



Human Rights and the Military

Extra-territorial human rights
abuses by UK Forces and the
work of Public Interest
Lawyers

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IHL v IHRL

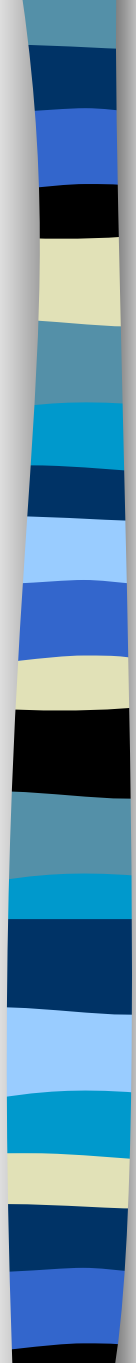
The long history of the regulation of war (International Humanitarian Law):

1864 - Conventions for Amelioration of Condition of Wounded

1899 & 1907 - Hague Regulations

1949 - Geneva Conventions

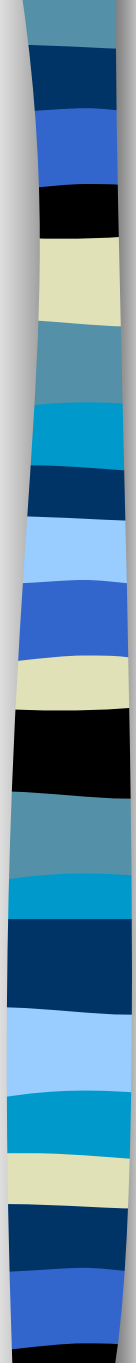
Monitored by the International Committee of the Red Cross (ICRC)



The UK and torture - the official history

Lord Hoffman in *A (No.2)*:

“a touchstone of a humane and civilised legal system.....achieved as part of the great constitutional struggle and civil war which made the government subject to the law. Its rejection has a constitutional resonance for the English people which cannot be overestimated..”

