

From: Mrs S Gardiner



Ministry
of Defence

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3/18/1/235
(FOI2017/02288 and various requests)

Mr R Campbell
Via email: request-389973-e97718a3@whatdotheyknow.com

26th May 2017

Dear Mr Campbell

FREEDOM OF INFORMATION ACT 2000 INTERNAL REVIEW

1. I am writing in response to your email of 17 March 2017 in which you asked for an internal review of MOD's processing of your requests for information under the Freedom of Information Act 2000 (the Act). The purpose of this review is to consider whether the requirements of the Act have been fulfilled. Its scope is defined by Part VI of the Code of Practice under section 45 of the Act, at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/235286/0033.pdf.

This is my formal response following the review and I apologise for the delay in providing this internal review.

Handling

2. In conducting my review of the handling of your requests, I have focussed on the following requirements of the Act:

- Section 1(1)(a) which, subject to certain exclusions, gives any person making a request for information to a public authority the entitlement to be informed in writing by the public authority whether it holds information of the description specified in the request;
- Section 1(1)(b) which, subject to certain exemptions, creates an entitlement to receive the information held by the public authority;
- Section 10(1) which states that, subject to certain provisions allowing extensions of time, the public authority must comply with the requirements of section 1(1) promptly, and in any event not later than the twentieth working day following the date of receipt;

- Section 12(1) which removes Section 1 obligations described above to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit;
- Section 12(4) which does not oblige a public authority to comply with a request for information where two or more requests are made to a public authority by one person in circumstances prescribed in FOI regulations;
- Section 16(1) where it is the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it;
- Section 17(1) that requires a public authority which is relying on an exemption(s) in the Act to state that fact, to specify the exemption(s) and to state, (if not otherwise apparent) why that exemption applies.

3. This review is in respect of eleven emails received by MOD between 15 February 2017 and 13 March 2017 in which you raised several requests for information. A list of your requests was provided in the substantive response dated 17 March 2017. You did not receive this response within the statutory timescale for responding as set out in section 10(1) of the Act, for which I apologise. As required under section 1 of the Act, MOD confirmed that some of the information on the subject was held.

4. All of your requests were received within a period of 60 working days of each other and you were, therefore, advised that public authorities were entitled to aggregate two or more requests for the purposes of determining whether the cost of compliance exceeds the appropriate limit. It was estimated that the total cost of determining whether the requested information was held and then locating, retrieving and extracting it would exceed the appropriate cost limit (which for a Central Government public authority is set at £600 and equates to 3.5 days, 24 man-hours' effort).

5. Under section 16 (advice and assistance) of the Act, you were advised that MOD may be able to provide some of the information requested if you reduced or refined your requests to bring the cost of compliance under the limit. In particular you were advised that Requests 1, 2, 4, 7, 9 and 10 (as listed at Annex A of the substantive response) would be answerable within the cost limit. You were correctly advised of your right to appeal.

6. In summary, the Department failed to meet the statutory timescale for responding to your requests as set out in section 10(1) of the Act but they were otherwise handled appropriately.

Substance

7. Your request for an internal review of 17 March 2017 was as follows:

'Thank you for your response: For the record I am not acting as part of a campaign, I am asking these questions for personal reasons, as I suspect you already know.

'I can ask all of my questions in a single request if that is simpler. I am perplexed that some of the questions you are declining appear to be the simpler ones: What is Mr Warwick's contractual and employment arrangements, and has Younis Mazin ever been paid by public funds? Surely these answers are easily discoverable by yourselves without incurring any undue costs? Similarly a simple yes or no answer can be applied to whether Leigh Day have been paid from public funds? The questions regarding the APC are also quite easy for Disclosures 2 to discover, and are legitimate concerns as such disclosures appear to violate the Armed Forces Covenant, Values and Standards of the British Army

and the Army Leadership Code. Indeed the Parliamentary Disclosures section at APC described my disclosure as 'routine', therefore suggesting that they have good and easily accessible records of these disclosures which can be accessed without undue cost or time.

