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THE ATTACHED TRANSCRIPT WAS TYPED FROM A RECORDING AND NOT COPIED FROM AN ORIGINAL SCRIPT. BECAUSE OF THE RISK OF MISHEARING AND THE DIFFICULTY IN SOME CASES OF IDENTIFYING INDIVIDUAL SPEAKERS, THE BBC CANNOT VOUCH FOR ITS COMPLETE ACCURACY.

“FILE ON 4”

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COX: Next month, judges in London will begin a judicial review of claims by Iraqi civilians that they were tortured by British forces and that they heard other Iraqis being executed. It will once again focus attention on the way that these high profile cases are investigated by the Royal Military Police.

SHINER: We think that it was woefully inadequate, no independence whatsoever, asking the wrong questions of the wrong people. If you've got soldiers investigating soldiers, there's no imperative to get to the truth.

COX: In this week's File on 4, we investigate whether such criticisms of the Royal Military Police are justified. We look in detail at cases investigated by the RMP and we reveal evidence of destroyed statements and major flaws in one case that could have seen two soldiers sent to jail for life.

SIGNATURE TUNE

ACTUALITY OF GUNFIRE

COX: Back in 2004, coming under fire was a daily hazard for troops in Iraq. In May that year, British forces were ambushed by Iraqi insurgents near the town of Majar Al Khabir in Southern Iraq. A fierce fire fight took place and dozens of Iraqis were killed. Hussein was one of nine Iraqi men who were brought back to the British base, Camp Abu Naji. He claims that once there, he was tortured by British soldiers.

HUSSEIN (VIA INTERPRETER): When they brought us to Abu Naji they started beating us from all directions, but we couldn't see who or how until they got us and sat us down, and after a while they took us to the interrogation. So they questioned me whether I knew certain people and I said no, that I didn't. He kept putting pressure on me and then he fired a couple of shots to scare me. Then they took me back and it was black again, and it was the same thing - more beating.

COX: And there is a far more contentious claim made by Hussein and several other detainees - that they heard other captured Iraqis being murdered by British troops.

WITNESS (VIA INTERPRETER): Then there was the sound of gun shots. Takh Takhj. About five to six. Then there was a very loud scream. The sound one makes when one is in great pain or had something broken. There was a silence and soon afterwards I heard the sound of something being dragged out and then the sound of a bucket of water being splashed, and I could see the water, I could smell the smell of blood.

COX: When Iraqi doctors received the bodies the day after the battle, they say some of them showed signs of torture and there was evidence that some people died in the British camp and not on the battlefield. The Army wanted to check whether any of the dead matched photos of known insurgents. Phil Shiner is a human rights lawyer, who is representing several of the Iraqi men who were captured and held by UK forces that day. He says removing dead from the battlefield seems highly improbable.

SHINER: Where did this extraordinary order come from, never heard before in the history of the military, as far as I'm aware, that a military force is forced to take away dead bodies from the battlefield in the heat of Iraq, gory bodies dripping blood everywhere, all to enable the military to take photographs for identification purposes. Why? All the soldiers have digital cameras and the photographs could have been taken out in the combat zone without putting the soldiers' lives at risk. It doesn't make sense. But the investigative process through the investigating soldiers doesn't get to the beginning of answering those kind of questions.

COX: The Ministry of Defence say there is no evidence to support claims of mutilation of bodies, torture or execution. They also say there's important evidence which backs up their case. The Army took photos of the dead Iraqi men when they were brought back to the British base, and they insist it was before the live prisoners arrived there. For Phil Shiner, the timing of these photos is crucial.

SHINER: It's absolutely key as to when the photographs were taken. Were they taken in daylight hours largely, crucially at a time when none of the nine survivors were at camp so they couldn't possibly have heard the sounds of execution? So perhaps the most important question for an investigator is, 'Right, I want the computer and I want the camera and I'm going to have them analysed and I'm going to establish when these photographs were taken and I'm going to establish what the photographer did in terms of date/time setting, did he alter it before the photographs were even taken?'