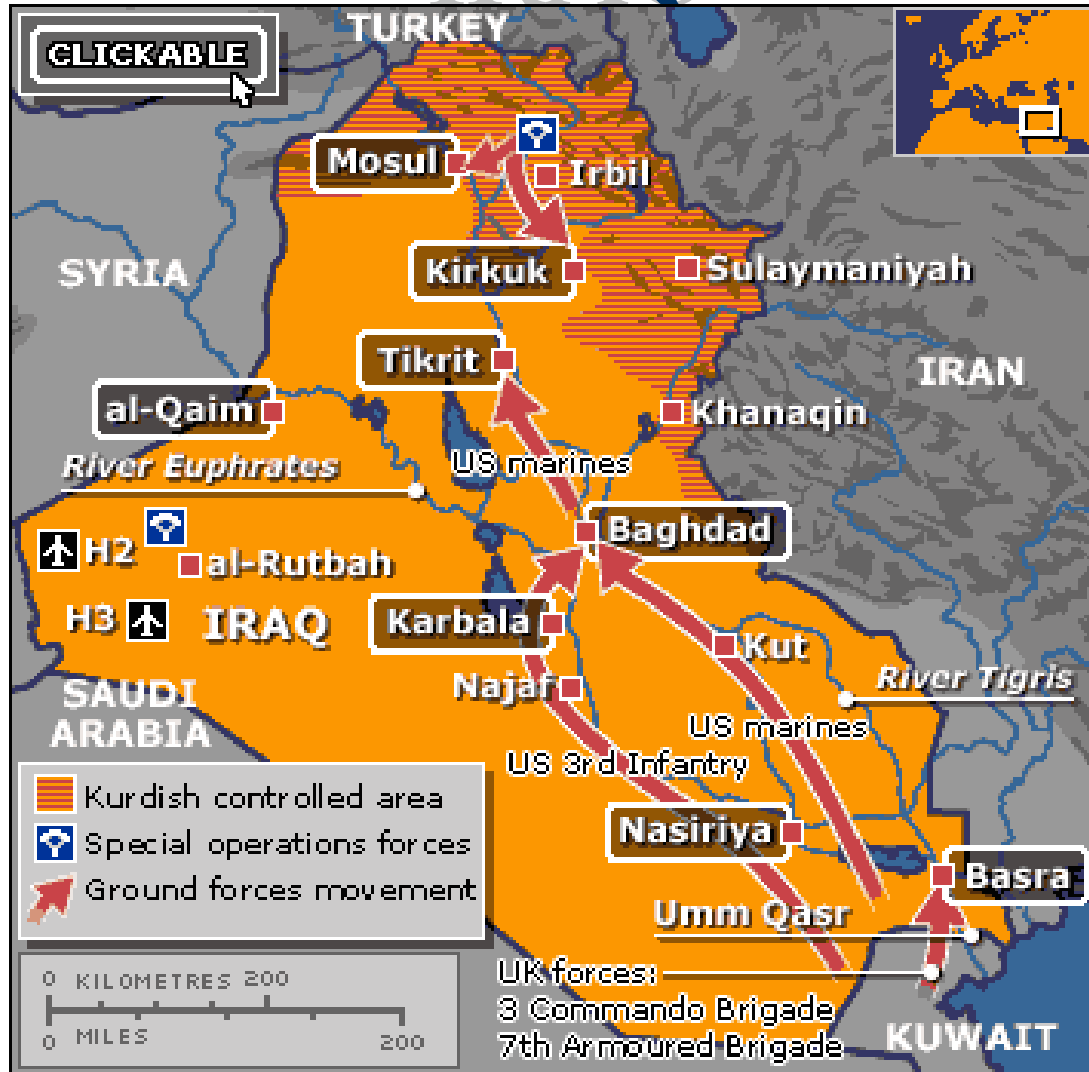


The UK and Torture - the unofficial history

Parker Report (1972):

“conditioning techniques have been developed since the War to deal with a number of situations involving internal security. Some or all have played an important part in counter insurgency operations in Palestine, Malaya, Kenya and Cyprus and more recently in the British Cameroons (1960-61), Brunei (1963), British Guiana (1964), Aden (1964-67), Borneo/Malaysia (1965-66), the Persian Gulf (1970-71) and in Northern Ireland (1971).”

IRAQ



Abu Ghraib





The 5 Techniques

- Stress Positions
- Hooding
- Subjection to noise
- Sleep Deprivation
- Food and Drink Deprivation

“the 5 techniques applied in combination, with premeditation and for hours at a stretch; they caused, if not actual bodily injury, at least intense physical and mental suffering to the persons subjected to thereto and also led to acute psychiatric disturbances during interrogation” ECtHR Ireland v UK 1978



Accountability in the UK:

Judicial Review + HRA + Legal Aid

- First step, send a pre-action protocol letter asking UK Government to initiate Article 3 compliant investigation**
- After no response or inadequate response – issue a claim for Judicial Review**
- Disclosure**
- Full Hearing**



The ECHR

Article 2 (1):

Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

Article 3:

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 5 (1):

Everyone has the right to liberty and security of person.

Baha Mousa







Video Evidence Played at Baha Mousa Inquiry

<http://www.guardian.co.uk/uk/video/2009/jul/13/baha-mousa-inquiry>

The face
that will
haunt
Mr Blair





***Al-Skeini* (House of Lords) (2007)**

Held that the actions of British forces - in military detention facilities - were regulated by the Human Rights Act (ECHR).

There would be no accountability black hole, no British Guantamos.



Iraq Abuse and Detention Cases

PIL has over 60 judicial reviews/ pending judicial reviews against the UK Government. While each case is different many have similar elements:

- Violent Arrest, abuse at the home, effect on wife and children.**
- Initial Interrogation at temporary detention facility: use of five techniques.**
- Transfer to British Detention Facility (Shaibah or Basra International Airport).**
- Solitary Confinement - poor detention conditions, frequent interrogation, disorientation techniques, sleep deprivation.**
- Transfer to General Population: lengthy detention without any judicial oversight.**

Many cases also involve sexual abuse and religious humiliation