



Ministry
of Defence

MINISTRY OF DEFENCE
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THE RT HON BARONESS GOLDIE DL
MINISTER OF STATE IN THE HOUSE OF LORDS

MSU/4/8/2/3/ap

5 February 2021

Dear Helena,

During the Second Reading of the Overseas Operations (Service Personnel and Veterans) Bill on 20 January 2021, you asked how many prosecutions there have been in the 20 years.

I should like to refer you to the evidence given to the Joint Committee on Human Rights on this matter, and which is referenced in their report of 29 October 2020. The number of Service personnel charged by the Service Prosecuting Authority for criminal offences against the local population arising from operations in Iraq and Afghanistan since 2000 is 27. Eight of these individuals were subsequently convicted at Court Martial.

It should be noted that whilst information exists, much of it is archived and is in such volume as to make retrieving and searching the paper files extremely challenging. The data above has therefore only been extracted from computer databases, which may present an incomplete picture.

You also asked whether the concerns about 'vexatious prosecutions' were totally misplaced as there had been so few prosecutions.

I should like to refer you to the Government's response to the JCHR report (<https://committees.parliament.uk/publications/4260/documents/43321/default/>), which stated that the measures in the Bill have not been introduced as a result of concerns that prosecutions brought by the Service Prosecuting Authority have been 'vexatious'. The measures in Part 1 of the Bill have been introduced to provide reassurance to our Service personnel and veterans that, where an investigation into historical allegations of wrongdoing is referred to the prosecutor for a decision on whether to prosecute, the unique circumstances of overseas operations will be taken into account in their considerations.

I am placing a copy of this letter in the Library of the House.

*Yours sincerely,
Annabel Su Gocie*

BARONESS GOLDIE DL

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