

IRAQ HISTORIC ALLEGATIONS TEAM (IHAT)

TERMS OF REFERENCE

Provost Marshal (Army)

Release: 1.0

24 June 2010



MINISTRY OF DEFENCE

PURPOSE

1. The purpose of these Terms of Reference is to describe the structure and management arrangements for the operation of the Iraq Historic Allegations Team (IHAT). They also provide a documented basis for making future decisions and for confirming a common understanding of the role of the IHAT.

OBJECTIVE

2. The IHAT is to investigate within a reasonable time allegations of mistreatment of individuals by HM Forces in Iraq during the period March 2003 to July 2009, in order to ensure that those allegations are, or have been, investigated appropriately.

MANDATE

3. The Minister (Armed Forces) announced the decision to establish the IHAT in Parliament on 1 March 2010.

SCOPE

4. The IHAT shall investigate allegations of mistreatment by UK armed forces in Iraq made by claimants in judicial review claims issued or notified to the Secretary of State by way of a pre-action protocol letter as at 30 April 2010. Other cases of alleged mistreatment and cases of mistreatment notified to the Secretary of State after this date will be considered on a case-by-case basis and may be subject to investigation by IHAT, if such investigation is appropriate in all the circumstances, having regard in particular to matters such as delay.

ROLES & RESPONSIBILITIES

5. IHAT will be led by a civilian (the IHAT Head) who will report directly to the PM(A) and be separate from the service chain of command. IHAT will be structured into a number of functional sub-teams staffed by a combination of RMP and civilian staff:

5.1 **Command Team.** The IHAT Head's Command Team will include the co-ordination, command and secretariat functions of IHAT, as well as centralised legal advice for the whole team.

5.2 **Case Review Team.** The Case Review Team will review all the allegations within the IHAT's scope and provide a recommendation to the IHAT Head on whether any further investigative steps could usefully and feasibly be conducted.

- 5.3 **Investigation Teams.** These blended military/civilian teams will be directed by the IHAT Head on a case-by-case basis to conduct specific investigations, as identified by the Case Review Team. They will report their findings directly to the IHAT Head.
- 5.4 **Major Incident Room.** The HOLMES (Home Office Large Major Enquiry System)-enabled Major Incident Room will provide a common investigation resource to all of the Investigation Teams and the Case Review Team.
- 5.5 **Admin Support.** This team will provide centralised administrative support to all elements of the IHAT including finance, asset management and travel services.

REPORTING

6. All elements of the IHAT will ultimately report to the IHAT Head. The IHAT Head is solely responsible to PM(A) for the effective and efficient running of IHAT and the achievement of its objectives. IHAT is separate from the service chain of command.

METHODS

7. All work undertaken by the IHAT to meet its objective must:
- 7.1 be in accordance with the requirements of the Armed Forces Act 2006;
 - 7.2 be carried out in accordance with Royal Military Police practice and such strategies and policies, agreed with PM(A) and consistent with legal advice, as are put in place by the IHAT Head.
8. The Case Review Team is to review all cases in turn and provide a written report (including recommendations) to the IHAT Head on whether any further investigative steps can usefully and feasibly be taken. Where a case has not been previously investigated, the Case Review Team is to undertake the initial appropriate investigative steps as are reasonable and feasible to take to determine whether there is information available which warrants further investigation. Where a previously investigated case is revisited, an Investigation Team is to undertake any further investigative work as directed by the IHAT Head or PM(A). In all cases referred to it, an Investigation Team is to produce a written report.
9. Once the IHAT Head is satisfied that a case has been investigated appropriately, he is to make a written report of the investigation promptly to PM(A) along with a recommendation on what action should follow. The final decision will be for PM(A).

10. The IHAT shall maintain an accurate and complete case record for each case, in accordance with PM(A) instructions and procedures.

11. The IHAT will provide a regular report on the progress and status of each case to the Iraq Historic Allegations Panel (IHAP).

DELIVERABLES

12. The following deliverables are to be complied with:

12.1 **By 31 October 2010.** To be fully staffed and operating at full capability.

12.2 **By 1 November 2012:** To have concluded all appropriate investigations into in-scope cases and reported to PM(A).

KEY ASSUMPTIONS

13. The following arrangements will be in place:

13.1 The IHAT's size, composition and structure have been determined on the basis of investigating all extant allegations as at 30 April 2010 within two years of full operating capability.

13.2 The IHAT will have its own dedicated Major Incident Room, utilizing Home Office Large Major Enquiry System (HOLMES) software.

13.3 The IHAT will build on the existing RMP Historic Inquiries Team, Judicial Review Support Group and Major Incident Room. It will subsume all current staff in those organisations.

13.4 The recruitment of the IHAT non-specialist civilian staff will be via the Civil Service Redeployment Pool.

13.5 The recruitment of the IHAT investigator staff will be via a contract for service with a recruitment provider specialising in criminal investigative skills.

RESOURCES

14. The Department is committed to making the necessary funding available for IHAT. Whilst accounting for IHAT costs will fall to Land Forces TLB it has been agreed that resources will be provided by the Centre. A funding letter from Centre RP to LF-Res will detail the funding arrangements in place.