



Defence Business Services
Secretariat
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Ref: FOI2022/04736

DBSRES-Secretariat@mod.gov.uk

25 April 2022

Dear [REDACTED]

Thank you for your email of 2 April 2022 to the Ministry of Defence (MOD), requesting the following information:

“1 Regarding the statement that since the licence was issued for this excavation in 2006 multiple instances have occurred where human remains were found during excavation under licence of a crash site, could you provide details of such instances where the casualty also had a known grave?

I am assuming the Freedom of Information Act would allow you to provide me to with these details.

2. As the POMRA rules are written, it appears that the burden of proof lies with the MOD and not the licence applicant. It is clear that it is the responsibility of the MOD to endeavour to determine if there is a possibility of human remains being found in the wreckage.

In this case could any evidence be supplied why it has been determined that there is suspicion that the remains of FS Kraemer lie both in his grave at Cambridge and at the proposed excavation site.

My understanding is that the decision whether to issue a licence should be judged on the balance of probability of human remains being found. I would be grateful to see any evidence that it is more likely that there are remains of FS Kraemer on the excavation site than there are not”.

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 MOD and I can confirm that all information in scope of your request is held. Please see Annexes A and B below, which provide the requested information.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request 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 should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly 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. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

Defence Business Services Secretariat

ANNEX A TO
FOI 2022/04736
DATED 25 APRIL 2022

in 2018 the decision was made to strengthen the application of POMRA based on instances where human remains had been found under licence at crash sites; since then, licences have only been issued where evidence exists to demonstrate that it is highly unlikely that human remains will be found. A summary of instances where human remains have been found since 2006 (when a POMRA licence for Lancaster EE105 was last issued) is below:

Year	Aircraft	Licence No	Pilot	Summary
2012	Spitfire AR403	1705	Sergeant M E E Robertson NZRAF	NZ Authorities informed remains buried in existing grave 25 Jul 13
2015	Spitfire X5593	1804	Flying Officer H E Penketh	Further remains discovered and scattered at existing plot 19 Nov 15
2017	Spitfire AB462	1850	Squadron Leader D Cremin	Retrospective licence remains illegally dug buried in existing grave 30 Nov 17
2020	Mosquito DZ543	Not Applicable	Pilot Off A R White & Warrant Off E A Stubbs	Further remains discovered from an illegal dig buried in existing graves 12 Aug 21

As can be noted from the evidence above, no such instances have occurred since the POMRA rules were tightened in 2018, except for remains recovered illegally in 2020.

The duty of the Ministry of Defence when considering POMRA applications is to ensure that it is highly unlikely that human remains will be found. The emphasis is to therefore identify evidence that human remains are not present rather than vice versa. JCCC will always seek evidence from the Air Historical Branch (AHB), who will access the original casualty files, and provide information regarding the possibility of human remains being present at a crash site. Only then will JCCC make decision as to whether to issue a POMRA licence.

POMRA Licence Application – Proforma

Date request for info emailed to AHB	8 February 2022
By	JCCC
Aircraft & serial number	Lancaster EE105
Date of loss	24 August 1943
Name RAF/RAFVR/RCAF/RAAF Service number of crew	Sgt C S Chatten, Sgt C Baumber, PO L R Armitage, Sgt Standen, Sgt W A Reffin, FS R Kraemer (killed), Sgt L V Smith
Squadron	97 Sqn RAF Bourne
Application attached YES/NO	YES

Reply from AHB

Date reply emailed to JCCC	15/02/2022
By	AHB
AHB Ref	0169/2022
Confirm this aircraft?	Most likely this aircraft as location of crash site is stated as Shouldham, map ref G133273.
Number of crew on board?	7
Number of crew surviving impact?	6
Number of crew killed and burial details.	1 - F/S Kraemer is buried at Cambridge City Cemetery, Grave 14542.
Human remains likely to be found YES or NO? (if YES, please specify)	Although F/S Kraemer was buried, there is still a possibility of fragmentary human remains being found at the crash site.
Location of graves if known:	As above
Is there a possibility of live ordnance on board YES or NO? (If YES, please specify)	Yes - possibility of ammunition only. The Casualty File confirms there were no bombs on board at the time of the crash.
<p>Details of crash including location: The aircraft was returning to base from a bombing raid over Berlin. While over King's Lynn in Norfolk at 0300 hours at approx. 2,000ft the aircraft was hit by enemy cannon fire. The starboard engine caught fire, the engine was feathered and the fire extinguished. Flames then came out of trailing edge and later leading edge. The starboard centre tank was on fire, there was also a fire in the bomb aimers compartment which had been caused by the cannon fire. As the fire increased, the pilot ordered the crew to bale out. The body of Mid Upper Gunner F/S Kraemer was reported by RAF Marham to be in the wreckage. His body was later recovered and taken to RAF Marham mortuary. <i>(We are unable to confirm if the body was removed intact)</i>. Form 551 states "F/S Kraemer died from multiple injuries and burns". The location for the crash is stated as Shouldham, map ref G133273.</p> <p>F/S Kraemer was killed in the crash and Sgt Chatten was seriously wounded. All other crew members were uninjured.</p>	
Was aircraft on its way to/or returning from a mission?	Returning from a mission.

Any additional information: There is a copy in the Casualty File of Licence Number 1535 which was previously issued by JCCC on 20 October 2006 for this aircraft.