



Ministry  
of Defence

Directorate of Judicial Engagement Policy -  
Common Law Claims & Policy  
Ministry of Defence  
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Telephone [MOD]: 0207 218 9000  
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Date: 23 January 2015

Dear,

**COST OF MOD LEGAL REPRESENTATION AT THE VARIOUS ENQUIRIES INTO ALLEGATIONS OF ABUSE**

1. Your communication of 09 December 2014 requesting details of monies paid to law firms who represented Iraqi nationals taking legal action against the Ministry of Defence is considered to be a request for information in accordance with the Freedom of Information Act 2000. To clarify, your specific questions were:-

*Under the freedom of information act I would like figures for the amount of money paid to law firms who represented Iraqis taking legal action against the Ministry of Defence.*

*I would like the amounts broken down by year since the first claims were submitted.*

*If this is not possible for reasons of confidentiality then I would like the total cost for each legal complaint including the amount of compensation paid to individual Iraqis.*

*I would also like figures for the cost of the MoD legal representation at the various enquires which have taken place into allegations of abuse by British military personnel since 2003.*

2. In answer to the requests above it is confirmed that the Ministry of Defence holds certain Information within the scope of your request. Most payments made in relation to claims brought by Iraqi nationals have been made under the terms of out-of-court settlements and are subject to confidentiality agreements; they are thus exempt under section 41 of the Act (Breach of Confidence). The total paid by MOD to such claimants is currently approximately £19.3 million, representing 321 cases.
3. As regards the Judicial Review claims against the Ministry of Defence arising out of Operations in Iraq, these have cost a total of approximately £7M. This includes the Ministry of Defence's own costs incurred in defending the claims, damages paid to claimants in respect of damages awarded by the European Court of Human Rights in Strasbourg and Public Interest Lawyers legal costs which the Ministry of Defence is bound to reimburse where it is the unsuccessful party in the claim brought against it. The Defence Secretary said on 8 December 2014 "These include legitimate cases but in the last couple of years we have

seen the lodging of claims on a virtually industrial scale, most brought many years after the alleged events. We will be asking the courts to deal robustly with cases where the system is being abused”.

4. The cost of legal representation in Al-Sweady and Baha Mousa Inquiries for Iraqis amounted to some £4.9M (£2.9M for the former and £2M for the latter). The cost of MOD legal representation is £14.8M (£5.7M for the Al-Sweady Inquiry and £9.1M for Baha Mousa Inquiry). The Defence Secretary told the House of Commons on 17 December that “Although procedural failures by the MOD led to the Al-Sweady public inquiry being established, it is those who made these false allegations who bear the responsibility for saddling the taxpayer with what has turned out to be a £31 million bill. Although there is no provision in the Inquiries Act 2005 for recovering the costs of a public inquiry, my Ministry is exploring whether the claimants’ failure to disclose the militia document will allow us to recover some of the costs of the judicial review”.

Yours sincerely,

Common Law Claims and Policy Division

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact us in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner’s website, <http://ico.org.uk>.