I will be happy to accept any answers you are willing to release, namely 1, 2, 4, 7, 9, 10. Any advice on gaining the other information that I am seeking would be gratefully received, but all of my questions are reasonable inquiries into the use of public funds and the legitimacy of investigations.

Being obstructive will not help you.

I would also like to request an internal review.'

Sections 12(1) and 12(4) and Fees Regulations

8. Section 12(1) of the Act does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with it would exceed the appropriate limit. The appropriate cost limit for a central government department is specified in the associated Fees Regulations¹ as £600, which represents the estimated cost of one person spending 3.5 working days (or 24 hours) in determining whether the Department holds the information, and locating, retrieving and extracting it on the basis of a standard charge rate of £25 per hour.

9. The Fees Regulations also prescribe the circumstances in which requests may be aggregated for the purposes of section 12 (exceeding the cost of compliance) of the Act. They state that two or more requests to one public authority can be aggregated for the purposes of calculating costs if they:

- a) are by one person, or
- b) are by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- c) relate, to any extent, to the same or similar information; and
- d) are received by the public authority within any period of sixty consecutive working days.

10. I find that your requests meet the criteria for aggregation as outlined at 8 a), c) and d). The Information Tribunal has ruled that the test of what information is the same or similar in the context of this regulation is very wide and that the request need only relate to any extent to the same or similar information. The Information Commissioner has said that requests will be similar where there is an overarching theme or common thread running between them in terms of the nature of the information requested. They recognise that multiple requests within a single item of correspondence are separate requests for the purpose of section 12. I am satisfied that the requests you made between 15 February 2017 and 13 March 2017 (at Annex A of this review) to the Department contain the common thread of information relating to inquiries into the death or abuse of civilians by UK armed forces personnel during military operations in Iraq.

11. In estimating whether complying with a request would exceed the appropriate limit, regulation 4(3) states that an authority can only take into account the costs it reasonably expects to incur in determining whether it holds the information and then locating, retrieving and extracting the information.

¹ <http://www.legislation.gov.uk/uksi/2004/3244/contents/made>

12. It is not a statutory requirement to explain why the request exceeded the cost limit, but I consider it is good business practice to do so. I have, therefore, obtained a cost estimate and find that, for Request 6 alone, it would take one person approximately eight days to conduct a search of electronic and hard copy information relating to IHAT, in order to determine whether the Department holds all of the information within the scope of the request, and then in locating, retrieving and extracting the information. Section 12 is also considered to apply to Request 5 as explained in Annex A. I therefore find that section 12(1) of the Act applies as the cost of complying would exceed the appropriate cost limit.

13. I am satisfied that, given the common thread of information relating to the investigation of death or abuse of Iraqi civilians by British Forces, the estimated cost of dealing with at least two of your requests was correctly regarded as the cost of dealing with all of your requests under the terms of section 12(4) of the Act.

Section 16 (advice and assistance)

14. Section 16 of the Act sets out the duty on public authorities to provide advice and assistance, as far as it is reasonable to expect the public authority to do so, to anyone who is considering, or has made, a request for information to it. The advice given was to provide you with an understanding on what information could realistically be released under the appropriate limit and to make a refined request accordingly. For example, it was considered that the exemption at section 40(2) (personal information) of the Act would apply to information which may be held in order to comply with Requests 3 and 8 as listed in the table at Annex A, hence they were not offered as a refined request.

15. I note that you have accepted the advice provided and made a new refined request accordingly (in your email of 17 March 2017 at paragraph 7 above). This request was logged under reference FOI2017/03714 and a response was provided to you on 19 May 2017.

16. In summary, I find that MOD is correct to aggregate your requests and is entitled to rely on section 12(1) (cost of compliance exceeds appropriate limit) of the Act as it would exceed the appropriate limit to locate, retrieve and extract the information in scope of some of your requests. I am satisfied that you were provided with appropriate advice on refining your requests to bring them within the cost of compliance. Details of the requests that could be answered within the time limit are clearly laid out in the table at Annex A.

