



# Ministry of Defence

Ref: FOI2020/06821

Ms Roseanne Burke  
CEASEFIRE  
3 Whitehall Court  
London SW1A 2EL  
roseanneburke@ceasefire.org

Service Prosecuting Authority  
Bldg 864  
RAF Northolt  
Ruislip HA4 6NG  
United Kingdom

Telephone: 020 8842 6105

E-mail: phil.dauncey196@mod.gov.uk

3<sup>rd</sup> November 2020

Dear Ms Burke,

Thank you for your letter and associated email of 16<sup>th</sup> June 2020 requesting the following information:

“Please could you supply figures for the number of a) prosecutions and b) convictions of UK armed services personnel in respect of i) UK operations in Afghanistan from 2001 – present and ii) UK operations in Iraq from 2003 – present, for the following offences:

- Offences under the International Criminal Court Act 2001;
- Offences under Section 134 of the Criminal Justice Act 1988;
- Offences under the Geneva Conventions Act 1957 as amended by the Geneva Conventions (Amendment) Act 1995; and
- Other offences allegedly committed against members of the local population in those countries.”

We treated your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA) and responded on the 24<sup>th</sup> July 2020.

I responded to you on the 7<sup>th</sup> Oct stating that we were conducting a review of the information held to confirm that the information was accurate. We have now concluded that internal review and believe that the original information provided was incorrect. I would like to apologise for error and the delay in responding. I have enclosed the correct information at Annex A.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note the information provided is held by the Service Prosecuting Authority. The Service Prosecuting Authority came into existence in 2009 following the amalgamation of the three single Service prosecuting authorities. The SPA has collated the information from these organisations going back to 2005. However, we are unable to confirm the veracity and or reliability of the data prior to 2009 due to differences in recording information across the Services at that time. This response is limited to Court Martial and does not include prosecutions in other countries.

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](mailto: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,

The prosecutions, for criminal and disciplinary offences, shown in the tables below may involve a number of charges under different Acts and so a prosecution may appear against more than one Act. The number of defendants prosecuted under each Act and the corresponding number of convictions are shown in subsequent columns.

Table A: UK Operations in Iraq 2003 to Present			
	Total Prosecutions	Defendants	Convictions
International Criminal Court Act 2001	1	3	1
Section 134 of the Criminal Justice Act 1988	0	0	0
Geneva Conventions Act 1957 as amended by the Geneva Conventions (Amendment) Act 1995	0	0	0
Other offences allegedly committed against members of the local population in those countries.	5	23	5

There have been a total of five prosecutions relating to Iraq since 2003.

Table B: UK operations in Afghanistan 2001 to Present			
	Total Prosecutions	Defendants	Convictions
International Criminal Court Act 2001	0	0	0
Section 134 of the Criminal Justice Act 1988	0	0	0
Geneva Conventions Act 1957 as amended by the Geneva Conventions (Amendment) Act 1995	0	0	0
Other offences allegedly committed against members of the local population in those countries.	9	16	9