COX: Phil Shiner wanted to verify the timing of these photos. When he contacted the Ministry of Defence he found the original military police investigation had made an important mistake.

SHINER: The problem is, they say firstly the man who took the photographs took them on his own camera; he didn't take them on a military camera because he didn't like the military cameras. And then he downloads them in such a way that no one can now see them, and then just in case anyone wanted to see his laptop, his evidence now in these proceedings is that it had got a bit dusty, it wasn't working very well, so he threw it overboard a cross channel ferry on the way back from Germany. When I read that I must admit I burst out laughing. If it wasn't so tragic, it would just be the stuff of a comedy sketch. To me it's just absurd that the RMP didn't impound that computer.

COX: The Royal Military Police spent ten months investigating the torture claims. They interviewed a hundred and fifty British military personnel and fifty Iraqis but found no evidence to support the allegations. But lawyers claim the RMP didn't interview witnesses properly and failed to carry out separate post mortem examinations after Iraqi doctors had noticed evidence of torture. Next month this military police investigation will come under scrutiny when a judicial review in London begins hearing evidence about the events that took place at Majar Al Khabir in

COX cont: May 2004. The head of the Royal Military Police, Brigadier Colin Findlay, couldn't discuss this case in detail, but does he think the force has made any mistakes in the way it has investigated cases in Iraq?

FINDLAY: There have been huge challenges with the investigations in Iraq, not least because of the operational environment. I go back again. A relatively small number of people are doing capable and competent things under the most challenging circumstances that none of my civil police colleagues face.

COX: A challenge is a different thing from a mistake though, isn't it?

FINDLAY: The challenge is to the individual, and look at the operational context. I'm sure you appreciate and I'm sure your listeners understand how dangerous that environment is for my investigators.

COX: You don't seem to think that you had made any mistakes then?

FINDLAY: No, I didn't say that, not for a moment. The challenges that we face, and some of the potential errors that might have been made in the acquisition of evidence under the most demanding and challenging conditions. I mean, one of my civil police colleagues has said perhaps you should have been doing house to house inquiries – it's rather difficult in the high risk environment of Basra – it's not a United Kingdom major city.

COX: There have been repeated criticisms of RMP investigations in Iraq. Following the collapse of one case involving seven paratroopers accused of murdering an Iraqi man, the military's most senior judge, the Judge Advocate General described the police investigation as "inadequate". There has also been censure at the highest levels of Government. We have seen copies of confidential letters between the then Attorney General, Lord Goldsmith and the Defence Secretary, Geoff Hoon, which question the independence of military police investigations. Lord Goldsmith stated there was "evidence to show a concerted attempt by the chain of command to influence and prevent an investigation" by the RMP into the death of a British soldier and a young

COX cont: Iraqi man. The Attorney General went on that he had been “extremely concerned at the conduct of investigations carried out in a number of cases” in Iraq. But Brigadier Findlay says the military top brass have no say over his enquiries.

FINDLAY: I have very significant operational independence over investigations. I do not sustain any form of unwarranted interference by the chain of command, nor do my investigators, and that is enshrined in a letter of appointment from the Chief of General Staff instructing me to do so. In the five years that I have been in charge of the military police, I have not come across cases where we have suffered unjustified any form of pressure or any unwarranted interference. It’s not true.

COX: What did you make of those comments from the Attorney General at the time, then, because clearly he thought you were?

FINDLAY: I didn’t find that.

COX: So he was wrong.

FINDLAY: I didn’t find that.

COX: The RMP are responsible for policing all army personnel, they have their own detective branch and can investigate offences ranging from disciplinary matters all the way up to murder. No one doubts that the military police face tough challenges, especially in countries like Iraq and Afghanistan, but we have uncovered significant failures in RMP investigations taking place outside of conflict environments.

#### ACTUALITY IN OSNABRUCK

COX: For years, Osnabruck was one of the Army’s biggest overseas bases. The British military had a presence here for six decades. And the Pupasch Bar in the centre of the old town is one that’s popular with soldiers, particularly Royal Military policemen. A fight broke out one night between a Turkish student and a group of Royal Military policemen. It seemed like it would be a fairly straightforward case, but it exposed fundamental problems about the way that the military police conduct investigations.

