of the proposed risk assessment process outlined at Action 3. Estimated time for completion summer 2018.

Signed: [REDACTED] Signature

PG Jones
22 Nov 17

Signed: [REDACTED] Signature

C Evans
22 Nov [REDACTED]