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Ref: FOI2022/10643/C/O

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8 November 2022

Dear [REDACTED]

Thank you for your email of 12 September 2022 in which you requested the following information:

Please provide me with an extract from the Royal Military Police's record system (e.g., the IM and/or REDCAP system), showing the following fields for all investigations relating to Afghanistan, 2009-14, classified as "war crimes", "torture", "detainee mistreatment", "murder", "unlawful killing", or similar term:

- *IRN*
- *Date Reported*
- *Summary of complaint / investigation classification*
- *Location*
- *Outcome*
- *Sanctions imposed*

Please provide a description of the search terms you used to extract this information. The data I am looking for is similar to that released under FOI2021/08528, dated 21 October 2021.

As I previously advised you, I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA) and information in scope of your request is held. That information falls within scope of the qualified exemption: Section 30 (investigations). As such it was necessary for us to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosure.

The information you have requested can be found at annex A. While all of the information falls entirely within the scope of the qualified exemptions provided for at Section 30 (1) (Criminal investigations and proceedings) there is a public interest in understanding ongoing work. The Public Interest Test determined that none of the information should be withheld under this exemption.

Some of the information requested is exempt from release under Section 21 of the Freedom of Information Act (FOIA), because it is reasonably accessible to you by other means. It is already in the public domain. Section 21 of the Act is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note that cases are not referred for prosecution where they are discontinued due to a lack of evidence; disproved; the Evidential Sufficiency Test is not met or an allegation is withdrawn.

Information on the cases exempt from release are publicly available under a previous FOI release at the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044500/20211021-FOI_08528_redacted_response.pdf

If you have any queries regarding the content of this letter, please contact this office in the first instance. If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

Pers Leader B
Army Policy & Secretariat

Annex A

This information below has been sourced from REDCAPS, the Service Police crime record management system which holds investigation information, including capturing alleged offence referrals from the RMP to Home Office Police Force's. Information provided is based on search of the database in response to this specific request for information. As REDCAPS is a live system, information provided may not match what has been provided in response to previous similar requests. This information may be subject to data quality issues affecting accuracy.

In response to this request, a search was run against investigation classifications within REDCAPS for cases classified as "war crimes", "torture", "detainee mistreatment", "murder", "unlawful killing" in the timeframe provided in the FOI request.

There were no results for 'unlawful killing' and 'detainee mistreatment' which are not classified offences on the system. There were no results for 'Torture' although this offence is classified under the Criminal Justice Act 1988.

Please note, investigation classifications may change over time.

'Murder' and 'War crimes' are classified offences and returned the cases in the table below which involved alleged Afghan victims and the offence was within the RMP jurisdiction to investigate.

As requested, the table below contains information similar to that released in FOI2021/08528, in that has been scoped as RMP investigations in relation to the treatment of Afghan civilians by British troops.

IRN	Date reported	Investigation Classification	Location	Outcome	Sanction imposed
083165/2010	31-May-10	War crimes	Nad-e Ali District, HELMAND Province	No action taken	Nil
083160/2011	21-Apr-11	War crimes	PB5, NES(S), Helmand, Afghanistan	No action taken	Nil
003547/2009	09-Nov-09	Murder	Area of Nad-E-Ali, Helmand Province, Afghanistan	Nil	Nil
007010/2017	22-May-17	Murder	Afghanistan	No crime established	Nil