JANKOS: We had problems with this bar almost every weekend. Usually assaults. Beer was cheap, especially at the evenings, and it was popular for many British soldiers.

COX: The local German police weren't surprised when they got the call to investigate the fight between a student and several off duty Royal Military police officers. German police spokesman, Jens Jankos, says the student was clear that the RMP officers had attacked him.

JANKOS: He told he was in that bar, he passed those British soldiers and he then got in contact with one and then they pushed each other, and after that pushing he told that three British soldiers attacked him.

COX: The day after the incident, two military police officers were arrested and questioned on suspicion of assault. They were brought here, to what used to be the RMP headquarters in Osnabruck. Within the next week, four other military policemen, who were in the bar that same night, were asked to make statements about what had happened. All said the same thing – that they hadn't seen anything. But a crucial piece of evidence later emerged - CCTV footage from the bar, which seemed to contradict the statements from the RMP officers.

BLADES: After they'd made the statements they then obtained a video film from the pub showing what was going on inside. And on the face of the video evidence it was clear that some of them were involved. Now whether they were involved in defending themselves or being the attackers is, you know, an arguable point, but the reason why this case took the turn it did was because there was, on the face of it, conflicting evidence between their statements and the video evidence.

COX: It had taken the Royal Military Police six months to analyse the CCTV evidence – a situation which the trial judge later described as “little short of disgraceful”. When they finally did, they charged five of their own officers with conspiracy to pervert the course of justice, and solicitor Gilbert Blades was called in to defend some of them. While these officers were awaiting trial, it emerged during legal proceedings that some of them had been told by an RMP investigator to change or amend their original statements. To make matters worse, these first statements were then destroyed. Military lawyer, Gilbert Blades, says once this emerged in court, the prosecution was doomed.

**BLADES:** The statements were made individually by the RMPs and collected. For some reason or other this sergeant decided to edit the statement, and she said she was merely correcting spelling errors and grammar and that type of thing, but the problem that arose was that after having done that and then ordering the RMPs to rewrite their statements, the originals had been shredded. And of course the case was based on perverting the course of justice by making the original statement, which wasn't in evidence and so the whole thing collapsed.

**COX:** Chris Hill, a solicitor for three of the accused RMP officers, said even as a seasoned military lawyer, he was surprised that military police officers didn't realise just how serious it was to destroy their statements.

**HILL:** That's absolutely fundamental, and the fact that it was happening in a police unit is what I think is really worrying. You just do not tamper with evidence, you do not destroy evidence, and if there is evidence which isn't going to be used in court, it should be retained in some way so that it is available to the defence if they need to see it. Any evidence is sacrosanct. If it's not required you keep it' if someone needs to refer to it later it's available. What you do not do, ever, is destroy it.

**COX:** And particularly, from a police perspective, you would expect the police to know that?

**HILL:** I think that's what was really the most surprising element about the whole case was the way in which police officers got in to the witness box and, without any embarrassment, admitted what they'd been doing and didn't seem to understand how very serious it was.

**COX:** The judge clearly did. He took the unusual step of stopping the case for so-called abuse of process. When he presented his lengthy judgement, which spelled out the reasons he was stopping the trial, he launched a stinging attack on the competence of the RMP investigation.

**READER IN STUDIO:** There was plainly a systemic failure in the units in question to observe the most basic rules of the preservation of evidence. I would go so far as to say it amounts to a complete disregard for the interests of justice. If one's confidence in the investigation

READER IN STUDIO: cont:                    techniques of a police force is so reduced that one is forced to give a ruling that allows members of the force to escape prosecution, what does that do for the public perception of the administration of justice?

COX:    The judge said he was making such outspoken comments because this wasn't a one off case. Brigadier Colin Findlay has been head of the Royal Military Police for the last five years and was in charge of the service when the case against the RMP officers collapsed in 2007.

FINDLAY:                                    That was a completely erroneous failure to keep appropriate records and I have had a complete full review of that case and in fact we've rectified that and policy would ensure that did not take place again.