Requests received within 60 consecutive working days

17. As mentioned above, the Fees Regulations state that requests received within 60 consecutive working days can be aggregated. I find that it would have been helpful if you had been advised that any further substantially same or similar requests you made would be aggregated with earlier ones and MOD would not be obliged to respond.

18. The ICO's approach is to allow the aggregation period to only run up to 20 days 'forward' from the date of any single request under consideration to take into account the requirements of section 10(1). The aggregation period also runs up to 60 days 'backwards' from the date of any single request under consideration. The total aggregation period, (running either forwards or backwards or a combination of both) from the date of any single request must not exceed 60 working days.

19. If you still wish for the remaining request(s) to be considered again under the Act, you will need to raise it again on or after 19 June 2017 (from the date of your refined request of 17 March 2017), taking into account the further advice that has been provided in this review on what can reasonably be provided to you within the cost limit. Unfortunately, MOD failed to advise you of this requirement in the substantive response, for which I apologise.

Repeated or resubmitted requests

20. You sent five further emails (listed at Annex B) on 4 April 2017 which MOD aggregated with your earlier requests subject to this review. You were advised that MOD would not be taking them forward unless you withdrew those earlier requests to bring them under the cost limit i.e. by submitting a refined request.

21. Your email of 8 April 2017 (also at Annex B) repeated all the requests that are the subject of this review, as well as the requests you submitted on 4 April 2017. As explained above, MOD is not obliged to comply with any further requests from you until on or after 19 June 2017.

Requests framed as questions

22. Finally, I should explain that the Act gives an applicant the right to access recorded information held by public authorities. The Act does not require public authorities to answer questions, provide explanations or give opinions, unless this is recorded information that they hold. This is because any opinion or explanation would be speculation rather than based on factual information held and may be misleading and, in the worst case factually incorrect. You may wish to note that in a Decision Notice, (FS50279127 (Public Authority: Winsley Parish Council)) at https://ico.org.uk/media/action-weve-taken/decision-notice/2011/585872/fs_50279127.pdf, the Information Commissioner stated: *"The Act does not provide a right to ask questions from public authorities. It provides the right to ask an authority for a copy of any recorded information that it holds"*.

Conclusion

23. In summary, I find that:

- MOD failed to meet the statutory timescale for responding to your requests as set out in section 10(1) of the Act but was otherwise handled appropriately.
- MOD is correct to aggregate your requests and is entitled to rely on section 12(1) (cost of compliance exceeds appropriate limit) of the Act as it would exceed the appropriate limit to locate, retrieve and extract the information in scope of some of your requests.
- MOD provided appropriate efforts under section 16 (advice and assistance) of the Act to allow you to refine your requests.

If you are dissatisfied with the review, you may make a complaint to the Information Commissioner under the provisions of section 50 of the Act. Further details of the role and powers of the Commissioner can be found on the website at: <https://ico.org.uk>. The address is: Information Commissioner's Office, Wycliffe House, Water Lane, WILMSLOW, Cheshire, SK9 5AF.

Yours sincerely,



Sandra Gardiner

Requests received on the subject of the inquiries into the death or abuse of civilians by UK armed forces personnel during military operations in Iraq.

