



Ministry
of Defence

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Dear [REDACTED]

Thank you for your email of 6 May 2014 requesting the following information:

"I would be grateful if you could supply information on the following matters:

- 1. How many people died in the custody of UK forces in Iraq between 2003 and 2009, whether in a British Army base or under the control of UK forces?*
- 2. What was the cause of death which appeared on the death certificate of each person referred to in question 1 above?*
- 3. How many of those deaths referred to in question 1 above were investigated by the Special Investigations Bureau of the Royal Military Police?*
- 4. What was the outcome of those investigations referred to in question 2 above?*
- 5. Was any compensation paid to the families of those people who died in custody referred to in question 1 above and if so how much in UK sterling equivalent?*
- 6. What is the total sum paid to Iraqi citizens in relation to the deaths in custody of those people referred to in question 1"*

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

On the 3 June 2014 you clarified this request as follows:

- 1. I would like 'Died in the custody of UK forces' to mean those who died whilst being formally detained in a UK detention facility at the time of death*
- 2. Yes, I am interested in deaths investigated by the RMP and the equivalent bodies of the Navy and RAF*

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 you have requested can be found below, but some of the information falls entirely within the scope of the absolute exemption provided for at section 40 (Personal Data) of the FOIA and has been withheld. Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

A total of three people died whilst being formally detained in a UK detention facility or an Enemy Prisoner of War Holding Area, at the time of death, in Iraq between 2003 and 2009.

Unfortunately I cannot provide the exact cause of death which appeared on the death certificates, as we do not hold that information. However previous parliamentary responses state the causes of death as follows: -

One died of a heart attack, one died of asphyxia; and one cause of death was not established.

Sometimes the cause of death cannot be established as a post mortem is prevented by burials often taking place within 24 hours in accordance with religious custom.

The RMP investigate fatalities where there are grounds to believe the death has been caused by the criminal act of a person subject to Service Discipline Acts. On that basis each of the three deaths was investigated and the outcomes were as follows: -

One established that no crime had been committed; one resulted in a soldier being sentenced to 12 months imprisonment and dismissed from HM Armed Forces; and in the other the RMP concluded that it was impossible to establish whether a crime had been committed.

At the request of the families' representatives, the MOD does not generally divulge the details of individual compensation payments to families, arising from operations in Iraq.

This is considered to be personal data relating to the families of the deceased and therefore exempt under section 40(2) of the Act (Information which is Personal Data whose release is governed by the Data Protection Act (DPA)).

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,