COX:    The judge of course said in that case that there was serious fault in the conduct of the investigation, it amounted to a complete disregard for the interests of justice, there was a systematic failure to observe the most basic rules of evidence. That doesn't sound like a small procedural matter.

FINDLAY:                                    No, it was. It was a failure to maintain appropriate records and that wasn't in the interests of justice. Now the key thing is, what do you do to rectify that situation and positively move forward from it? And I've just told you that we have done a significant amount to ensure that didn't take place again.

COX:    What have you done then to try and improve that?

FINDLAY:                                    It's been a question of improvement, particularly in training and reaffirming policy.

COX:    We talked to lawyers who say it's such a basic principle of evidence that any police officer in the first day in the job would realise you don't destroy statements.

FINDLAY:                                    There was a failure to maintain the original, the first drafts of that material that was put together, but I think that's inappropriate to go further into that case.

COX: No police force can expect to be blemish free, especially one operating, at times, in tough conflict situations. But lawyers we have spoken to say they are still facing examples of RMP officers not understanding basic police procedures. One barrister told us of a recent court martial in Cyprus where an officer told the court he didn't have a notebook. It was a startling admission as this is how police officers keep notes to then be used in evidence. Solicitor Chris Hill says even when RMP officers do have a notebook, he has found they don't understand how to use it properly.

HILL: There was an example in one of the courts in the UK last week of a corporal in the RMP being asked whether she had been writing her notes out on pieces of paper and then copying them out into her pocketbook to make it look neat and tidy. When she denied that had been happening, it was pointed out to her that in fact her notes were not in chronological order, and she then conceded that must therefore have been the case. Now I don't particularly ascribe any sinister motive to that. I think that is absolutely symptomatic of the RMP in that that officer was more worried about the sergeant major looking at her pocketbook and seeing whether or not it was neat and tidy than worrying about whether she had got the evidence down correctly. A civilian police officer's notebook will have everything in it and it may not be the neatest piece of handwriting, but it is an investigatory tool. I think sometimes the RMP are more interested in things being neat, tidy, in straight lines. They seem to be more interested in the procedure than in the final outcome.

COX: The failure to follow proper procedures becomes even more of an issue in inquiries into more serious crimes. We've investigated a case which was at the time the RMP's biggest ever covert operation. It involved an alleged plot by two soldiers to kidnap and murder a German barmaid, Stephanie Kanita. Stephanie was plugged into the drugs scene in the garrison town of Celle.

KANITA: The drug situation in Celle was, everyone was just taking it.

COX: What kind of drugs?

KANITA: It was cannabis and cocaine. Soldiers were doing it as well. Most of them who were in this company. I don't know one of them soldiers not taking it. It was a big big problem, a big problem.

COX: Stephanie Kanita was a barmaid at the Midnight pub, a popular haunt for British soldiers from the local garrison. Stephanie had become close friends with a small group of British soldiers who were regulars at the bar. The RMP were well aware of a drugs problem at the barracks, and File on 4 has spoken to a former senior military police investigator who says the force were trying to crack down on the problem. To protect his identity, we've disguised his voice.

FORMER RMP OFFICER: One of their principal means of tackling that issue was the employment of their covert operations team based in Germany. One of the main areas would have been to go out and to run test purchase operations in pubs and clubs frequented by soldiers in an attempt to buy drugs off soldiers and prove an offence that way. But of course, the recruitment of informants from within the battalion would have also been a highly attractive objective, and that's indeed something that was ongoing.

COX: This is what happened to a soldier who was one of Stephanie's friends. A self confessed drug user and small time dealer, he agreed to become an RMP informer.

FORMER RMP OFFICER: The informant, it is known, gave around a hundred names to his informant handlers of people suspected of being regular drug users in the unit. The informant in this case went off and duly started to feed in information back to the RMP covert Ops Team and one or two arrests were made.