No	Request received	Request details	Cost estimate
1	15 February 2017	Who within the MOD, by job title, authorised payments to Phil Shiner/PIL or Abu Jamal?	This request can be handled within the cost limit and was offered as a refined request logged under FOI2017/03714
2	15 February 2017	Could you please inform me the exact date the then Secretary of State for defence, Dr Liam Fox, was informed of MOD payments to Public Intrest Lawyers or Mr Abu Jamal?	This request can be handled within the cost limit and was offered as a refined request logged under FOI2017/03714
3	15 February 2017	Can the MOD please clarify if Mr Mazin Younis has received any payment from the MOD as part of any investigation in Iraq, and if so, how much and in what role?	This was not offered as a refined request for the reasons outlined above under section 16.
4	16 February 2017	Could you please confirm if the decision to employ Mr Abu Jamal was subject to any sort of tender process, and if so, what were the parameters of such a process? Were any other candidates considered for this role?	This request can be handled within the cost limit and was offered as a refined request logged under FOI2017/03714
5	16 February 2017	Could the Ministry of Defence please confirm or deny if any payments were made to the law firm Leigh Day, or their agents or employees as part of any Iraq investigation? If so, how much and when?	Section 12 applies. MOD does not hold a central record of all of the information requested. At least three separate MOD business units (including IHAT) have had dealings with Leigh Day and records are therefore not held centrally to answer this. From an IHAT perspective no payments have been made to Leigh Day in respect of IHAT investigations.

6	21 February 2017	<p>1. How many IHAT investigators have visited the scenes of the alleged criminality they are investigating in the BASRA area?</p> <p>2. Could you please list the countries have IHAT investigators have visited by country, the reason for their visit, and how many visits to each country were made?</p> <p>3. Please describe the method of travel and clarify in IHAT personnel travelled by commercial air, chartered private aircraft or by MOD/RAF aircraft?</p> <p>4. Please state the flight class that has been used, ie, Economy, Business, or First class, and the statistics for each class if it varies.</p> <p>5. What standards of accommodation were used by IHAT investigators, by the standard hotel 'star' rating, whether in the UK or overseas?</p>	<p>Section 12 applies. MOD does not hold a central record of all of the information requested.</p> <p>The response to Q1 is None, therefore it is not held.</p> <p>A list of countries could be provided and the number of visits to each country – however this would only be if the investigator used commercial airlines – if rail or road travel was used this could not be provided. There are at least 140 investigators. The reason for the visit is more difficult to locate because the information is likely to be held in each case file; IHAT has received 3393 allegations since its inception. There is likely to be gaps in the data, which is held in hard copy and would require a manual search of records which would necessitate records to be recalled from TNT archives. The flight class information requested is not held centrally.</p> <p>For example in 2014/15 there were 122 Flight transactions. It is estimated that it would take about 2.75 days for one person to locate, retrieve, extract and assess all of the records in scope, identify the reason and create information (which the Department is not required to do under the Act) to comply with this request. The IHAT also has records for Financial Years 13/14 and 15/16 which would take a further 5.5 days.</p>
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7	3 March 2017	<p>1. What is the timeline for the disbandment for IHAT?</p> <p>2. Which investigative body will continue any further or unresolved allegations from IHAT?</p> <p>3. Whether any current or former private contractors that were working at IHAT will be retained following its disbandment?</p> <p>4. Whether Red Snapper will have any further involvement in IHAT?</p> <p>5. Whether Comd Hawkins will retain overall oversight of these investigations in his role as PM Navy?</p>	This request can be handled within the cost limit and was offered as a refined request logged under FOI2017/03714.
8	3 March 2017	<p>1. Who employs Mr Mark Warwick, deputy commander of IHAT and is he a private employee or servant of the Crown?</p> <p>2. What is his salary?</p> <p>3. What are his contractual arrangements including dates and TORs?</p> <p>4. Will Mr Warwick remain in any role involving Iraq allegations following the formal disbandment of IHAT?</p> <p>5. What, if any, financial implications/rewards does he have for premature end of contract (if any) such as lump sum payments or severance pay?</p> <p>6. What Police powers does Mr Warwick have, if any?</p>	This was not offered as a refined request for the reasons outlined above under section 16.

