



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Consideration of reports submitted by States parties under  
article 40 of the Covenant**

**The United Kingdom of Great Britain and Northern Ireland**

**Information received from the United Kingdom of Great Britain and  
Northern Ireland on the implementation of the concluding observations  
of the Human Rights Committee (CCPR/C/GBR/CO/6)\***

[18 January 2011]

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\*In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

**Allegations of delays of the public inquiry to examine the death of Billy Wright (para. 9)**

1. The report of the Billy Wright Inquiry was published to Parliament on 14 September 2010, having been delivered to the Secretary of State for Northern Ireland the previous day. This was the earliest date on which the inquiry could have been published given parliamentary recess and the need to make extensive logistical arrangements both in London and Belfast. It was also the preferred date of the Inquiry.

**Level of independence of the public inquiries from the Government (para. 9)**

2. Each inquiry is being conducted by an independent, impartial panel of three individuals chaired by a senior retired judge. The Government will not receive the reports until the day before publication.

3. As noted in the original submission we provided to the Committee, the Government does not see the fact that two of the three inquiries are taking place under the 2005 Inquiries Act should be a matter for concern. Both Inquiries were established under earlier legislation but were converted into Inquiries Act 2005 inquiries at the request of the respective chairmen. This Act is now the primary means by which Parliament can establish statutory public inquiries, with previous inquiry legislation (1921 Act) having been repealed.

**Measures adopted to ensure that all allegations concerning suspicious deaths, torture or cruel, inhuman or degrading treatment or punishment inflicted by its personnel in detention facilities in Afghanistan and Iraq are investigated promptly and independently, and that those responsible are prosecuted and punished (para. 14); and reparation available to the victims of such violations**

4. Whilst reserving the UK's position as to the extent to which the Covenant applies outside of the territory of the UK, the standards of conduct and physical treatment of prisoners required of UK forces are, and have always been, in accordance with relevant international law and UK domestic law, which applies to UK forces at all times, wherever in the world they are serving, which explicitly forbid torture and inhuman and degrading treatment. The UK Armed Forces are given thorough mandatory training, which includes specific guidance on handling prisoners. All personnel must attend refresher training every year. Other UK personnel going to operational theatres are also given appropriate guidance on relevant international obligations.

5. The Armed Forces operate within Rules of Engagement to ensure their actions, including use of lethal force, comply with the Law of Armed Conflict, where applicable, or the English criminal law so far as actions taken in self defence. Investigations into fatal shooting incidents are carried out to ensure the actions of the Armed Forces were lawful.

6. All allegations of abuse are taken very seriously by the UK Ministry of Defence (MOD) and are investigated thoroughly. Where there is sufficient evidence, prosecution action will be taken against those allegedly responsible and, if found guilty, appropriate disciplinary action taken. If appropriate, arrangements will be made for complainants to be compensated. Although there have been instances of misconduct by members of the UK Armed Forces, only a tiny number of individuals have been shown to have fallen short of the very high standards expected.

**Iraq**

7. The Baha Mousa Inquiry was announced in 2008 by the then Secretary of State for Defence. Baha Mousa suffered ill-treatment and died whilst in British Army custody in Basra on 15 September 2003. There was a Court Martial, at which one soldier, Corporal

Donald Payne, was found guilty of inhuman treatment. Following the Court Martial it was felt that a number of wider issues needed to be investigated more thoroughly. The Baha Mousa Inquiry is a statutory Public Inquiry set up under the Inquiries Act 2005; the Inquiry has powers to require the appearance of witnesses and the production of documents. The terms of reference require the Inquiry to investigate and report on the circumstances of Baha Mousa's death and the treatment of those detained with him, where responsibility lay for approving the practice of conditioning detainees in Iraq in 2003, and to make recommendations. The Army and MOD are cooperating fully with the Inquiry, which is ongoing.

8. The then Secretary of State announced on 2 October 2009 that a public inquiry would be held into allegations made following a fire-fight between British forces and Iraqi insurgents at a vehicle checkpoint in southern Iraq. It is alleged that Iraqi nationals were unlawfully killed at a British camp on 14/15 May 2004, and that five Iraqi nationals were ill-treated in the same camp following their detention and later at a detention facility between 15 May and 23 September 2004. This Inquiry (known as the Al-Sweady Inquiry) is being held under the Inquiries Act 2005 and started work on 1 December 2009. Its terms of reference require it to investigate and report on these allegations. While the MOD has never found any credible evidence to support the allegations, it recognises that the inquiry is necessary to provide the fullest possible investigation. The Army and MOD are fully cooperating with the Inquiry.

9. On 1 March 2010, the then Minister of State for the Armed Forces announced in Parliament that the MOD would establish the Iraq Historic Allegations Team (IHAT) to investigate allegations of abuse by members of the UK armed forces in Iraq relating to events alleged to have occurred between March 2003 and July 2009. The current Secretary of State for Defence has endorsed the continuation of this approach.

10. The IHAT will bring additional resource to the investigation of these allegations of abuse, with a view to establishing the facts around each of the allegations in a timely fashion. There will be a new case review function, an enhanced investigative capability and a separate Panel which will ensure that where a decision is taken that prosecution is not appropriate, information is passed to and considered by those responsible for decisions other than prosecution (such as compensation). IHAT's investigations will be governed by the Armed Forces Act 2006. The IHAT has been established and resourced on the basis of completing its investigations in approximately two years.

### **Afghanistan**

11. The Royal Military Police (RMP) are responsible for investigating all allegations of ill-treatment or abuse made by Afghan nationals against UK Forces who are detained as a result of UK operations.

12. Any allegation of abuse by British personnel against detainees in Afghanistan made by detainees is reported to the RMP who launch a formal investigation into the circumstances surrounding the incident. Where the investigation concludes that criminal charges should be brought against individuals, they will be referred for prosecution by court martial.

### **Reparations**

13. When compensation claims, including those relating to alleged mistreatment, are received, they are considered on the basis of whether or not the MOD has a legal liability to pay compensation. Where there is a proven legal liability, compensation is paid. All such claims are investigated and assessed in order to determine whether members of the UK

Armed Forces acting in the course of their official duties caused the alleged damage, injury or loss in question.

14. The MOD takes responsibility for, and settles, compensation claims, where there is a legal liability to do so. Such liability does not exist when actively engaging the enemy, but where UK Forces have caused injury or damage other than in the course of armed engagements, compensation will be paid wherever appropriate.

15. With the exception of death and serious injury cases, which are handled in the UK, the Area Claims Officer handles claims in the country in which they arise to speed up the process and ensure communication with local claimants.

**Decisions to be rendered by Belfast courts on the legality of the use of extended detention without charge against terrorist suspects (para.15).**

16. The Government is still awaiting the courts' decisions on this case.

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