



The Iraq Historic Allegations Team Quarterly Update

The purpose of this document is to fulfil IHAT's obligation to ensure that the public can access information about its progress. It details the following:

Noteworthy developments during the reporting period
Number of cases referred to the IHAT
Number of cases at each stage of the IHAT process

Information regarding the nature of the allegations; completed cases; number of cases discontinued (and the reason why) can be found elsewhere on the IHAT webpage.

19 May 2015

IRAQ HISTORIC ALLEGATIONS TEAM (IHAT) QUARTERLY UPDATE – JANUARY TO MARCH 2015

Overview

Work has continued into providing relevant information to respond to the dossier submitted to the Office of the Prosecutor of the International Criminal Court, in conjunction with the Iraq Historic Allegations Prosecution Team (IHAPT) at the Service Prosecution Authority (SPA).

This quarter saw four deployments of the specialist Achieving Best Evidence (ABE) interview teams. Video interviews with 30 witnesses were obtained.

The strategic analysis team continues to conduct initial investigative assessments of the additional allegations which have been provided to the IHAT by Public Interest Lawyers (PIL) and Leigh Day & Co since July 14. The results of the first batch of allegations submitted by PIL (IHAT Caseload 3) were forwarded to Provost Marshal (Navy) (PM(N)) on 19 Dec 14, with advice that the IHAT investigate 313 of these cases. Direction was received from PM(N) on 28 January 2015 and these allegations have been added to the IHAT case register.

IHAT current strategic objectives:

- Allegations of unlawful killings in the custody/care/control of British Forces
- Allegations of the unlawful killings of juveniles
- Allegations of unlawful killings outside of custody
- Allegations of serious ill-treatment including GBH, rape, sexual assault
- Allegations of ill-treatment that may meet the war crimes threshold
- Allegations of ill-treatment not meeting war crimes threshold

Cases allocated to IHAT

The tables below detail IHAT cases and show at which stage those cases are in the IHAT pre-investigation and full investigation process.

During the reporting period, 331 victims were added to the IHAT workload. Therefore, by 31 March 2015 the total number of victims allocated by PM(N) to the IHAT for investigation had risen to 763, representing a 77% increase. The current caseload comprises 582 victims of ill treatment, equating to 76% of the total number of victims and 181 victims of unlawful killing, equating to 24% of the total.

PREDICTED IHAT CASELOAD

Throughout the reporting period, Public Interest Lawyers (PIL) have continued to forward further allegations of both unlawful killing and ill treatment to the IHAT. These allegations are currently being assessed. Additional potential victims have been identified through work in current IHAT investigations, particularly during the MENSA interview process.

For these reasons, the cases known to the IHAT have been subdivided into eight IHAT caseloads in order to help improve the case management process. These categories are summarised in the table below:

FIGURE 1: SUMMARY OF CURRENT AND PREDICTED IHAT CASELOADS

| CASELOAD | DETAILS | CURRENT STATUS |
|-----------------|---|--|
| Caseload 1 | Original IHAT caseload registered up to 18 Nov 2014. | Allocated to the IHAT (Previous to 18 Nov 2014) |
| Caseload 2 | Criminal allegations identified within civil claims allocated on 18 Nov 2014. | Allocated to the IHAT (Allocated 18 Nov 2014) |
| Caseload 3 | Additional criminal allegations received by IHAT from PIL between Aug 2014 and Oct 2014. ¹ | Allocated to the IHAT (Allocated 28 Jan 2015) |
| Caseload 4 | Additional criminal allegations identified by IHAT Investigation/Interview Teams since 18 Nov 2014. | Analysis in progress (2 Cases allocated) |
| Caseload 5 | Additional criminal allegations received by IHAT from PIL between Oct 2014 and Dec 2014. | Analysis in progress (7 Cases allocated) |
| Caseload 6 | Additional criminal allegations received by IHAT from PIL after 01 Jan 2015. | Analysis in progress (2 Cases allocated) |
| Caseload 7 | Additional criminal allegations received in Mar 2015 relating to AI Sweady Enquiry. | Allocated by the IHAT (31 March 2015) |
| Caseload 8 | Additional criminal allegations identified in the narratives of Claim Register Entries provided by PIL where no specific complaint has been submitted by PIL. | Analysis in progress |

It is estimated that if all Caseloads are formally allocated to the IHAT, the total number of victims will be 1734. A breakdown by caseload can be found in Figure 2 below:

FIGURE 2: CURRENT AND PREDICTED IHAT CASELOADS count by victim.



¹ 1 case involving an allegation of rape has been allocated by the IHAT due the seriousness of the allegation.

STATUS OF CURRENT IHAT CASELOAD

ALLEGATIONS OF UNLAWFUL KILLING

The following analysis is focused on the caseloads currently allocated to the IHAT.

FIGURE 3: STATUS OF UNLAWFUL KILLING ALLEGATIONS IN IHAT CASELOAD 1

Figure 3A: Status of unlawful killing allegations in IHAT Caseload 1

| CASELOAD 1 OVERALL STATUS count by victims | number of victims | % of total victims ² |
|---|-------------------|---------------------------------|
| Pre-Investigation | 32 | 50% |
| Investigation | 19 | 30% |
| Closed following Pre-Investigation | 10 | 16% |
| Closed following Investigation | 3 | 4% |
| Total | 64 | 100% |

The percentage of Caseload 1 cases thus far presented to the JCRP which have gone on to be allocated for investigation is 69%. This conversion rate has been falling as Caseload 1 cases have been subject to the JCRP process, as a result of the higher priority cases being dealt with first. It is expected this pattern to continue as the remainder of the Caseload 1 unlawful killing cases are presented to the JCRP. The caveat to this is that allegations from the new caseloads may be prioritised above the remaining Caseload 1 cases; this may result in the conversion rate from pre-investigations to full investigations rising again.