9	3 March 2017	<p>Is there a doctrinal or management arrangement, in which a member of the Armed Forces under investigation by IHAT, or any other historical investigative body, can have their rights removed under the following:</p> <ol style="list-style-type: none"> 1. Queen's Regulations 2. Human Rights Act 3. Values and Standards of the British Army 4. The Army Leadership Code 5. AGAI 99 <p>Similarly, is there any arrangement in any of the above documents in which the Ministry of Defence or Army or CoC are no longer required to maintain their obligations towards their personnel?</p>	This request can be handled within the cost limit and was offered as a refined request logged under FOI2017/03714.
10	3 March 2017	<p>Thank you for responding to my previous FOI request: 20170221 FOI02295 78474 Legal Aid IHAT Campbell Response</p> <p>I would like to know, if the AFCLAA are not funding legal assistance to soldiers under investigation by IHAT, or who have been passed forward for potential prosecution, which body is providing this funding, and under what funding scheme?</p> <p>Which budget are these funds being drawn from, and what are the limits of funding placed per serviceperson?</p>	This request can be handled within the cost limit and was offered as a refined request logged under FOI2017/03714.
11	13 March 2017	<ol style="list-style-type: none"> 1. How many requests did the IHAT make to the Army Personnel Centre for disclosure of veterans or service personnel's records? 2. How many requests were denied and how many requests were authorised? 	This was not offered as a refinement but can be handled within the section 12 cost limit. You may raise this request again on or after 19 June 2017.

		<p>3. How many of these veterans or Service Personnel were notified by the Army that disclosure had taken place?</p> <p>4. How many applications have IHAT made to examine veterans or Service Personnel's medical records, with or without consent?</p> <p>5. How many applications have been denied, and how many applications were authorised?</p> <p>6. How many of these veterans or Service Personnel were notified that disclosure of their medical records had taken place?</p> <p>7. How many applications have been made to the Army Personnel Centre for disclosure of information by the Northern Ireland Historical Allegations Team or for the purposes of Operation Northmoor?</p>	
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Response provided dated 07 April 2017 16:27

(Email dated 4 April 2017 at 09:58 to MOD via the WhatDoTheyKnow.com website)

Dear British Army,

Please could you answer the following:

- 1. How many requests did the IHAT make to the Army Personnel Centre for disclosure of veterans or service personnel's records?*
- 2. How many requests were denied and how many requests were authorised?*
- 3. How many of these veterans or Service Personnel were notified by the Army that disclosure had taken place?*
- 4. How many applications have IHAT made to examine veterans or Service Personnel's medical records, with or without consent?*
- 5. How many applications have been denied, and how many applications were authorised?*
- 6. How many of these veterans or Service Personnel were notified that disclosure of their medical records had taken place?*
- 7. How many applications have been made to the Army Personnel Centre for disclosure of information by the Northern Ireland Historical Allegations Team / PSNI or for the purposes of Operation Northmoor?*

Email dated 4 April 2017 at 10:06 to the Army Personnel Centre

Could I also please ask the following questions under the Freedom of Information Act 2000:

- 1. How many requests did the IHAT make to the Army Personnel Centre for disclosure of veterans or service personnel's records?*
- 2. How many requests were denied and how many requests were authorised?*
- 3. How many of these veterans or Service Personnel were notified by the Army that disclosure had taken place?*
- 4. How many applications have IHAT made to examine veterans or Service Personnel's medical records, with or without consent?*
- 5. How many applications have been denied, and how many applications were authorised?*
- 6. How many of these veterans or Service Personnel were notified that disclosure of their medical records had taken place?*
- 7. How many applications have been made to the Army Personnel Centre for disclosure of information by the Northern Ireland Historical Allegations Team or for the purposes of Operation Northmoor?*

Email dated 4 April 2017 at 10:15 to the Iraq Historic Allegation team

Please could you answer the following questions under the Freedom of Information Act 2000.

