



Ministry
of Defence

MINISTRY OF DEFENCE
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THE RT HON MARK LANCASTER TD VR MP
MINISTER OF STATE FOR THE ARMED FORCES

MSU/4/8/1/2/ap

27th September 2018

Dear Sir,

CORRECTION TO EVIDENCE HEARD ON 4 SEPTEMBER 2018

As you know, I warmly welcome the Committee's inquiry into how Service personnel and veterans might be given better protection against re-investigations of historic incidents. I look forward to the Committee's conclusions in due course.

I am writing this letter in respect of the evidence session held on 4 September as part of that inquiry, during which you heard from retired Colonels Tim Collins and Jorge Mendonça. In particular, I write about what the transcript of proceedings described as Question 81:

"Q81 Johnny Mercer MP: One on who the Service Prosecuting Authority reports to—it might be one for us, Chair. It reports to DJEP—the director of judicial engagement policy, who we had in. He embarrassed himself in front of the Iraq historical allegations team, and he has overseen this process for years now, and has been responsible for that."

In my view, this comment comprises unfair and inaccurate criticism of an individual civil servant. This letter is intended as a correction of the record.

The MOD's Director of Judicial Engagement Policy (DJEP) plays an important role in delivering the Department's commitments to a range of judicial processes – from inquests to criminal investigations. He also holds responsibility within the Department for the approach taken to a range of civil claims, as well as responsibility for various policy areas. He does not, however, have responsibility either for the workings of independent criminal investigations, or for the conduct of the independent Service Prosecuting Authority. To suggest that he does is to call into question the independence of those processes.

The Rt Hon Dr Julian Lewis MP
Chairman, Defence Select Committee
House of Commons
London
SW1A 0AA

The Service Prosecuting Authority is led by the Director of Service Prosecutions, Andrew Cayley CMG QC. Like other prosecuting authorities it is entirely – and quite properly - independent and acts under the general superintendence of the Attorney General.

Similarly, while DJEP has a role in ensuring that momentum is maintained, and in representing progress made both to Parliament and the Courts, criminal investigations are by necessity operationally independent. This is true whether they are conducted by the IHAT or the Service Police.

Finally, in my view the personal nature and the tone of the extract above are not appropriate for comments made in public about a specific individual civil servant who – by nature of his position – cannot respond. Mr Ryan is an experienced and highly professional civil servant who has served the Ministry of Defence, its Ministers and its people (serving and retired) with distinction over a number of years, most recently in advising on the plethora of allegations and litigation emanating from Iraq, Afghanistan and Northern Ireland. He enjoys my full confidence.

I will be placing a copy in the Library of the House.

A handwritten signature in black ink, appearing to read 'Mark Lancaster', with a stylized flourish below the name.

THE RT HON MARK LANCASTER TD VR MP