“TAKING ACCOUNT OF ENFORCEMENT OBLIGATIONS – FROM CAMPAIGN PLANNING TO PROSECUTIONS”

1 June 2006

Capt Neil Brown - Royal Navy
Lt Col David Frend - Army Legal Services

Introduction and Overview

• Individual Responsibilities
  – Command and Control
  – Training

• Concept of Operations
  – Investigations
  – Prosecutions

• Developing Capability
  – Structural and Legislative Change
  – Application of Service Law to civilians

Individual Responsibilities

• Command and Control
  – Campaign planning
    • Service Police and Prisoner Handling Resources
  – Mission Command
    • At all levels and in all environments
    • ROE – Detention; Targeting
  – The Moral Factor and Information Operations
Individual Responsibilities

• Training
  – GC Obligations: Career Training
  – GC Obligations: Mission Specific Training
    – Operational Training and Advisory Group (OPTAG) pre-deployment training
    – In-theatre Training
    – Table-topping
    – Aide Memoire and ROE Training

Concept of Operations

• Investigations
  – Consistent Application
    • At all levels
    • In all environments
  – Post Incident Procedures
    • What and when to investigate
  – Conducting Investigations in Operations

• Prosecutions
  – Access to Independent Corroborative Evidence
  – Camp Breadbasket (photos)
  – 3 PARA (constraints on investigation)
  – Reality versus Perception (what can be proved)
Developing Capability

• Structural Implications
  – Resources, Re-organisation, Standards and Inspections

• Armed Forces Bill
  – CO’s Powers
  – Inherently Serious Cases
    • Prosecution Authority engagement: Speed and Quality

Developing Capability

• Applying Service Law to Civilians
  – Ministry of Defence Policy
  – Review
  – The Armed Forces Bill Approach

Conclusions