

<b>To:</b>	DCI Brian Dillon		
Branch/Section:	DPS		
Address:	[REDACTED]		
<b>From:</b>	DSU John MacBrayne		
Borough/Branch:	SO15 Counter Terrorism Command	Fax number:	[REDACTED]
Section/Unit:		Enquiries number:	[REDACTED]
Address:	New Scotland Yard	Date:	18th July 2007

**Re: Summary of Decision Log relating to Doran Almog**

This report deals with a request by the Independent Police Complaints Commission (IPCC) for information relating to the decision making process in relation to the non-execution of a warrant issued authorising the arrest of Doran ALMOG for offences under the Geneva Convention Act for alleged war crimes in September 2005.

The following comprehensive summary of the decision log is intended to assist DPS and the IPCC in the consideration of this matter. Detective Superintendent John MacBrayne of the Metropolitan Police Service, Counter Terrorist Command, created the decision log on The 13th September 2005.

The summary reads as follows;

On 26<sup>th</sup> August 2005, Hickman Rose solicitors handed the then Anti-Terrorist Branch ( Now counter Terrorist Command) a number of documents relating to allegations against Doran ALMOG and others with regard to war crimes. The demand on the command at that time, limited the immediate response it was able to give and the only undertaking given to Hickman Rose solicitors was that the Israeli authorities would not be contacted. Hickman Rose stated that should police decide against direct action, then they would consider applying for a warrant for offences contrary to the Geneva Convention Act.

On 5<sup>th</sup> September, Daniel McHover of Hickman Rose solicitors contacted DSU MacBrayne. DSU MacBrayne stated that should a warrant be issued in this matter, it might prejudice any opportunity for police to interview Mr Almog. Mr McHover was also informed that no decision had yet been made by police as to their action, but he did not necessarily agree with Mr McHover's view that no interviews were necessary.

DSU MacBrayne contacted [REDACTED] of MPS Legal Services. He stated his concern over a note from the FCO (regarding the unlikely issue of a warrant) as not necessarily being an accurate reflection of the circumstances. DSU explained his concern over the lack of clear and definitive advice as to the obligations of the command should a warrant be issued. He also expressed concern at being unsighted as to advice over the coming weekend. Advice was also sought as to whether the execution of a warrant would require 'charging' or merely bringing Mr Almog before the court, and what other options and obligations needed to be considered.

On 9<sup>th</sup> September, DSU MacBrayne contacted [REDACTED] from the FCO and updated her regarding the current court position. He also drew her attention to the note to the minister and did not believe it to be entirely accurate. In particular, it made reference to a CPS statement that there was little or no evidence. DSU MacBrayne clarified the position that the CPS had in fact not been provided with any evidence, but had merely been asked to comment on jurisdiction. The MPS position at this time was that they were still considering the evidence with a view as to whether there was sufficient evidence for an investigation. The MPS were preparing on the basis that a warrant would be issued however realistic and that the FCO may wish to consider its position should one be issued.

Later that day, DSU MacBrayne consulted with [REDACTED] (CPS) and was advised that their opinion was that if a warrant was issued, then it would be beholden on the police to execute it and bring Mr Almog before the court. At this stage, Hickman Rose would assume responsibility for the prosecution.

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On 10<sup>th</sup> September, DSU MacBrayne contacted Daniel McHover and stated that police would require three further weeks to consider their position should a warrant be issued. DSU MacBrayne was informed that a warrant had been issued for 'house demolitions' and that a court date had been set for 27<sup>th</sup> October 2005. The bail conditions had been set by the court as;

- Three sureties up to £100,000
- Condition of residence
- Report to police each day
- Surrender of passport and,
- To make no application for international travel permit.

Mr McHover expressed a view that he was anxious for the immediate arrest of Almog and suggested a port circulation. He also stated to DSU MacBrayne that the district judge had highlighted the sensitivity of police action, with particular reference to Mr Almog's speaking engagement at a place of worship.

The decision was made to inform West Midlands police of the potential for police action relating to Mr Almog. The only current information at this time was that Mr Almog was due to speak at a Solihull synagogue on 11<sup>th</sup> September 2005. The comments of the district judge around sensitivity were considered in relation to community and local police implications should police action be required in that area. Comment was made as to the need for time to consider operational planning.

At 2.35 pm, DSU MacBrayne was contacted by Daniel McHover and informed that Hickman Rose solicitors had been contacted by a reporter called [REDACTED] from THE GUARDIAN newspaper. They appeared to be clearly aware of the detail of the application. DSU MacBrayne immediately contacted the MPS DPA.

Following consultation with Detective Inspector Ozols of MPSB as to the implications of a port circulation, he was informed that a ports circulation would lead to a nationwide circulation of Mr Almog's details and the informing of other agencies of Mr Almog's circumstances i.e. Immigration and Nationality Directorate (IND) and may lead to a disproportionate risk to operational security. Consideration also given to a PNC circulation but this may have led to an impromptu arrest given the lack of clarity around Mr Almog's whereabouts. Given the profile of Mr Almog, it was hoped that the intelligence agencies would obtain flight details that would allow the police time to act in a sensitive and appropriate manner.

MPSB raised the issue of informing the protection officer for the Israeli Ambassador. DSU MacBrayne took the stance that there was no operational reason to do so. He informed MPSB that they would have to undertake their own risk assessment and any decision they took would be a matter for them.

As a result the following decisions were made:

- No ports action
- No police circulation
- Circulation/request to the Security Services requesting information on Mr Almog
- The informing of the Protection Office a matter for Special Branch.