Figure 3B: Pre-investigation status of unlawful killing allegations in IHAT Caseload 1

| CASELOAD 1 PRE-INVESTIGATION STATUS count by victims | number of victims | % of total victims in Caseload 1 |
|---|-------------------|-------------------------------------|
| Initial Assessment | 4 | 6% |
| Case Assessment | 21 | 33% |
| Senior Management Team including JCRP | 7 | 11% |
| Pending allocation to Investigation Pod | 0 | 0% |
| Total | 32 | 50% ³ |

There are two victims of unlawful killing in Caseload 2 (see figure 3C). One of these cases is at the receipt stage (Stage 1) and one case is with the Case Assessment Team (CAT) (Stage 10).

² % Rounded up
³ % rounded up

Figure 3C: Status of unlawful killing allegations in IHAT Caseload 2

| CASELOAD 2 OVERALL STATUS count by victims | number of victims | % of total victims |
|--|-------------------|--------------------|
| Pre-Investigation | 2 | 100% |
| Investigation | 0 | 0 |
| Closed following Pre-Investigation | 0 | 0 |
| Closed following Investigation | 0 | 0 |
| Total | 2 | 100% |

There are 106 victims of Unlawful Killing in Caseload 3. All cases are at the receipt stage (Stage 1).

Figure 3D: Status of unlawful killing allegations in IHAT Caseload 3

| CASELOAD 3 OVERALL STATUS count by victims | number of victims | % of total victims |
|--|-------------------|--------------------|
| Pre-Investigation | 106 | 100% |
| Investigation | 0 | 0 |
| Closed following Pre-Investigation | 0 | 0 |
| Closed following Investigation | 0 | 0 |
| Total | 106 | 100% |

There are eight victims of unlawful killing in Caseload 7. These claims are at the receipt stage (Stage 1).

Figure 3E: Status of unlawful killing allegations in IHAT Caseload 7

| CASELOAD 7 OVERALL STATUS count by victims | number of victims | % of total victims |
|--|-------------------|--------------------|
| Pre-Investigation | 8 | 100% |
| Investigation | 0 | 0 |
| Closed following Pre-Investigation | 0 | 0 |
| Closed following Investigation | 0 | 0 |
| Total | 8 | 100% |

ALLEGATIONS OF ILL TREATMENT

Figure 4A: Status of ill treatment allegations in IHAT Caseload 1

| CASELOAD 1 OVERALL STATUS count by victims | number of victims | % of total victims |
|--|-------------------|--------------------|
| Pre-Investigation | 162 | 72% |
| Closed following Pre-Investigation | 0 | 0% |
| Investigation | 48 | 23% |
| Closed following Investigation | 5 ⁴ | 2% |
| Total | 215 | 100% |

Figure 4B: Pre-investigation status of ill treatment allegations in IHAT Caseload 1

| CASELOAD 1 PRE-INVESTIGATION STATUS count by victims | number of victims | % of total victims |
|--|-------------------|------------------------|
| Receipt | 14 | 7% |
| Initial Assessment | 37 | 17% |
| MENSA | 92 | 43% |
| Case Assessment | 3 | 1% |
| Senior Management including JCRP | 2 | 1% |
| Assigned to Problem Profile | 11 | 5% |
| Pending allocation to Investigation Pod | 3 | 1% |
| Total | 162 | 75%⁵ |

Figure 4C: Status of ill treatment allegations in IHAT Caseload 2

| CASELOAD 2 OVERALL STATUS count by victims | number of victims | % of total victims |
|--|-------------------|--------------------|
| Pre-Investigation | 150 | 100% |
| Investigation | 0 | 0% |
| Assigned to Problem Profile | 0 | 0% |
| Closed following Pre-Investigation | 0 | 0% |
| Closed following Investigation | 0 | 0% |
| Total | 150 | 100% |

⁴ Investigative work conducted pre-dates the current IHAT Pre-Investigation Process

⁵ % rounded up

There are 207 victims of ill treatment in Caseload 3, one of these cases is with the CAT (Stage 2) and the remaining 206 cases at the receipt stage (Stage 1).

Figure 4D: Status of ill treatment allegations in IHAT Caseload 3

| CASELOAD 3 OVERALL STATUS count by victims | number of victims | % of total victims |
|--|-------------------|--------------------|
| Pre-Investigation | 207 | 100% |
| Investigation | 0 | 0% |
| Assigned to Problem Profile | 0 | 0% |
| Closed following Pre-Investigation | 0 | 0% |
| Closed following Investigation | 0 | 0% |
| Total | 207 | 100% |

There is one victim of ill treatment in Caseload 7; this case is at the receipt stage.(Stage 1)

Figure 4E: Status of ill treatment allegations in IHAT Caseload 7

| CASELOAD 3 OVERALL STATUS count by victims | number of victims | % of total victims |
|--|-------------------|--------------------|
| Pre-Investigation | 1 | 100% |
| Investigation | 0 | 0% |
| Assigned to Problem Profile | 0 | 0% |
| Closed following Pre-Investigation | 0 | 0% |
| Closed following Investigation | 0 | 0% |
| Total | 1 | 100% |