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NICK HARVEY MP
MINISTER OF STATE FOR THE ARMED FORCES

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Sean Andrews,

Thank you for your letter of 5 April to the Secretary of State, the Rt Hon Dr Liam Fox MP asking for information pertaining to an operation on 11 April 2003 in which UK forces in Iraq transported individuals to a US detention facility. I know that you have written previously on this issue and I would like to apologise for the department's failure to identify documents relating to this operation when you first wrote in March 2009. I now understand this incident relates to the transportation and unfortunate death of Mr Tariq Mahmud. In line with your request I am responding to you directly rather than handling this enquiry as a Freedom of Information request. I trust this is to your satisfaction.

I should like to reiterate at this stage that it is the long-standing policy of this department not to comment on operations involving either UK or other nations' Special Forces. However, I can confirm that Mr Tariq S Mahmud was a detainee captured by another Coalition nation's forces on 11 April 2003. During transportation to a US detention facility aboard a RAF Chinook helicopter, he was found to be unconscious. On arrival, a US military doctor pronounced him dead.

The US authorities carried out an investigation and concluded that appropriate tactics, techniques and procedures had been used when handling the prisoner and that no unlawful act or omission caused his death or seriously endangered his health, recording the cause of death as unknown. A subsequent extensive RAF Police inquiry (in response to an anonymous allegation of the involvement of UK personnel in the incident) concluded that the cause of death remained unknown and that there was insufficient evidence to recommend charges against any of those named in the allegation.

The Iraq Historic Allegations Team are currently reviewing the UK RAF Police investigation into the alleged abuse and will make recommendations as to whether this incident has been investigated appropriately and identify any actions that need to be taken. As I am sure you will appreciate it would be inappropriate to comment further at this juncture. I am sorry that I have been unable to meet your request at this time but thank you for taking the time to raise this issue with the Secretary of State for Defence.

Yours ever

Nick

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