



Foreign &
Commonwealth
Office

Legal Directorate
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Website: <https://www.gov.uk>

By email

02 April 2015

Dear Mr Donnelly,

Your Freedom Of Information Request: 0117-15

Thank you for your request for information which we received on 4 February 2015 and further to my letter of 4 March. In your request you asked for;

Since 1999, what has been the total cost to the Government of legal action opposing Chagossians' right to return to the Chagos Islands and defending the legality of Orders-in-Council issued in 2004 which prevented unauthorised entry into the British Indian Ocean Territory?

Please include a breakdown of all costs associated with different legal actions, defences and appeals including (but not limited to) the High Court case in the year 2000, the 2006 High Court case which overturned the 2004 Orders-in-Council, the 2008 Court of Appeal case which upheld the 2006 High Court decision, the 2008 appeal to the House of Lords Judicial Committee and the European Court of Human Rights case which concluded in 2012 in favour of the UK Government.

To be clear, please also include the legal aid costs associated with the above cases and any other legal action the Government has taken on these issues.

Please adjust these figures for inflation.

I can confirm that the Foreign and Commonwealth Office does hold information falling within the terms of your request.

The FOI Act obliges us to respond to requests promptly, and in any case no later than 20 working days after receiving your request. However, when a qualified exemption applies to the information and the public interest test is engaged, the Act allows the time for response to be longer than 20 working days, and a full response must be provided within such time as is reasonable in all circumstances of the case. We do, of course, aim to make all decisions within 20 working days, including in cases where we need to consider where the public

interest lies in respect of a request for exempt information. In this case, however, we have not yet reached a decision on where the balance of the public interest lies.

In your case we estimate that it will take an additional 20 days to take a decision on where the balance of the public interest lies. Therefore, we plan to let you have a response by 5 May. If it appears that it will take longer than this to reach a conclusion, we will keep you informed.

The specific exemption which applies in relation to your request is: section 42– legal professional privilege.

If you are unhappy with the service you are receiving and wish to make a complaint, please write to the FOI and DPA Team, Foreign and Commonwealth Office, Room K4.14, King Charles Street, London, SW1A 2AH. E-mail: foi-dpa.imd@fco.gov.uk. You have 40 working days to do so from the date of this letter.

If you are not content with the outcome of your complaint, you may then apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the FCO. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Please contact the mailbox if you have any queries about this letter.

Yours sincerely,

Assistant Legal Adviser
Legal Directorate



We keep and use information in line with the Data Protection Act 1998. We may release this personal information to other UK government departments and public authorities.