COX: Dean Cooper was one of the soldiers the RMP were actively targeting. He was arrested, along with the German barmaid, Stephanie Kanita. No drugs were found on Dean Cooper and he denies any involvement with drugs. But he suspected someone was informing on him. Dean's close friend and fellow soldier, Daley Schofield, says the informant pointed the finger at Stephanie Kanita.

SCHOFIELD: He mentioned that he heard Stephanie Kanita giving everyone's names, saying, "This person's on drugs, this person's on drugs," so he's like, "Oh well, we've got to do something about it, because she has given all our names," and it all escalated from there really. He started it and he's like carried it on, if you know what I mean. He's mentioned it to me and Dean and then he's come up with this thing, 'Oh, she's a grass, she's a grass, she needs sorting out, she needs sorting out.'

COX: But the informant told the Royal Military Police it was his friends, Dean Cooper and Daley Schofield, who were actively discussing harming Stephanie. A former senior RMP investigator with intimate knowledge of the case says the military police took this threat extremely seriously.

FORMER RMP OFFICER: So a contact report was written. When the informant in question went back soon afterwards to meet his handler and that contact report referred to this remark, "We might do Stephanie Kanita some damage". Of course, what we don't know is whether the informant used that in the first place or the two conspiracy to murder suspects used it and that's hotly disputed actually who was driving that animosity, but the two soldiers are quite clear that the informant was putting attention onto Stephanie Kanita as being a snout. Now what that did straightaway was it caused a situation that then ran away with itself.

COX: Very quickly it moved from the informant saying Cooper or Schofield wanted hurt Stephanie Kanita to then saying they wanted to kidnap and kill her. In order to do this, they would need a car, but neither Cooper or Schofield had one, and they couldn't drive anyway. According to the former senior military investigator, the RMP then played a key role in speeding up the plot.

FORMER RMP OFFICER: What then happened was the RMP supplied one of their own covert cars to the informant so that the murder plot would have wheels, because of the logistics, you know, a vehicle of some description was absolutely crucial to making any murder plot work. And of course, we must remember that the two soldiers who became the suspects could not drive, and because of the distance that their barracks was from the town of Celle, you know, you can see just how important it is to have a driver and a vehicle, so the RMP supplied one of their covert cars.

COX: A week after the informant had first mentioned the plot, German police were told by the RMP that Stephanie's life was at risk and that she should be moved out of the area.

KANITA: They just went to my Mum's and to my Dad, you have to take me out of the house, to hide me in Hamburg because there's three soldiers who want to kill me.

COX: And did you know which ones they were saying were planning?

KANITA: Yes, of course. The German police told me the names, asked me if I know them. I told them, I'm not worried, but I still had to do, they had to take me away. And I knew they would never do anything, I knew, because they were like brothers to me.

COX: So obviously it must have been very difficult at that time.

KANITA: Yes, of course, of course, because they were friends of mine. Like I said, like my brothers.

COX: Stephanie was now out of harm's way, but that didn't bring the matter to an end. We have heard recordings of conversations between the informant and a senior military police investigator. The informant states that the RMP had told him to pretend that Stephanie was in the bar that night and to take Cooper and Schofield into town, so the soldiers could do a recce for the kidnap. This of course was in the car supplied by the RMP. Daley Schofield, one of the two soldiers at the centre of the alleged plot, thought they were on a very different mission.

SCHOFIELD: I thought we were going to the car park to drive this car and then he said, "Just drive past Midnights, just see if she's there," and me and Dean were sitting in the back. And we drove past Midnights and then he went, "Oh, she's not there," and we went to the car park, so that's when we pulled into the car park and that's when we got arrested. The German police had guns pointing at us on the floor and everything, and they told us the charge and we were like, "Well, we don't know what you're talking about. It's not our car, it's obviously his car." They took us back to our rooms, asked if they could search our rooms, and we were like, "Yeah, search, fine." They didn't find anything and that's when we got split up. I got took to one part of Germany and Dean got took to the other part.

COX: It was during his first police interview that Daley Schofield discovered that his friend, the informant, had been making covert recordings of their conversations.