- 1. How many requests did the IHAT make to the Army Personnel Centre for disclosure of veterans or service personnel's records?*
- 2. How many requests were denied and how many requests were authorised?*
- 3. How many of these veterans or Service Personnel were notified by IHAT that disclosure had taken place?*
- 4. How many applications have IHAT made to examine veterans or Service Personnel's medical records, with or without consent?*
- 5. How many applications have been denied, and how many applications were authorised?*
- 6. How many of these veterans or Service Personnel were notified that disclosure of their medical records had taken place?*
- 7. Who employs Mr Mark Warwick, deputy commander of IHAT and is he a private employee or servant of the Crown?*
- 8. What is his salary?*
- 9. What are his contractual arrangements including dates and TORs?*
- 10. Will Mr Warwick remain in any role involving Iraq allegations following the formal disbandment of IHAT?*
- 11. What, if any, financial implications/rewards does he have for premature end of contract (if any) such as lump sum payments or severance pay?*
- 12. What Police powers does Mr Warwick have, if any?*
- 13. How many IHAT investigators have visited the scenes of the alleged criminality they are investigating in the BASRA area?*
- 14. Could you please list the countries have IHAT investigators have visited by country, the reason for their visit, and how many visits to each country were made?*
- 15. Please describe the method of travel and clarify in IHAT personnel travelled by commercial air, chartered private aircraft or by MOD/RAF aircraft?*
- 16. Please state the flight class that has been used, ie, Economy, Business, or First class, and the statistics for each class if it varies.*
- 17. What standards of accommodation were used by IHAT investigators, by the standard hotel 'star' rating, whether in the UK or overseas?*
- 18. What is the timeline for the disbandment for IHAT?*
- 19. Which investigative body will continue any further or unresolved allegations from IHAT?*
- 20. Whether any current or former private contractors that were working at IHAT will be retained following its disbandment?*
- 21. Whether Red Snapper will have any further involvement in IHAT?*
- 22. Whether Comd Hawkins will retain overall oversight of these investigations in his role as PM Navy?*

Email dated 4 April 2017 at 10:18 to the Iraq Fatality Investigation team

Please could you answer the following under the Freedom of Information Act 200:

1. *How many requests did the IFI make to the Army Personnel Centre or MOD for disclosure of veterans or service personnel's records?*
2. *How many requests were denied and how many requests were authorised?*
3. *How many of these veterans or Service Personnel were notified by the IFI that disclosure had taken place?*
4. *How many applications have IFI made to examine veterans or Service Personnel's medical records, with or without consent?*
5. *How many applications have been denied, and how many applications were authorised?*
6. *How many of these veterans or Service Personnel were notified that disclosure of their medical records had taken place?*

Your request to the Iraq Fatality Investigations has been passed to the Ministry of Defence and will dealt with as part of this correspondence. You should therefore disregard their e-mail to you of 5 April 2017 (timed at 13.46) which was sent in error.

Email dated 4 April 2017 at 10:33 to the Iraq Historic Allegation team

In addition to my previous FOI request, I would also like to know the following:

1. *Can the MOD please clarify if Mr Mazin Younis has received any payment from the IHAT/MOD as part of any investigation in or regarding Iraq, and if so, how much and in what role?*
2. *Could the IHAT please confirm or deny if any payments were made to the law firm Leigh Day, or their agents or employees as part of any Iraq investigation? If so, how much and when and for what purpose?*

Your request to the IHAT has been passed to the Ministry of Defence and will dealt with as part of this correspondence.

You will recall that on 17 March 2017 under FOI2017/02288 we wrote to you to inform you that we could take forward a refined request where we would provide information to the following:-

Request 1: 15 February 2017:

Who within the MOD, by job title, authorised payments to Phil Shiner/PIL or Abu Jamal?

Request 2: 15 February 2017:

Could you please inform me the exact date the then Secretary of State for defence, Dr Liam Fox, was informed of MOD payments to Public Interest Lawyers or Mr Abu Jamal?

Request 4: 16 February 2017:

Could you please confirm if the decision to employ Mr Abu Jamal was subject to any sort of tender process, and if so, what were the parameters of such a process? Were any other candidates considered for this role?

