



Ministry  
of Defence


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3 August 2015

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Dear 

Further to my letter of 26 June, I am now in a position to provide a reply. In your letter of 1 June you asked for the following information:

"We have been unable to locate the 2012 report [Follow-Up Review into the Handling of Captured Persons (CPERS)] by the Army Inspector on the MOD website and would be grateful if a copy could be provided and/or an explanation as to why it is not yet publicly available. We ask for this explanation as the 2010 report was laid before Parliament in the same year that the Army Inspector's review was conducted whereas there has been a lengthy hiatus since the 2012 review where publication is awaited."

Although the Ministry of Defence holds the information requested, I consider that some of the information falls within the scope of the following absolute exemptions; Section 23 – Information relating to bodies dealing with security matters and Section 40 – Personal Information. The latter relates to names of individuals.

Some information falls in the scope of the following qualified exemption: Section 27 (International Relations). As such it was necessary for me to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosure. In deciding on where the balance lies, I have considered arguments for and against the release of this information. Arguments for release include promoting accountability and transparency; releasing the information would assist people in the access to justice or other fundamental rights, for instance in instances where there is alleged wrong-doing by other nations; the public interest would be served by release as it would either highlight a failing, making its reoccurrence less likely, or reassure the public that such a failing did not occur in the first place; and, making the public aware on how other nations treated detainees.

Arguments against release included detention operations are a very sensitive subject for our allies and other nations, as for the UK; The report discusses practices of another nation and procedures without giving them the right of reply; the release of an the document un-redacted could be interpreted as criticising that nation's practices; and, the release of this information could indirectly and over time contribute to a reducing ability to cooperate on detention operations in the future; placing at risk our ability to directly tackle threats to national security.

Having considered the arguments both for and against the release of this information, I believe its release would likely lead to a negative affect in our ability to cooperate on detention operations in future and could lead to an increased threat to our national security.

You may wish to be aware that the first six recommendations have been acted upon since the report was written and that in accordance with recommendation seven, the Army Inspector will be undertaking a further next year.

Finally, you asked why the follow-up report had not been published. The follow-up report was undertaken to ensure that the Armed Forces had learned from their experiences in Iraq and Afghanistan and was not intended for publication. Unfortunately, the undertaking to publish the report had not been passed to the appropriate authority until receipt of your letter of 1 June 2015.

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, 1<sup>st</sup> 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, <https://ico.org.uk>.

Yours sincerely,

M. 