



Ministry
of Defence

Our Ref: FOI2014/03155

Your Ref:

Ministry of Defence
Main Building (01/M/22)
Whitehall
London SW1A 2HB
United Kingdom

Telephone [REDACTED]

E-mail: [REDACTED]



30 July 2014

Dear [REDACTED],

Thank you for your letter of 2nd July 2014 requesting the following information:

"a comprehensive list of legal cases taken against the Secretary of State for Defence (or the Ministry of Defence) concerning the practice of detention by British Forces in Afghanistan from 2008 – 2014."

You have stated that your request includes cases which were initiated in court and the Secretary of State (or the Ministry of Defence) defended, did not proceed, or cases that were eventually settled out of court and also includes cases that have proceeded to the European Court of Human Rights or the European Court of Justice.

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held.

The information is not held in the precise format you seek i.e. a comprehensive list but I have produced a table of the information you have requested which can be found in the enclosed Annex A. I can confirm that none of the cases have been taken to the European Court of Human Rights or the European Court of Justice.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note that in addition to the cases set out in Annex A, 80 personal injury and unlawful detention claims have been issued by Afghan nationals and been notified to the Secretary of State for Defence. At the present time we have not reached the acknowledgment of service/defence stage and therefore the litigation is currently private between the parties.

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 me 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). 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://www.ico.gov.uk>.

Yours sincerely,

A solid black rectangular redaction box covering the signature of the sender.

Directorate of Judicial Engagement Policy

Legal cases against Secretary of State for Defence (or MOD) concerning the practice of detention by British Forces in Afghanistan from 2008-2014

Case reference or Neutral Citation Number	Case name
[2010] EWHC 1445 (Admin)	The Queen (on the application of Maya Evans) and the Secretary of State for Defence
CO/1294/2012	The Queen (on the application of Maya Evans) and the Secretary of State for Defence
CO/4606/2013	The Queen (on the application of Niahmatullah Haqim Mohammed Ismail Nazar Ali Mohammed Qasim Mohammed Wazim Rahmatullah Abdullah Abdul Ghafar Yahyah) and the Secretary of State for Defence
CO/3009/2012	The Queen (on the application of Serdar Mohammed) And the Secretary of State for Defence
[2014] EWHC 1369 (QB)	Serdar Mohammed -and- Ministry of Defence Mohammed Qasim Mohammed Nazim Abdullah and Secretary of State for Defence

Case reference or Neutral Citation Number	Case name
A2/2014/1862	<p>Secretary of State for Defence and Serdar Mohammed</p> <p>Secretary of State for Defence and Mohammed Qasim Mohammed Nazim Abdullah</p>
Appeal to the Court of Appeal A2/2014/1862	<p>Serdar Mohammed and Secretary of State for Defence</p>
HQ12X02753 Filed 2012	<p>Habib Dervish and 1. Secretary of State for Defence 2. Ministry of Defence</p>
2YK68599 Filed 2012	<p>Mehnaz Sarwar and Ministry of Defence and Foreign and Commonwealth Office</p>
[2013] EWHC 3068 (Admin)	<p>The Queen (on the application of Maya Evans) and Secretary of State for Defence and Associated Newspapers Ltd</p>