



Ministry of Defence

Ref: FOI2018/03110

Ministry of Defence
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E-mail: DJEP-TOresponses@mod.uk

30 April 2018

Dear [REDACTED]

Thank you for your email of 28 February requesting the following information:

1. *The Terms of Reference of the previous seven inquiries/investigations and the latest IFI.*
2. *The Conclusions of the previous inquiries & investigations in relation to Major Robert Campbell.*
3. *Details of the legal team assigned to the defence of Major Robert Campbell in the latest IFI inquiry including names, qualifications, years of experience, individual fees and overall costs.*

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 some information in scope of your request is held.

Question 1 – The Terms of Reference of the previous seven inquiries/investigations and the latest IFI.

- There have been only two previous investigations into this death: by the Royal Military Police (RMP) and by the Iraq Historic Allegations Team (IHAT). There are no terms of reference for either of these investigations. As with civilian police forces, there is a general requirement to investigate criminal allegations, and terms of reference are not produced for individual cases.
- IFIs are equivalent to an inquest. The terms can be found online at http://www.iraq-judicial-investigations.org/linkedfiles/current_cases/saeed_shabram/confirmationofappointmentandtermsofreference.pdf

Question 2 – The Conclusions of the previous inquiries & investigations in relation to Major Robert Campbell.

I can confirm that some information within the scope of your request is held, but has been withheld under s.30(1)(a)(i). This is a qualified exemption, and is subject to a public interest test. As part of the public interest test the MOD has sought the views of the IFI Inspector, who has advised that disclosure of any documents that have been provided to him before he has finished reviewing them and has decided whether to make public (either on his website,

or in his report), could prejudice his investigation. The public interest test concluded that, although there is a general obligation under the Act to promote openness and transparency through releasing information; the greater public interest is in ensuring that there is no prejudice to the IFI process.

Pursuant to s.16, I would make the following points by way of further explanation of the reasons, scope, and outcome of the previous investigations:

- On 24 May 2003, the RMP's Special Investigations Branch commenced an investigation after the father of Saeed Shabram Al-Bazooni alleged that he had been unlawfully killed by UK Forces the previous day. RMP SIB considered that there was sufficient evidence to refer three soldiers to the Army Prosecuting Authority (APA), which reviewed the evidence and decided that there was no realistic prospect of conviction. This decision marked the end of the first investigation.
- In December 2010, the Provost Marshal (Army) directed the IHAT to review nine deaths that had occurred in the custody, or under the control, of UK Forces. This was prompted by concerns over the effectiveness of earlier investigations into deaths which occurred ostensibly in the care, control or custody of UK Forces. The IHAT's paper review of the RMP SIB investigation into Saeed Shabram Al-Bazooni's death identified further lines of enquiry, which in 2013, following engagement with lawyers of the Service Prosecuting Authority (SPA) at a Joint Case Review Panel, were allocated to an IHAT investigation pod for reinvestigation. In 2016, the IHAT concluded that the evidential sufficiency test was met and referred the case to the Director of Service Prosecutions (DSP), who decided that there was no realistic prospect of conviction. The deceased's family invoked the victim's right to review the DSP's decision (an equivalent process exists in the civilian system for challenging the decisions by the Crown Prosecution Service); this independent review reached the same decision in December 2017. The DSP directed that no charges be brought, marking the end of the second investigation.

Question 3 – Details of the legal team assigned to the defence of Major Robert Campbell in the latest IFI inquiry including names, qualifications, years of experience, individual fees and overall costs.

This information, with the exception of information on the overall costs of legal advice, is subject to exemption under s.40(2) – Personal Information, Section 40 is an absolute exemption and therefore not subject to public interest test. No information is held at this time on legal costs as MOD has not yet received any invoices in connection with legal support for any person in connection with this IFI.

Pursuant to s.16, I would make the following point: IFIs are non-criminal investigations, equivalent to an inquest, and the Inspector is precluded from making findings of civil or criminal liability. Although witnesses are offered independent legal advice, funded by the MOD, the legal advisers are concerned with assisting them to understand the process and to provide statements rather than with mounting a defence (in the criminal sense).

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 us in the first instance at the address above. 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, Ground 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 normally 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 of Judicial engagement Policy