SCHOFIELD: I didn't have a clue what was going on. I couldn't phone a solicitor or anything or get in touch with my parents. And then, about a week later, I got sent to the army police station for an interview and that's when they started playing recordings and stuff and obviously I clicked on that. He obviously had a wire on him and he was working for them.

COX: File on 4 has seen transcripts of these covert recordings. These written versions of the tapes seem to provide incriminating evidence against Cooper and Schofield as they are reportedly making threats about Stephanie in the days leading up to their arrest. Daley Schofield says it was the informant who was leading these conversations and bringing up the subject of Stephanie whenever he could.

SCHOFIELD: Generally he would just come up and sit in my room and say, "Well, what are we going to do about this Stephanie?" or "We need to figure out a plan, we need to find out the plan."

COX: And what did the transcripts say in terms of Stephanie and what you were planning to do to her?

SCHOFIELD: I think one says, "We'll jump out of the car and bash her on the head." I don't think that was me or Dean who said that though, so I think that was the only like main bit, what we were saying we were actually going to harm her at the time.

COX: Why would you have said that?

SCHOFIELD: We were just going along with him really, we were just saying, "Yeah yeah, we'll do this, yeah, we'll do that," but we never really had any intention of doing it whatsoever at all.

COX: The covert recordings would be an integral part of the prosecution case. We have learned that on the actual day when the two soldiers were supposed to be carrying out the attack, the informant lost hours of material by recording over it – so there is no full account of what the soldiers were saying in the hours leading up to their arrest. Our source, who was in the RMP at the time, says there is other evidence that the military police didn't follow important recognised police rules on covert recordings.

FORMER RMP OFFICER: We know that from the informant himself, when he was debriefed, that there was no evidential continuity around the tapes - ie he was given old tapes, he claims, from the outset. Anyone who's involved in running covert operations will know that when tapes are used covertly, as they are in ordinary police interviews, they have to be unwrapped in the presence of other people, they have to be seen to be new tapes, they're loaded in, statements are made to prove the continuity of those tapes. That continuity simply never existed with these particular covert tapes.

COX: Cooper and Schofield were charged with conspiracy to murder and held for eight months in solitary confinement in a military prison in Britain. When they were brought back to Germany for a pre trial hearing, the defence team raised concerns over the integrity of the covert recordings. Javid Luqmani is a solicitor for the two soldiers.

LUQMANI: Question marks arose as to the legitimacy of those tape recordings, that's to say whether they were clean recordings or whether they'd been gone over a few times in order for the right conversations to be heard. Expert reports had been obtained, suggesting that the tapes themselves had been tampered with in some way. The suggestion is that these recordings were not true recordings.

COX: The judge said the evidence on the tapes had been gathered and presented unfairly and ruled they were inadmissible. Once the tapes had gone, all the prosecution had left was the evidence of the informant. But not for long. At the pre trial hearing discrepancies emerged between the informant and his handler. The informant said he had told the RMP he was a drug dealer and he was promised that his crime history would be purged. The military police denied this was the case. It meant that either the evidence from the informant or from the police was fatally discredited and the case collapsed. The judge said there was:

READER IN STUDIO: A matter of concern here, which I hope will not go unnoticed. We have all been misled by the documents, which have been produced to us by the Covert Operations unit with regard to the informant's status, and the question of the evidence given by the informant handler I would recommend be fully investigated.

COX: The defence said the promise from the military police to wipe the informant's criminal history was a clear inducement. Shortly after the case collapsed the informant told a senior military investigator about another and more extraordinary motivation – that he had been offered a job within the RMP.

FORMER RMP OFFICER: The participating informant had been offered a transfer into the Royal Military Police from his infantry unit if he bought in a good job. That sort of terminology exists in documents and it exists on the debrief tapes that are in possession of the Royal Military Police, and in fact the participating informant was interviewed by a senior officer with a view to facilitating that process. It is wholly inappropriate to offer that kind of inducement to gather and give evidence. It's just inconceivable that an organisation charged with upholding good order and military discipline and all the other policing functions should seriously be considering recruiting into its own ranks a self confessed criminal.

