



Foreign &
Commonwealth
Office

Near East Department
Foreign and Commonwealth Office
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19 May 2017

FREEDOM OF INFORMATION ACT 2000 REQUEST REF: 0351-17

Thank you for your email of 6 April, asking for information under the Freedom of Information Act (FOIA) 2000. You asked:

- 1. A list (with dates and location) of incidents that could be construed as being crimes against humanity and breaches of the international law of conflict in Syria that have been observed first hand by UK personnel, including diplomats embassy staff, military personnel and other HMG employees.*
- 2. A list (with dates and location) of incidents that could be construed as being crimes against humanity and breaches of the international law of conflict in Syria that have been monitored by UK owned and controlled technical surveillance means, such as aerial surveillance by RAF aircraft and monitoring of communications.*
- 3. Does the FCO have a dedicated organisation to compile information about crimes against humanity and breaches of the international law of conflict in Syria? If so, where is it based and how many people are employed. Also what are the skill sets of the personnel involved in this organisation?*
- 4. Is any of this work outsourced to private sector contractors? If so how much is spent on this work and who (individuals or companies) carries out this work?*

I am writing to confirm that we have now completed the search for the information which you requested.

I can confirm that the Foreign and Commonwealth Office (FCO) does hold information relevant to your request. However, some of the information you have requested is exempt under sections 38(1) (a) & (b) (Health and safety) and 40(2) (Personal information) of the Freedom of Information Act.

In answer to your questions:

1. A list (with dates and location) of incidents that could be construed as being crimes against humanity and breaches of the international law of conflict in Syria that have been observed first hand by UK personnel, including diplomats embassy staff, military personnel and other HMG employees.

The British Government suspended the operations of the British Embassy in Damascus and withdrew all diplomatic staff from Syria in March 2012. We do not therefore have staff to report on, or witness first hand, activities which may amount to war crimes.

2. A list (with dates and location) of incidents that could be construed as being crimes against humanity and breaches of the international law of conflict in Syria that have been monitored by UK owned and controlled technical surveillance means, such as aerial surveillance by RAF aircraft and monitoring of communications.

The FCO does not hold this information.

3. Does the FCO have a dedicated organisation to compile information about crimes against humanity and breaches of the international law of conflict in Syria? If so, where is it based and how many people are employed. Also what are the skill sets of the personnel involved in this organisation?

The FCO does not have a dedicated organisation to compile information of this kind.

4. Is any of this work outsourced to private sector contractors? If so how much is spent on this work and who (individuals or companies) carries out this work?

The British Government has undertaken work with and through non-governmental organisations. Through the Conflict Pool and its successor, the Conflict, Stability and Security Fund, the UK has provided over £8 million in funding for projects which train Syrians to collect evidence of human rights violations and abuses. The aim of this work is to support any future prosecution.

We also support a specialist non-governmental, not-for-profit organisation to conduct investigations and build prosecution ready criminal case files against high-level perpetrators, in accordance with international standards. These cases are built for international prosecution should a referral to the International Criminal Court be forthcoming or should individuals be subject to litigation by hybrid, specialised or national courts.

The UK has consistently supported the need for accountability for the atrocities that have been committed in Syria in the UN Security Council and through our sponsoring of the UN Human Rights Council resolution mandating the work of the UN Commission of Inquiry (COI) on Syria to investigate all alleged violations of international human rights law and humanitarian law with a view of ensuring perpetrators are held to account. The COI's report of 10 March 2017 said the regime and pro-regime forces as well as extremist groups are the main perpetrators of war crimes and violations and abuses of human rights.

We also support other bodies that are collecting evidence in the region such as the UN-OPCW Joint Investigative Mechanism on Chemical Weapons, and the newly created

International Impartial and Independent Mechanism in Syria for which the UK is contributing £200,000 to help with the start-up costs.

The FCO is withholding further information under section 38 (1) (a) and (b) of the Act as disclosure would, or would be likely to, endanger the physical or mental health of individuals or endanger the safety of individuals. This qualified exemption requires the application of the public interest test. In applying the public interest test, I took into consideration the factors in favour of disclosure: that releasing information would demonstrate the FCO's openness in support of non-governmental organisations in Syria. I balanced this against the grounds for non-disclosure, which rest on the fact that these organisations have a duty of care to personnel working under dangerous conditions in Syria. Disclosure of the specific details would potentially pose a significant risk to the personal safety of individuals in Syria, particularly personnel working in regime- and Daesh-held areas. On balance, I concluded that the public interest in maintaining this exemption outweighs the public interest in disclosure.

Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of the information would contravene, amongst other things, one of the data protection principles in schedule 1 to the Data Protection Act. In this case, I believe disclosure would contravene the first data protection principle, which provides that personal data must be processed fairly and lawfully. Section 40(2) is an absolute exemption and the Foreign and Commonwealth Office is not obliged to consider whether the public interest favours disclosing the information.

Yours sincerely,

Near East Department



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.