

SFO OPERATIONAL HANDBOOK

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Overseas Security and Justice Assistance Assessment

Introduction

Teams will need to conduct an Overseas Security and Justice Assistance (OSJA) assessment prior to the provision of any overseas assistance, whether case specific or broader capacity building assistance. This is in addition to operational and data security assessments and the risk assessment completed alongside the completion of an intelligence log, known as a 'Form C'. Examples include passing information or intelligence to overseas jurisdictions to assist their investigation or prosecution, entering into Joint Investigation Team (JIT) arrangements or delivering training overseas.

Background

The OSJA process, a Foreign and Commonwealth Office (FCO) initiative, applies to all Government departments and agency leads. It sets out the human rights and international humanitarian law (IHL) risk which must be considered prior to the provision of justice or security sector assistance.

What do I need to do?

To assist case teams completing the OSJA assessment there is a designated template for completion. There is one template for **Case/Investigation Specific Assistance** and one for **Capacity Building Assistance**

The template stipulates that you must assess the international situation in the host country; identify any risks; consider steps to mitigate those risks and complete an overall full assessment.

Guidance completing the assessment

In order to assist completing the assessment there is substantial OSJA guidance, issued by the FCO, which sets out which human rights and IHL risks must be considered prior to providing justice or security sector assistance.

A copy of the guidance can be found here:

http://www.college.police.uk/News/College-news/Documents/OSJA_Guidance_2017.pdf

The guidance specifies that an assessment must be made of the potential impact of any proposed assistance on those risks, as well as on reputational or political risk, prior to the provision of any assistance. The guidance gives

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examples of measures that may be taken to mitigate the risk that the assistance might directly or significantly contribute to a violation of human rights and/or IHL. It also sets out when the decision to provide assistance should be taken by senior personnel or ministers.

Where more information is needed in order to make an assessment of the situation please make early contact with the Strategy and Policy Division (S&PD) and we will share any relevant information that we hold and liaise as necessary with the FCO and other contacts to obtain the information that you need.

If you have any questions about the risk assessment process please contact the SFO OSJA SPOC (the Head of Policy and Engagement) who will be happy to help you.

The S&PD maintains a living document on the human rights and IHL risks in certain countries, so if you have any useful contacts or country information that would assist please inform the SFO OSJA SPOC.

Is an OSJA assessment always required?

The OSJA guidance states that an OSJA *"should be considered for all new proposed assistance and extensions to existing assistance, and where a substantial change in circumstances has significantly altered the risk for existing assistance"*.

Where assistance is given in countries that have a comparable human rights framework and compliance record to the UK, the risks inherent in the assistance must still be considered. If this consideration shows no prospect of any human rights, IHL, political or reputational risks, a full OSJA assessment need not be completed, although the consideration should still be recorded.

The OSJA guidance gives clear instructions that where more than one UK department or agency is involved each participating agency will need to work through the risks highlighted by the OSJA process together to satisfy themselves about the level of risk they will carry.

Is OSJA required for an outgoing MLA request?

A full OSJA is not necessary but there is a requirement to complete a Human Rights Risk Assessment. Further guidance can be found in the Obtaining Evidence from Overseas chapter or the International Assistance Team can assist.

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Is OSJA required for the dissemination of information/intelligence?

If the information/intelligence is being passed to overseas partners for SFO purposes a full OSJA is not necessary but there is a requirement to complete a Human Rights Risk Assessment. For further assistance contact the SFO OSJA SPOC.

If information/intelligence is being disseminated at the request of the partner overseas agency, and we are assisting them by passing this information then a full OSJA is required.

What if there is no identified human rights or IHL risk at the time the information is disseminated but information subsequently comes to light that gives rise to a concern?

In these circumstances there will be a need to do a fresh risk assessment and consideration given as to what mitigation needs to occur. This may have to be done urgently. If there is such a change the OSJA SPOC should be alerted and they will liaise with the FCO and relevant partner agencies.

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