Request 7: 3 March 2017:

1. What is the timeline for the disbandment for IHAT?
2. Which investigative body will continue any further or unresolved allegations from IHAT?
3. Whether any current or former private contractors that were working at IHAT will be retained following its disbandment?
4. Whether Red Snapper will have any further involvement in IHAT?
5. Whether Comd Hawkins will retain overall oversight of these investigations in his role as PM Navy?

Request 9: 3 March 2017:

Is there a doctrinal or management arrangement, in which a member of the Armed Forces under investigation by IHAT, or any other historical investigative body, can have their rights removed under the following:

1. Queen's Regulations

2. Human Rights Act

3. Values and Standards of the British Army 4. The Army Leadership Code 5. AGAI 99 6. Data Protection Act 1998 Similarly, is there any arrangement in any of the above documents in which the Ministry of Defence or Army or CoC are no longer required to maintain their obligations towards their personnel?

Request 10: 3 March 2017:

Thank you for responding to my previous FOI request: 20170221 FOI02295 78474 Legal Aid IHAT Campbell Response I would like to know, if the AFCLAA are not funding legal assistance to soldiers under investigation by IHAT, or who have been passed forward for potential prosecution, which body is providing this funding, and under what funding scheme?

Which budget are these funds being drawn from, and what are the limits of funding placed per serviceperson?

This request is being taken forward under case reference 2017/03714 and was acknowledged on 4 April 2017.

However, given the above, MOD will not be able to continue taking forward this request if you also require us to respond to your other requests. This is because a substantial period between each request has not elapsed (i.e. 3 months) and they have all been received within a 60 working days consecutive period. Because of this, they fail to be aggregated with FOI2017/03714 as they all seek same or similar information. In doing so, we have established it would exceed the appropriate cost limit to comply.

This email, therefore, is to remind you that if you want us to continue progressing the response to FOI2017/03714, this can only be done if your other requests are withdrawn to ensure we can do so without exceeding the appropriate cost limit.

Email of 8 April 2017

Dear Anonymous DJEP person,

Thank you for your late Friday afternoon email.

I do recall that I received your email on 17th March 17, and if you recall, I replied that I was satisfied to restrict my requests to those seven questions that you were prepared to answer. I also asked for the advice that you kindly offered as to the best and most efficient way of getting the information that I require.

I received no response to this email, so assumed that you were ignoring me. This is the reason for resubmitting these questions and via other agencies in order to compare responses.

I was unaware that all FOI requests to different parts of the MOD are sent to a DJEP for response. It is unclear to me however why my requests to the IFI have been forwarded to DJEP? Am I to understand that the IFI are indeed not an independent inquiry, but instead an arm of the Ministry of Defence?

I am happy to withdraw all of my requests via the WhatDoTheKnow website and the direct request to APC, IFI and IHAT, if you are willing to address the questions directly and privately yourselves. If this is agreeable to you, I will withdraw all of my requests.

Here is a list of consolidated requests for information.

- 1. How many requests did the IHAT make to the Army Personnel Centre for disclosure of veterans or service personnel's records?*
- 2. How many requests were denied and how many requests were authorised?*
- 3. How many of these veterans or Service Personnel were notified by the Army that disclosure had taken place?*
- 4. How many applications have IHAT made to examine veterans or Service Personnel's medical records, with or without consent?*
- 5. How many medical record applications have been denied?*
- 6. How many of these veterans or Service Personnel were notified that disclosure of their medical records had taken place?*
- 7. How many applications have been made to the Army Personnel Centre for disclosure of information by the Northern Ireland Historical Allegations Team / PSNI, or for the purposes of Operation Northmoor?*
- 8. Who employs Mr Mark Warwick, deputy commander of IHAT and is he a private employee or servant of the Crown?*
- 9. What is his salary?*
- 10. What are his contractual arrangements including dates and TORs?*
- 11 Will Mr Warwick remain in any role involving Iraq allegations following the formal disbandment of IHAT?*
- 12. What, if any, financial implications/rewards does he have for premature end of contract (if any) such as lump sum payments or severance pay?*
- 13. What Police powers does Mr Warwick have, if any?*
- 14. How many IHAT investigators have visited the scenes of the alleged criminality they are investigating in the BASRA area?*

