



Ministry
of Defence

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

E-mail: DJEP-TOresponses@mod.uk

Ref: FOI2018/02454

[REDACTED]
E-mail address:
[REDACTED]

18 April 2018

Dear [REDACTED]

Thank you for your email of 16 February 2018 requesting the following information:

1. *Is the Iraq Fatality Investigation part of the MOD or Ministry of Justice?*
2. *How many people are employed there?*
3. *Are the people that work there crown servants or private employees?*
4. *What are their salaries?*
5. *What is the IFIs annual budget?*
6. *What judicial powers does Sir George Newman have?*
7. *To whom does Sir George Newman report to?*
8. *How many times has Sir George Newman travelled to Iraq as part of his investigations?*

You made your request for information under the Freedom of Information Act 2000 (FOIA) and I am dealing with it in accordance with the provisions of that Act. 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 by the Ministry of Defence. Please see below answers to all of your questions:

Q1. To be compliant with European Convention on Human Rights (ECHR), the investigations are independent of both MOD and MOJ. The Iraq Fatality Investigations (IFIs) were established after the High Court ordered MOD to set up a process, in appropriate cases, that would comply fully with the Department's investigative obligations under the ECHR.

Q2. The Inspector is supported by two practicing barristers in private practice and a lawyer on secondment from the Government Legal Department (GLD).

Q3. See above at 2.

Q4. The Inspector is paid at the rate for a High Court judge.^[1] The two barristers are on the Attorney General's Civil Panel and are paid at the London C Panel rate.^[2] The solicitor is paid at the Grade 7 Government Legal Service rate.^[3]

Q5. No information within scope of your request is held, as the IFI does not have a fixed annual budget. The annual expenditure will depend on the number and complexity of cases in that financial year.

Q6. An explanation of the Inspector's powers and procedures can be found at Section 3 of the IFI report^[4] into the deaths of Nadheem Abdullah and Hassan Abbas Said, and reflect the direction provided by the High Court in R (Ali Zaki Mousa (No.2)) v Secretary of State for Defence ([2013] EQHC 1412 (Admin) and [2013] EWHC 2941 (Admin) respectively).

Q7. The Inspector fulfils an independent and impartial quasi-judicial function. His report is published by The Stationery Office and is reported to Parliament.

Q8. The Inspector has not travelled to Iraq; he takes evidence from Iraqi witnesses via video link.

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.gov.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,

Directorate for Judicial Engagement Policy

^[1] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629667/moj-judicial-salaries-from-1-april-2017.pdf. Sir George is paid a daily rate based on the salary for a 'Puisne Judge of the High Court'

^[2] <https://www.gov.uk/guidance/attorney-generals-panel-counsel-practical-information>

^[3] <https://www.gov.uk/government/organisations/civil-service-government-legal-service/about/recruitment#salaries>

^[4] <http://www.iraq-judicial-investigations.org/linkedfiles/reports/consolidatedreportintothedeathsofnadheemabdullahandhassansaid.pdf>