Contact was made with DCI Hannon of West Midlands Special Branch. DSU MacBrayne outlined the current situation at this time and to agree an appropriate course of action, given the sensitivity of both the enquiry and the local community. DCI Hannon agreed to inform on-call ACPO representative, ACC Hyde and arrangements made for a meeting on 11<sup>th</sup> September. Commander John McDowall updated and made aware of the situation.

Following consultation with Commander McDowall, contact was made with Ch Supt David Tucker of National Community Tensions Team (NCTT). The situation relating to Mr Almog was outlined and Ch Supt Tucker advised that this matter was of national significance to the Jewish community. Also that any police action could significantly impact on community confidence in the police. Mr Tucker advised that the command should engage with a 'trusted partner' to advise on police conduct during the operation. Ch Supt Tucker was invited to the meeting with ACC Hyde and he recommended that the trusted partner also be invited to attend. Proposal accepted dependant on ACC Hyde agreeing to the presence of the trusted partner.

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On 11<sup>th</sup> September, meeting held in West Midlands with ACC Hyde and other delegates. There was an overview of the current situation and the options open to police in relation to the execution of the warrant. There was unanimous agreement that the arrest should not take place at the Synagogue and that particular consideration should be given to the district judge's comments around sensitivity. ACC Hyde offered the MPS whatever assistance required. Discussion followed around obtaining further information as to Mr Almog's itinerary and ACC Hyde indicated willingness for West Midlands Special Branch to undertake discreet enquiries. However, it was noted that no links existed with the Solihull Jewish community/synagogue. The trusted partner stated that he was best placed to make discreet enquiries within the Jewish community, to avert the risk of alerting Mr Almog. He also re-iterated the huge significance of arresting Mr Almog and that the impact would be felt both within the Jewish community and internationally. The trusted partner also indicated that he had contacted a lawyer to represent Mr Almog in the anticipation of his arrest and had made preliminary enquiries around prospective sureties. He assured the group that these enquiries had been in general terms and he had not revealed the identity of Mr Almog.

The decision was made to accept the trusted partner's offer to establish Mr Almog's itinerary. This was due to the fact that all other police enquiries had proven negative. This appeared to be the only way forward to comply with the district judge's views and community advice to undertake a sensitive enquiry.

Results of enquiries received at approximately 11.30am. Mr Almog was due to arrive at Heathrow at 13.25 on an EL AL flight. After leaving Heathrow, he intended to leave direct for the Solihull synagogue. After the engagement he would be staying locally before follow-on engagements in other parts of the country including Manchester. Commander McDowall was updated regarding the current position of the enquiry.

Contact was made with MPSB at Heathrow regarding the El Al flight. It was confirmed that Almog had boarded the flight. At the request of DSU MacBrayne, the MPSB made enquiries, which necessitated contact with EL AL security. A nominated uniformed officer was briefed as to the intention to execute the warrant and that he would carry out the arrest when directed. It was felt that a uniform arrest would be less inflammatory to the Jewish community than one carried out by officers from the Anti-Terrorist Branch.

The plan was to intercept Mr Almog at the Immigration desk where he would then be escorted to Heathrow police station. Once at the police station, he could receive legal advice whilst a decision was made to execute the warrant.

Following the arrival of the El Al flight, the arrivals hall was monitored and IND officials had been alerted as to police action. By 2.30pm, it became apparent that Mr Almog had not presented himself at the Immigration desk. A check of the flight manifest revealed that Mr Almog was on the plane, possibly in company with his wife. Consideration was given to boarding the El Al flight and DSU MacBrayne sought clarification of his powers to do so with those officials present. He was informed that police did indeed board aircraft routinely but it was not clear if this could be done without the consent of the carrier (In this case the Israeli national airline EL AL). It was confirmed that EL AL were refusing voluntary access to the plane and DSU MacBrayne could not get confirmation that he had a legal right to do so.

The time scales involved made it impossible to receive the appropriate advice before the EL AL flight was due to return to Israel at 15.30 hrs. It appeared that Mr Almog had remained on the plane and DSU MacBrayne was unsure as to whether the warrant had jurisdiction on the plane.. Another consideration being that EL AL flights carried armed air marshals, which raised issues around public safety. There was also no intelligence as to whether Mr Almog would have been travelling with personal security as befitted his status, armed or otherwise.

DSU MacBrayne took the considered opinion that, as access to the plane would not be consensual, there existed a real threat of an armed confrontation.

Three options emerged for consideration:

- For unarmed officers to approach the aircraft
- For armed officers to approach the aircraft and
- Not to approach/board the aircraft.

The first two options presented an exponential risk to the officers, especially with the lack of intelligence regarding personnel on the plane. Insufficient time existed to formulate a more sophisticated detailed response.

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In light of the above, the decision was made not to approach/board the aircraft. This was done in consultation with Commander McDowall and centred on the following:

- The lack of clarity around police powers,
- the time scales involved,
- the risk to the police and public,
- the impact on the community and,
- The international impact of an potentially armed police operation at an airport.

At 15.20hrs, DSU MacBrayne informed Daniel McHover of Hickman Rose solicitors of the fact that Mr Almog had been expected on a particular flight but had not entered the UK. Given the likelihood that Mr Almog had been alerted to the existence of the warrant and the intention to execute it, discussion took place with Mr McHover around witness protection as the names of the complainants were on the warrant. DSU MacBrayne informed Mr McHover that the warrant had not left his possession and therefore the identities of the complainants would not have been disclosed.

Following the departure of the EL AL flight back to Israel, DSU MacBrayne facilitated dialogue between the West Midlands police and the local Jewish community through the trusted person. At 18.30hrs, DSU MacBrayne spoke with DCI Hannon of West Midlands police and was assured that there had been no local Jewish community issues.

This concludes the comprehensive summary of the decision log relating to this issue.

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Det Supt John MacBrayne SO15