15. Could you please list the countries have IHAT investigators have visited by country, the reason for their visit, and how many visits to each country were made?
 16. Please describe the method of travel and clarify in IHAT personnel travelled by commercial air, chartered private aircraft or by MOD/RAF aircraft?
 17. Please state the flight class that has been used, ie, Economy, Business, or First class, and the statistics for each class if it varies.
 18. What standards of accommodation were used by IHAT investigators, by the standard hotel 'star' rating, whether in the UK or overseas?
 19. Whether any current or former private contractors that were working at IHAT will be retained following its disbandment?
 20. Whether Red Snapper will have any further involvement in historical allegation investigation, either for Iraq, Afghanistan or Northern Ireland?
 21. Whether Comd Hawkins will retain overall oversight of these investigations in his role as PM Navy?
 22. How many requests did the IFI make to the Army Personnel Centre or MOD for disclosure of veterans or service personnel's records?
 23. How many requests were denied?
 24. How many of these veterans or Service Personnel were notified by the IFI that disclosure had taken place?
 25. How many applications have IFI made to examine veterans or Service Personnel's medical records, with or without consent?
 26. How many applications have been denied?
 27. How many of these veterans or Service Personnel were notified that disclosure of their medical records had taken place?
 28. Can the MOD please clarify if Mr Mazin Younis has received any payment from the IHAT/MOD as part of any investigation in or regarding Iraq, and if so, how much was he paid and in what role?
 29. Could the IHAT please confirm or deny if any payments were made to the law firm Leigh Day, or their agents or employees as part of any Iraq investigation? If so, how much, and when, and for what purpose?
 30. Is there a doctrinal or management arrangement, in which a member of the Armed Forces under investigation by IHAT, or any other historical investigative body, can have their rights removed under the following:
 - a. Queen's Regulations
 - b. Human Rights Act
 - c. Values and Standards of the British Army
 - d. The Army Leadership Code
 - e. Data Protection Act 1998
 - f. Human Rights Act 1998
 - g. AGAI 99
- Similarly, is there any arrangement in any of the above documents in which the Ministry of Defence or Army or CoC are no longer required to maintain their obligations towards their personnel?
31. I would like to know, if the AFCLAA are not funding legal assistance to soldiers under investigation by IHAT, or who have been passed forward for potential prosecution, which body is providing this funding, and under what funding scheme?

32. Which budget are these funds being drawn from, and what is the limits of funding placed per serviceperson?

33. Who within the MOD, by job title, authorised payments to Phil Shiner/PIL or Abu Jamal?

34. Could you please inform me the exact date the then Secretary of State for defence, Dr Liam Fox, was informed of MOD payments to Public Interest Lawyers or Mr Abu Jamal?

35. Could you please confirm if the decision to employ Mr Abu Jamal was subject to any sort of tender process, and if so, what were the parameters of such a process? Were any other candidates considered for this role?

All of these questions are reasonable and I believe them to be in the Service Interest to be known. For example, it is not widely known that the APC distributes personal information to third parties without their consent or knowledge, nor that the MOD has paid a politically motivated law firm to gather evidence against British soldiers. It is not clearly understood how much taxpayers money is being spent on foreign travel for investigators, nor the oversight of these investigations, and the chain of command and overall accountability for IHAT and the IFI is ambiguous.

If you could respond as to whether you would be prepared to answer these questions, I will withdraw all previous requests and correspond directly with you on this matter, if you could be so kind as to tell me your name. Alternatively, I am open to any advice you may have for me to get answers to these questions without the need for any further friction.