COX: The judge ordered an inquiry into the case. There was an internal review by the head of the RMP's special investigation branch, the very unit that had carried out the flawed covert operation. It failed to criticise any part of the RMP. But a further investigation was carried out by the RAF police. This reached a rather different conclusion. We have seen a copy of their inquiry report which talks of "fundamental failures and/or omissions" by the RMP which led to problems in the recruitment of the informant. The head of the military police, Brigadier Colin Findlay, wouldn't go into detail about this case, but says the force is more than capable of dealing with covert operations.

FINDLAY: I think it's quite important for your listeners to understand the degree of national benchmarking, indeed extensive and exhaustive validation that takes place on a national basis annually when I'm inspected, not least by the office of the Surveillance Commissioner and found to be entirely capable.

COX: But obviously the Surveillance Commissioner, they're not looking at individual cases afterwards, are they? They're looking at, shall we give permission to go ahead with this surveillance. In that case, it's only afterwards when it comes to court that there are found to be problems. The Office of the Surveillance Commissioner wouldn't go back and re-examine it, would they, as far as I understand?

FINDLAY: No, but that sort of validation is conducted by Her Majesty's Chief Inspector of Constabulary. I will take you back to, in 2006, when I invited HMIC to come and inspect the SIB, and you will recall Sir Ronnie Flanagan at the time, who was the Chief HMI, reflected that we were entirely fit for purpose and capable of conducting complex investigations across, I might add, the spectrum of activity such as you addressed. All of my detectives – and we are specifically talking about detectives at the moment – are trained to Home Office standards, so I am perfectly satisfied that the competence levels and the technical training levels are more than adequate.

COX: One of the reasons Brigadier Finlay couldn't elaborate on the Cooper and Schofield case is that File on 4 has learned that the MOD is being sued by the two soldiers for the eight months they were detained in a military prison. Their legal action is unlikely to attract much attention, but in this and other cases we have examined we have found evidence of shredding statements, failure to gather evidence and a lack of understanding of basic police procedures. Such mistakes have persuaded the human rights lawyer, Phil Shiner, that the military police need greater independent scrutiny.

SHINER: So I think we need a route and branch reform, so that by and large, if soldiers are thought to have breached the law, then there is a rigorous and as independent as possible system as early as possible. And that yes, in a time of conflict it might be impossible to have civilians investigate, but nevertheless, with a rigorous civilian overview from policemen and lawyers, I think a great number of the errors that I'm talking about, which are fundamental and prevented any real hope of justice, could have been rooted out and dealt with.

COX: Insiders also believe there's a strong case for reform of the RMP. The former senior military police investigator we spoke to says the force just doesn't have enough regular experience of dealing with serious crime.

FORMER RMP OFFICER: When you start scrutinising the number of well known cases in Iraq, it raises very serious issues for the United Kingdom around allowing such an investigative body to continue carrying out its role. We must remember, if you go back, the Royal Military Police were carrying out their routine investigations involved soldiers fighting each other, GBHs, thefts - nothing too serious. But the Iraq War put the Royal Military Police and its Special Investigation Branch under the international spotlight - and they've been found wanting.

COX: But the head of the RMP, Brigadier Colin Findlay, bristles at such a suggestion.

One of the criticisms that's made of the force is that, until the Iraq conflict you were dealing with essentially bar room brawls a lot of the time. Suddenly you're dealing with major, complex murder investigations on a global stage – and you're not up to the job.

FINDLAY: Well, I totally refute that. It's a quite inappropriate assertion. I have to maintain the full spectrum of investigative capability, because particularly when I am abroad, not least in Germany, I have to have the capacity to deal with serious offences - that could be homicide, it could be serious sexual or drug offences. Now the focus of that activity has now moved pretty heavily to operational theatres like Iraq and Afghanistan. We do have the capability and that's exactly what HMIC said.

COX: But questions about some of the RMP's investigations in Iraq refuse to go away and will be examined at next month's judicial review and another independent inquiry later in the year. Once again, the focus will be on whether the soldiers in the military police are capable of investigating their fellow soldiers who are accused of the most serious crimes.

SIGNATURE TUNE