



Ministry
of Defence

Ministry of Defence
Main Building
Whitehall
London SW1A 2HB
United Kingdom

Ref: FOI2015/08244

E-mail: opsdir-parlibusiness@mod.uk

2 December 2015

Dear

Thank you for your email of 22 September requesting the following information:

- “1. The full report by Lieutenant General Sir Rob Fulton RM (retired) into the capture of personnel from HMS Cornwall by Iranian forces in March 2007.*
- 2. Board of Inquiry into the capture six Royal Marines and two Royal Navy sailors by Iranian forces in June 2004.”*

I am sorry for the length of time it has taken to respond to your request.

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 all the information in scope of your request is held.

You asked for the board of inquiry report into the capture of six Royal Marines and two Royal Navy sailors in June 2004. An investigation was held but was not a board of inquiry – as such, a copy of the Army Learning Account is enclosed alongside a copy of the Fulton Report. Some of the information you requested is within the scope of the absolute exemptions provided for at sections 23 (Information Supplied by, or Related to, Bodies Dealing with Security Matters) 40 (Personal Data) and qualified exemptions provided for at sections 26 (Defence), 27 (International Relations) of the FOIA and has been redacted.

Section 23 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

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.

Section 26 and 27 are qualified exemptions and are subject to public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

Section 26(1) (b) has been applied to some of the information because it contains details that are operationally sensitive which discuss the work of boarding tactics, directives or Rules of Engagement and would be likely to prejudice the capability and effectiveness of our armed forces. The balance of public interest was found to be in favour of withholding the information given that, overall, the public interest is best served in not releasing any details which would provide tactical advantage to our enemies.

Section 27(1)(a),(c) and (d) have been applied because some of the information would be likely to prejudice relations with other States and consequently our interests and the protection of these interests abroad. The balance of the public interest test concluded that whilst release would increase public understanding the balance of the public interest lay in withholding this information.

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.org.uk>.

Yours sincerely,

MOD Operations Directorate