



Foreign &
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Office

Consular Directorate

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21 August 2015

Dear

FREEDOM OF INFORMATION ACT 2000 REQUEST: FOI 0755-15

Thank you for your email of 28 July 2015 asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

Under the freedom of information act I request the following information:

1, The number of British nationals currently held in prison abroad.

Please give a breakdown of the numbers who have already been convicted and those who are on trial or awaiting trial.

2, The countries in which they are detained with the number of British nationals in each country.

3. The offences committed: (I.e - murder, terrorism, drugs etc)

Please give a breakdown of the crimes committed by each British national who has been sentenced and crimes committed by those awaiting or undergoing trial.

4, How many British nationals are on death row abroad, the crimes they committed and the country they are held in.

Outcome of Search

We have now completed our search and consultation process and I can confirm that the Foreign and Commonwealth Office (FCO) does hold some information relevant to your request.

Disclosure



As of 2 March 2015 we were aware of 2,205 British nationals being detained overseas., This figure includes those convicted, on remand and in custody and only those cases reported to the FCO.

The numbers for detained by country are attached to this response. Some of the figures for each country fall between one and five. Where the total number of cases is between one and five we withhold the exact figure to avoid the risk of identifying the individuals concerned. To release this data would contravene one of the data protection principles. In such circumstances sections 40(2) and (3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle. This states that personal data should be processed fairly and lawfully. It is the fairness aspect of this principle, which, in our view, would be breached by disclosure. In such circumstances, Section 40 confers an absolute exemption on disclosure. There is, therefore, no public interest test to apply.

The FCO are aware of 13 British Nationals currently awaiting execution abroad, spread across the following countries - USA, Pakistan, Democratic of Congo, Ethiopia, Egypt, Indonesia, Kenya and Ghana. The offences murder, drugs, blasphemy and terrorism.

The British Government takes a strong and principled stance against the death penalty. It is the longstanding policy of HMG to oppose the death penalty in all circumstances and we aim to do everything we can to prevent the execution of any British national anywhere in the world.

You also asked for a breakdown of the offences, those convicted, on trial and awaiting trial. Based on the information provided on 02 March 2015 by our diplomatic missions we can provide some information on offences. Of the 2,205 British nationals detained 887 were detained for drug offences, 154 for child sex offences and 102 for immigration offences.

Our current database does not automatically record information on offences. It is also not mandatory to record this information on our database. In order to see if we hold this information for all cases, we would have to manually search each individual record.

Checking these cases would exceed the appropriate cost limit. Section 12 of the FOIA makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For central government the appropriate limit is set at £600. This represents the estimated cost of one or more persons spending 3 ½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it. Your request as presently formulated is widely-framed and I estimate that it will take more than 3 ½ working



days to locate, retrieve and extract this information. In these circumstances, we are not obliged under the FOIA to comply with your request.

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Yours sincerely,

Desk Officer

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