



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-03623

**Keyword:** Organisational Information/Governance

**Subject:** Royal Military Police Investigations

### Request and Answer:

The PSNI would like to point out that, any information released under FOI, is publicly released to the world, not just to the individual requesting the information. At the end of this response, you will find that the PSNI also advise that replies under FOI can be released into the public domain via our website @ [www.psnipolice.uk](http://www.psnipolice.uk). For this reason, I have removed any reference you have made to personal details, where applicable, to protect confidentiality.

The PSNI has considered your request and it has been decided to provide the information held that you have requested.

### Question 1

Under the Freedom of Information Act 2000 I am making the following request to the Historical Enquiries Team (HET).

The request is specific to 'RMP investigation' cases; deaths of civilians involving British army personnel between 1970 and 1973 that were investigated under an agreement between the RUC and the British Army, which resulted in Royal Military Police (RMP) interviewing army personnel involved in fatal shooting incidents.

Documents pertaining to HET procedure on 'Identification, Tracing and Interviewing of Military Personnel'. I request the most recent documents (post August 2007).

### Answer

The HET does have a specific procedure on how it identifies traces or interviews military personnel.

Please see Section 16 Advice and Assistance below.

### Question 2

Copy of Memorandum of Understanding between HET and MoD on matters pertaining to identification, tracing, pre-disclosure and conduct of interviews with military personnel as suspects and/or witnesses in deaths of civilians in 'RMP investigation' cases.

**Answer**

There is no current Memorandum of Understanding between the HET and the MoD.

**Question 3**

Copy of Strategic Plan pertaining to 'RMP investigation' cases.

**Answer**

The HET does not have a strategic plan pertaining to RMP investigations.

Please see Section 16 Advice and Assistance below.

**Question 4**

Copy of all correspondence between HET and, \*\*\*\*\* \*\*\*, Legal Advisor, MoD, in matters pertaining to 'RMP investigation' cases.

**Answer**

The HET has no record of any such correspondence.

**Question 5**

Copy of 'Manual of Guidance for the Resolution Process'; and similar material relating to writing review summary reports relating to 'RMP investigation' cases.

**Answer**

The HET does not have a "Manual of Guidance" for the Resolution Process in RMP cases. However all HET RSRs conform to the following structure;-

1. RSR Introduction
2. Circumstances of the Death of .....
3. Witnesses
4. Post Mortem Examination
5. Inquest Proceedings
6. HET Review of Original Investigation
7. Review of Exhibits
8. Weapons and Ballistics
9. Review of Fingerprint Evidence
10. Review of Intelligence Matters
11. Summary of Intelligence
12. Previous Reviews
13. Outcome of HET Review
14. HET Conclusions
15. Review of Open Source

16. Questions Raised by Family

17. What Happens Now?

**Question 6**

Provide details of HET power to arrest and interview murder suspects under caution. If HET do not have such powers, please give the protocol for arrests and interviews under caution in 'RMP investigation' cases.

**Answer**

HET personnel do not have a power of arrest. If it is necessary to have a suspect arrested the matter is passed to the PSNI. HET personnel can interview under caution where a person makes themselves available as a voluntary attendee. Under these circumstances they would be treated as per the guidelines of the Police and Criminal Evidence (NI) Order. Again each case is dealt with dependent on the circumstances and therefore decisions such as pre-interview disclosure will be considered whilst taking into account relevant information available at the time.

Once the HET has identified and traced former soldiers, most of them agree to be interviewed, even though they do not have to. Where the HET decides to interview after caution (as a potential suspect) the lawyers who represent them make it clear that they require pre-interview disclosure of all relevant material held by the HET so that they may properly advise their clients, especially as the events in question happened, in some cases, over 40 years ago.

Under the criminal procedures and Investigations Act 1996, the HET is under no obligation to reveal the prosecution case to the suspect or their legal representative before questioning begins. However, the Court of Appeal has held that if the police do not provide sufficient information to enable a solicitor properly to advise his client, the solicitor is entitled to advise his client to refuse to answer questions under caution.

**Question 7**

How many 'RMP investigation' cases have been completed (i.e. Review Summary Reports delivered to families)?

**Answer**

36 review summary reports have been delivered to families.

**Section 16 Advice and Assistance**

Question 1. The methods used for 'Identification, Tracing and Interviewing of Military Personnel are the same as those employed by the police service or any other investigative body to establish the identity or location of a witness or suspect.

The most recent criteria (2009) used by the HET for the investigation of deaths in which members of the RMP were involved is not recorded as a policy or a procedural document. A paragraph has been prepared which forms part of the Review Summary Report provided to the families. This reads as follows;-

“The question of whether the HET should trace and interview military personnel who were involved in shooting incidents while on duty in Northern Ireland is considered on a case by case basis. Usually, but not exclusively, the determining factor will be whether there is any evidence available now that would not have been available to investigators at the time. Sometimes the HET conducts interviews to clear up ambiguities identified through its review process and also to try to answer specific family questions if the answers cannot be found elsewhere”

Question 3. Although there in no strategic plan it was realised that these cases were a challenge facing the HET and due to the difficulty in reviewing them it was decided one team should be responsible for them all.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.