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Dear ████████

Freedom of Information Act (FOIA) Request – 200825014

Thank you for your request dated 25 August 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

Could you please provide the total amounts of legal aid awarded to OBINA EZEOKE.
A) For the trials to date re the murder conviction of Bertie Kalikaka-Ekoto and Annie Ekoto, to date.
B) Any legal awarded prior to these trials.

Your request has been handled under the FOIA. I cannot confirm or deny whether the information you have requested is held. This is pursuant to section 31(1)(c) of the FOIA, because doing so would be likely to prejudice the administration of justice.

At the time of your request, a verdict had not yet been reached in respect of the defendant in question. Until all proceedings reach a conclusion, it would not be lawful for us to confirm or deny any details about this or any previous cases, as doing so would be likely to prejudice the administration of justice.

Please note that where cases have not yet concluded, as in this one, we answer all enquiries on previous legal aid awards in this manner, irrespective of whether or not any additional information is actually held. This is to ensure that the administration of justice is protected in all such cases.

Section 31 is a qualified exemption, which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- Disclosure of information held by the MoJ would be consistent with the Government's wider commitment to transparency.

<u>Public interest considerations favouring withholding the information</u>

- While there is a commitment to wider transparency, this should not be at the expense of the integrity of judicial proceedings.
- As this matter is ongoing as explained above, the MoJ are taking steps to mitigate any risk of prejudice to the administration of justice, which would serve to diminish the chances of a trial taking place legally, and where disclosure would therefore obstruct criminal proceedings;
- While the issue of legal aid is a matter of some public debate and press interest, public confidence in the integrity and effectiveness of the criminal justice system and the administration of justice services greater public interest;
- The MoJ has also taken into account that FOIA discloses to the world at large and not just to the requester. Where there is any prospect of a retrial being ordered, or further judicial decisions to be made regarding this case, the MoJ has a duty to ensure the impartiality of those proceedings by not disclosing information outside the forum of the court;
- Confirming or denying if this information is held in these circumstances would be likely to result in prejudice, which may disrupt these proceedings and adversely affect their outcome, or generate additional grounds for challenge, thus prolonging the judicial process.

On balance, I consider the public interest favours not confirming or denying the information is held at this time.

The fact section 31(1) (c) has been cited, should not be taken as an indication that the information you have requested is held or is not held by the MoJ.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Information Governance
Legal Aid Agency